

Minutes

Environment Overview and Scrutiny Committee

Tuesday, 12 December 2023, 10.00 am

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



SOUTH
KESTEVEN
DISTRICT
COUNCIL

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 Ashley Baxter (Deputy Leader of the Council)
Councillor Rhys Baker (Cabinet Member for Environment and Waste)
Councillor Patsy Ellis (Cabinet Member for Environment and Waste)

Officers

Richard Wyles (Deputy Chief Executive and S151 Officer)
Debbie Roberts (Head of Corporate Projects, Policy and Performance)
Ayeisha Kirkham (Head of Service – Public Protection)
George Chase (Waste and Recycling Manager)
James Welbourn (Democratic Services Manager, Deputy Monitoring Officer)
Serena Brown (Sustainability and Climate Change Officer)
Alice Atkins (Corporate Policy Officer)
Sarah Downs (Democratic Services Officer)

28. Public Speaking

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

At the end of the year two key air quality regulations are due to drop off the statute book under the Retained EU Law (REUL) Act. One sets legally binding emission reduction commitments for five key air pollutants; the other

requires public consultation before revising air pollution plans.

The Guardian and the Ends Report have found that Ministers ignored officials' advice on the scrapping of these regulations. It means that we will no longer have a national air pollution control programme to limit pollutants in accordance with national emission reduction commitments. This has brought strong criticism from the Government's own watchdog, the Office for Environmental Protection because it "weakens accountability and transparency and – in the absence of an alternative, comprehensive plan – it has the potential to weaken environmental protection".

My question is, given that our government shows no interest in our health or that of the planet, will SKDC:

- write to the Secretary of State for the Environment and ask for a rethink?*
- Will SKDC review its smokeless zones (it is clear from the maps that this has not happened for some decades)?*
- What can SKDC do to improve air quality in its area? It is sometimes impossible to walk through Grantham in the early evening without wearing a mask.*

The United Nations has recently stated that air pollution is a bigger public health catastrophe than climate change². It is a public health emergency and is associated with the equivalent of up to 40,000 deaths a year in the UK.

The Cabinet Member for Environment and Waste thanked Ms Gayfer for the question and agreed that air quality was a huge issue in the developed world and there was a lot that needed to be done. It was clarified that the Head of Public Protection would be requested to look into the matter of smokeless zones. The Cabinet Member confirmed he was to write to the Secretary of State to request an urgent 'rethink' of the application of the laws and would notify the public speaker of the response when received.

29. Apologies for absence

There were no apologies for absence received, all Members were present as expected.

Councillor Graham Jeal represented the South Kesteven Coalition Group vacancy.

30. Disclosure of Interests

Councillor Paul Wood disclosed an interest, confirming he was currently a Director of EnvironmentSK Ltd.

The Chairman clarified that Councillor Wood would need to leave the Council Chamber during the report on the company's final accounts.

Councillor Charmaine Morgan informed the Committee that she was a lifetime member of the Woodland Trust, an organisation that was mentioned within the agenda for today's meeting.

The Chairman informed Members that the agenda item on A1 litter would be moved to the final item of the meeting.

31. Minutes from the meeting held on 3 October 2023

The minutes of the meeting held on 3 October 2023 were proposed, seconded, and **AGREED** as a correct record.

32. Updates from the previous meeting

The Chairman confirmed that there was one action from the meeting on 3 October 2023 in reference to the Animal Welfare Policy. The public consultation period was currently underway.

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

There were no updates.

34. Notice of motion deferred from Full Council on 23 November 2023

The Vice-Chairman read a statement out on behalf of Councillor Vanessa Smith:

I would very much like to thank this committee for considering this motion as was put to Full Council last month, and for doing so in such a timely fashion. I think it is important that this Council supports the Climate and Ecology Bill. As you may recall this Bill was originally introduced into Parliament by Caroline Lucas in 2020.

Whilst it has currently lapsed, it is being reintroduced in the new year without any change in the most recent wording so will retain previous support. As explained, this is a cross party Bill which has received the support of 132 MPs from the Labour, Green, Liberal Democratic and Conservative Parties. It has also received the support of 312 Councils and numerous large non-government organisations.

The Bill seeks to address climate change by limiting the rise in global temperature to 1.5 degrees, as per the Paris Agreement which the UK signed up to in 2015. It also seeks to prioritise nature and reverse its decline.

The UK is currently working towards achieving net zero carbon emissions by 2050. This target was set in 2019 to try to limit the rise in temperature. The target of 1.5 degrees is important because it is at this temperature rise that there is potentially an irreversible effect on climate change and catastrophic climate changes will be seen. But the science tells us that even if we meet net zero by 2050 there is still an approximately 50:50 chance that temperature rise will exceed 1.5 degrees. And not only might this net zero target be inadequate but that the government's own scientific advisors on climate change (the Climate Change Committee) have published a report this year stating that we are no longer on track to meet this target. This is why the Climate and Ecology Bill is calling on the government to do more.

This Bill has been written by numerous climate scientist and unlike current targets it requires the UK to take account of its entire carbon footprint, including those from imports and overseas; at the moment this is being ignored but currently accounts for about 40% of this country's carbon footprint. This Bill would also take greater account of other greenhouse gases, not just carbon dioxide. With regard to nature, protecting this is intertwined with limiting the global temperature rise to 1.5 degrees. In order to keep temperatures under 1.5 degrees we must protect peatlands, woodlands, wetlands, rivers and soils. The Environment Act of 2021 called for a halt to the decline in the abundant species by 2030. But as the UK is one of the most nature deplete countries in the world scientists are calling for more ambitious targets. The Bills seeks to not just halt but reverse the decline in nature.

This Council has already acknowledged the problem of Climate Change by declaring a Climate Emergency in 2019. Our District can develop its own Climate Strategy but with the best will in the world it will not have sufficient impact on isolation. A plan for Climate Action is required nationally and internationally. The UK has shown itself to be world leading in terms of setting direction for Climate Action. And the science is now showing us that more needs to be done. If these targets are not met our District could face serious consequences in terms of flooding with loss of homes and arable land, there will be costs to businesses and the economy. We must call on central government to do everything in their power to meet the Climate Change targets that they have already agreed. In my view this is not controversial. It already has parliamentary cross-party support. It has been backed by numerous county councils and district councils already. I would like South Kesteven District Council to follow suit.

Members raised the following points during discussion:

- The Bill received support from Members and was considered vital by some.
- There were a lot of positive steps within the Environmental Act 2021 but perhaps there was more to be done, such as a reverse in nature decline?

It was proposed, seconded, and **AGREED** that the Environment Overview and Scrutiny Committee recommended to Full Council that they support the climate and ecology Bill and write to all MPs who have constituencies within the district of South Kesteven.

35. Q2 KPIs

The report was presented by the Head of Corporate Projects, Policy and Performance.

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. 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. This report built on these historical reports to provide an update on performance to the mid-year point of the 2023-24 financial year. It incorporated the changes recommended by the last KPI review to outline areas of the council's performance which were successful and to advise where challenges may lay.

2023-24 was the final year of monitoring these existing KPIs. A refresh of the Corporate Plan was currently underway and was still within the public consultation period for considering priorities (over 550 responses had been received so far). All Members had the opportunity to engage in the development of the new Corporate Plan, which will be adopted in 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.

The actions were summarised as follows:

- 6 of the actions are rated Green. These are actions which are on or above target as planned. Examples given included the Council's carbon footprint and the garden waste service. The Council was rated above its target for electric vehicle charging points and the new clean and sustainable Depot had a planning application underway.
- 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 information provided by Lincolnshire County Council (LCC). There had 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.

During discussion, Members raised the following points:

- All actions were rated as green. This was welcomed.
- A Member informed the Committee that they had received a number of complaints in reference to missed bins and asked how this had translated to a green action, confirmed as 'on target'. Some residents were experiencing delays in the completion of repairs too which may have translated as not meeting the needs of the residents.
- Some of the KPIs needed to be better matched to the work that had been completed. As an example, the Tree Strategy could monitor how many trees had been planted and how many had been lost. It should be intended to confirm a net gain within the targets. A report on air quality could be included within the KPIs.
- Did the Council offer a recycling service for commercial waste?
- Had the consultation on the Queen Elizabeth Park, Grantham been completed and why was the required satisfaction rating lower than that expected for Wyndham Park, Grantham, at 80%?
- What innovations to waste management were being undertaken?
- How had the savings in carbon emissions data of '6,840 tonnes' been calculated?
- If a growth was expected in the green bin collection service, was an increase in price to be expected in the near future?
- A Member asked that air quality should be measured within KPIs in addition to the current reports produced in accordance with current legislative requirements.

The Head of Corporate Projects, Policy and Performance confirmed that the Housing Overview and Scrutiny Committee would scrutinise the Housing Repairs targets. The targets on missed bins were not being monitored through the current Corporate Plan but this could be looked at as part of the next Corporate Plan KPIs. The Officer confirmed that a breakdown of the data on carbon emissions including comparisons with electric vehicles was available to be circulated to Members.

The Council does offer a recycling service for commercial waste, the cost for the green bin collection would be considered at the budget setting overview and scrutiny committee where an increase was likely to be proposed.

ACTION:

A breakdown of the data on carbon emissions including comparisons with electric vehicles was to be circulated to Members of the Committee.

The Cabinet Member for Environment and Waste informed Members that the number of bins missed for emptying was consistently monitored. Each month, approximately 326,000 bins were collected in all weathers and only a few hundred missed collections were logged, confirming success in 99% of collections. The latest data could be provided to Members. It was a difficult job and the operatives should be thanked for their work.

The Assistant Director for Culture and Leisure informed Members that the Queen Elizabeth Park consultation had been launched but no data could be confirmed until it had concluded. The target set for Queen Elizabeth Park was historical and Wyndham Park had always scored slightly higher.

ACTION:

The latest data on bin collections to be circulated by the Cabinet Member for Environment and Waste to Members of the Committee.

The Chairman confirmed that a later item on the agenda for today's meeting included an update on the tree and woodland strategy.

The Head of Service for Public Protection confirmed that an annual report for air quality was produced by the Council, as required under legislation. The most recent report was to be brought before the Committee in Spring 2024. The report would be published on the website too.

The Deputy Leader of the Council informed Members that the Council had a trade waste service that was working to capacity. This was considerably successful. The purchase of another vehicle would be required in order to increase the current capacity and further customers would be required. The Deputy Leader confirmed that a 'purple bin scheme' was about to be implemented across the district and also a battery-recycling scheme. The Cabinet Member considered both the schemes to be 'innovative'. The 'green bin scheme' was considered highly successful, enabling residents to dispose of compost waste in their gardens and reducing the need for collecting. The reduction in collections further reduced carbon emissions and this was the ultimate target rather than looking to issue higher amounts of green bins.

The Chairman welcomed the discussion, confirming that the Council should always strive to improve.

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

- 1. Reviewed and scrutinised the performance against the Corporate Plan Key Performance Indicators in relation to the delivery of the Corporate Plan priorities and outcomes and recommended that KPI's for residential bin collections, air quality data and tree planting data be added.**

2. Used this report to inform and support the ongoing work programme of the Committee.

36. Update on Local Authority Biodiversity duties

Councillor Baker, Cabinet Member for Environment and Waste introduced the report, informing the Committee that England was widely considered one of the most nature depleted countries in the world.

A recently published analysis by the State of Nature Partnership stated that since 1970, UK species have declined, on average, by 19% and that nearly one in six species were 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.

Lincolnshire had been ranked as the second-lowest county in the country for access to nature.

The Environment Act 2021 set out that 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.

Under the Environment Act public authorities had to consider and report on what action the Council intended to take for biodiversity across the authority, no later than 1 January 2024. Following this initial consideration, the Council was required to 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.

There were 7 areas responsible for biodiversity-related issues:

- 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

The Environment Act 2021 also required the preparation and publication of Local Nature Recovery Strategies (LNRSs). Lincolnshire County Council are responsible for delivering the Greater Lincolnshire LNRS which was expected to be delivered in late 2024. At the same time, the Council was planning to deliver a district-wide Trees and Woodland Strategy which would 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. There was not a dedicated Tree Officer at the Council nor does the Council have the specific arboricultural expertise needed to produce a full Strategy. Officers had therefore commissioned a consultancy company, Treeconomics, to assist with the development of a full Strategy to be presented to the Environment Overview and Scrutiny Committee in March 2024.

A working group had begun to meet regularly to work on the Council's policies and objectives around biodiversity.

The following points were raised during discussion:

- It was considered that there would be financial implications during the process. A Member felt the Council required a 'Tree Officer' and ecologist, for example – particularly to enable understanding within the planning process.
- Council Housing Estates needed to be included in the process, rather than being under the sole control of the Housing Team.
- Particular consideration needed to be given to the appropriateness of cutting back of hedgerows and trees so as to encourage nature and growth. Engaging with residents was essential so they could be involved.
- Was there any scope for expansion of peatland?
- Maintaining trees once planted was essential to their survival.
- Why were DEFRA not listed within the consultees?
- Consultation could be wider to include farmers, schools, and IDVERD who work in partnership with the RSPB (Royal Society for the Protection of Birds) for example.
- What location was being considered for a possible nature centre?
- Bat boxes were welcomed. Including bird boxes too was also suggested as this policy had been successful at Rushcliffe Borough Council.
- What was the expected timeline in completing the biodiversity work?

Safe cycle routes into the countryside would be welcomed so access wasn't solely by car. It was considered that an invitation to the Assistant Director of Planning to a future meeting was an opportunity for Members to discuss this. It was acknowledged that roadways were under the remit of Lincolnshire County Council.

- It was important to ensure all areas of the district were included.

The Sustainability and Climate Change Officer confirmed that DEFRA (Department for Environment, Food and Rural Affairs) was the Body that mandated the Environment Act 2021. It was agreed that this would be referenced within the report.

The Corporate Policy Officer informed Members that a suggestion of a nature centre was made within the biodiversity working group meeting by an officer within the Parks and Leisure Team and thoughts on this idea were welcomed by Members. The 'Mapping Access to Natural England' report published by the Wildlife and Countryside Link in May 2023 confirmed that Lincolnshire was ranked as the second-lowest county in the country for access to nature.

ACTION:

The 'Mapping Access to Natural England' report published by the Wildlife and Countryside Link in May 2023 to be circulated to Members.

Councillor Baker, Cabinet Member for Environment and Waste confirmed that a report was to be published in January 2024 and regular updates heard by the Environment Overview & Scrutiny Committee. The Cabinet Member welcomed any suggestions of possible application for funding. As Lincolnshire County Council maintained the road verges within South Kesteven, communication was essential.

A Member proposed that an update on progress of the biodiversity work be heard at a future meeting of Environment Overview and Scrutiny Committee in three months.

Councillor Baker, Cabinet Member for Environment and Waste confirmed that a commitment had been made to preparing regular updates for the Committee.

The Deputy Leader of the Council confirmed that there was work currently underway with Cycling Groups to improve the cycling network within Grantham, particularly Route 15 of the National Cycle Network. There was also a safe cycle route from Grantham to Belton House and a traffic free route to Muston.

The Head of Corporate Projects, Policy and Performance informed Members that there were currently no resources to employ a Tree Officer or Ecologist currently. Planning Officers had received recent training on biodiversity. As part of the Tree Strategy, consideration would be given to the best locations for planting trees and their maintenance.

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

That the Environment Overview & Scrutiny Committee:

1) Noted the Council's new biodiversity duties as set out by the Environment Act 2021.

2) Requested that the Cabinet Members for Environment and Waste review the Council's plans to deliver biodiversity improvements.

3) Added an update on the Council's Biodiversity Action Plan to the Committee work plan.

4) Recommended that the financial implications of funding a Tree Officer and Ecology Officer were investigated.

37. Environment SK Ltd/ Environment SK Commercial Services Ltd final accounts

Councillor Paul Wood clarified that he was currently a Director of EnvironmentSK Ltd and as the report was in his name, he would leave the Council Chamber if required to.

The Deputy Monitoring Officer informed Members that the report was for noting so there was no need for him to leave.

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 were presented to the Environment Overview and Scrutiny Committee.

There was no requirement for the company accounts to be audited as the company qualified for an audit exemption as the annual turnover was below £10.2m and the value of assets was below £5.1 million.

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.

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.

An independent valuation of the vehicles and equipment 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.

During discussion Members raised the following points:

- Some Parish Councils had not received any billing from EnvironmentSK Ltd for some considerable time for works carried out in their area. Why was this?

- Were there any debts outstanding?
- How was the transfer process?

The Assistant Director for Culture, Leisure and Place informed the Committee that from April 2023 the service had been insourced and therefore provided by a Council department. This had slightly delayed the billing process, but bills had now been received by the Parish Councils.

The Officer continued that there had been a full staff consultation on the changes to employment contracts. Integrating two teams was not without difficulty but any issues were being worked through.

The Head of Service for Revenues, Benefits, Customer and Community confirmed there was an outstanding loan balance of £132,000 which the Council would write off once the company had been dissolved.

The Deputy Leader of the Council considered that EnvironmentSK Ltd was not particularly successful. The original specification had required radical development and improvements had been made based on a better understanding of grounds maintenance.

Councillor Wood informed Members that two companies were originally set up, one of which took on a lot of commercial activities. That company had not traded for the year 2022 – 2023 which was why there was no data on commercial services within the report. The service was considered to be greatly improved by returning in-house.

It was AGREED that the Environment Overview and Scrutiny Committee noted the 2022/23 financial Statements for Environment SK Ltd.

38. LED Streetlights

Councillor Patsy Ellis, Cabinet Member for Environment and Waste introduced the report.

South Kesteven District Council was responsible for managing a total of 3893 streetlights within the district all of which were funded from the Council's General Fund. These lights were 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 were managed by Lincolnshire County Council.

Following a Council meeting on 28 November 2023 it was agreed to approve an allocation of £1m to accelerate the replacement of Council operated streetlights with LED lamps.

The invitation to tender had 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 was targeted for mid-February 2024. The programme was designed to be delivered as swiftly as possible so as to maximise energy savings.

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

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

- Ensure existing lighting stock was 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 streetlights provided illumination during the hours of darkness.

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

The Environment Overview and Scrutiny Committee 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.

The current specification for the lamps to be upgraded to LED included 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

Energy savings through moving to LED lamps were 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 would 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%.

Assuming the Council adopt part-night illumination, a midnight switch-off resulted 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.

Options for a CMS had 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 limited the savings that can be made through remote control.

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. Such a system had a higher degree of flexibility although bespoke systems would have a financial implication of approximately £900,000. Within the present policy of all night illumination with dimming, there were 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.

Members raised the following points during discussion:

- What was the cost of the public consultation likely to be?
- Safety implications had to be considered for pedestrians.
- How was it that some of the lighting belonged to South Kesteven District Council and the rest owned by Lincolnshire County Council?
- The option to switch off lighting in some rural areas and remote footpaths was a concern.
- Biodiversity was an important factor. Colour of the lighting and the effects on wildlife at night such as bats had to be considered.

The Sustainability and Climate Change Officer confirmed that ownership of streetlights within the district was a decades-old legacy arrangement that related to the Council's housing stock, some of which is now privately owned. The Officer continued that there were financial implications and difficulties managing a lighting system in rural areas where the lights were spread out. Some villages had as few as five lamps, for example. The costs for a CMS would need to be explored in further detail. Approval had been established for LED lighting only.

Councillor Patsy Ellis, Cabinet Member for Environment and Waste confirmed coloured and directional lighting were possible but further costs would be applicable.

The Head of Corporate Policy, Performance and Climate Change confirmed that the contract was already out for tender and procurement, due to be confirmed in February 2024 so any substantial change in cost would need to be considered if a different light specification was requested by Members.

It was proposed, seconded and **AGREED**

That the Committee:

- 1. Noted the updates regarding the procurement process for the next stage of the upgrade programme of LED streetlights.**
- 2. Discussed the Street Lighting Policy and following the delegation from Cabinet, recommended that the option (1) to implement pre-programmed dimming between midnight and 6AM.**
- 3. Recommended that the Cabinet Members were presented with the details of the implications and costs of providing, where appropriate, the wildlife friendly lighting.**

(The Committee agreed to stop for a short break at this point)

39. Contaminated Land Strategy

The Head of Service for Public Protection presented the report on behalf of the Cabinet Member for People and Communities.

Under Part IIA of the Environmental Protection Act 1990, South Kesteven District Council (SKDC) had gained regulatory duties and powers relating to contaminated land. The provisions of Part IIA came into force on 1 April 2000. (Note Part IIA was also referred to as Part 2A within the Report and Strategy).

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.

The Officer continued that the updated strategy reflected the current position across the district and ensured that processes adhered to current legislation.

Part IIA placed 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 as "Appropriate Persons".

South Kesteven District Council has had a published Contaminated Land Strategy since 2001 with its last revision being in 2010. The Strategy set out how South Kesteven District Council would 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.

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

At present the Council did not have any known contaminated land sites as the previous two sites identified had now been remediated.

The following points were raised during discussion by Members:

- It was suggested that animal health should also be considered within the Strategy due to potential implications within the food chain, along with waterways.
- Was there a legal definition of what was considered as contaminated land?
- The Planning process was closely related to considerations involving contaminated land.
- How do Members report contaminated land concerns by residents?

The Head of Service for Public Protection informed Members that contaminated land referred predominantly to human health for public protection and the Environment Agency were responsible for waterways. It was possible to consider the addition of an additional element within the Strategy in reference to animals, wildlife and the waterways. The Environmental Health Team were a statutory consultee on planning applications, considering contaminated land as part of the process. By definition, contaminated land had to have a current link to a pollutant. Reports and concerns were to be passed to the Environmental Health team.

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

That the Committee:

- 1. Noted the updated Contaminated Land Strategy**
- 2. Recommended that the updated Contaminated Land Strategy undertakes a four-week consultation**
- 3. Recommended 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**

40. Tree and Woodland Strategy - Verbal Update

Councillor Rhys Baker, Cabinet Member for Environment and Waste provided a verbal update on the Tree and Woodland Strategy.

The Sustainability and Climate Change Officer was thanked for her work.

Following the publication of the South Kesteven District Council Climate Action Strategy earlier in the year, Officers had been developing a distinct Tree and Woodland Strategy to cover the district. The Environment Overview and Scrutiny Committee approved the Council's tree guidelines in September 2019 which set out how the Council would manage our stock of around 6,000 trees found in Council-managed open spaces across the district and in parks. It was important to recognise that not every tree growing in South Kesteven was managed or belonged to the Council. The Woodland Trust owned many, along with other private Bodies.

The three guidelines set out the Council's duties and responsibilities in respect to trees on private property, for example through Tree Protection Orders and management for public safety. The aim of the new Tree and Woodland Strategy was to both consider the management of council-owned trees and open spaces. This was in respect of additional tree planting. It was also to consider the larger opportunities of tree planting through the wider district and how the Council can facilitate that. Alongside the supporting of the development of the new Strategy, a specialist Arboricultural company have been appointed.

A draft of the Strategy was underway and plans were in place to host a stakeholder workshop for participants in the new year and a public consultation after that.

South Kesteven District Council have submitted a successful bid to the Coronation Community Orchards Fund which would be used to provide grants to local people and groups to establish community orchards across the district. The opportunity to apply for funds will go live early in the new year. The minimum number of trees that could be classed as an orchard was 5 and there was no maximum.

During discussion the following points were raised:

- The protection of our existing orchards must be included in the Strategy too.
- Will the existence of the fund be publicised?

The Cabinet Member confirmed that protecting existing orchards was equally important. The fund was set up specifically to establish new orchards, however the Council would do whatever was necessary to encourage the preservation and enhancement of existing orchards with existing funding streams. The Communications Team were looking to advertise the availability of the fund early in the new year.

It was **AGREED** that the Environment Overview and Scrutiny Committee noted the verbal update.

41. Work Programme 2023-24

The Committee considered the Work Programme 2023-2024.

The following items was AGREED to be added to the Work Programme:

- Air Quality Report

It was proposed, seconded, and **AGREED** that the meeting be extended until 1.30pm.

42. A1 Litter Issues

Councillor Rhys Baker, Cabinet Member for Environment and Waste introduced the report. The Assistant Director of Culture, Leisure and Place was thanked for her work.

The Council's Corporate Plan (2020 to 2023) contained 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.

Those who dropped litter were being irresponsible and must be condemned for that behaviour.

The Council were responsible for the litter picking on trunk roads which included the A1. National Highways had the overarching responsibility for the use of the A1 and its maintenance, whilst Lincolnshire County Council were responsible for cutting the grass verges. There was approximately a 30-mile stretch of the A1 within the district of South Kesteven, which equated 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.

The A1 was classed as a “high speed road” as it was subject to a permanent speed limit of 50 miles per hour or more. There were certain requirements when undertaking cleansing operations on this type of highway to ensure operatives are not exposed to serious hazards which had 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.

Any solution was temporary as litter would unfortunately, inevitably build up again. This was a complex matter with financial implications as well as safety concerns.

Officers had dealt with complaints about the litter through the Council's official complaints procedures.

Options to clear the A1 verges of litter which have been explored were:

Volunteer Based Litter Picking - the Council could recruit volunteers to support litter picking duties on the A1. It was not appropriate to use volunteers to undertake litter picking duties on the A1. This had previously been discounted due to the risks around exposure to traffic, potential hazards and the requirement to ensure volunteers had received the appropriate training, supervision and protective clothing to safely carry out the task.

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

Collaboration with National Highways - Although the responsibility for clearing litter from the verges on the A1 falls to the Council, only National Highways could enforce a lane or road closure. Historically the Council had tried to form a closer working relationship with National Highways and requested to be informed when works were planned on the A1 that facilitate a road closure so that litter clearance could take place. This has

had varied levels of success in the past. As well as having logistical benefits this would also reduce the risks to operatives and road users.

Members raised the following points during discussion:

- The report was welcomed. The litter problem on the A1 was considered a complex issue.
- It was acknowledged that litter on the A1 created a bad image of the district and that litter was a national issue. Perhaps CCTV could assist in enforcement alongside signage warning of potential action?
- What solutions had been tried in the past, could we learn from the success of neighbouring Local Authorities? Could drones be used to confirm the areas most effected?
- A Member expressed concern about the safety of picking the litter on a dangerous area of road. 27 people had died last year in roadworks and many had been seriously injured.
- A recent estimate on cleaning a short section of the A1 quoted £10,471 for removing small items of litter with a handheld grabbing equipment. The financial implications had to be considered.
- A campaign to shame litter-picking may reduce irresponsible behaviour. Lobbying MPs may assist in bringing positive publicity.
- Complaints had been made of the unsecured, collected rubbish discarded by Waste Lorries along the A1.
- As Local Authorities were responsible for the removal of litter, this would include the County Council by definition. More clarity was required.

A feasibility study to establish the most severely affected areas was **proposed**, with association with the local councillors who represent those areas. This would confirm the scale of the problem to enable accurate costings and a suitable solution. This was **seconded**.

A Member **proposed** that the litter problem should be referred back to National Highways as their responsibility.

The Chairman confirmed that as a Local Authority, the Council had a legal duty to maintain the district.

Cllr Rhys Baker, Cabinet Member for Environment and Waste confirmed that the possibility of closing areas whilst clearing rubbish would establish

more targeted, accurate costings. However, Members were informed that enforcement was difficult as the offence was difficult to prove, logically. The Cabinet Member informed Members that ultimately, the Council were responsible for the rubbish along the verges and that the issue raised about Waste lorries would be looked into.

The Deputy Leader of the Council added that a one-off clearance of the whole district section of the A1 would cost approximately £60,000 which would not be feasible. This was a complex issue and it was essential that the Council engaged with National Highways.

In consideration of this report, **the Environment Overview and Scrutiny Committee proposed, seconded and AGREED:**

- 1. That, working with Councillors to identify the worst-hit areas that needed as urgent as possible attention so that feasibility studies could be worked out, to then be reported back to the Environment Overview and Scrutiny Committee as the most appropriate and proportionate course of action in relation to the issue of litter on the A1.**
- 43. Any other business which the Chairman, by reason of special circumstances, decides is urgent**

There was none.

The Chairman thanked everyone for their contribution and wished them a 'Happy Christmas'.

- 44. Close of meeting**

The Chairman closed the meeting at 13:30.

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