

# Environment Overview and Scrutiny Committee



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



Tuesday, 12 December 2023 at 10.00 am  
Council Chamber - South Kesteven House,  
St. Peter's Hill, Grantham. NG31 6PZ

## Committee

**Members:** Councillor Ian Selby (Chairman)

Councillor Emma Baker (Vice-Chairman)

Councillor Gloria Johnson, Councillor Bridget Ley, Councillor Charmaine Morgan,  
Councillor Murray Turner, Councillor Paul Wood and Councillor Paul Martin

# Agenda

This meeting can be watched as a live stream, or at a  
later date, [via the SKDC Public-1 Channel](#)

## 1. Public Speaking

The Council welcomes engagement from members of the public.  
To speak at this meeting please register no later than 24 hours  
prior to the date of the meeting via  
[democracy@southkesteven.gov.uk](mailto:democracy@southkesteven.gov.uk)

## 2. Apologies for absence

## 3. Disclosure of Interests

Members are asked to disclose any interests in matters for  
consideration at the meeting.

## 4. Minutes from the meeting held on 3 October 2023 (Pages 5 - 14)

## 5. Updates from the previous meeting (Page 15)

## 6. Announcements or updates from the Leader of the Council, Cabinet Members or the Head of Paid Service

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01476 406080

Karen Bradford, Chief Executive

[www.southkesteven.gov.uk](http://www.southkesteven.gov.uk)

**7. Notice of motion deferred from Full Council on 23 November 2023** (Pages 17 - 18)

It is recommended that the Environment Overview and Scrutiny Committee:

- A. Recommend the Cabinet Member(s) for Waste and Environment support the Climate and Ecology bill and write to Gareth Davies MP to indicate this support,
- B. Recommend to full Council to support the Climate and Ecology bill and write to all MPs who have constituencies within the District of South Kesteven or
- C. Recommend not to support the Climate and Ecology bill.

**8. Q2 KPIs** (Pages 19 - 34)

This Mid-Year update report outlines South Kesteven District Councils performance against the Corporate Plan Key Performance Indicators (KPIs) for the year of 2023/24.

**9. Update on Local Authority Biodiversity duties** (Pages 35 - 55)

To provide both an update on local authority biodiversity duties as set out by the Environment Act 2021 as well as an overview of the Council's remit to improve biodiversity.

**10. Environment SK Ltd/ Environment SK Commercial Services Ltd final accounts** (Pages 57 - 75)

This report presents the 2022/23 Financial Statements for the Council owned company Environment SK Ltd.

**11. LED Streetlights** (Pages 77 - 85)

This report provides an update on progress to upgrade District Council operated streetlights to energy efficient LED units and considerations for ongoing management of lamps.

**12. A1 Litter Issues** (Pages 87 - 94)

To provide Members with an update in relation to litter issues on the A1 and to agree future actions.

**13. Contaminated Land Strategy** (Pages 95 - 117)

To brief the Committee on the Council's requirements to have a Contaminated Land Strategy, along with providing details of the proposed updated Strategy and consultation prior to Cabinet approval.

**14. Tree and Woodland Strategy - Verbal Update**

To receive a verbal update from the Sustainability and Climate Change Officer.

**15. Work Programme 2023-24** (Pages 119 - 122)

To consider the Committee's Work Programme for 2023-24.

**16. Any other business which the Chairman, by reason of special circumstances, decides is urgent**

## Minutes

### Environment Overview and Scrutiny Committee

Tuesday, 3 October 2023, 10.00 am



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

Council Chamber – South Kesteven  
House, St. Peter's Hill, Grantham.  
NG31 6PZ

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#### Committee Members present

Councillor Ian Selby (Chairman)  
Councillor Emma Baker (Vice-Chairman)  
Councillor Gloria Johnson  
Councillor Bridget Ley  
Councillor Charmaine Morgan  
Councillor Murray Turner  
Councillor Paul Wood  
Councillor Paul Martin  
Councillor Graham Jeal

#### Cabinet Members present

Councillor Patsy Ellis (Cabinet Member for Environment and Waste)  
Councillor Rhea Rayside (Cabinet Member for People and Communities)

#### Other Members present

Councillor Phil Gadd  
Councillor Tim Harrison

#### Officers

Graham Watts (Assistant Director of Governance and Monitoring Officer)  
Nicola McCoy-Brown (Director of Growth and Culture)  
Adrian Ash (Interim Assistant Director of Operations and Public Protection)  
Ayeisha Kirkham (Head of Service - Public Protection)  
Debbie Roberts (Head of Corporate Projects, Policy and Performance)  
George Chase (Waste & Recycling Manager)  
Heather Green (Licensing Team Leader)  
Serena Brown (Sustainability and Climate Change Officer)  
Amy Pryde (Democratic Services Officer)

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#### 14. Public Speaking

Anne Gayfer – question to the Environment Overview and Scrutiny Committee:

“Will South Kesteven District Council please declare a biodiversity emergency and put policies in place to improve biodiversity?”

The Chairman confirmed that the Committee had an item on biodiversity on the agenda for the meeting in December 2023.

**15. Apologies for absence**

An apology for absence was received from Councillor Mark Whittington.

Councillor Graham Jeal substituted for Councillor Mark Whittington.

**16. Disclosure of Interests**

No interests were disclosed.

**17. Minutes from the meeting held on 11 July 2023**

The minutes of the meeting held on 11 July 2023 were proposed, seconded and **AGREED** as a correct record.

**18. Minutes of the Joint meeting of the Finance & Economic & Environment Overview and Scrutiny Committee held on 25 July 2023**

The minutes of the joint meeting of the Finance and Economic and Environment Overview and Scrutiny Committee held on 25 July 2023 were proposed, seconded and **AGREED** as a correct record.

**19. Announcements or updates from the Leader of the Council, Cabinet Members or the Head of Paid Service**

There were none.

**20. Animal Welfare Policy**

The Licensing Team Leader presented the report.

This policy covered the licensable activity of Animal Welfare. It set out the principles the Council will use when dealing with animal related licensing matters.

The purpose of animal licensing was to protect animals and ensure their health and wellbeing, those using the licensed facility as well as providing protection for the public within the terms of the relevant Acts and legislative Guidance.

There was no statutory requirement for a local authority to adopt an Animal Welfare Policy. However, the adoption of an Animal Welfare Policy would give clarity to the public, partner agencies and applicants. It also provided a framework for Officers and Members to enable consistent decision making and transparency. The Policy covers the areas of animal boarding establishment licences, horse-riding established licenses, pet shop licences, dangerous wild animal licences, dog

breeding establishments and keeping or training for exhibition licences and zoo-keeping licences.

There is a government proposal to require that primates are kept at zoo-level standards. Whilst within the current Animal Welfare legislation it is an offence to keep primates and not provide for their welfare needs or to cause them unnecessary suffering, if the legislation is enacted the keeping primates as pets would be banned as supported within the Policy.

Members raised the following points during discussion:

- The report was welcomed as an addition to the Council's regulatory process.
- How was the consultation to be undertaken?
- Would all parish and Town Councils be contacted for their feedback as part of the consultation?
- How would the policy be enforced, was it the role of the Council to enforce the legislation? What resources had the Council established to support this?
- Were Market and Fair Traders to be included within the consultation, with reference to the selling of animals as prizes?
- Was there a specific, different licence for travelling circus animals?
- Did the Deepings Pet Refuge require a licence under this policy?
- Could first tier tribunal system be explained in further detail?

The Licensing Team Leader informed Members of the Committee that the Team would primarily use social media and emails. Survey Monkey would also be available and in paper form for those who did not have access to the internet. Parish and Town Councils would be contacted for their feedback alongside anticipated consultees, including Lincolnshire Police, Fire and Rescue, Highways, Town Councils, the public, current licence holders and departments within South Kesteven District Council. The Officer confirmed that Market and Fair-Traders could be considered too.

It was confirmed that the Council did not issue licences for travelling circuses. However, it was confirmed that the Deepings Pet Refuge was subject to a licence under the policy.

A Member asked for written clarification on which authority issued travelling circus licences.

**ACTION:**

**The Licensing Team Leader was to circulate an email to Members of the Committee confirming what authority issued licences for travelling circuses.**

The Officer continued that the Licensing Team had already issued the licences. There were two Licensing Officers that went out to inspect and also to react to reports received. The policy would bring this work together under a framework. The tribunal system comprised of the first tier and the upper tier. The first tier heard appeals from citizens against decisions made by government departments or agencies as a civil matter.

**It was proposed, seconded and AGREED:**

**That Environment Overview and Scrutiny Committee considered the draft South Kesteven District Council Animal Welfare Policy and agreed it, with the following amendment as the basis for a four-week public consultation:**

- a) The five needs of animal welfare be inserted within the policy prior to the five additional principles.**

**21. Climate Action Strategy Update - Post Consultation**

The Cabinet Member for Environment and Waste introduced the report.

South Kesteven District Council made a formal declaration of climate emergency on 26 September 2019 with cross party support. Alongside this, the Council confirmed the political ambition to reduce the organisation's carbon footprint by at least 30% by 2030, and to endeavour to become net-zero as soon as viable before 2050.

On 14th March 2023, the first Climate Action Strategy document was presented to Environment Overview and Scrutiny Committee. The Committee recommended that the Strategy be put out for consultation to gauge public opinion, and for a revised Strategy to be brought back to the relevant Overview and Scrutiny Committee.

The consultation was open for just over 4 weeks from 10th July. As well as residents of South Kesteven, specific stakeholder groups identified included district Councillors for South Kesteven, Town and Parish councils, voluntary and community groups with an environmental focus.

The feedback from the consultation exercise had been very constructive. While there was a broad support for the eight Themes within the Climate Action Strategy, and for areas of focus and priorities, there were clear themes where respondents believed the Council could go further or improve the Strategy. In response to feedback on the length and format of the Strategy, a separate Climate Action Strategy Executive Summary document had also been prepared.

In depth detail of projects to be delivered across each of the eight Themes identified, including cost and payback, associated benefits and service area within the Council were to be presented as the Climate Action Plan once the full Climate Action Strategy was published.

Members raised the following points during discussion:

- The consultation indicated feedback that as a Local Authority, the Council needed to be considering our natural environment moving forward. These results should be integrated within our planning policies and Corporate Plan too.
- A Member noted that the Climate Change Strategy was introduced by the previous administration. The issue of climate change was too important not to be endorsed cross-party and promoted to the whole community. He considered that 176 responses was disappointing.
- The Chairman welcomed the report as exceptionally well-worded and thanked Officers for their hard work.
- Had enough consideration been given to local businesses?
- For the sake of the future, the Council needed to show how seriously it considered climate change to be. Responses were too low and further engagement with the public was essential such as talking in schools, for example.
- It was acknowledged that the climate may not be every resident's top priority in the current challenging financial times but more support was required.
- How was the strategy going to be achieved? What detailed actions were planned?
- Could the Council promote the Climate Action Strategy in the local press to gain extra response from the public?
- Had there previously been a successful Climate Action Working Group?

The Sustainability and Climate Change Officer confirmed that 176 responses were received during the consultation. There were also detailed and helpful responses received from the Greater Lincolnshire Nature Partnership and from the Environment Agency. The consultation invited responses on the Climate Action Strategy specifically, quite a large, technical document, rather than climate change as a topic. The Committee were informed that when West Lindsey District Council underwent a similar exercise, the authority received 151 responses. The Grantham Journal and Stamford Press published the information on the consultation.

The Officer further confirmed that the previous Climate Action Working Group was a non-statutory group of 12 councillors supported by various officers. They would consider topics like how to support residents in fuel poverty in a more detailed setting than Committee.

The Head of Corporate Projects, Policy and Performance informed Members that the Draft Strategy was presented to the Committee in March 2023 after a working group met and discussed it. It was agreed by Members that the consultation included the themes as confirmed. The fantastic responses were wholeheartedly welcomed and the time taken to return them was acknowledged. Members received a link to the consultation along with the parish councils.

The Cabinet Member for Environment and Waste clarified that the action strategy would inform the action plan in response to a question asked by a Member of the Committee.

It was **proposed** that a further, more widespread public consultation be undertaken before adopting the Climate Action Strategy.

A Member proposed an amendment, to recommend that a further consultation be undertaken following the proposed adoption of the Climate Action Strategy to inform the Action Plan.

It was proposed, seconded and **AGREED** that the **Environment Overview and Scrutiny Committee**:

- a) **Noted the content of the revised South Kesteven Climate Action Strategy**
- b) **Recommended to Cabinet to approve the adoption of the revised South Kesteven Climate Action Strategy while undertaking a further consultation to inform the Action Plan.**
- c) **Delegated to the Climate Action Working Group and officers to progress the development of the Climate Action Plan and provide regular updates to the Committee.**

## **22. Corporate Climate Work Plan (Carbon Emission Reporting)**

The Cabinet Member for Environment and Waste introduced the report.

In order to monitor and manage the Council's carbon footprint, it was recommended to publish an (at least annual) update on reported carbon emissions. This carbon dashboard included the full scope of South Kesteven District Council's carbon emissions for the 2022/23 financial year, against the Council's baseline year of 2018/19. The reported carbon emissions for 2022/23 show an overall reduction against the baseline of 1817 tonnes of carbon dioxide equivalent (CO<sub>2</sub>e), or a 23.90% reduction from the baseline year.

The continued inclusion of the Deepings Leisure Centre facility in the baseline year had resulted in a significant reported reduction in carbon emissions for the 2022/23 year. The facility attributed in the baseline for 994 tonnes of carbon emissions, or 13% of the whole carbon footprint of South Kesteven District Council. A significant reduction in electricity use had contributed as well as the ongoing national decarbonisation of the electricity supply through renewable sources. Carbon emissions from the Council's vehicle fleet remain high.

The Sustainability and Climate Change Officer informed Members that this report referred solely to the Council's buildings and vehicles.

Members raised the following points:

- Was there an update on the position with solar panels on our public buildings?
- Why was there a low level of confidence in reference to water?
- How was the information obtained on carbon emissions of Members?
- Were the electric vehicles being used to their full potential?
- Train travel by staff had significantly reduced, what were the reasons for this?

The Sustainability and Climate Change Officer confirmed that the Council had solar panels on the three Leisure Centres at Bourne, Stamford and the Meres at Grantham as well as Bourne Corn Exchange. A number of buildings had been surveyed for the potential for solar panel usage and this was under review. The Council was to look for any grant opportunities to support with installation of solar panels but there were not currently any specific grant funds available.

The Officer continued that the water information was based on estimates rather than actual volume. This had been reviewed but there had currently been no means of improving the data. It was acknowledged that using data from expenses claims for the information on carbon emissions for elected Members was not entirely accurate as not all Members claimed travel expenses, however this had been the only data available. Electric vehicles were not included in any of the emission categories other than electricity within the report, although mileage comparisons could be included in future reports. Only staff business travel during the working day was considered within the report. The rise in online events had reduced the need for staff to travel. There were policies to encouraging car-sharing too.

**It was AGREED that the Committee noted the reported carbon emissions for the 2022/23 period which cover operations from South Kesteven District Council buildings and vehicles.**

## **23. Environment Act - Verbal Update**

The Interim Assistant Director of Operations and Public Protection gave a verbal update on the implementation of the Environment Act 2021.

The Government published its Waste Strategy in England in 2018 which contained 3 interrelated projects:

- Extending producer responsibility
- Deposit return scheme
- Consistency in household recycling

The Act allowed the UK to enshrine these environmental protection objectives into law.

Following the publication of the Strategy, DEFRA undertook consultation on the policies during 2019 and 2021. Reasonably high levels of responses were received for extending producer responsibility and the deposit return scheme but limited responses for waste consistency in collections, leaving Councils awaiting clarity on the new service requirements.

On 28 July 2023, DEFRA wrote to all Councils advising that the extended producer responsibility for packaging payments would be deferred to October 2025 and would include a further consultation on the regulations to underpin extended producer responsibility. The 12-month deferral was hoped to provide industry with additional time to prepare for the new requirements along with the chance to review and improve their supply of recyclable packaging material.

The Prime Minister was due to make a speech on 25 September, expected to clarify plans around green initiatives. To date DEFRA had confirmed that the reforms would now be called simply recycling and were to focus on a list of material to be collected for recycling. Updates to food waste collections were still expected to be undertaken.

The following points were made in discussion:

- What impact was the lack of clarity on food waste collection likely to have on the new depot costs?

The Interim Assistant Director of Operations and Public Protection confirmed that no significant impact in terms of cost at the new depot was expected at this time.

## **24. Recycling of Batteries**

The report was introduced by the Interim Assistant Director of Operations and Public Protection.

Currently Local Authorities were not required to collect used batteries from households and the Department for Environment & Rural Affairs (DEFRA) consultation (Environment Act 2021) on the separate collection of recyclables did

not propose to introduce this. South Kesteven Council's waste operations as with many local authorities did not directly collect batteries as part of their recycling initiatives, although, they were accepted at the local household waste recycling centres within the district.

Officers were tasked to look at a number of options in respect of safe battery recycling which also included reviewing the scheme of another local authority who are collecting directly from the householder.

The Chairman read out a statement from Councillor Ben Green who was unable to attend the meeting:

*'.. Had I been able to attend in person, I would strongly argue for option D on the recommendations – curbside collection with a one-off cost of retrofitting the fleet with the appropriate containers and residents supplying their own bags. This is very much less than the cost of a new refuse vehicle, potentially damaged by fire. Rushcliffe Borough Council lights the way in collecting one tonne of batteries annually as the report says. That is an amazing number – indeed, it is a tonne of batteries not going in the bin with potential to cause fire. So let's come together and make a low cost progressive stride forward. Doing nothing is not an option'.*

During discussion the following points were raised by Members:

- For option 'D', was it practically viable to have residents supply their own bags?
- Was a promotional campaign included in the costings for option 'D'?
- Rushcliffe Borough Council's scheme was very positively received.
- Local radio may be able to assist in promotion.
- Would vapes be included in the recycling?
- Was there a value in collecting old mobile phones too?

The Assistant Director of Operations and Public Protection confirmed that freezer like bags would be supported for use so the operatives could see what was inside. Funding was included within option 'D' for promotion of the scheme. Promotion and community engagement was to be widespread and was to include the engagement of young people.

The Waste and Recycling Manager confirmed that one-use vapes could be dismantled and the batteries taken out but vapes were to be considered within the scheme. The best methods of collecting mobile phones was to be consulted on with partners and considered.

**It was proposed, seconded and AGREED that the Committee:**

- a) Noted the contents of the report.
- b) Recommended that option D - Kerbside Collection -The implementation of a kerbside scheme with residents providing their own bags as the most cost efficient and sustainable method.

## **25. Work Programme 2023-24**

The Committee noted the Work Programme 2023-24.

A Member asked that consideration be given to the recycling of mobile phones.

The Chairman confirmed that it would be considered as a future agenda item.

The Head of Corporate Projects, Policy and Performance confirmed that the LED streetlights were to be considered in December 2023 following budget approval. Each Overview and Scrutiny Committee will receive a report on their Key Performance Indicators in the February 2024 meeting, to commence on 1 April 2024.

## **26. Any other business which the Chairman, by reason of special circumstances, decides is urgent**

The Committee were reminded of the site visit taking place at Mid UK in Barkston on Monday 23<sup>rd</sup> October 2023.

## **27. Close of Meeting**

The Chairman closed the meeting at 11:55.

# Action Sheet

Environment Overview and Scrutiny Committee – Actions from meeting of 3 October 2023

Min no	Agenda item	Action	Assigned to	Comments/Status	Deadline
20	Animal Welfare Policy	The Licensing Team Leader was to circulate an email to Members of the Committee confirming what authority issued licences for travelling circuses	Heather Green (Licensing Team Leader)	Complete	

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# Agenda Item 7

Motion to Full Council on 23 November 2023

**Councillor Vanessa Smith**

## **Preamble**

*Humans have already caused irreversible climate change, the impacts of which are being felt in the UK, and across the world. The average global temperature has already increased by 1.2°C above pre-industrial levels and—alongside this—the natural world has reached crisis point, with 28% of plants and animals threatened with extinction. In addition, the UK is one of the most nature-depleted countries in the world as more than one in seven of our plants and animals face extinction, and more than 40% are in decline.*

*Climate change remains a major concern for UK voters with 66% of people (according to YouGov) expressing they are ‘worried about climate change and its effects’. Alongside this, the popularity of Sir David Attenborough’s Save Our Wild Isles initiative demonstrates public concern that UK wildlife is being destroyed at a terrifying speed.*

## **Climate & Ecology Bill**

*The Climate & Ecology Bill, a private member’s bill currently before the House of Commons, seeks to address the challenges that this situation poses by creating a whole-of-government approach to deliver a net zero and nature positive future.*

*Based on the latest science, the CE Bill aims to align current UK environmental policy with the need to halt and reverse nature loss by 2030, which was goal agreed to at COP15, via the Kunming-Montreal Framework (22 December 2022); and reduce greenhouse gas emissions in line with the UK’s fair share of the remaining global carbon budget to give the strongest chance of limiting global heating to 1.5°C, which was the goal agreed to at COP21, via the Paris Agreement (12 December 2015).*

*By bridging the gap between the UK Government’s current delivery, and what has been agreed at international levels, Britain has a chance to be a world leader on climate and the environment; seizing the opportunities of the clean energy transition, including green jobs and skills; reduced energy bills; and boosting the UK’s food and energy security.*

## **South Kesteven District Council notes that:**

*The Climate and Ecology Bill has been introduced in the UK Parliament on four occasions since 2020, including most recently in the House of Commons 10 May 2023. The Bill is backed by 180 cross-party MPs and Peers, 237 local authorities, alongside the support of eminent scientists, such as Sir David King; NGOs, such as the Wildlife Trusts, the Doctors’ Association, Oxfam, the W.I. and CPRE; businesses, such as The Co-operative Bank, Riverford and The Body Shop; and 42,000 members of the public.*

*The CE Bill would require the UK Government to develop and achieve a new environmental strategy, which would include:*

- 1. Delivering a joined-up environmental plan, as the crises in climate and nature are deeply intertwined, and require a plan that considers both together;*

# Motion to Full Council on 23 November 2023

2. Reducing greenhouse gas emissions in line with 1.5°C to ensure emissions are reduced in line with the best chance of meeting the UK's Paris Agreement obligations;
3. Not only halting, but also reversing the decline in nature, setting nature measurably on the path to recovery by 2030;
4. Taking responsibility for our overseas footprint, both emissions and ecological;
5. Prioritising nature in decision-making, and ending fossil fuel production and imports as rapidly as possible;
6. Providing for re-training for those people currently working in fossil fuel industries; and
7. Giving the British people a say in finding a fair way forward via a temporary, independent and representative Climate & Nature Assembly, as part of creating consensus and ensuring that no one and no community is left behind.

**South Kesteven District Council therefore resolves to:**

1. Support the Climate and Ecology Bill;
2. Inform local residents and inform local press/media of this decision;
3. Write to Gareth Davies MP to inform them that this motion has been passed, and urge them to sign up to support the CE Bill;
4. Write to Zero Hour, the organisers of the cross-party campaign for the CE Bill, expressing South Kesteven District Council's support (councils@zerohour.uk).



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## Environment Overview and Scrutiny Committee

12 December 2023

Report of Debbie Roberts, Head of Corporate Projects, Policy and Performance

# Corporate Plan Key Performance Indicators 2023/24 Mid-Year (Q2) Report

### Report Author

Charles James, Policy Officer

 [Charles.james@southkesteven.gov.uk](mailto:Charles.james@southkesteven.gov.uk)

This Mid-Year update report outlines South Kesteven District Council's performance against the Corporate Plan Key Performance Indicators (KPIs) for the year of 2023/24.

### Recommendations

1. Review and scrutinise the performance against the Corporate Plan Key Performance Indicators in relation to the delivery of the Corporate Plan priorities and outcomes.
2. Use this report to inform and support the ongoing work programme of the Committee.

## Decision Information

Does the report contain any  
exempt or confidential  
information not for publication? No

What are the relevant corporate  
priorities? Clean and Sustainable Environment

Which wards are impacted? All

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 The financial considerations where appropriate are referenced throughout this report.

**Completed by Richard Wyles, Deputy Chief Executive and s151 Officer**

### ***Legal and Governance***

- 1.2 Regular reporting on agreed actions and measures is to be welcomed from a governance point of view, as it provides a transparent mechanism for reporting on performance.

Completed by: Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer

### ***Risk and Mitigation***

- 1.3 No significant risks have been identified.

### ***Climate Change***

- 1.4 The contents of this report do not have a direct impact on the Council's carbon emissions or the carbon emissions of the wider district. More detailed information on carbon impact of individual projects or activities are outlined within the relevant project documentation or service plans.

## 2. Background to the Report

- 1.1 The South Kesteven Corporate Plan 2020-23 was approved by Council on 1 October 2020. It was agreed by the Council that actions, key performance indicators (KPIs) and targets would be developed by the relevant overview and scrutiny committee, which would retain oversight of the performance management arrangements at a strategic level. These actions and indicators were presented to this committee and agreed on 26 January 2021.
- 1.2 The Year End report for 2022/23 was presented to the Committee on 11 July 2023 and outlined the performance against the Corporate Plan for the previous financial year.
- 1.3 This report builds on these historical reports to provide an update on performance to the mid-year point of the 2023/24 financial year. It incorporates the changes recommended by the last KPI review to outline areas of the council's performance which are successful and to advise where challenges may lay.
- 1.4 2023/24 is the final year of monitoring these existing KPIs. A refresh of the Corporate Plan is currently underway. All Members have the opportunity to engage in the development of the new Corporate Plan, which will be adopted in the January 2024. To accompany the new Corporate Plan, a new suite of KPIs will be developed to reflect the priorities, ambitions and actions of the new Plan. These KPIs will be approved by each Committee and reporting will commence from April 2024.
- 1.5 Appendix A presents the overall performance against the seven actions being presented in this session, as well as specific performance against the sub measures contained within those. Specific commentary is provided for each action, which is summarised as follows:
  - 6 of the actions are rated Green. These are actions which are on or above target as planned.
  - 1 action: A Clean & Sustainable 6 - Work with the Lincolnshire Waste Partnership to reduce waste and further improve recycling, is rated Not Reported. The KPI requires on information provided by Lincolnshire County Council (LCC). There has been a delay on LCC's provision of the required data. As of the approval deadline of this report to be presented to this Committee, the data was unavailable.

## 3. Key Considerations

- 1.1 The KPIs are produced and presented to each relevant scrutiny committee twice a year. These are the mid-year Q2 data.
- 1.2 There have been no areas of significant under performance identified in this report. There is commentary for each of the KPIs with an appropriate update from each area.

1.3 The new Corporate Plan is due to be adopted in January 2024. At that point, new KPIs will be approved by each Committee and collection of outcomes will commence from 1 April 2024.

#### **4. Reasons for the Recommendations**

1.1 This is a regular report where Members are invited to scrutinise and comment on performance.

#### **5. Appendices**

1.1 Appendix A – KPI Report: Environment OSC Mid-Year (Q2) 2023/24

# Healthy & Strong Communities

Priority Number	Action	Responsible Scrutiny Committee	Priority Status	Action Status
21	1 Invest in sustainable, high quality leisure facilities across the district.	Finance & Economic	Reported Q2 2023-24	On Target
	2 Embed the work of the SK Community Hub to support volunteering and the Voluntary & Community Sector.	Rural & Communities	Reported Q2 2023-24	On Target
	3 Work with partners from all sectors to tackle health, employment, and other inequalities in areas of highest need.		No Longer Reported	Not Reported
	4 Continue to work in partnership with the police and the community in tackling crime, investing in the CCTV service	Rural & Communities	Reported Q2 2023-24	On Target
	5 Celebrate and enhance the rich history of the District.		Replaced with 13	Not Reported
	6 Adopt a new Cultural Strategy for the District, including the local Arts, Events and Festivals programme.		Replaced with 13	Not Reported
	7 Develop and adopt a Sport and Physical Activity Strategy.		Replaced with 14	Not Reported
	8 Meet the Mental Health Challenge	Rural & Communities	Reported Q2 2023-24	On Target
	9 Make best use of different funding sources to support the voluntary and cultural sector within the District.	Rural & Communities	Reported Q2 2023-24	Below Target
	10 Protect our most vulnerable residents with robust safeguarding processes.	Rural & Communities	Reported Q2 2023-24	Significantly Below Target
	11 Improve and invest in the local arts & cultural venues across the District.	Culture & Leisure	Reported Q2 2023-24	On Target
	12 Promote and make progress against the Council's Equality Objectives	Rural & Communities	Reported Q4 2022-23	Not Reported
	13 Review Arts services within the district with ambition to provide improved, efficient and accessible arts within the district.	Culture & Leisure	Reported Q2 2023-24	On Target
	14 Develop and adopt a Sport and Physical Activity Strategy.	Culture & Leisure	Reported Q2 2023-24	On Target

## A Clean & Sustainable Environment

Priority Number	Action	Responsible Scrutiny Committee	Priority Status	Action Status
22	1 Reduce the Council's carbon footprint by at least 30% by 2030 and endeavour to become net-zero carbon as soon as viable before 2050.	Environment	Reported Q2 2023-24	On Target
	2 Deliver the 'Big Clean' programme and maintain higher street standards.		No Longer Reported	Not Reported
	3 Continue to innovate our approach to waste management to build on our strengths and maximise commercial and other opportunities.	Environment	Reported Q2 2023-24	On Target
	4 Maintain and enhance our green areas across the District, aiming to secure Green Flag status for Queen Elizabeth Park, Dysart Park and other relevant areas.	Environment	Reported Q2 2023-24	On Target
	5 Work proactively with Environment SK to deliver high quality services and maximise commercial opportunities.	Environment	Reported Q2 2023-24	On Target
	6 Work with the Lincolnshire Waste Partnership to reduce waste and further improve recycling.	Environment	Reported Q2 2023-24	Not Reported
	7 Recognise the changes in environmentally friendly modes of transport and seek to work with others to adapt required infrastructure	Environment	Reported Q2 2023-24	On Target
	8 Explore opportunities to build on the success of the food waste pilot and ensure the service is sustainable.		No Longer Reported	Not Reported
	9 Build a new, modern depot which is fit for the future.	Environment	Reported Q2 2023-24	On Target

Priority ▲	Measured Annually	Responsible Director ▲ Housing & Property
<b>A Clean &amp; Sustainable Environment 1</b>	<b>On Target</b> Current Status	Responsible Cabinet Member ▲ Economic Development & Growth

#### Action

Reduce the Council's carbon footprint by at least 30% by 2030 and endeavour to become net-zero carbon as soon as viable before 2050.

Measure ▲	Target	Achieved
1. Reduction in SKDC carbon emissions.	6,840 Tonnes	5783

23

Measure History ▲	Q2 2022-23	Q2 2023-24
1. Reduction in SKDC carbon emissions.	6518	5783

#### Commentary

▲  
A detailed annual report containing a breakdown of SKDC carbon emissions has been presented to Environment Overview and Scrutiny Committee alongside this quarterly performance report for further detail. Particular reductions were recorded for the leisure centres category, due in part to the closure of the Deepings leisure centre facility.

Priority ▲	Measured Quarterly	Responsible Director ▲ Deputy Chief Executive
<b>A Clean &amp; Sustainable Environment 3</b>	<b>On Target</b> Current Status	Responsible Cabinet Member ▲ Waste & Climate Change

#### Action

Continue to innovate our approach to waste management to build on our strengths and maximise commercial and other opportunities.

Measure ▲	Target	Achieved
1. Number of garden waste bins.	36252	36,318
2. % Growth (Garden Waste Service)	1% growth in year	2.1%
3. Commercial waste customers	Baseline for growth	761

24

Measure History ▲	Q2 2022-23	Q3 2022-23	Q4 2022-23	Q1 2023-24	Q2 2023-24
1. Number of garden waste bins.	35393	35578	36,839	35,623	36,318
2. % Growth (Garden Waste Service)	-4.07%	-3.57%	-0.15%	1.34%	2.1%
3. Commercial waste customers	727	763	761	761	761

#### Commentary ▲

There has been a increase in the number of subscribers compared to 22/23 resulting in positive growth. The number of customers using the commercial waste collection service has remained the same as the previously reported quarter as the service is currently operating at capacity.

Priority



# A Clean & Sustainable Environment 4

Measured

Annually

Responsible Director

Growth & Culture

On Target

Current Status

Responsible Cabinet Member

Housing & Property

Action

Maintain and enhance our green areas across the District, aiming to secure Green Flag status for Queen Elizabeth Park, Dysart Park and other relevant areas.

25

Measure



1. Public satisfaction from visitors to Wyndham Park

Target

90+%

Achieved

See Commentary

2. Public satisfaction from visitors to Queen Elizabeth Park

80+%

See Commentary

3. Green Flag status

Maintain Green Flag status for Wyndham Park, Queen Elizabeth Park & Dysart Park.

See Commentary

Measure History



1. Public satisfaction from visitors to Wyndham Park

Q2 2022-23

Q2 2023-24

See Commentary

See Commentary

2. Public satisfaction from visitors to Queen Elizabeth Park

See Commentary

See Commentary

3. Green Flag status

See Commentary

See Commentary

Commentary



Wyndham Park, Queen Elizabeth Park and Dysart Park have all been voted as being among the best parks in the country, all now having coveted green flag status. The Green Flag management plans are being updated to ensure this fabulous achievement can be maintained and strengthened. The newly recruited Parks Volunteer and Engagement Officer is making an impact at Wyndham Park and introducing a wide range of events hosted in the park and the Visitor Centre. The Council has now adopted a Volunteer Policy which will form the basis of a volunteer recruitment drive to fulfill a wide range of roles within the Park to complement the Council's work. Stronger bonds are being developed with all Friends groups across the three parks. The latest survey for Wyndham Park demonstrated that 98% of the people surveyed thought Wyndham Park had a positive impact on the local community. 91% reported the park improved their quality of life and 87% thought the maintenance was to a high standard. The consultation for Queen Elizabeth Park will be launched in October 2023 and results will be shared in future reports.

Priority	Measured Quarterly	Responsible Director Growth & Culture
<h1>A Clean &amp; Sustainable Environment 5</h1>	On Target Current Status	Responsible Cabinet Member Housing & Property

## Action

Work proactively with Environment SK to deliver high quality services and maximise commercial opportunities.

Measure	Target	Achieved
1. Client side reporting criteria	No Set Target	See Commentary

26

Measure History	Q2 2022-23	Q3 2022-23	Q4 2022-23	Q1 2023-24	Q2 2023-24
1. Client side reporting criteria	-	-	See Commentary	See Commentary	See Commentary

## Commentary

Following a decision by Cabinet in February 2023 the Council's grounds maintenance service was insourced and became a Council function from 1st April 2023. EnvironmentSK is in the process of being wound up as a company, the insourcing of the previous team resulting in a financial saving. Following further consultation the insourced grounds maintenance team has now been fully integrated with the Council's Street Scene team. The integration of the two teams will allow for collaborative work to keep South Kesteven clean and green, provide a flexible multi skilled workforce and drive further financial efficiencies. The resulting reduction in journeys across the district, and a potential move to battery powered equipment, will also help to reduce the Council's carbon output. Now that the two teams are fully integrated work is being done to develop a district wide specification to ensure a high level of service is provided across the whole district. As this is now a Council service there is no requirement for client side reporting, however the specification which is being developed will include key performance indicators on the effectiveness of the service, including the number of complaints. The Council's Housing team have also retained some resources to ensure that HRA land is maintained appropriately and this can continue to be monitored.

Priority ▲	Measured Quarterly	Responsible Director ▲ Deputy Chief Executive
<b>A Clean &amp; Sustainable Environment 6</b>	<b>Not Reported</b> Current Status	Responsible Cabinet Member ▲ Waste & Climate Change

#### Action

Work with the Lincolnshire Waste Partnership to reduce waste and further improve recycling.

Measure ▲	Target	Achieved
1. Residual waste tonnes per 1000 households.	<44 t/1000 households	Awaiting Data from LCC
2. Contribution to increasing the proportion of recycling, as set out in the LWP strategy.	42.5%	Awaiting Data from LCC
3. Reduced non-target recyclable materials in the recycling stream.	<30%	Awaiting Data from LCC

Measure History ▲	Q2 2022-23	Q3 2022-23	Q4 2022-23	Q1 2023-24	Q2 2023-24
1. Residual waste tonnes per 1000 households.	42.95	39.08	41.4	39.38	Awaiting Data from LCC
2. Contribution to increasing the proportion of recycling, as set out in the LWP strategy.	35.47%	30.70%	35.10%	23.16%	Awaiting Data from LCC
3. Reduced non-target recyclable materials in the recycling stream.	25.75%	25.06%	27.58%	27.85%	Awaiting Data from LCC

#### Commentary

Please note that the most recent data reported here covers the waste/recycling figures as of Q1 2023-2024. This is due to a delay in Lincolnshire County Council providing the required information.

Priority ▲	Measured Quarterly	Responsible Director ▲ Housing & Property
<b>A Clean &amp; Sustainable Environment 7</b>	<b>On Target</b> Current Status	Responsible Cabinet Member ▲ Waste & Climate Change

#### Action

Recognise the changes in environmentally friendly modes of transport and seek to work with others to adapt required infrastructure

Measure ▲	Target	Achieved
1. Number of miles generated	35000	69,847
2. Carbon Tonnes saved	7 Tonnes	13.34
3. Charging Point Utilisation Percentage	10%	18.14%

28

Measure History ▲	Q2 2022-23	Q3 2022-23	Q4 2022-23	Q1 2023-24	Q2 2023-24
1. Number of miles generated	40,098	54289	56287	56402	69,847
2. Carbon Tonnes saved	7.66	10.37	10.75	10.77	13.34
3. Charging Point Utilisation Percentage	10.76%	15.01%	16.44%	14.19%	18.14%

#### Commentary

The use of electric vehicle charge points within our car parks continues to see reasonably good uptake, with 298 separate drivers making use of the charge points in the quarter. Stamford continues to be the most popular facility within the district around 40% utilisation in the period.

Priority ▲	Measured Quarterly	Responsible Director Chief Finance Officer
<b>A Clean &amp; Sustainable Environment 9</b>	<b>On Target</b> Current Status	Responsible Cabinet Member Housing & Property

Action
Build a new, modern depot which is fit for the future.

Measure ▲	Target	Achieved
1. Design and costs approval	Q4 2022/23	Completed
2. Budget approval	Q4 2022/23	Completed
3. Planning application submission and approval	Q4 2022/23	Planning application submit
4. Procurement	Q4 2022/23	Commenced
5. Construction commenced	Q4 2022/23	Q1 2024
6. Construction Completion	2023/24	Q4 2024/Q1 2025

Measure History	Q2 2022-23	Q3 2022-23	Q4 2022-23	Q1 2023-24	Q2 2023-24
1. Design and costs approval	Ongoing	Q1 2022/2023	Q2 2022/23	Q2 2023	Completed
2. Budget approval	Ongoing	Q1 2022/2023	Q2 2022/23	Q2 2023	Completed
3. Planning application submission and approval	Ongoing	Q2 2022/2023	Q3 2022/23	Q3 2023	Planning application submit
4. Procurement	Dependent on Above	dependent on above	Q3 2022/23	Q3/Q4 2023	Commenced
5. Construction commenced	Dependent on Above	dependent on above	Q1/Q2 2023/2024	Q1 2024	Q1 2024
6. Construction Completion	Dependent on Above	dependent on above	Q4 2023/2024	Q4 2024	Q4 2024/Q1 2025

Commentary ▲
<p>It has been a busy quarter for this project as there has been a series of meetings (joint scrutiny, Cabinet, Council) to consider the budget. This was approved and as such the planning application for the scheme has been submitted. This is expected to take 13 weeks for determination due to ongoing dialogue with the planning department at the pre-application stage. An expression of interest for the construction companies on the Pagabo framework has taken place and there has been a good response to building out the new depot and associated buildings/car parking areas.</p>

## Delivery of Growth of Our Economy

Priority Number	Action	Responsible Scrutiny Committee	Priority Status	Action Status
1	Delivery of the St Martins Park development scheme in Stamford.	Finance & Economic	Reported Q2 2023-24	Below Target
2	Regeneration of Grantham town centre, supported by the Future High Street (FHSF) bid and delivery of the Heritage Action Zone programme (HAZ).	Finance & Economic	Reported Q2 2023-24	Below Target
2	Regeneration of Grantham town centre, supported by the Future High Street (FHSF) bid and delivery of the Heritage Action Zone programme (HAZ).	Finance & Economic	Reported Q2 2023-24	On Target
3	Identify funding & other opportunities to support the development of the town centres of Bourne, The Deepings and Stamford, and apply lessons learnt from the Future High Street Fund & other initiatives.	Finance & Economic	Reported Q2 2023-24	On Target
4	Develop a package of measures to support the recovery of the local economy to safeguard local jobs wherever possible.	Finance & Economic	Reported Q2 2023-24	On Target
5	Review the scope and focus of InvestSK to maximise the support to local businesses and attract inward investment.		Removed as Complete	Not Reported
6	Continue to attract investment and encourage diverse businesses to the District and ensure appropriate land and property is available	Finance & Economic	Reported Q2 2023-24	On Target
7	Work with the education providers to increase opportunities for local learning and apprenticeships in the District.		No Longer Reported	Not Reported
8	In partnership with LCC bring forward housing and employment opportunities linked to the delivery of the Grantham Southern Relief Road.		No Longer Reported	Not Reported
9	Work with partners and attractions, to promote visitor economy and increase visitor spend in the District, including the adoption of a Tourism Strategic Framework.	Culture & Leisure	Reported Q2 2023-24	On Target
10	Support the roll out of improved broadband and other key infrastructure to support local businesses and rural areas.		No Longer Reported	Not Reported
11	Work closely with markets across South Kesteven and seek to maintain their viability.	Culture & Leisure	Reported Q4 2022-23	Not Reported

## Housing That Meets The Needs Of All Residents

Priority Number	Action	Responsible Scrutiny Committee	Priority Status	Action Status
31	1 Work in partnership with the housing market to stimulate housing growth.	Housing	Reported Q2 2023-24	Below Target
	2 Work to reduce and prevent homelessness in our District.	Housing	Reported Q2 2023-24	Significantly Below Target
	3 Increase the supply of high quality, sustainable Council houses.	Housing	Reported Q2 2023-24	Below Target
	4 Undertake a Planning Review to improve performance and support local sustainable, high quality growth.	Housing	Reported Q1 2023-24	Not Reported
	4 Undertake a Planning Review to improve performance and support local sustainable, high quality growth.	Housing	Reported Q2 2023-24	Not Reported
	5 Undertake a Housing Review to provide the highest quality service possible to our tenants	Housing	Reported Q2 2023-24	Below Target
	6 Work with housing associations and developers to ensure quality affordable housing is delivered.	Housing	Reported Q2 2023-24	On Target
	7 Ensure the ambitions of the adopted Local Plan are met and a review framework is developed to deliver sustainable growth in the District.	Housing	Reported Q4 2022-23	Not Reported
	8 Work with Homes England, the Ministry of Defence and other partners to develop holistic masterplans for the delivery of Grantham's Southern Urban Extension.		No Longer Reported	Not Reported
	9 Ensure that major developments in South Kesteven are high quality, with sustainable, good design.	Housing	Reported Q2 2023-24	On Target
	10 Prioritise bringing private sector empty properties back in to use.	Housing	Reported Q4 2022-23	Not Reported

# A High Performing Council

Priority Number	Action	Responsible Scrutiny Committee	Priority Status	Action Status
32	1 Implement the Covid-19 Recovery Plan.		Removed as Complete	Not Reported
	2 Deliver a balanced, sustainable financial plan over the medium term.	Finance & Economic	Reported Q4 2022-23	On Target
	3 Undertake a Constitution review and implement outcomes.		Removed as Complete	Not Reported
	4 Implement the findings of the Governance review across the Councils assets (including companies).		Removed as Complete	Not Reported
	5 Develop a People Strategy (including a pay review) to support the retention and attraction of high quality staff.	Finance & Economic	Reported Q2 2023-24	On Target
	6 Develop and implement commercial and transformation strategies to deliver additional net revenue benefit.		Removed as Complete	Not Reported
	7 Undertake a fundamental review of the organisation to meet current and future needs.		Removed as Complete	Not Reported
	8 Support the implementation of an IT investment roadmap to align future solutions with the Councils ambitions.		Removed as Complete	Not Reported
	9 Embed an agile approach to working by building on the cultural and technological changes.		Removed as Complete	Not Reported
	10 Deliver the ambitions of the Customer Experience Strategy.		No Longer Reported	Not Reported
	11 Maximise the value of the Councils own spend by using local suppliers wherever practical.	Finance & Economic	Reported Q4 2022-23	Not Reported
	12 Undertake an Asset Management Review.		Removed as Complete	Not Reported
	13 Ensure that support packages are in place for ensuring the welfare of the districts most vulnerable residents and to enable small businesses to flourish in the district	Finance & Economic	Reported Q2 2023-24	On Target



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



## Environment Overview & Scrutiny Committee

12 December 2023

Report of Councillor Patsy Ellis &  
Councillor Rhys Baker, Cabinet  
Members for Environment and Waste

### Update on local authority biodiversity duties

#### Report Author

Alice Atkins, Corporate Project Officer

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#### Purpose of Report

To provide both an update on local authority biodiversity duties as set out by the Environment Act 2021 as well as an overview of the Council's remit to improve biodiversity.

#### Recommendations

**It is recommended the Environment Overview & Scrutiny Committee:**

- 1) Notes the Council's new biodiversity duties as set out by the Environment Act 2021.**
- 2) Requests that the Cabinet Members for Environment and Waste review the Council's plans to deliver biodiversity improvements.**
- 3) Adds an update on the Council's Biodiversity Action Plan to the Committee work plan.**

Decision Information	
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities? <b>(delete as appropriate)</b>	Clean and sustainable environment
Which wards are impacted?	All wards

## 1 Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

1.1 There are no direct financial implications associated with the recommendations within this report.

Completed by: Richard Wyles, Deputy Chief Executive and s151 Officer

### ***Legal and Governance***

1.2 Local authorities have a duty to consider how to conserve and enhance biodiversity in their areas. This report considers the Council's plans to deliver biodiversity improvements in order to ensure compliance with the Environment Act 2021.

If there are any recommendations, actions or feedback from the Environment Overview and Scrutiny Committee meeting on how to move forward before the 1 January 2024 deadline, they should be reflected in a Non-Key Decision by the relevant Cabinet Member which would be published on the Council's website.

Completed by: James Welbourn, Democratic Services Manager and Deputy Monitoring Officer

### ***Climate Change***

1.1 Biodiversity loss is also driven by the impacts of climate change. There is potential for some of the measures to improve biodiversity to also help provide adaptation

measures for a changing climate, which will need to be carefully considered as the Council develops a more detailed programme of action to restore and create habitat and develop supporting policy.

Completed by: Serena Brown, Climate Change and Sustainability Officer

## **2 Background to the Report**

- 2.1 England is widely considered to be one of the most nature depleted countries in the world, given historic and ongoing declines in biodiversity. A recently published analysis by the State of Nature Partnership states that since 1970, UK species have declined, on average, by 19% and that nearly one in six species are threatened with extinction in Great Britain. The impacts of land use and agricultural management and of climate change have been some of the principal drivers of this long term decline in the health of our natural environment.
- 2.2 The Environment Act 2021 sets out new environmental duties for public authorities in England. A key focus in the Environment Act is around biodiversity and what public authorities must do to consider how to conserve and enhance biodiversity in their areas. This covers both our duties as a local authority, as well as local planning authority in South Kesteven. As a public authority, the Council must:
  1. Consider what we can do to conserve and enhance biodiversity
  2. Agree policies and specific objectives based on our consideration
  3. Act to deliver policies and achieve our objectives
- 2.3 Under the Environment Act public authorities must now consider and report on what action the Council intends to take for biodiversity across the authority, no later than 1 January 2024. Following this initial consideration, the Council must agree policies and objectives as soon as possible, take action, and prepare the first formal Biodiversity Report no later than 1 January 2026. This process must then be repeated every five years.
- 2.4 The Environment Act 2021 also requires the preparation and publication of Local Nature Recovery Strategies (LNRSs). Lincolnshire County Council are responsible for delivering the Greater Lincolnshire LNRS. These new spatial strategies are designed to guide action for nature recovery to help achieve the targets set out in the Government's Environmental Improvement Plan (see background papers). Lincolnshire County Council are working with the Greater Lincolnshire Nature Partnership (GLNP) to deliver the strategy and also to produce a local habitat map which is a tool used to show areas of existing habitat and areas of opportunity to recover nature across Greater Lincolnshire. The completed LNRS is expected to be delivered in late 2024.

2.5 At the same time, the Council is planning to deliver a district-wide Trees and Woodland Strategy which will set out the current level of tree canopy cover in the district, highlight main areas of opportunity to increase tree and woodland and set out what role the Council can play in facilitating that.

2.6 There is not a dedicated Tree Officer at the Council nor does the Council have the specific arboricultural expertise needed to produce a full Strategy. Officers have therefore commissioned a consultancy company, Treeconomics, to assist with the development of a full Strategy. Work is currently ongoing regarding this and the finalised Tree and Woodland Strategy will be presented to the Environment Overview and Scrutiny Committee in March 2024. This will be following a full public consultation and an opportunity for Councillors to feed into the Strategy through an organised Stakeholder Workshop, both of which are to take place in early January.

2.7 Both the development of the new Trees and Woodland Strategy and new legal duties around biodiversity need input from across the Council. Currently, there is no one officer who has a remit of biodiversity strategy and delivery, or of tree and woodland strategy and delivery. In order to support these areas, the formation of an officer-led working group has recently been undertaken. This working group has begun to meet regularly to work on the Council's policies and objectives around biodiversity and includes officers from the following teams and departments:

- 1) Planning Policy
- 2) Development Management
- 3) Grounds Maintenance
- 4) Parks and Open Spaces
- 5) Property and Assets
- 6) Projects, Policy and Performance
- 7) Economic Development

2.8 The Biodiversity Officer Working Group aims to achieve the following objectives:

- Understand the current health of the natural environment in the district and identify areas of improvement.
- Set out the Council's remit to influence the natural environment and improve biodiversity.
- Consider the Council's role as a local planning authority and the new expectations for Biodiversity Net Gain (BNG) for new developments.
- Consider the Council's role as a local authority and the specific actions and projects we intend to implement to improve biodiversity.

2.9 Key partners for the delivery of these objectives will include: Lincolnshire County Council, neighbouring district Councils, and the Greater Lincolnshire Nature

Partnership. Other wider partners the Council will engage with include: Lincolnshire Wildlife Trust; Woodland Trust; Forestry Commission; National Trust; Large land owners/developers; Town/parish councils; Friends of groups; Community groups.

2.10 This report sets out the Council's initial consideration of what action can and is to be taken for biodiversity in order to meet the 1 January 2024 deadline as set by the Department for Environment, Food and Rural Affairs. The Committee is therefore asked to provide feedback on this report, prior to the setting of agreed policies and specific objectives around biodiversity to take place after the new year.

2.10.1 An update is also provided below on each team / department and their remit to influence the natural environment and improve biodiversity, as well any relevant projects currently underway. This forms the Council's initial consideration of what action can, and is, to be taken for biodiversity. For ease of reading, it is divided into seven subsets:

#### Subset one: Planning Policy

2.11 As a local planning authority, the Council is obligated to protect and enhance biodiversity through the planning system and the Planning Policy team will play a key role in biodiversity objectives going forward.

2.12 The Local Plan Review is scheduled to be published for public consultation in winter 2023. South Kesteven District Council is working in partnership with environmental bodies such as the Wildlife Trust, Greater Lincolnshire Nature Partnership, Natural England and other stakeholders to produce this. The Local Plan Review will include strengthened policies to protect, enhance and increase biodiversity. Policies include:

2.13 **Protecting Biodiversity & Geodiversity**

This emerging policy focuses on the enhancement of ecological networks and the delivery of a net gain on development proposals. It focuses on the protection of sites designated internationally, nationally or locally for their biodiversity and geodiversity, species populations, and habitats identified in the emerging Local Nature Recovery Strategy Lincolnshire and other policy.

2.14 **Biodiversity Opportunity and Delivering Measurable Net Gains**

This emerging policy references the national requirement to deliver a minimum of 10% biodiversity net gain on qualifying development sites. The policy is based on emerging evidence set out within *Biodiversity Net Gain in Greater Lincolnshire - A Framework Approach*, which is a joint study led by the Greater Lincolnshire Environment Partnership. The policy also references Biodiversity Opportunity Mapping which has been produced by the Greater Lincolnshire Nature Partnership (and covers Lincolnshire) to inform Local Plan policy, Local Plan

development site selection, and for use in the determination of planning applications.

## 2.15 **Green Infrastructure**

This emerging policy seeks to maintain and improve the district's Green Infrastructure network through enhancing, creating and managing space within and around settlements that are well connected to each other and the wider countryside. Development Proposals will be required to have regard to the district's Green Infrastructure Mapping; and relevant national evidence such as Natural England's Green Infrastructure Framework.

## 2.16 **Climate Change**

The inclusion of Climate Change policy within the emerging Local Plan seeks to take a proactive approach to mitigate and adapt to climate change, taking into account biodiversity.

2.17 To inform the Local Plan, a number of relevant evidence-based documents have been prepared (referenced above) and will be published alongside the Local Plan consultation. These include:

- Biodiversity Opportunity Mapping
- Green Infrastructure Mapping
- Climate Change Study
- Sustainability Appraisal – supports the Local Plan by evaluating the social, economic and environmental impacts of policies and strategies
- Habitat Regulations Assessment – a process that determines whether the development plan could negatively impact upon European protected sites

## Subset two: Planning Development Management

2.18 The Development Management service area of the Council will be responsible for assessing and determining planning applications and their associated Biodiversity Net Gain plans to ensure they are legally compliant with The Environment Act 2021. This is due to be implemented for major developments in January 2024 and for developments delivering under 10 dwellings from April 2024.

2.19 It is expected that there will be potential for open spaces across the district to be used as Biodiversity Net Gain sites, most notably unimproved grassland areas. Lincolnshire Wildlife Trust are able to provide in depth guidance to the Council on which interventions would be needed on different types of site.

2.20 Furthermore, the Council's Development Management team continues to work in line with the National Design Guide (NDG) which includes relevant guidance around nature. The Council's existing Design Guide Supplementary Planning Document (SPD) contains many sections relevant to biodiversity.

2.21 Timescales for the Council's proposed updated Design Code show that completion is expected in 2025, with three stages of public engagement to be undertaken before then. Public engagement will involve biodiversity and climate change issues. The final Design Code is expected to feature 'Nature' and climate change related issues in some capacity, as structured on the NDG referenced above.

2.22 The Council's Development Management team also continues partnership work with Lincolnshire County Council in relation to the Lincolnshire Development Road and Sustainable Drainage Design Approach and accompanying specification and construction technical guide. This provides guidance in relation to tree planting and biodiversity measures.

The Development Management team will continue to explore development sites with potential across the district. Specific focus will be given to 'green' sites which describe a development with great potential for on-site Biodiversity Net Gain opportunities.

#### Subset three: Grounds Maintenance

2.23 There are opportunities for the Council's Grounds Maintenance teams to increase biodiversity, primarily through adapting and changing landscape maintenance regimes to a more nature-positive approach.

2.24 Re-wilding schemes are highly effective ways to protect and restore biodiversity. An existing re-wilding success has been at Tattershall Drive, Market Deeping. This area, which is designated for the public to see, is an example of a sustainable balance between recreation use and conservation in a public open space. Between the General Fund and Housing Revenue Account, there are over 1.2km<sup>2</sup> of grass and 13km of hedges which are maintained predominantly for recreation and amenity value.

2.25 There are potentially more sites throughout the district, albeit smaller in size to Tattershall Drive, which could be assessed for re-wilding in a similar fashion. Additionally, a change in the management of hedges could create more habitat for small mammals and invertebrates, similar to the approach UK agriculture is taking to increase biodiversity in farm hedgerows.

2.26 Hedgerows provide vital resources for mammals, birds, and insect species. As well as being an important habitat in their own right, they act as wildlife corridors allowing dispersal between isolated habitats. Management practices are crucial to the maintenance of a healthy hedge beneficial to wildlife. Potential changes to current maintenance practices which could contribute to biodiversity gain include refraining from cutting hedge bottoms and leaving brambles and nettles at the edges of grassed areas.

2.27 Particular practices could also be introduced: for example coppicing, where stems are cut just above the ground and which can provide a new lease of life to seriously damaged hedgerows. The timing of management is important to get the best from a hedge and avoid disturbance to animals breeding or over-wintering.

The cutting cycle will determine the availability of fruits and flowers in a hedge; typically a cycle of two to three years is most beneficial for wildlife.

2.28 It should be noted that any changes will need significant political buy-in, as local residents and Councillors need to be in full support of the change in land use. Members of the public have become accustomed to hedges being cut square, with neat sides and no protruding ground vegetation whatsoever. Therefore, the major obstacle to any changes to the hedge maintenance regime will be a lack of public support, as there will be a noticeable change to the local aesthetics.

#### Subset four: Parks and Open Spaces

2.29 There are opportunities for increasing biodiversity within Council-owned parks and open spaces, in addition to what has already taken place. Queen Elizabeth Park in Grantham in particular is an area with significant scope to introduce and maintain further biodiversity measures.

2.30 A further identified site for the introduction of biodiversity improvement measures is Grantham Cemetery. Currently, the Community Payback Team (Probation Service) carry out composting for the Council at this location. The result of this is that 100 per cent of green waste is retained on site and any compost is used to maintain grave sites. Composting has many proven benefits to biodiversity, primarily through increasing the nutrient content and biodiversity of microbes in soil. Composting could be extended to other open spaces as an opportunity to increase biodiversity at little to no cost.

2.31 Log pile habitats could be introduced in the Council's managed parks. The introduction of log piles can support a multitude of different insects, provide a refuge and hunting ground for small mammals, reptiles and amphibians, and shelter for over-wintering and hibernating wildlife. Log piles can be created by incorporating deadwood to make habitat piles and through creating intentionally bare patches of ground to be colonised by invertebrates.

2.32 Bat boxes are also due to be installed in all three Grantham Parks. These have been funded through the Witham Slea Blue Green programme, a European Regional Development Fund project.

2.33 There are further opportunities for the Council to engage with the Friends of groups to encourage further monitoring and recording of wildlife within the Council's parks and open spaces. Friends of groups already conduct this, for example an 'otter cam' operates within the River Witham in Wyndham Park.

#### Subset five: Property and Assets

2.34 There is a task to compile of a register of parks and open spaces across the Council's portfolio, to comprehensively review which areas could be designated as wildlife / biodiversity areas.

2.35 The implementation of wildlife corridors and biodiversity features in any new major building projects or schemes within South Kesteven can be reviewed where feasible.

2.36 Thirdly, promoting the need to make parks and open space accessible to the public and developing knowledge of wildlife and habitat (an example of this is the Changing Places facilities the Council is currently developing around the district and at Wyndham Park to make the site more accessible).

2.37 Fourthly, establishing a nature centre for the district would be a positive asset and a publicly visible promoter of knowledge and as well as a vehicle to encourage resident interest in nature and biodiversity. Through joint collaboration with the Parks and Open Spaces Team, the introduction of nature-positive and educational activities for members of the public could be facilitated through a nature, for example tree walks.

2.38 A final consideration is the introduction of sympathetic management of the Council's parks, open spaces and water courses to promote wildlife and biodiversity. Waterways can provide wildlife habitats and biodiversity in urban areas. The Council could look into the development of a management strategy to promote the existing watercourses it owns or manages across the portfolio. One example of this which has been considered is the investment and management of the Grantham Canal.

#### Subset six: Economic Development

2.39 There is an opportunity to engage with businesses across the district who may wish to provide corporate sponsorship for activities supporting biodiversity and tree planting.

#### Subset seven: Projects, Policy and Performance

2.40 Corporate Project Officers continue to explore funding opportunities for the facilitation of biodiversity-focused projects. This comes following the successes of Witham Slea Blue Green Project, which was completed earlier this year and created and improved river environments across Grantham, enhancing habitat and creating a more sustainable environment for wildlife and residents to enjoy. Overall, 5.00 hectares were conserved and 7.05 hectares of habitat were improved for many protected bird, invertebrate and fish species and varieties.

2.41 Corporate Project Officers will lead on the facilitation of the Coronation Living Heritage Fund which was recently awarded to the Council to support local tree planting projects across the district. The funding will be used to provide grants to local people and groups to establish community orchards and increase the district's tree canopy cover. Completion of the project is expected in early March 2025.

2.42 The Council's Policy Officer will continue to monitor the relevant policies in relation to biodiversity and ensure strategic alignment between all biodiversity projects and the Council's Corporate Plan. Key Performance Indicators will be established alongside any agreed biodiversity policies and activates.

### **3 Key Considerations**

- 3.1 The Environment Act 2021 requires all public authorities in England to consider what they do to conserve and enhance biodiversity, with an initial report to be submitted by the Council no later than 1 January 2024. The Council must then agree policies and objectives as soon as possible, take action, and prepare the first formal Biodiversity Report no later than 1 January 2026. This process must then be repeated every five years.
- 3.2 This report sets out the Council's initial consideration of what action can be taken for biodiversity in order to meet the 1 January 2024 deadline. The Environment Overview and Scrutiny Committee is therefore asked to provide feedback on this report, prior to the setting of agreed policies and specific objectives to take place after the new year.
- 3.3 It should be noted that any ambitions agreed around biodiversity improvement will need support from local residents and Ward Members.
- 3.4 Any ambitions are also subject to existing available budgets as no new burdens funding has been allocated as part of the new biodiversity duties under the Environment Act. All policies, objectives and plans are also subject to existing officer knowledge and specialism as the Council does not currently employ a Biodiversity Officer nor Tree Officer.

### **4 Other Options Considered**

- 4.1 There is now a statutory obligation for the Council to consider and report on what actions it is to take to conserve and enhance biodiversity, therefore no other options were considered.

### **5 Reasons for the Recommendations**

- 5.1 Public authorities in England must consider what they can do to conserve and enhance biodiversity in their area. This is the strengthened 'biodiversity duty' that the Environment Act 2021 introduces. This report sets out the Council's initial consideration of what action can and should be taken for biodiversity, in order to meet the 1 January 2024 deadline set by the Department for Environment, Food and Rural Affairs.

### **6 Background Papers**

- 6.1 *Environment Act 2021* – Government legislation, available online at:  
<https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

6.2 *Environmental Improvement Plan 2023: First revision of the 25 Year Environment Plan* – Government published paper, available online at:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1168372/environmental-improvement-plan-2023.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1168372/environmental-improvement-plan-2023.pdf)

6.3 *Biodiversity Net Gain for local authorities* – Local Government Association Planning Advisory Service, available online at :  
<https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-local-authorities>

6.4 *Greater Lincolnshire Local Nature Recovery Strategy* – webpage, available online at:  
<https://www.glinclslnrs.org.uk/>

6.5 *Lincolnshire Development Roads and Sustainable Drainage Design Approach - 2021 edition* – Lincolnshire County Council, available online at:  
<https://www.lincolnshire.gov.uk/downloads/download/62/development-road-and-sustainable-drainage>

## 7 Appendices

7.1 Appendix A – Presentation from 6<sup>th</sup> November Biodiversity Officer Working Group meeting.

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# Biodiversity & Trees - Officer Working Group

6<sup>th</sup> November 2023

Appendix A



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# New biodiversity duties

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- The Environment Act 2021 requires all public authorities in England to consider what they do to conserve and enhance biodiversity.
- There is a need to consider and report on what action SKDC intends to take for biodiversity, **no later than 1 January 2024**.

↳

- Following this initial consideration, SKDC must agree policies and objectives, take action, and prepare the first formal Biodiversity Report no later than 1 January 2026.
- An update on local authority biodiversity duties is due to go to the Environment OSC meeting on 12<sup>th</sup> December.
- Ensuring biodiversity action becomes routine within Council working will involve multiple departments.
- New expectations for Biodiversity Net Gain for new developments



# What we want to achieve in 2024

<b>Biodiversity Action Plan</b>	<b>Tree and Woodland Strategy</b>
<ul style="list-style-type: none"><li>• Understand current health of the natural environment in the district and areas of improvement</li><li>• Set out SKDC's remit to influence the natural environment and improve biodiversity</li><li>• Consider our role as Planning Authority and new expectations for Biodiversity Net Gain (BNG) for new developments</li><li>• Consider our role as local authority and specific actions and projects we intend to implement to improve biodiversity</li></ul>	<ul style="list-style-type: none"><li>• Understand current extent of tree canopy cover across the district and best areas for any further tree planting</li><li>• Set out SKDC's remit to directly plant more trees and develop woodland areas</li><li>• Set out how we intend to engage with wider partners to facilitate tree planting opportunities in the whole district</li><li>• Enhance the benefits trees provide and ensure trees are well managed</li></ul>



# Council areas involved

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- Planning and Planning Policy
- Projects, Policy & Performance
- Property
- Leisure, Parks & Open Spaces
- Grounds Maintenance
- Economic Development
- *Any we have missed?*



# Links to external partners

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## Key partners for delivery:

- Lincolnshire County Council
- Neighbouring district councils
- Greater Lincolnshire Nature Partnership
- *Any we have missed?*

## Wider partners to engage:

- Lincolnshire Wildlife Trust
- Woodland Trust
- Forestry Commission
- National Trust
- Large land owners/developers
- Town/parish councils
- Friends of groups
- Community groups
- *Any we have missed?*



# Current projects and items under development

	Existing	Under development
Internal	<ul style="list-style-type: none"><li>• Local Plan to 2036</li><li>• Tree guidelines</li><li>• Climate Action Strategy</li></ul>	<ul style="list-style-type: none"><li>• Corporate Plan 2024-27</li><li>• Tree &amp; Woodland Strategy</li><li>• Biodiversity Action Plan</li><li>• Open Spaces Strategy</li></ul>
External	<ul style="list-style-type: none"><li>• LCC Green Masterplan</li></ul>	<ul style="list-style-type: none"><li>• Greater Lincolnshire Local Nature Recovery Strategy</li><li>• Green Investment in Greater Lincolnshire (GIGL) – delivery for Biodiversity Net Gain</li></ul>



# Biodiversity Net Gain training session with Lincolnshire Wildlife Trust

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**13<sup>th</sup> November 2.00-5.00 Witham Room**

The Wildlife Trust will be joining us on 13th November to discuss **Biodiversity Net Gain**: including policy, our responsibilities, management, resourcing and what support the Wildlife Trust can offer.



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What other plans, current or future, can we report on for our new biodiversity duties?



Date of next meeting – online?



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## Environment Overview and Scrutiny Committee

12 December 2023

Report of Cllr Paul Wood (Environment SK Ltd Board Member)

## Environment SK Ltd – Financial Statements 2022/23

### Report Author

Alison Hall-Wright, Director of Environment SK Ltd

 [alison.hall-wright@southkesteven.gov.uk](mailto:alison.hall-wright@southkesteven.gov.uk)

### Purpose of Report

This report presents the 2022/23 Financial Statements for the Council owned company Environment SK Ltd.

### Recommendations

#### That the Committee:

1. Notes the 2022/23 financial statements for Environment SK Ltd.

Decision Information	
Does the report contain any exempt or confidential information not for publication?	Yes - <i>Appendix 1 is exempt under paragraph 3, Schedule 12A of the Local Government Act 1972 (as amended) because it contains information relating to the financial or business affairs of an individual or organisation.</i>
What are the relevant corporate priorities?	Clean and sustainable environment
Which wards are impacted?	All

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

## 2. Background to the Report

- 2.1 Environment SK Ltd completed their 2022/23 final accounts ahead of the statutory deadline of 31 December 2023 and in accordance with the terms of reference the financial statements are presented to the Environment Overview and Scrutiny Committee.
- 2.2 The final accounts are appended to this report and are exempt as they contain information relating to the financial or businesses affairs of an individual or organisation. There is no requirement for the company accounts to be audited as the company qualifies for an audit exemption as the annual turnover is below £10.2m and the value of assets is below £5.1 million. The Council's auditors also do not require the accounts to be audited as the company primarily receives their income from the Council.

## Environment SK Ltd 2022/23 – update

- 2.3 On 7 February 2023 Cabinet made the decision that the grounds maintenance service should transfer back to the Council in 2023/24 and approved the dissolution of the Council's wholly owned companies EnvironmentSK Ltd and EnvironmentSK Commercial Services Ltd.

2.4 The company ceased trading on 31 March 2023 so this will therefore be the final set of financial statements that will be presented to this committee for EnvironmentSK Ltd.

2.5 There was no trading activity for EnvironmentSK Commercial Services Ltd during 2022/23 and therefore there are no accounts for this company.

2.6 Appendix A details the financial statements for 2022/23, the key points to note are as follows:

- The annual turnover was £1.087m (2021/22 £1.136m).
- Cost of sale £0.879m (2022/22 (£0.809m) this increase is primarily due to an increase in the cost of materials and an increase in staffing costs.
- Administrative expenses totalled £165k (2021/22 £312k) this reduction relates to the sale of the assets to the Council.
- The overall loss for the company has reduced from £170k at the start of the year to £87k at the end of the year due to the in-year profit.

2.7 The vehicles and equipment were acquired by the Council as part of the transfer of the grounds maintenance service which ensured that the service delivery could continue from 1 April 2023. An independent valuation of the assets was completed on behalf of the company which resulted in the company receiving a capital receipt from the Council of £378k. The company subsequently paid the capital receipt to the Council which enabled the outstanding loan to be reduced to a net balance of £132k at 31 March 2023.

2.8 The Council will be required to write-off the outstanding balance on the loan as part of its 2023/24 year-end closedown process. The write-off will be charged against the cost of service for the Council and the outstanding short-term debtor associated with this loan will be reduced to zero.

2.9 Following the publication of the accounts the formal dissolution of the company will be progressed in accordance with legislation.

### **3. Key Considerations**

3.1 There are no decisions required – Committee are asked to note this report.

### **4. Other Options Considered**

4.1 There are no other options to be considered – Committee are asked to note this report.

### **5. Reasons for the Recommendations**

5.1 Committee are asked to note this report.

## **6. Consultation**

6.1 No consultation has taken place.

## **7. Background Papers**

7.1 There are no background papers.

## **8. Appendices**

8.1 Appendix 1: Annual Report and Unaudited Financial Statements for Environment SK Ltd – 2022/23 (EXEMPT).

# Appendix 1

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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## Environment Overview and Scrutiny Committee

12<sup>th</sup> December 2023

Report of Councillors Patsy Ellis and  
Rhys Baker Cabinet Members for  
Environment and Waste

### Update on upgrading of District Council Streetlights to LED units

#### Report Author

Serena Brown, Sustainability and Climate Change Officer

 [Serena.brown@southkesteven.gov.uk](mailto:Serena.brown@southkesteven.gov.uk)

#### Purpose of Report

This report provides an update on progress to upgrade District Council operated streetlights to energy efficient LED units and considerations for ongoing management of lamps.

#### Recommendations

##### That the Committee:

1. Notes the updates regarding the procurement process for the next stage of the upgrade programme of LED streetlights.
2. Discuss the Street Lighting Policy and following the delegation from Cabinet, confirm how it wishes to proceed regarding the options for budgeted upgrade of lamps.

## Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities? <b>(delete as appropriate)</b>	Clean and sustainable environment
Which wards are impacted?	All wards

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 Council approved the allocation of £1 million in order to provide the required funding in order to upgrade streetlights to LED lighting. With costs for utilities at a high a faster paced upgrade programme will reduce the Council's budget for streetlights for future years.

Completed by: Richard Wyles, Deputy Chief Executive and s151 Officer

### ***Procurement***

- 1.2 As this requirement is being competed via a framework, I am satisfied that this will be a compliant process.

Completed by: Helen Baldwin, Procurement Lead

### ***Legal and Governance***

- 1.3 Councils do not have a duty to provide streetlighting, however once provided, the local authority does have a duty to maintain the system in a safe condition.

Completed by: Mandy Braithwaite, Legal Executive

## **Community Safety**

- 1.4 If the Committee wishes to pursue options for part-night illumination of any or all of the Council's stock of streetlights, any implications for public safety will need to be considered. This will need to take into account impact on the Council's CCTV monitoring function, review interaction with existing Public Space Protection Orders, the Safer Streets project and consult further with Lincolnshire Police regarding specific concerns for any particular areas.

Completed by: Ayeisha Kirkham – Head of Service (Public Protection)

## **Climate Change**

- 1.5 The energy reduction potential of upgrading the Council's stock of lamps to LED is significant, with streetlighting being the single largest area of electricity consumption for the Council. Annual carbon savings are modelled within the report which will contribute towards the Council's carbon reduction target.

Completed by: Serena Brown, Sustainability and Climate Change Officer

## **2. Background to the Report**

- 2.1 South Kesteven District Council is responsible for managing a total of 3893 streetlights within the district all of which are funded from the Council's General Fund. These lights are predominantly for providing lighting to footways, as opposed to the separate and much more significant stock of streetlights provided for highways in the district, which are managed by Lincolnshire County Council.
- 2.2 The majority of lights operated by the Council remain 35W (or 36W) low pressure sodium lamps. The total electricity consumption arising from the lamps result in just over 4% of the Council's total carbon emissions – a significant contribution.
- 2.3 Following scrutiny by [Finance and Economic Overview and Scrutiny Committee on 22<sup>nd</sup> June 2023](#), [Environment Overview and Scrutiny Committee on 11<sup>th</sup> July 2023](#), and consideration by [Cabinet on 11<sup>th</sup> September 2023](#), [Council on 28<sup>th</sup> September 2023](#) agreed to approve an allocation of £1m to accelerate the replacement of Council operated streetlights with LED lamps.
- 2.4 The invitation to tender has now been issued on the YPO Highways and Electrical Installations framework to find a contractor to complete the LED upgrades. Based on the deadline for interested suppliers to submit a response, evaluation and the approval of contract award by Cabinet in February, the contract start date is targeted for mid-February 2024. The programme is designed to be delivered as swiftly as possible so as to maximise energy savings.

2.5 An ongoing area of work is to improve the information we have on our streetlighting stock in terms of exact location of lamps, type and condition. The majority of lamps under the Council's responsibility are now plotted on Statmap, and all lamps will be plotted ready for the contract start date in order to provide the successful contractor with the most up-to-date information. Plans are underway to also provide this information to town and parish councils once the mapping of lamps has completed.

2.6 Council also recommended to Environment Overview and Scrutiny Committee to review the current Street Lighting Policy which was reviewed by Environment Overview and Scrutiny Committee and approved by [Cabinet on 12<sup>th</sup> July 2018](#). This policy is attached at Appendix A and sets out the current position on how streetlights owned by South Kesteven District Council will be managed.

2.7 The current Street Lighting Policy of 2018 states three objectives for the Council's street lighting stock:

- *Ensure existing lighting stock is maintained in accordance with current electrical regulations to ensure it meets legal, health and safety requirements.*
- *To follow good practice guidance, in order to further reduce the risk to staff, contractors and the public.*
- *To ensure South Kesteven District Council street lights provide illumination during the hours of darkness.*

2.8 The Street Lighting Policy also states that the Council's stock of streetlights should be effectively managed to ensure that it is energy efficient.

2.9 [Environment Overview and Scrutiny Committee on 11<sup>th</sup> July 2023](#) were updated on the Council's current position on maintaining illumination during hours of darkness and that deviation from that would require a formal consultation exercise involving the public as well as other public bodies including town and parish councils and the Police and Crime Commissioner.

2.10 The current specification for the lamps to be upgraded to LED includes provision for:

- Replacement dimmable LED luminaires
- Photocell controllers to activate lamp automatically at dusk and switch off at dawn
- NEMA socket to facilitate future connection to a networked system

2.11 Energy savings through moving to LED lamps are significant. An upgraded low-pressure sodium lamp to an LED lamp with the capacity to dim illumination to 50% of full illumination from midnight to 6AM will have a typical energy saving of 63%. By switching lamps off completely for six hours during the night, up to an

additional 12% saving can be expected, bringing the total potential energy saving to 75%.

2.12 Simple payback has been calculated for the project with dimming profile, and for the project with a pre-programmed midnight switch off in the below table. This updates costs presented previously to Finance and Economic Overview and Scrutiny Committee and Environment Overview and Scrutiny Committee earlier this year. This is based on the most up to date present costs for electricity, and due to increases in unit cost now represents a slightly improved payback on investment. Market analysis suggests these are now reaching a peak in cost, however, given ongoing utilities market volatility, costs may continue to change as the programme develops. Therefore, the following calculations need to be viewed in that context.

Estimated replacement cost	With dimming profile	With part-night illumination**
	£995,260	£1,013,085
Energy saving cost estimated 63%*	£215,948	-
Energy saving cost estimated 75%*	-	£253,190
Annual carbon reduction (tonnes)	156	179
<b>Pay back</b>	<b>4.6 years</b>	<b>4.0 years</b>

\*Less a deduction for a statutory safety check every two years

\*\* Including allocation to visit existing LED lamps to install part-night programme

2.13 Assuming the Council adopt part-night illumination, a midnight switch-off results in expected additional energy savings of £37,242. With energy costs appearing to be approaching their highest costs with no further dramatic increases expected, if the unit cost of electricity did decrease in future years this would reduce the payback on investment.

2.14 There are several options to take forward the next phase of the upgrade programme in an efficient manner:

2.15 **Option 1 – implement pre-programmed dimming between midnight and 6AM**  
The previously tendered programme of upgrades, commencing in 2021, included provision for dimming of LED lamps between midnight and 6AM, a policy taken up by numerous councils to maximise cost and energy savings while maintaining illumination. Upgraded lamps have been installed with an all-night photocell to facilitate the programme of dimming illumination by 50% for a six hour period.

2.16 **Option 2 – implement pre-programmed part night illumination.**

As detailed in the table at 2.13, by implementing a new policy of part-night illumination there is an additional energy saving resulting in a cost saving of £37,242 based on current electricity unit costs. This assumes 100% of the Council's stock of lamps will be illuminated for only part of the night.

This factors in an additional cost to visit existing LED lamps to install a program of part-night illumination rather than the current dimming profile. In order to pursue this, further consultation will need to take place, considering public feedback as well as concerns regarding specific areas raised by other authorities. It is noted that Lincolnshire County Council's streetlights use part-night illumination, with lamps unilluminated between midnight to 6AM.

- 2.17 Currently, South Kesteven District Council does not operate a Central Management System (CMS) to facilitate control of the network of streetlights and remotely control illumination levels. Nevertheless, the inclusion of the NEMA socket into upgraded lamps does allow for the future connectivity to a CMS system.
- 2.18 Options for a CMS have been explored as part of the procurement of the previous programme of LED upgrades, and barriers to implementation were found including:
  - Ability to effectively transmit signal and operate a CMS system - the Council's stock of streetlights is unevenly distributed, with some villages in the district having fewer than 5 lamps.
  - Cost of running a CMS system in comparison to the number of streetlights operated – the smaller number of lights operated by the Council limits the savings that can be made through remote control
- 2.19 Any new CMS would be most impactful with a policy of part-night illumination, in order to maximise energy and cost savings through the system. Within the present policy of all night illumination with dimming, there are limited changes to be made to levels of illumination that would make a significant saving to justify the level of investment for use of a CMS.

### **3. Key Considerations**

- 3.1 Current unit cost paid by the Council for electricity is at a historic high, and there is a strong case for an accelerated roll out of any upgrade programme in order to maximise savings on energy costs and return on investment. While there are additional savings expected to be made through the additional savings of part-night illumination versus a dimming profile, these savings are reasonably modest across the programme.
- 3.2 If the Committee opts to update the current Street Lighting Policy to allow for part-night illumination, the consultation process will need to be factored into the project programme which will have an impact on roll out of upgrades.

## **4. Other Options Considered**

4.1 Several further options have been previously presented to the Committee for consideration, including the potential to reduce the overall stock of lights the Council has responsibility to illuminate, and the implications of not pursuing a proactive programme of upgrades.

## **5. Reasons for the Recommendations**

5.1 The Committee is asked to consider the options set out and to confirm how they wish to proceed with the budgeted programme for upgrading the Council's streetlights to LED.

## **6. Consultation**

6.1 Following the discussion at Finance and Economic Overview and Scrutiny Committee on the 22<sup>nd</sup> June 2023, the Committee noted their support for the development of an accelerated replacement scheme.

6.2 No formal consultation has taken place on the Council's approach to provision of streetlights to date. If the decision to pursue part-night illumination is pursued, to switch off streetlights during hours of darkness, further consultation with other statutory bodies would need to take place to understand the wider impacts.

## **7. Background Papers**

5.1 Cabinet 12<sup>th</sup> July 2018 - [South Kesteven District Council - Agenda for Cabinet on Thursday, 12th July, 2018, 2.00 pm](#)

5.2 Finance and Economic Overview and Scrutiny Committee 22<sup>nd</sup> June 2023 - [Streetlights report.pdf \(southkesteven.gov.uk\)](#)

5.3 Environment Overview and Scrutiny Committee 11<sup>th</sup> July 2023 - [Environment Overview and Scrutiny Committee on 11<sup>th</sup> July 2023](#)

5.4 Cabinet 11<sup>th</sup> September 2023 - [Cabinet on 11<sup>th</sup> September 2023](#)

5.5 Council 28<sup>th</sup> September 2023 - [Council on 28<sup>th</sup> September 2023](#)

## **8. Appendices**

8.1 Appendix A SKDC Street Lighting Policy [approved by Cabinet June 2018]

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## **STREET LIGHTING POLICY**

**June 2018**



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### **Overview**

The purpose of this policy is to ensure effective management of South Kesteven District Council's street lighting stock in order that the lighting is:

- Providing illumination when and where required;
- Safe
- Energy efficient
- Well maintained.

### **Objectives**

- Ensure existing lighting stock is maintained in accordance with current electrical regulations to ensure it meets legal, health and safety requirements.
- To follow good practice guidance, in order to further reduce risk to council staff, contractors and the public.
- To ensure South Kesteven District Council street lights provide illumination during the hours of darkness.

### **Strategy**

- To maintain and update a register of street lights including location, purpose, condition and lamp type.
- To ensure street lights are properly maintained.
- To replace street lights with more energy efficient units (eg LEDS) when existing lamps cease to function and/or when budget becomes available.
- To identify any SKDC street lights which might be considered redundant and consider their removal.
- To maintain the councils portfolio of street lighting via appropriate contract(s).

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## Environment Overview and Scrutiny Committee

12 December 2023

Report of Councillor Rhys Baker and  
Councillor Patsy Ellis, Cabinet  
Members for Waste and Climate  
Change

### A1 Litter Issues

#### Report Author

Karen Whitfield, Assistant Director (Leisure, Culture and Place)

 [karen.whitfield@southkesteven.gov.uk](mailto:karen.whitfield@southkesteven.gov.uk)

#### Purpose of Report

To provide Members with an update in relation to litter issues on the A1 and to agree future actions.

#### Recommendation

**In consideration of this report, the Environment Overview and Scrutiny Committee are requested to:**

- 1. Recommend the most appropriate and proportionate course of action in relation to the issue of litter on the A1.**

## Decision Information

Does the report contain any  
exempt or confidential  
information not for publication? No

What are the relevant corporate  
priorities? Clean and sustainable environment

Which wards are impacted? All wards

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 This report provides information on some of the available options to clear litter from the A1 verges. There is currently no budget set aside to support this activity, should Members be minded to prioritise this work an appropriate allocation will need to be proposed to be included in the Council's budget framework.
- 1.2 If an external contractor is to be secured to undertake the work, a compliant procurement exercise will need to be undertaken to secure a sufficiently qualified and experienced contractor in line with the Council's Contract Procurement Rules.

**Completed by: Richard Wyles, Deputy Chief Executive and s151 Officer**

### ***Legal and Governance***

- 1.3 It is South Kesteven District Council's responsibility to maintain the A1 to the standards required under the Environmental Protection Act 1990. Under Section 87(1) of the Act, it is a criminal offence in law to drop litter.
- 1.4 As littering is a criminal offence South Kesteven District Council can issue a fixed penalty notice. However, this can only be issued if the witness to the crime is an authorised officer, or the crime is caught on CCTV with the individual clearly being identifiable.

**Completed by: Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer**

### ***Risk and Mitigation***

- 1.5 If works are undertaken to clear litter on the A1 it will be necessary to ensure that there is robust risk management in place to mitigate the significant risks associated with the activity.
- 1.6 If the risk is transferred, i.e. the litter picking is undertaken by an external contractor, they would be responsible for their own health and safety and would need to have their own insurance to undertake the activity.

**Completed by: Tracey Elliott, Governance and Risk Officer**

***Health and Safety***

- 1.7 It is a legal requirement for the Council to assess health and safety risks arising out of any work or activity undertaken. The Council has a duty of care to keep employees, residents, visitors and contractors safe from harm.
- 1.8 Litter picking on a high-speed road such as the A1 is a highly dangerous activity which carries a significant amount of risk. Whilst steps can be taken to mitigate the risks including developing suitable and sufficient procedures, identifying proportionate and reasonably practicable control measures and providing training, it is impossible to remove all of the risks involved.
- 1.9 The most significant risks are in relation to working alongside traffic travelling at high speeds and the uneven terrain. The most severe consequence could be serious injury or death of either the people involved or other road users.
- 1.10 Should the decision be made to undertake litter clearance works on the A1 specialist advice would be required to ensure that the health and safety arrangements are as robust as possible. If this is to include overnight works, additional consideration will need to be given to providing adequate lighting, and the risks associated with obstructions and uneven ground.
- 1.11 Any operatives undertaking this work would require specialist Chapter 8 training which would be sourced from an external provider. In addition, as circumstances can quickly change, operatives would need to be trained in undertaking dynamic risk assessments to ensure they can adapt or restrict work activities considering any changing circumstances or hazards.
- 1.12 It is not only the health and safety of the Council's operatives or contractors which needs to be considered but other road users also. Earlier this year Serco were fined £240,000 as a result of a lorry crashing into a litter picking van which was obstructing a lane on a dual carriageway in Norfolk. As a result, a passenger in the lorry lost his life.

**Completed by: Phil Swinton, Emergency Planning and Health and Safety Lead**

## **Human Resources**

1.12 The Council has a duty of care to ensure that there are appropriate working conditions for members of staff and that they have a safe and supportive working environment. If staff are expected to work overtime, undertake additional duties or work outside of normal hours, then it would be best practice to consult with those members of staff impacted, clearly setting out the rationale for the request.

**Completed by: Fran Beckitt, Human Resources Manager**

## **2. Background to the Report**

2.1 The Council's Corporate Plan (2020 to 2023) contains a corporate priority of delivering a Clean and Sustainable Environment, a key focus being to ensure the district is a clean and pleasant place to live, work and visit.

2.2 The Council are responsible for the litter picking on trunk roads which includes the A1. National Highways have the overarching responsibility for the use of the A1 and its maintenance, whilst Lincolnshire County Council are responsible for cutting the grass verges.

2.3 There is approximately a 30-mile stretch of the A1 within the district of South Kesteven, which equates to a total of 60 miles of grass verges taking account of the north and southbound carriageways. Should the central reservations be included, this would amount to 120 miles.

2.4 The A1 is classed as a "high speed road" as it is subject to a permanent speed limit of 50 miles per hour or more. There are certain requirements when undertaking cleansing operations on this type of highway to ensure operatives are not exposed to serious hazards which have the potential to cause serious injury or death to them or other road users. The most significant risk to operatives and other personnel is being struck by a third-party vehicle.

2.5 Guidance on safe cleansing of the highway and managing the associated risks has been provided by the Waste Industry Safety and Health (WISH) Forum (See **Background Papers**). In developing the guidance, the Health and Safety Executive were consulted and subsequently endorsed the proportionate, reasonable and balanced advice provided, which confirms the minimum amount of space which must be maintained from the edge of the working space and moving traffic, this space being referred to as the sideways safety zone. On dual carriageways with a speed limit more than 50 miles per hour, the sideways safety zone is 1.2 metres. Therefore the work to clear litter on the A1 verges should not be carried out without a lane closure or other traffic management arrangements being in place.

- 2.6 Other relevant guidance in relation to traffic management issues can be found in The Traffic Sign Manual: The Traffic Safety Measures and Sign for Road Works and Temporary Situations which is commonly referred to as 'Chapter 8', and the Safety at Street Works and Road Works publication produced by the Department of Transport, commonly referred to as the 'Red Book'. The guidance provided in these publications does not explicitly apply to litter picking activity yet does set out what would be the most appropriate standard and method of operation when undertaking this work.
- 2.7 The following paragraphs provide information on the options to clear the A1 verges of litter which have been explored.

### **Volunteer Based Litter Picking**

- 2.8 The Council could recruit volunteers to support litter picking duties on the A1 verges and has recently adopted a Volunteer Policy which governs the recruitment, management and training of volunteers. As identified within the Volunteer Policy (see **Background Papers** of this report), the Council has the same duty to ensure the health, safety and wellbeing of volunteers as it does employed staff.
- 2.9 It is not appropriate to use volunteers to undertake litter picking duties on the A1. This has previously been discounted due to the risks around exposure to traffic, potential hazards and the requirement to ensure volunteers have received the appropriate training, supervision and protective clothing to safely carry out the task.

### **Contracted Service**

- 2.10 Early discussions have taken place with a traffic management company who have the relevant experience and expertise to carry out litter clearance works to the A1 verges. This has identified the cost of undertaking this work through a contractor is likely to be in excess of £60,000 each time the work is undertaken.

### **Collaboration with National Highways**

- 2.11 Although the responsibility for clearing litter from the verges on the A1 falls to the Council, only National Highways can enforce a lane or road closure. Historically the Council have tried to form a closer working relationship with National Highways and requested we are informed when works are planned on the A1 that facilitate a road closure so that litter clearance can take place. This has had varied levels of success in the past.
- 2.12 If National Highways inform the Council sufficiently in advance of any planned lane or road closures, this could provide the opportunity to cleanse the verges when other maintenance works are taking place. As well as having logistical benefits this would also reduce the risks to operatives and road users.

2.13 However, even with a road closure in place, any litter picking activity would still have to be risk assessed, and operatives would need to undertake specific Chapter 8 training. Risk assessments and operational procedures would need to be developed and agreed by the main contractor employed by National Highways.

2.14 The ability to undertake litter picking would be dependent on having enough operatives available and willing to undertake the work, especially if this includes working outside of standard hours, for example when overnight lane closures are in place.

2.15 If sufficient resources can be found, this option would provide the Council with the assurance of using trained and experienced Council personnel. However, it may require backfilling of routine duties, otherwise service delivery may be negatively impacted. Agency staff could be secured to undertake the routine duties, for which this would be an additional cost to the Council in terms of recruiting, training and supervising new workers. In addition to cost considerations, the employment of temporary staff could reduce efficiency and impact service delivery.

2.16 The Council have previous experience of undertaking overnight litter clearance works on the A1 when lane closures have been in place. One of the major issues encountered is that Council operatives must adhere to the main contractor's requirements which includes working at their pace, and not being allowed to advance in front of the main contractors or interfere with their work in anyway. This can result in significant periods of downtime.

2.17 The weekly costs associated with the provision of a six-man team (comprising of five Operatives and one Chargehand) and the rental of a suitable vehicle has been assessed to be circa £2,650 per week. This figure does not include any pay enhancement for the operatives working unsociable hours or the backfilling of routine duties, nor does it include the cost of Chapter 8 training which would be required. Should the daytime duties be filled by agency workers, these costs are estimated to be an additional £3,550 per week.

2.18 In addition, should the works be undertaken overnight, the costs associated with hiring additional lighting would also need to be factored in.

2.19 The area where litter can be cleared would be dependent on the length and location of the road closure in place and the National Highways maintenance programme. Therefore, it is impossible to estimate how many weeks the additional operatives would be required for. However, depending on weather conditions and the amount of litter present, it is estimated approximately four miles of verge could be cleared in a seven-hour period.

## **Rolling Traffic Management**

2.20 The Council could employ a traffic management company to provide a rolling roadblock whilst operatives cleared the verges of litter. In addition to the costs identified in paragraph 2.17, the cost of this would be approximately £4,000 per day. At a rate of being able to clear four miles per day, it is estimated it would take a total of 15 days to clear the north and southbound verges.

## **Newark and Sherwood District Council**

2.21 Discussions have taken place with representatives from Newark and Sherwood District Council who have also been carrying out overnight litter clearance duties on the A1 during periods when lanes are closed. They have provided feedback this has not been without difficulty, as it has been necessary to carry out specialised training with their operatives and they have needed to produce safe systems of work and risk assessments for each individual contractor employed by National Highways.

2.22 They too have reported delays in being able to undertake work due to issues with the main contractors, and on occasion, crews have been kept waiting all night for approval to commence litter picking.

## **Litter Clearance of A1 Laybys**

2.23 A specialist Street Scene crew has been established with a view to improving the litter issues in the laybys on the A1, which are now regularly visited to ensure bins are emptied regularly and litter is picked up. Historically, domestic litter bins have been situated in the laybys. These are now being replaced on a rolling basis by the more robust litter bins used in open spaces, as the existing bins are often blown or knocked over, thereby adding to the litter issues.

2.24 As part of the work to integrate the Council's Street Scene and Grounds Maintenance teams, a specification is being developed to provide details and frequencies of the tasks to be carried out. This provides an opportunity to build on the work currently being undertaken to litter pick in the lay-bys and the replacement of litter bins to ensure arrangements are appropriate.

## **3. Key Considerations**

3.1 Individuals can take action through the magistrate's court should they believe a responsible body is failing in its duty to meet the standards set out in the Code of Practice on Litter and Refuse. Should a successful challenge be made, the court can issue a Litter Abatement Order, which would involve a financial penalty and a timescale being set for the removal of the litter.

3.2 A review of the Council's complaints system over the past two years has identified the Council has received no formal complaints in relation to litter on the A1.

3.3 There is a danger a one-off clearance of litter would have very little impact, as litter could quickly build up again. Should a decision be taken to clear the A1 verges of litter, this would need to be undertaken at regular intervals for it to be effective.

#### **4. Other Options Considered**

4.1 The options which have been explored are set out within the body of this report.

#### **5. Reasons for the Recommendations**

5.1 The Environment Overview and Scrutiny Committee are requested to consider the issue of litter on the A1 and provide guidance to Officers on the appropriate and proportionate action to take.

#### **7. Background Papers**

7.1 *Volunteering with South Kesteven District Council - Volunteer Policy (2023)*, available online via:

<https://moderngov.southkesteven.gov.uk/documents/s38857/Appendix%201%20-%20Draft%20Volunteering%20Policy.pdf>

7.2 *Safe cleansing on the highway managing the risks associated with manual and mechanical cleansing - Highway Waste Industry Safety and Health Forum – Formal Guidance Documentation*, Published 2015, and available online at:

<https://www.wishforum.org.uk/wp-content/uploads/2019/06/WASTE-24-.pdf>



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



## Environment Overview & Scrutiny Committee

12<sup>th</sup> December 2023

Report of Councillor Rhea Rayside  
Cabinet Member for People and  
Communities

### Revised Contaminated Land Strategy

Ayeisha Kirkham, Head of Service – Public Protection

✉ [ayeisha.kirkham@southkesteven.gov.uk](mailto:ayeisha.kirkham@southkesteven.gov.uk)

#### Purpose of Report

To brief the Committee on the Council's requirements to have a Contaminated Land Strategy, along with providing details of the proposed updated Strategy and consultation prior to Cabinet approval.

#### Recommendations

**That the Committee:**

- 1. Notes the updated Contaminated Land Strategy**
- 2. Recommends that the updated Contaminated Land Strategy undertakes a four week consultation**
- 3. Recommends that the Contaminated Land Strategy, with any proposed amendments following the results of the consultation process in consultation with the Chairman of the Environment Overview and Scrutiny Committee, be approved by Cabinet**

<b>Decision Information</b>	
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Housing that meets the needs of all residents Healthy and strong communities Clean and sustainable environment
Which wards are impacted?	All wards

## **1. Implications**

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

1.1 There are no direct financial implications associated with the recommendations within this report.

Alison Hall Wright, Deputy Director (Finance and ICT) and Deputy S151 Officer

### ***Legal and Governance***

1.2 Details of the legal and governance implications are set out in the body of the report.

Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer

## **2. Background to the Report**

2.1 There is a substantial legacy of contaminated land in the United Kingdom, due to its long industrial heritage and previous waste disposal practices. There are now various regimes in place to prevent new contamination however the historic contamination remains and still has the potential to adversely affect people's health, as well as damage water quality, ecological systems and property.

2.2 Under Part IIA of the Environmental Protection Act 1990, South Kesteven District Council (SKDC) has gained regulatory duties and powers relating to contaminated land. The provisions of Part IIA came into force on 1 April 2000.

*(Note Part IIA is also referred to as Part 2A within the Report and Strategy).*

2.3 The Contaminated Land Inspection Strategy, fulfils the first of SKDC's responsibilities – to prepare and publish a Strategy. The strategy was last updated in 2010 following legislative and guidance updates. The Council's duties under the Act are:

- To inspect the district of South Kesteven for land that may be contaminated.
- To inspect individual sites to determine whether they are contaminated land.
- To ensure that appropriate action is taken to remediate contaminated land.

Part IIA places financial responsibility for remediation of contaminated land on the polluter. Where the polluter cannot be found, landowners or occupiers can be liable for the costs. Part IIA refers to people or organisations that are liable for the costs of remediation as "Appropriate Persons".

2.4 South Kesteven District Council has had a published Contaminated Land Strategy since 2001 with its last revision being in 2010. The Strategy sets out how South Kesteven District Council will identify and deal with contaminated land. The programme of inspection and intervention will be based on identifying risk and those of high risk given priority.

2.5 The revisions of the strategy are a light touch refresh to reflect the current position across the district and ensure that legislation, addresses, and other details are current. There have not been any significant or major changes to legislation leading to a material change in our approach.

### **3. Our role in contaminated land**

3.1 We inspect individual sites to determine whether they are contaminated and ensure action is taken to clean it up if necessary. The cost of any clean-up usually lies with the polluter of the land. However, where the polluter cannot be found, landowners or occupiers can be liable.

3.2 We also check that developers take responsibility for ensuring that land is clear of any contamination.

3.3 Our 'Contaminated Land Inspection Strategy' explains how the council undertakes inspections and identifies contaminated land.

3.4 We ensure that new development on land which may be contaminated does not result in an unacceptable risk to the future users of the site. To ensure land is fit for development, applicants must submit information on whether the site poses any risk of contamination. Work may be required before development can take place.

- 3.5 The Environment Agency (EA) will provide site-specific guidance to local authorities on land contaminated and will assist in identifying contaminated land where there is a risk of pollution of controlled waters. The EA can take over as the enforcing authority where the local authority identifies a “special site”, as defined in the legislation. These can be described as sites which are likely to present the greatest threat to health or the environment.
- 3.6 We keep a record at our offices of all contaminated land sites in the district. The register is available at our council offices in Grantham during normal working hours. At present we do not have any known contaminated land sites as the previous two sites identified have now been remediated.

## **4. The Strategy**

- 4.1 The aims of the strategy are:
  1. To assist in the classification of known contaminated land sites and the identification and classification of any potential contaminated sites within the district by logical and efficient investigation for the purpose of removing unacceptable risk to human health and the environment.
  2. To ensure that Part 2A procedures are well integrated and consistent with the planning process.
  3. To demonstrate how SKDC will meet its obligations under Part 2A of the EPA 1990 to prepare, implement and keep under periodic review its Contaminated Land Inspection Strategy
- 4.2 The overarching aims of the government’s policy on contaminated land and the Part 2A regime are set out in statutory guidance and require us to:
  - a) To identify and remove unacceptable risks to human health and the environment.
  - b) To seek to ensure that contaminated land is made suitable for its current use.
  - c) To ensure that the burdens faced by individuals, companies and society are proportionate, manageable, and compatible with the principles of sustainable development.
- 4.3 Land may have become contaminated because of a current or historic land use. Examples of potentially contaminating land uses include industrial and waste disposal sites. Spills and leakages of substances may also lead to contamination. Part 2A regime provides a risk-based approach to defining and identifying contaminated land and a means to remediate land that poses a significant risk to human health or the environment.

- 4.4 The management of contaminated land includes working closely with the planning and development control processes to ensure that potentially contaminated land is identified, and risks do not arise from redevelopment through the monitoring of applications and changes of land use.
- 4.5- The updated strategy is differing from the existing strategy in that is it a more concise document. Large sections of no longer necessary information have been removed along with priorities and objectives that have been met or are now outdated since the publishing of the last strategy. The updated strategy has taken all relevant sections of the existing policy and added more current and update information. It is intended to be an overarching strategy and not a detailed instruction on the process, legislation and procedure that South Kesteven District Council follow in respect of contaminated land.

## **5. Purpose of the strategy**

- 5.1 The purpose of this updated strategy is to ensure a rational, ordered, timely and efficient approach to dealing with potentially contaminated sites within the South Kesteven district.
- 5.2 Land should be considered not contaminated unless there is reason to consider otherwise. Part IIA is intended to deal with the highest risk sites where no appropriate alternative solution is available.
- 5.3 The Council must always consider the benefits and costs of taking action under Part IIA to ensure intervention is both precautionary and proportionate.
- 5.4 The Contaminated Land Strategy has been prepared in the context of the council's vision and corporate priorities as set out in the Corporate Plan 2020-23, in particular the provision of a clean and sustainable environment.

## **6. Working in partnership**

- 6.1 South Kesteven District Council works with a range of partners to ensure that contaminated land is managed and remediated effectively this includes internal Planning colleagues, developers, the environment agency, and contaminated land specialists.
- 6.2 South Kesteven District Council is also a member of the Yorkshire and Lincolnshire Pollution Advisory Group which is a group formed to share best practice and develop technical guidance for council officers and developers.

## **7. Consultation**

7.1 There is no legal duty placed upon the Council to consult on the revision of this strategy. However, it is good practice to consult with the public and key stakeholders.

This would include:

- Specialist contaminated land consultants,
- Developers,
- Planning colleagues,
- The Environment Agency,
- The wider public.

7.2 It is recommended that the public consultation will be undertaken for a 4 week period. On completion of which the responses will be reviewed and where appropriate amendments to the strategy will be made.

## **8. Next steps**

1. Consult upon the content of the strategy.
2. Consider the feedback and amend the strategy as necessary.
3. Format the strategy and finalise the graphics and layout.
4. Take finalised strategy to cabinet document for consideration and adoption.

## **9. Key Considerations**

There is a legal requirement to have a Contaminated Land Strategy, this revision is to ensure the strategy remains current and fit for purpose.

## **10. Other Options Considered**

- 10.1 To agree the recommendations set out in this report.
- 10.2 To consider any amendments to the proposed Strategy or the proposed consultation process.

## **11. Reasons for the Recommendations**

11.1 The revised Strategy will ensure that the Council has an up to date and clear approach to dealing with potentially contaminated sites within the South Kesteven district. The consultation process will allow the views of key partners, stakeholders and the public to be considered in the revision of this Strategy.

## **12. Background Papers**

12.1 [contaminated land strategy \(southkesteven.gov.uk\)](http://southkesteven.gov.uk)

## **13. Appendices**

13.1 Appendix 1 – Revised Contaminated Land Strategy

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# Appendix 1

## Contaminated Land Strategy

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## 1. Overview

The purpose of the contaminated land legislation is to ensure that contaminated land is cleaned up and used in such a way that it is safe, suitable for a beneficial use, and does not pose a risk to health or the environment.

The Part 2A regime (also referred to as Part IIA) provides a risk-based approach to defining and identifying contaminated land and a means to remediate land that poses a significant risk to human health or the environment.

### a) Responsibilities of Local Authorities

Under Part IIA of the Environmental Protection Act (EPA) 1990, Local Authorities in England are given responsibilities for regulating contaminated land. Each authority has a statutory duty to prepare, implement and keep under periodic review its Contaminated Land Inspection Strategy.

### b) Definition of Contaminated Land

The Environmental Protection Act (EPA) 1990 Part IIA provides the legal definition of contaminated land is:

“Any land which appears to the local authority in whose area it is situated to be in such a condition by reason of substances in, on or under the land that

- a) significant harm is being caused or there is a significant possibility of such harm being caused or
- b) significant pollution of controlled waters is being, or is likely to be caused”

The above definition reflects the regulatory role regarding contaminated land which is to enable the identification and remediation of land where contamination is causing unacceptable risks to human health or the environment. It does not necessarily include all land where contamination is present. For land to be defined as contaminated land under Part IIA three elements must all exist in relation to a particular area of land (contaminant linkage):

- **The source** – The cause or source of the contamination is identified. For example, the source might be a leaking tank or contaminated ground or water. The location of the contamination is identified, such as in soils, ground or surface waters.
- **A pathway** – The pathway is the route the source takes to reach a given receptor. Pathways include, for example, air, water, soil, animals, vegetables and eco-systems.
- **A receptor** – If contamination is to cause harm, it must reach a receptor. A receptor is a person, animal, plant, eco-system, property or a controlled water. Each receptor must be identified and their sensitivity to the contaminant must be established.

### c) Health Effects and Significant Harm

The following health effects are considered to constitute significant harm to human health: death; life threatening diseases (e.g. cancers); other diseases likely to have serious impacts on health; serious injury; birth defects; and impairment of reproductive functions.

To reduce significant harm the guidance requires that SKDC reduces the significant possibility of significant harm, to determine this SKDC uses a risk assessment approach, considering both the severity and the likelihood of the potential harmful effect.

## **2. Context of Strategy**

The overarching aims of the government's policy on contaminated land and the Part 2A regime are set out in statutory guidance<sup>1</sup>: (Statutory Contaminated Land guidance from Defra published April 2012)

- a) To identify and remove unacceptable risks to human health and the environment.
- b) To seek to ensure that contaminated land is made suitable for its current use.
- c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.

Land may have become contaminated because of a current or historic land use. Examples of potentially contaminating land uses include industrial and waste disposal sites. Spills and leakages of substances may also lead to contamination. Part 2A regime provides a risk-based approach to defining and identifying contaminated land and a means to remediate land that poses a significant risk to human health or the environment.

The management of contaminated land includes working closely with the planning and development control processes to ensure that potentially contaminated land is identified and risks do not arise from redevelopment through the monitoring of applications and changes of land use.

The purpose of this strategy is to ensure a rational, ordered, timely and efficient approach to dealing with potentially contaminated sites within the South Kesteven district.

Land should be considered not contaminated unless there is reason to consider otherwise. Part 2A is intended to deal with the highest risk sites where no appropriate alternative solution is available.

The Council must always consider the benefits and costs of taking action under Part 2A to ensure intervention is both precautionary and proportionate.

The Contaminated Land Strategy has been prepared in the context of the council's vision and corporate priorities as set out in the Corporate Plan 2020-23, in particular the provision of a clean and sustainable environment.

## **3. Strategic Aims**

The aims of the strategy are:

1. To identify contaminated land sites and any potential contaminated sites within the district by logical and efficient investigation for the purpose of removing unacceptable risk to human health and the environment.
2. To ensure that Part 2A procedures are well integrated and consistent with the planning process
3. To demonstrate how SKDC will meet its obligations under Part 2A of the EPA 1990 to prepare, implement and keep under periodic review its Contaminated Land Inspection Strategy

This updated strategy supersedes all previous versions.

#### 4. Background Information

##### a. Characteristics of local area

South Kesteven is one of seven districts in the county of Lincolnshire. It covers 365 square miles and has a population of approximately 141,853<sup>2</sup> At its centre is the largest town of Grantham and also includes the towns of Stamford, Bourne and Market Deeping. Grantham is the district's most important road and rail link, served by the A1 and the London-Edinburgh East Coast main rail line. Stamford lies in the southwest of the district. Bourne and Market Deeping are small market towns to the south-east of South Kesteven, located on the edge of the fens.

South Kesteven's rural landscape is dominated by agriculture. Central and western parts of the district consist of low undulating terrain with occasional sharp escarpments of limestone. Much of the area is high quality farmland, interspersed with numerous areas of woodland. The rolling landscape gives way to the flat lands of the Fens in the eastern part of the district. The Fens are characterised by flat open country with few trees, and peat bogs with networks of straight drainage channels.

Industrial activity is mainly responsible for the legacy of contaminated land that we are now seeking to address. Former South Kesteven's Contaminated Land Strategies have identified land used for industries that could have caused contamination.

In comparison to many areas of England, South Kesteven has little in the way of present potentially contaminative industry. Current employment is dominantly in the service sector, for example local government, distribution, catering, banking, finance and retail. However, employment in manufacturing industry is above the national average, and above the average for Lincolnshire. For a rural district, employment in agriculture is low (less than 5%). Principal industries are heavy engineering, food processing, distribution, cold storage, agriculture and agricultural engineering and tourism.

##### South Kesteven District Map



### **b. Geology**

Geology is important in the assessment of contaminated land because it can be a cause of contamination (a source), a means for contamination to move from one place to another (a pathway) or the reason for the existence of something that could be harmed by contamination (a receptor).

The rocks of South Kesteven are predominantly limestones, sandstones and clays<sup>3,4</sup>. Their geological age is Jurassic, meaning between approximately 195 and 135 million years old. Overlying the solid rocks in places are much younger sediments deposited by glaciers and ancient rivers. The glacial sediments are often either gravels or boulder clay. Within the last 10,000 years or so, modern rivers have deposited alluvium consisting of clays, silts, sand and gravels within their floodplains and peat has formed in the Fens. The Jurassic rocks are tilted downwards (dip) towards the east-south-east, resulting in the oldest layers (strata) being exposed at the surface in the west-north-west of the district and the youngest in the east south-east. This means that in general, the rocks get younger towards the east. The limestone layers are often more resistant to weathering than other rocks, and these form several escarpments. Low-lying areas are often formed by softer clays.

Some of South Kesteven's rocks contain iron, and in places there is sufficient for iron ores to be mined. Ironstone mining has taken place mainly in particular iron-rich layers of rock, including the Marlstone Rock Bed and the Northampton Sand Formation. These outcrop in northern and western parts of the district. Mining has generally been carried out by opencast methods. Notable areas where ironstone mining has occurred are around Caythorpe, just south of Woolsthorpe by Belvoir, south of Harlaxton and west of Colsterworth.

Radon is a naturally occurring radioactive gas. It is emitted by some rock types, and its occurrence is thus determined by the geology. If allowed to accumulate inside buildings, exposure to radon can increase cancer risk.

Some areas of South Kesteven are in a risk category for radon, and surveys have been carried out to identify properties that may be at risk. Radon is not included as a "contaminant" in the contaminated land legislation – so ground that may emit radon will not be "contaminated land". South Kesteven District Council manage risks from radon under different legislation.

### **c. Regulatory Context**

Section 57 of the Environment Act 1995 (Env Act) created Part IIA of the EPA and together with the Contaminated Land (England) Regulations 2006 is the legislative framework for the contaminated land regime.

The legislation places responsibility on South Kesteven District Council (SKDC) as a regulator to:

- Identify any contaminated land within its boundaries<sup>5</sup>
- Require remediation of contaminated land<sup>6</sup> unless deemed a "special site", in which case the Environment Agency (EA) becomes the enforcing authority
- Establish responsibility, in line with current guidance, for the remediation of contaminated land<sup>7</sup>

- Ensure that any necessary remediation action takes place, either by agreement or enforcement action
- Determine liability for the costs of any remediation and
- Maintain a public register of contaminated land matters, as may be prescribed<sup>8</sup>

However, development or a change of land use also provides the opportunity to deal with land contamination. Other legislation continues to be applicable and may still be used and even take precedence over Part 2A:

- Building Regulations 2010 (as amended);
- Environmental Damage (Prevention and Remediation) Regulations 2009;
- Pollution Prevention and Control Act 1999;
- Water Resources Act 1991;
- Town and Country Planning Act 1990;
- Radiative Substances Act 1993;
- Waste management licencing (Part II of the EPA); and
- Statutory nuisance (Part III of the EPA)

As the Part 2A regulatory requirements is one of several ways in which land contamination can be addressed, the Contaminated Land Statutory Guidance<sup>1</sup> (the guidance) states that “enforcing authorities should seek to use Part 2A only where no appropriate alternative solution exists”

The guidance explains that Part 2A is concerned with identifying and dealing with land only where there are unacceptable risks posed by land contamination and that the starting point should be that land is not contaminated unless there is reason to consider otherwise. It goes on to explain the “suitable for use” approach. This introduces the concept of risk assessment on a site-by-site basis, where the level of contamination is assessed based on the current use and circumstances of the land, and a wide range of environmental factors.

The guidance does not apply to radioactive contamination of land, which is now covered by separate statutory guidance published by the Department of Energy and Climate Change in April 2012. Both sets of guidance will apply if land is affected by radioactive and non-radioactive contaminants.

#### **d. Categories of Land**

Within the guidance there is a four category system to help local authorities determine whether land is or is not contaminated based on a significant possibility of significant harm to human health.

It is the responsibility of SKDC to decide, in accordance with the guidance, whether land in the district is contaminated land. Where the potential receptors are human or controlled waters, the guidance requires the use of 4 categorisations:

- Categories 1 and 2 “encompass land which is capable of being determined as contaminated land on grounds of significant possibility of significant harm to human health”, or “cases where the authority considers that a significant possibility of significant pollution of controlled water exists”.

- Categories 3 and 4 “encompass land which is not capable of being determined on such grounds” (human health), or “cases where the authority considers that a significant possibility of such pollution does not exist”.

Part 2A makes this decision a “positive legal test”, and so the starting assumption should be that land is not contaminated unless there is reason to consider otherwise (rather than assuming that all land is contaminated and then demonstrating that it is not).

Where the potential receptors are ecological systems or property, the guidance does not require 4 categorisations. It does however clarify what receptor types are relevant, and what should be considered “significant harm” or “significant possibility of significant harm”.

A similar system can be used for determining whether a significant possibility of significant pollution of controlled waters exists. This is described in detail in the guidance.

#### **e. National Planning Policy Framework**

On 27th March 2012, the former Planning Policy Guidance Notes and Planning Policy Statements (PPS) were replaced by the National Planning Policy Framework (NPPF)<sup>9</sup>. This included the withdrawal of PPS23: Planning and Pollution Control that gave legislative and technical guidance in relation to development on land affected by contamination.

The underlying principle in the new NPPF is a presumption in favour of sustainable development. Regarding land contamination, the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location and that developers and/or landowners are responsible for securing the safe development of land. The NPPF encourages the re-use of previously developed (brownfield) land, provided it is not of high environmental value. As a minimum, land should not be capable of being determined as contaminated land under Part 2A after it has been remediated via the planning process.

#### **f. Role of the Environment Agency**

When contaminated land is identified, the local authority must ensure it is managed and dealt with in an appropriate manner. Other agencies and authorities can also have a role. In certain cases, the Environment Agency (EA) will provide site-specific guidance to local authorities on land contaminated and will assist in identifying contaminated land where there is a risk of pollution of controlled waters. The EA can take over as the enforcing authority where the local authority identifies a “special site”, as defined in the legislation<sup>10</sup>. These can be described as sites which are likely to present the greatest threat to health or the environment

## 5. Objectives of the Strategy

### A. Identifying Contaminated Land Sites.

#### i. Identification of Sources

SKDC have identified land uses which may have resulted in contamination having occurred via land use data from Ordnance Survey. This data is maintained by the Environmental Protection Unit within the corporate GIS system, to which information has been added as it becomes available.

The Ordnance Survey data is purely based on historic mapping – no further assessment of the site has been made. This enables an initial assessment of risk to be carried out, based on historic land use and current receptor information. There were a number of potential sources of contamination identified for South Kesteven, ranging from former industrial sites to infilled ponds.

Using this method SKDC have identified the potential sources of contamination that may exist. In summary, these are:

- Railways and railway land: oils, fuels, asbestos, metals, coal ash
- Heavy engineering and metals sites: oils, solvents, metals, fuels, coal ash
- Other manufacturing industry: variable depending on industry, fuels and coal ash common
- Transport and distribution sites (including petrol stations): oils, fuels
- Sewage works: sewage sludge, metals, methane, radioactivity
- Old landfill sites: landfill gas, leachate, waste, radioactivity
- Farms: biocides, fertilisers, fuels
- Ironstone mining areas: metals, radioactivity
- Town gas manufacturing sites: tars, spent oxides – cyanides, sulphur
- Military sites: munitions, fuel, oils, radioactivity

In general, the potentially contaminated sites from the sources identified are likely to coincide with the areas of the main towns, with the exception of ironstone mines, military sites and farms these are readily identified. Farms are widely distributed and numerous, but not likely to be a priority as their use of hazardous substances is already controlled by the Environment Agency under the Groundwater Directive.

#### ii. Identification of Receptors

Important potential receptors are:

- Residential areas
- Sports fields (including schools)
- Other amenity areas
- Footpaths and unofficial play areas on derelict/contaminated land
- Lincolnshire Limestone aquifer – particularly within a source protection zone
- River Gravel aquifer – particularly within a source protection zone
- Rivers used for drinking water supplies (Welland, Witham)
- All other surface water bodies
- Sites of Special Scientific Interest
- Buildings within Conservation Areas
- Scheduled Ancient Monuments

This data has been compared to receptor information to give a prioritisation list for further assessment, based on the potential for contamination, along with the distance to, and sensitivity of, receptors. This list is purely based on land use data, and the presence of a site on the list does not mean contamination will have occurred. The data has also not been checked against other records held; we may hold information demonstrating that sites have already been assessed and remediation undertaken or been identified as not being required.

To date, no further assessment of these sites has taken place.

In the main, we expect the sources and receptors to exist in the same location in the main towns. There will be exceptions, however we expect that most of these will be in places where we are already aware of the possible existence of the source – good examples are military land, ironstone mines and filled-in railway cuttings.

One large site which has proposals for development is the former Cummins Engines site in Stamford. This is a joint project with SKDC and private developers to develop a mixed retail, light commercial and residential scheme. Parts of the old manufacturing areas are quite contaminated along with an historical diesel tank leak from the mid 1980's which is still detectable in the ground water.

**B. To ensure that Part 2A procedures are well integrated and consistent with the planning process: Remediation of Contaminated Land through the Planning Process**

The Department for Environment, Food and Rural Affairs (Defra) have advised that they expect the vast majority of contaminated land to be remediated through the planning process, where after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the EPA. This has been, and continues to be, SKDC's preferred means of dealing with potentially contaminated sites.

Guidance is provided to developers to enable them to assess the risk from contaminated land and to propose suitable remedial measures. A guide 'Development on Land Affected by Contamination'<sup>11</sup> is available to give technical guidance for developers, landowners and consultants. It has been updated by the Yorkshire and Lincolnshire Pollution Advisory Group <sup>12</sup>, a copy is available on the SKDC website. Relevant applications for planning consent are scrutinised by officers within Environmental Protection. Where these coincide with data held on potentially contaminated sites, or information within the application indicates contamination is a possibility, appropriate action is taken to ensure the site is assessed to ensure it is suitable for the intended use. Such assessment and action is required either during the application process or placed as conditions on the planning approval which can only be discharged when satisfied.

Furthermore, review, analysis and comment is made on a substantial amount of data in relation to developments of all sizes throughout the district, including desk study, site investigation, remediation and verification reports. Therefore, a proportion of the prioritised sites have been investigated through the planning system and, where necessary, undergone some form of remediation to make the site "suitable for use".

It should be noted that in some cases the remediation required may be limited, for example, residual contamination may well remain at a site intended for commercial use and further remediation would be necessary if the site was to be used for a more sensitive land use, such as housing with gardens. The Strategic Housing Land Availability Assessment<sup>13</sup> (SHLAA) identifies over 700 potential brownfield sites or mixed sites for development which will require an assessment on development. Where there is a risk to contamination of the land from previous activities this is indicated on the full register of potential sites. SKDC is currently revising the SHLAA for its local planning authority area. The SHLAA 2021 will form part of the evidence base for the review of the Council's Local Plan Review which is due to be completed by 2024. The SHLAA will also update the Local Authorities previous SHLAA, which was completed in 2015.

### **C. Contaminated Land Inspection Strategy: Inspection of Sites for contamination**

Part 2A of the EPA requires that local authorities cause their areas to be inspected with a view to identifying contaminated land and to do this in accordance with the statutory guidance.

Two types of inspection are intended, they are:

- **Strategic inspection:** collecting information about previous land uses and prioritising them for further detailed inspection; and
- **Detailed inspection:** taking soil samples and carrying out risk assessments in order to make determinations about the site in relation to contaminated land.

The detailed inspection of sites through intrusive investigation, analysis of samples (soil, water and gas), risk assessment and remediation is beyond the technical capability of SKDC and the resources available. Such work would be contracted out to consultants, is expensive and might commonly cost tens of thousands of pounds with upper bound cost estimates for site remediation of several hundred thousand pounds not being uncommon.

Defra has removed grant funding for new cases, though the statutory duty for local authorities to inspect land for land contamination remains. Furthermore, Defra suggests that local authorities seek to minimise unnecessary burdens on the taxpayer.

Given the above situation SKDC will not pursue site inspections beyond the strategic inspection stage. That is to say that SKDC will not undertake intrusive sampling (soil, water or gas), risk assessments or remediation exercises unless they are funded by a third party or unless appropriate funds are otherwise allocated. In exceptional circumstances SKDC will carry out and fund the works as necessary and seek recompense where appropriate. These cases will be reviewed and authorised on an individual basis.

### **D. Supporting Objectives for Achieving the Strategic Aims**

To assist the aims of this strategy in identifying actual and potential contaminated sites by rational, ordered and efficient investigation and remove unacceptable risk to human health and the environment as well as prevent the creation of new contaminated sites, SKDC will:

- Reinforce a “suitable for use” approach enabling developers to design and implement appropriate and cost-effective remediation schemes as part of their redevelopment project of contaminated sites to bring damaged land back into beneficial use;
- Identify sites which do not come under the EPA, Part 2A but could still be contaminated, to ensure that the land is suitable for its current use or can be made suitable for its intended future development use, where a receptor may be introduced;
- Record information on a public register stored as part of the corporate geographical information system (GIS), showing the sites identified under Part 2A of the EPA; and
- Continue to provide specialised knowledge and guidance when requested as part of the established formal review mechanism in place between Environmental Health, Planning Development Control and Building Control departments. This review mechanism is intended to enable effective monitoring of contaminated land sites undergoing redevelopment or with permission for redevelopment.<sup>21</sup>

## 6. Enforcement

Under the EPA, SKDC is the local enforcing authority for contaminated land in the South Kesteven district.

If land is identified which poses a risk of significant harm or the pollution of controlled waters, SKDC may instigate appropriate enforcement action to clean up the land, to protect residents and the wider environment.

The enforcement role applies only to sites that are identified as contaminated land. When such a site is identified, the authority will:

- Establish who is responsible for the contamination
- Decide what remedial action is required
- Ensure that the remedial action is carried out
- Determine who should bear what proportion of the costs of the remediation
- Record information about the regulatory action on a public register

All enforcement action is taken in accordance with the relevant legislation and guidance<sup>14</sup> and in accordance with the corporate enforcement policy: [Policies and procedures | South Kesteven District Council](#)

There are at present no sites identified as contaminated land which require enforcement.

The legislation outlined in the Regulatory Context Section continues to be applicable and is used to manage the risk from contaminated land.

## 7. Responsibilities

Coordination of the delivery of the contaminated land strategy sits within the Environmental Protection Unit which in turn is within the Public Protection Service.

South Kesteven District Council will act in accordance with guidance and standards set out in this strategy, and any supplementary policies.

A review of the strategy will be carried out every five years or should any changes in legislation or relevant codes of practice or guidance require it to be updated sooner. Any review and updated strategy will be published on the SKDC website. This strategy and any updates or changes to it will be ratified in accordance with the SKDC constitution.

## **GLOSSARY**

The full list of definitions under the EPA Part 2A (Contaminated Land) are available at section 78A of the legislation.

### **Categories of Land**

It is the responsibility of SKDC to decide, in accordance with the guidance, whether land in the district is contaminated land. Where the potential receptors are human or controlled waters, the guidance requires the use of 4 categorisations:

Categories 1 and 2 “*encompass land which is capable of being determined as contaminated land on grounds of significant possibility of significant harm to human health*”, or “*cases where the authority considers that a significant possibility of significant pollution of controlled water exists*”.

Categories 3 and 4 “*encompass land which is not capable of being determined on such grounds*” (human health), or “*cases where the authority considers that a significant possibility of such pollution does not exist*”.

Part 2A makes this decision a “positive legal test”, and so the starting assumption should be that land is not contaminated unless there is reason to consider otherwise (rather than assuming that all land is contaminated and then demonstrating that it is not).

Where the potential receptors are ecological systems or property, the guidance does not require 4 categorisations. It does however clarify what receptor types are relevant, and what should be considered “significant harm” or “significant possibility of significant harm”.

### **Contaminated Land**

As defined under the EPA Part 2A section 78A “any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that:

- (a) significant harm is being caused or there is a significant possibility of such harm being caused; or
- (b) pollution of controlled waters is being, or is likely to be, caused.”

Although a site may contain contaminants, it will not necessarily meet the definition of “contaminated land” under EPA Part 2A section 78A. This decision is based on the potential which any contamination has to cause harm, under the current use of the land.

The EPA s78A (2) defines contaminated land as “.... any land which appears to the local authority in whose area the land is situated to be in such a condition, by reason of substances in, on or under the land, that:

- (a) *significant harm is being caused or there is a significant possibility of such harm being caused; or*
- (b) *significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused.”*

The terms “current use”, “harm”, “significant harm” and “significant possibility of such harm” have specific meanings in the guidance.

### **Contaminated Land Statutory Guidance**

Statutory contaminated land guidance was published by Defra in April 2012.

### **Controlled waters**

“Controlled waters” are all natural inland and near coastal waters, including groundwater. Therefore, all ponds, lakes, rivers, streams, estuaries and coastlines are controlled waters. Pollution of controlled waters means the addition of any “poisonous, noxious or polluting matter or any solid waste matter”.

### **Pollutant Linkage**

The guidance defines what is meant by a “contaminant linkage”. This linkage must occur for the land to be defined as contaminated land under Part 2A and all three elements must exist in relation to a particular area of land:

- The source – The cause or source of the contamination is identified. For example, the source might be a leaking tank or contaminated ground or water. The location of the contamination is identified, such as in soils, ground or surface waters.
- A pathway – The pathway is the route the source takes to reach a given receptor. Pathways include, for example, air, water, soil, animals, vegetables and eco-systems.
- A receptor – If contamination is to cause harm, it must reach a receptor. A receptor is a person, animal, plant, eco-system, property or a controlled water. Each receptor must be identified and their sensitivity to the contaminant must be established.

### **Significant harm**

This is defined in the statutory contaminated land guidance. In summary this is harm which results in an irreversible adverse or other substantial change, in the functioning of the ecological system or harm which significantly affects any species of special interest

### **Significant possibility of significant harm**

In determining whether there is a significant possibility of significant harm, the local authority will use a risk assessment approach, considering both the severity and the likelihood of the possible harmful effect. This will involve establishing:

- The nature and degree of harm predicted
- The susceptibility of the receptors to which harm might be caused
- The timescale within which the harm might occur More details are available in the statutory contaminated land guidance.

### **Source Protection Zones**

An area around a major groundwater abstraction (drinking water source) where ground contamination may result in the contamination of the water source. Source protection zones are defined by the EA and there are restrictions on development of some kinds (e.g. landfill sites) within them.

### **Special Site**

A contaminated land site that is regulated by the EA instead of the Local Authority. The definition is given in Section 78C (7) and 78D (6) of the Environmental Protection Act 1990

## References

- 1 Statutory Contaminated Land guidance from Defra published April 2012, available at  
[www.gov.uk/government/publications/contaminated-land-statutory-guidance](http://www.gov.uk/government/publications/contaminated-land-statutory-guidance)
- 2 Office for National Statistics (ONS) Census 2021
- 3 British Geological Survey Geological map Grantham, Sheet 127, 1:50,000
- 4 British Geological Survey Geological map Bourne, Sheet 143, 1:50,000
- 5 EPA s78B
- 6 EPA s78E
- 7 EPA s78F
- 8 EPA s78R
- 9 National Planning Policy Framework is available at  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)
- 10 17 Definition of 'special sites' is included under the EPA 1990 Part 2A section 78. See glossary for more details.
- 11 Development on Land Affected by Contamination  
[The Investigation, Assessment and Clean-Up of Land Contamination \(southkesteven.gov.uk\)](http://southkesteven.gov.uk/The%20Investigation,%20Assessment%20and%20Clean-Up%20of%20Land%20Contamination.pdf)
- 12 Yorkshire and Lincolnshire Pollution Advisory Group is a regional grouping encompassing local authorities from the Yorkshire and Lincolnshire area
- 13 Strategic Housing Land Availability Assessment  
[southkesteven.gov.uk/sites/default/files/2023-08/SHLAA\\_2017\\_Compressed.pdf](http://southkesteven.gov.uk/sites/default/files/2023-08/SHLAA_2017_Compressed.pdf)
- 14 Environmental Protection Act 1995 Part 2A section 78A  
[www.legislation.gov.uk/ukpga/1995/25/section/57](http://www.legislation.gov.uk/ukpga/1995/25/section/57)
- 15 Corporate Enforcement Policy  
[Policies and procedures | South Kesteven District Council](http://southkesteven.gov.uk/Policies%20and%20procedures%20-%20South%20Kesteven%20District%20Council)

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## Environment Overview and Scrutiny Committee 2023/24

### WORK PROGRAMME

REPORT TITLE	LEAD OFFICER	PURPOSE	ORIGINATED/COMMITTEE HISTORY DATE(S)	CORPORATE/PRIORITY
<b>12 December 2023, 10:00am</b>				
Q2 KPIs	To review the end of year Corporate Plan key performance indicators - <b>Debbie Roberts (Head of Corporate Projects, Policy and Performance)</b>	To scrutinise performance against agreed measures		High Performing Council
Update on Local Authority Biodiversity duties	Alice Atkins (Corporate Project Officer)			
Environment SK Ltd/ Environment SK Commercial Services Ltd final accounts	Claire Moses (Head of Service (Revenues, Benefits, Customer and Community))			
LED streetlights	Serena Brown (Climate Change and Sustainability Officer)	Requested at previous Committee meeting	Progress Update on Street Lighting – dimming of LED streetlights	A Clean and Sustainable Environment

REPORT TITLE	LEAD OFFICER	PURPOSE	ORIGINATED/COMMITTEE HISTORY DATE(S)	CORPORATE/PRIORITY
A1 Litter Issues	<b>Karen Whitfield (Assistant Director – Culture and Leisure)</b>	To provide an update on littering issues on the A1 and to request guidance from the Committee on the future actions to further explore.	Requested by the Chair of the OSC	A Clean and Sustainable Environment
Contaminated Land Strategy	<b>Ayeisha Kirkham (Head of Service - Public Protection)</b>	To provide an updated Contaminated Land Strategy for the Committee to consider.	A Kirkham Head of Service (Public Protection)	A Clean and Sustainable Environment
Tree and Woodland Strategy – Verbal Update	<b>Serena Brown (Climate Change and Sustainability Officer)</b>		Requested at agenda setting meeting	A Clean and Sustainable Environment
<b>13 February 2024, 10:00am</b>				
KPI's	<b>Debbie Roberts (Head of Corporate Projects, Policy and Performance)</b>			
Animal Welfare Policy – Post Public Consultation	<b>Heather Green (Licensing Team Leader)</b>			
Annual Air Quality Status Report	To provide the Annual Air Quality Status Report (ASR 2023) <b>Ayeisha Kirkham (Head of Service - Public Protection)</b>	For Awareness/ for noting	Last Report (2022) presented at ENV OSC in November 2022.	A Clean and Sustainable Environment

REPORT TITLE	LEAD OFFICER	PURPOSE	ORIGINATED/COMMITTEE HISTORY DATE(S)	CORPORATE/PRIORITY
<b>Update on Clean Air Lincolnshire project</b>	To update the Committee on the Clean Air Lincolnshire county wide project - <b>Ayeisha Kirkham (Head of Service - Public Protection)</b>	For Awareness/ for noting	New item	A Clean and Sustainable Environment

**19 March 2024, 10:00am**

Environmental Crime Partnership	<b>Ayeisha Kirkham (Head of Service - Public Protection)</b>			
Tree and Woodland Strategy	<b>Serena Brown (Climate Change and Sustainability Officer)</b>			
Recycling of mobile phones	<b>Head of Waste</b>			

**Unscheduled items**

## **The Committee's Remit**

The remit of the Environment Overview and Scrutiny Committee will be to work alongside Cabinet Members to assist with the development of policy and to scrutinise decisions in respect of, but not limited to:

- Air quality
- Animal welfare licensing (Policy)
  - Commercial, industrial, and clinical waste collection and management
  - Dog breeding and control orders
  - Domestic waste and recycling management
  - Energy efficiency
  - Environment SK Ltd
  - Environment SK Commercial Services Ltd
  - Estate and grounds maintenance
  - Flooding
  - Food hygiene and safety
  - Health and safety
  - Noise
  - Renewable energy
  - Scrap metal dealers
  - Green open space management