



Open Report on behalf of Andy Gutherson - Executive Director - Place

Report to:	Environment & Economy Scrutiny Committee
Date:	12 July 2022
Subject:	Environment Act 2021 - General Implications

Summary:

This report aims to ensure that Members of the Environment and Economy Scrutiny Committee, are aware of the requirements the authority will face as and when the individual elements of the Environment Act 2021 come into force.

Actions Required:

That the Environment and Economy Scrutiny Committee:

- (1) considers the various elements of the Environment Act 2021 and the various implications the provisions will have on the delivery of Council services across the authority; and,
- (2) recommends officers undertake individual assessments of implications for services and resources as and when sections of the Act are brought into force.

1. Background

The Environment Act 2021 gained Royal Assent on 9 November 2021. The Act implements the Government's ambitions for 'improving the natural environment', which were previously set out in publications including the 25 Year Environment Plan (2018). These ambitions have now formed the basis of statutory or legal requirements which mandate action, under the oversight of the newly formed Office for Environmental Protection (OEP).

While the Environment Act is now part of UK law, its required actions do not commence either directly or immediately, or at least not all actions for all parties. There remain a range of preparatory actions that need to be undertaken before further implementation of the wider legal framework (secondary legislation or regulations) will take place.

Appendix A of this report sets out the key parts of the Environment Act 2021 and includes an assessment of the implications of each part of the Act for the County Council however in general the requirements of the Act can be broken down into 5 specific areas

- **General governmental and regulatory requirements**

The key element of this section is the formulation of the Office for Environmental Protection as an independent regulator to oversee the effective implementation and enforcement of environmental law. Coupled to this is the provision of a new set of governmental targets across a broad spectrum of requirements against air quality, biodiversity, water quality, waste reduction and resource efficiency.

These targets will be enshrined in the national Environmental Improvement Plan which initially will be Defra's current 25-year Environment Plan which will then be reviewed by the end of January 2023.

Arrangements will be made for the effective monitoring and reporting of data against each of the specific targets as well as a commitment to embed environmental principles in domestic policy making.

Implications for Lincolnshire County Council

There will be a need to ensure that we have the capacity to report back to central government on the progress made at a local level with regards the overarching targets. There will also be an expectation that local authorities will monitor the impacts that their services and strategies have upon the environment. Cllr Baxter, in a motion to Council in December requested that Council committee reports included, where required, considerations as to how a policy, decision or project affected the environment and in particular with regards to carbon management.

It is officer's recommendation that the previously trialled Sustainability Impact Assessment (Appendix B) is reviewed to incorporate natural environment impacts prior to being included in committee report templates and to be completed as and when an environmental impact is considered likely. This may create a capacity concern for the Sustainability Team in reviewing the assessments for completeness and accuracy.

- **Waste**

The focus here is on improved recycling quality and consistency including greater levels of segregation of waste including food waste. Alongside this requirement will be new schemes focussing on extended producer responsibilities toward the payment of packaging disposal and charges for single use plastic and a deposit return scheme for drinks containers.

Other proposals will allow for greater levels of monitoring waste movement from production to recovery and regulation regarding the export of waste.

Implications for Lincolnshire County Council

As already noted, separate food waste collection and disposal will be required. However, Defra consulted on a number of details in mid 2021 and are expected to clarify those details, including timescales, in 2022. The deadline to introduce collections currently appears likely to be “by 2025” at the latest.

Existing Waste Transfer Stations will need to be adapted to transfer food waste which will have a capital cost. A new haulage contract will be required purely for transporting food and a new disposal outlet will have to be secured either through a contract with an external supplier or facilities built to process the waste.

Separate collections will also require more Waste Transfer Station capacity above the five which we currently operate. This may require a new Waste Transfer Station to be constructed once modelling waste storage is complete in mid 2022.

Whilst government have promised some funding, both pump-priming and under New Burdens, it is unclear whether this will fully cover the additional costs to councils.

These waste collection requirements also apply to:

- (a) residential homes
- (b) premises forming part of a university, or school, or other educational establishment, and
- (c) premises forming part of a hospital or nursing home.

The regulations also apply to commercial and industrial waste where the waste is similar in nature and composition to household waste. As a result, it is likely that waste from the Council offices will need to be separately collected.

The Council (in its role as Waste Planning Authority) will have a role to play in ensuring there is sufficient and suitable capacity and facilities available to manage each waste stream. This will have an impact where LCC is required to process planning applications by third parties for new facilities, where the Council need to build its own facility(s) and by making provision and allocating suitable sites to deliver facilities through the Minerals and Waste Local Plan.

With regard to producer led responsibilities the impacts will affect the Council’s funding streams but as, yet the impact is difficult to assess and model until the final scheme details are released.

- **Clean Air**

The Act introduces an amendment to local air quality management to ensure their cooperation at local levels and that the responsibility for tackling pollution will be shared between relevant public bodies (tier one and two) as well as neighbouring authorities.

Implications for Lincolnshire County Council

Where a tier two authority has produced an air quality action plan the county council must provide details of proposals of measures that the county authority will undertake to achieve and maintain air quality standards for that area.

At present there are three air quality action plans in Lincolnshire in Lincoln, Boston, and Grantham. As an example, for Grantham the plan zone relates to the A52 corridor through the town and one measure the Council could point to is the reduction of traffic as a result of the completed southern relief road.

- **Nature**

The government is introducing a requirement for public bodies, such as the county council, to ensure the national general biodiversity objective of conservation and enhancement of biodiversity in England is being met locally. Key to this will be the statutory requirement for developers to provide a minimum of 10% biodiversity net gain and for local nature recovery strategies to be implemented across the whole of the country. There will also be a voluntary scheme of conservation covenants for landowners.

The Act also introduces a new duty on highway authorities to consult local authorities before felling street trees.

Implications for Lincolnshire County Council

Biodiversity Net Gain (BNG)

The key impact of the introduction of biodiversity net gain will be across the planning system and become mandatory in winter 2023. It is expected that BNG will complement our wider biodiversity objectives in either creating new green infrastructure or improving climate resilience. In doing so this should be reflective of our work with other organisations such as the Lincolnshire Wildlife Trust and Greater Lincolnshire Nature Partnership and work collectively to define what the priorities are for biodiversity in the area.

There will be a requirement for planning applications to be supported with additional information on the change in the biodiversity value attributed to a project alongside biodiversity gain plans. Planning authorities including the county council are required to consider these submissions in the exercise of their planning functions, to ensure that they

are secured, approved and where relevant registered. Each application will require assessment that the biodiversity metric calculator has been applied properly and that the mitigation net gain is appropriate and contributes to enhanced biodiversity and the local nature recovery strategy.

The planning authority is responsible for the enforcement of the agreement as well as ensuring that the BNG sites are monitored over a 30-year period. Whilst the monitoring is the responsibility of the developer (either directly or through payment to a 3rd party company) the planning authority must ensure compliance and recording of monitoring outcomes.

It is estimated that the county council manages between 160-180 planning applications per annum and of those approximate 100 would require BNG proposals to be included.

Developers can also make use of a biodiversity credits scheme where they are unable to deliver requirements within their own sites. This provides an opportunity for LCC, as a landowner, to identify its own land for usage as part of offsetting against those credits. This will require the identification of potential net gain sites and the undertaking of metric calculations early on to establish the baseline value of sites. The options available to LCC as a landowner would be to either secure a buyer for the biodiversity units that can be created, start the habitat improvement works now and benefit from the added value that creating habitats in advance gives. Starting work early can lead to more than doubling of the number of units available for sale within just a few years.

Local Nature Recovery Strategy (LNRS)

It is yet to be confirmed that LCC will be the lead organisation for the Greater Lincolnshire LNRS and the production of the strategy although the current indication from Natural England is that this will be the case.

Each strategy will

- Agree priorities for nature's recovery,
- Map the most valuable existing areas for nature
- Map specific proposals for creating or improving habitat for nature and wider environmental goals.

The government intends that the strategies will be used in a broad role in the land use planning system for use by local planning authorities in preparing local plans to promote environmental recovery and long-term sustainability and to support the delivery of wider "nature-based solutions" to environmental problems such as flooding, climate change mitigation and adaptation, access to nature and poor water quality.

As the likely responsible body there is an expectation that the council will work closely with relevant public, private and voluntary sector organisations to draw on collective expertise.

The Joint Strategic Oversight Committee is currently reviewing how officers within LCC, North Lincolnshire Council and North-East Lincolnshire Council can work collaboratively with regards to the delivery of the preparation of the strategy and the opportunities to engage with the Greater Lincolnshire Nature Partnership to aid in doing so.

At the present time, the Council does not have an internal ecological resource to manage BNG processes or the delivery of the LNRS. Further work detailing the capacity requirements will be undertaken shortly.

- **Water**

The requirements of the Act mainly focus on duties and powers not held by LCC concerning drainage and sewerage management as well as abstraction. The only potential implication is with regards to water resource management where LCC is currently engaged with Water Resources East and with Anglian Water on the Lincolnshire Reservoir project.

2. Conclusion

That the Environment Act 2021 will have far reaching consequences and impacts of local government services inclusive of those provided by the County Council. Detail on elements of the Act is not fully known as yet but the Council must begin to prepare for the changes proposed.

Officers will be preparing further reports as and when further detail is released, and individual elements are due to be brought into force.

Officers will also begin to prepare a sustainability and natural environment assessment template for inclusion in Council decision making.

3. Consultation

a) Risks and Impact Analysis

No risk and impact assessment has been undertaken for the individual provisions of the Environment Act where they affect Council services. These will be considered as and when the individual elements of the Act are brought into force.

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Environment Act 2021 - Implications Tracker
Appendix B	Draft Sustainability Impact Assessment

5. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Chris Miller - Acting Head of Environment, who can be contacted on 01522 782070 or chris.miller@lincolnshire.gov.uk.

APPENDIX A

Environment Act – Overview

	Area	Requirement / Comments	Implications for Lincolnshire County Council	Proposed Targets
General	Office for Environmental Protection to uphold environmental law	<p>A new independent regulator that will hold the government to account, including through the courts if necessary.</p> <p>The OEP will scrutinise all government policy to ensure the environment is at the heart of decision making. It will have the power to run its own independent investigations and enforce environmental law, including taking government and other public bodies to court where necessary.</p>	<p>Any person may complain to the OEP if they consider a public authority has failed to comply with environmental law within one year of the alleged failure. After receiving a complaint, the OEP may carry out an investigation if in its view the public authority may have failed to comply with environmental law.</p> <p>The OEP was fully established following the passing of the Act.</p>	
	Long-term targets to improve air quality, biodiversity, water, and waste reduction and resource efficiency	<p>The Government must publish long term targets for air quality, water, biodiversity and resource efficiency and waste reduction. The Act gives the Secretary of State the power to establish long-term, legally binding, environmental targets. Long-term targets must:</p> <ul style="list-style-type: none"> • Be at least 15yrs in duration • Set a standard to be achieved, which is capable of being objectively measured 	<p>There is likely to be a data reporting requirement on the Council from the new targets. Particularly on biodiversity and waste. Air quality has been a district responsibility – but the Act includes a new target to reduce PM2.5 emissions, which have not been previously covered in any of the Lincolnshire Air Quality Management Zones.</p> <p>The Government published a report on the likely targets in August 2020 – but the</p>	

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		<ul style="list-style-type: none"> Set a date by which the target is to be achieved <p>These must be published by late 2022. Then regular reporting on progress.</p>	targets will be set in 2022.	
	Environmental Improvement Plans, including interim targets	<p>An “environmental improvement plan” is a plan for significantly improving the natural environment in the period to which the plan relates. That period must not be shorter than 15 years. For each legally binding target, EIPs must include 5-year interim targets which set the milestones that need to be achieved. At the end of each 5-year period, a new set of interim targets must be set.</p> <p>The Defra 25yr Environment Plan is expected to be adopted as the first EIP – the plan will be reviewed and updated by the end of January 2023 to reflect the first set of legally binding targets.</p>	Requirements on the Council will become fully clear once the EIP is adopted and the targets are set in 2022. However, there is likely to be a reporting requirement.	
	A cycle of environmental monitoring and	The Secretary of State must make arrangements for obtaining and publishing data on the natural		

	Area	Requirement / Comments	Implications for Lincolnshire County Council	Proposed Targets
	reporting	environment to monitor progress towards achieving targets and interim targets and determining whether the natural environment is improving. The Secretary of State must report annually to Parliament on progress towards achieving targets, interim targets and measures in EIPs.		
	Environmental Principles embedded in domestic policy making	<p>The Secretary of State has a duty to prepare a policy statement on environmental principles, with the objective of contributing to environmental protection and sustainable development. Ministers of the Crown (i.e., all ministers, excluding Treasury and Defence) must have due regard to the principles when developing policy. The principles are:</p> <p>(a)the principle that environmental protection should be integrated into the making of policies, (b)the principle of preventative action to avert environmental damage, (c)the precautionary principle, so far as relating to the environment, (d)the principle that environmental</p>	This makes the case that the Council should also ensure that the Environment is addressed in its policy making process by all areas. We already have the Sustainability Impact Assessment, which has been trialled with some projects and policies – this needs to be updated in light of these new government principles and rolled out to cover the whole of the Council’s activity.	

	Area	Requirement / Comments	Implications for Lincolnshire County Council	Proposed Targets
		damage should as a priority be rectified at source, and (e)the polluter pays principle.		
Waste	Greater consistency in recycling collections in England	Expanding on pre-existing legislation, this gives a focus on the consistency of waste collection across all local authorities, such that the following materials will be segregated for collection from domestic premises: glass, metal, plastic, paper & card (all under previous legislation), food waste (new), and garden waste (new). The Act reinforces the requirement that recyclable household waste must be collected separately from other household waste and, subject to the below, separately from other recyclables. Similarly, to the current “TEEP” legislation, Recyclable household waste in two or more recyclable waste streams may be collected together where— (a)it is not technically or economically practicable to collect recyclable household waste in those recyclable waste streams separately, or (b)collecting recyclable household	As already noted, separate food waste collection and disposal will be required. However, Defra consulted on a number of details in mid 2021 and are expected clarify those details, including timescales, early in 2022. The deadline to introduce collections currently appears likely to be “by 2025” at the latest. Existing Waste Transfer Stations will need to be adapted to transfer food waste which will have a capital cost. A new haulage contract will be required purely for transporting food. Also, a new disposal outlet will have to be secured either through a contract with an external supplier or facilities built to process. Separate collections will also require more Waste Transfer Station capacity above the five which we currently operate. This may require a new Waste Transfer Station to be constructed once modelling waste storage is complete in mid 2022.	<ul style="list-style-type: none"> Reduce residual waste (excluding major mineral wastes) kg per capita by 50% by 2042 from 2019 levels. It is proposed that this will be measured as a reduction from the 2019 level, which is estimated to be approximately 560 kg per capita

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		<p>waste in those recyclable waste streams separately has no significant environmental benefit (having regard to the overall environmental impact of collecting it separately and of collecting it together).</p> <p>Recyclable household waste which is food waste must be collected at least once a week.</p> <p>the recyclable waste streams are—</p> <ul style="list-style-type: none"> (a) glass; (b) metal; (c) plastic; (d) paper and card; (e) food waste; (f) garden waste. 	<p>Whilst government have promised some funding, both pump-priming and under New Burdens, it is unclear whether this will fully cover the additional costs to councils.</p> <p>These waste collection requirements also apply to:</p> <ul style="list-style-type: none"> (a) residential homes (b) premises forming part of a university or school or other educational establishment (c) premises forming part of a hospital or nursing home <p>The regulations also apply to commercial and industrial waste where the waste is similar in nature and composition to household waste. As a result it is likely that waste from the Council offices will need to be separately collected.</p> <p>The Council (in its role as Waste Planning Authority) will have a role to play in ensuring there is sufficient and suitable capacity and facilities available to manage each waste stream. This could/would be by processing planning applications by third parties for new facilities; the Council building its own facility(s); making provision and allocating suitable sites to</p>	

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			deliver facilities through the Minerals and Waste Local Plan.	
	A deposit Return Scheme for single use drinks containers	provides a framework for introducing Deposit Return Schemes, such as for drinks containers.	<p>Across the UK, consumers go through an estimated 14 billion plastic drinks bottles, 9 billion drinks cans and 5 billion glass bottles a year.</p> <p>Defra consulted on deposit return schemes in mid 2021 and are expected to issue a response in early 2022. A considerable quantity of high-value recyclables is likely to be diverted from kerbside collections, but the overall financial implications are difficult to model until the final scheme details are decided.</p> <p>The proposals included: Retailers selling in-scope drinks containers will be obligated to accept all deposit return scheme container returns to their store and refund the deposit amount to the consumer when an item is returned. In addition, retailers will be required to add the deposit price to the purchase price of the drink at the point of sale and ensure pricing information clearly demonstrates the price of a drink and the deposit attached to that container.</p> <p>There could be support programmes from</p>	

	Area	Requirement / Comments	Implications for Lincolnshire County Council	Proposed Targets
			producers and retailers to ensure that bottles and containers are properly dealt with in the waste system.	
	Extend producer responsibility to make producers pay for 100% of cost of disposal of products, starting with plastic packaging	It is proposed that, by ensuring that packaging producers pay more for expensive disposal options, by 2030, 73% of all packaging placed on the UK market and in scope of packaging Extended Producer Responsibility will be recycled	Defra consulted on EPR in mid 2021 and are expected to issue a response in early 2022. This will provide a significant funding stream to local authorities, although it should be noted that this: <ul style="list-style-type: none"> • Is likely to be based on modelled costs rather than actual costs, and • May result in a reduction in other government funding rather than providing a windfall to councils. 	
	Charges for single use plastics	Provides a framework for introducing charges on single use plastics – going beyond carrier bags to encompass other products.		
	Electronic waste tracking to monitor waste movements and tackle fly-tipping	The Act gives powers to set up a new electronic waste tracking system to record what happens to waste as it moves from production to recovery or disposal.		
	Power to introduce new resource	New powers to the Secretary of State to introduce clear labelling and		

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	efficiency information (labelling on the recyclability and durability of products)	consumer information to enable consumers to identify products that are more durable, repairable and recyclable and to inform them on how to dispose of used products. Information requirements may include: a. expected life of the product b. aspects of the product's design which affect its expected life; c. the availability or cost of component parts, tools, or anything else required to repair or maintain the product.		
	Regulate shipment of hazardous waste	The Act gives powers for greater control of hazardous waste.		
	Ban or restrict export of waste to non-OECD countries	The Act enhances the powers to restrict the export of waste.		
Clean Air	Require Local Authorities to tackle air quality	Amends the local air quality management (LAQM) framework to enable greater cooperation at local level and broaden the range of organisations that play a role in improving local air quality - in	Schedule 11 of the Act brings County Councils into the air quality process: Where a district council of a district in England for which there is a county council intends to prepare an air quality action	<ul style="list-style-type: none"> Annual Mean Concentration Target ('concentration target') – a target of 10 micrograms per cubic metre ($\mu\text{g m}^{-3}$) to be met across England by

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		<p>particular, responsibility for tackling local air pollution will now be shared with relevant public bodies (which will be designated as air quality partners), all tiers of local government and neighbouring authorities</p>	<p>plan it must notify the county council that it intends to do so.</p> <p>Where a county council has been given a notification by a district council under subsection (2A) it must, before the end of the relevant period, provide the district council with proposals for particular measures the county council will take to contribute to the achievement, and maintenance, of air quality standards and objectives in the area to which the plan relates.</p>	<p>2040 for PM2.5.</p> <ul style="list-style-type: none"> Population Exposure Reduction Target ('exposure reduction target') – a 35% reduction in population exposure by 2040 (compared to a base year of 2018).
	Simplify enforcement within smoke control areas	<p>Replace the criminal offence of emitting smoke from a chimney in a smoke control area with a civil penalty regime, which allows for the removal of the statutory defences that currently hinder enforcement - this will enable quicker, simpler and more proportionate enforcement at a local level against the emissions of smoke within a smoke control area</p> <ul style="list-style-type: none"> give local authorities powers to address pollution from solid fuel burning on inland waterway vessels (such as canal boats) in smoke control 		

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		<p>areas</p> <ul style="list-style-type: none"> strengthen the offences in relation to the sale and acquisition of certain solid fuels for use in smoke control areas, by removing the limit on the fine for delivering unapproved solid fuels to a building in a smoke control area and requiring retailers of solid fuels to notify customers that that it is illegal to buy unapproved fuel for use in a smoke control area unless burning in an approved appliance. 		
Nature	Strengthened biodiversity duty	<p>For the purposes of this section “the general biodiversity objective” is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England.</p> <p>(1)A public authority which has any functions exercisable in relation to England must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective.</p> <p>(1A) After that consideration the</p>	The Council will need to develop an action plan that meets the requirements of the biodiversity duty.	<ul style="list-style-type: none"> Halt the decline in species abundance by 2030. Increase species abundance by at least 10% by 2042, compared to 2030 levels. improve the England-level GB Red List Index of species extinction risk by 2042, compared to 2022 levels. to create or restore in excess of 500,000 hectares of a range of wildlife-rich habitat outside protected sites by 2042, compared to

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		<p>authority must (unless it concludes there is no new action it can properly take)—</p> <p>(a)determine such policies and specific objectives as it considers appropriate for taking action to further the general biodiversity objective, and</p> <p>(b)take such action as it considers appropriate, in the light of those policies and objectives, to further that objective.</p>		<p>2022 levels.</p> <ul style="list-style-type: none"> 70% of the designated features in the Marine Protected Areas network to be in favourable condition by 2042, with the remainder in recovering condition, and additional reporting on changes in individual feature condition.
	<p>Biodiversity net gain to ensure developments deliver at least 10% increase in biodiversity</p>	<p>introduces a new requirement on developers to provide for a minimum of 10% biodiversity net gain (BNG) as a condition of planning permission for new development. A register of BNG sites will be created; registration information will be accessible to members of the public. The Secretary of State is given powers to issue biodiversity credits to ensure a functioning market for BNG.</p> <p>2-year transitional period before BNG becomes mandatory but cannot be ignored by developers as already</p>	<p>This will be delivered through the planning system –there will be implications for some minerals and waste developments but also for the Council as a developer of its own schemes/projects. Where it is not possible to secure on-site BNG then developers can look to secure this off-site as a last resort. Therefore, potential for LCC to identify and use some of its own land to establish ecological areas that developers can then use to meet their BNG commitments. Monies could be secured via S106 Planning Obligations to pay for maintenance/management of sites for 30yrs (as required) which not only meets commitments but could also help to</p>	

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		<p>forms part of national planning policy in the National Planning Policy Framework</p> <p>The Secretary of State may make arrangements under which a person who is entitled to carry out the development of any land may purchase a credit from the Secretary of State for the purpose of meeting the biodiversity gain objective referred to in Schedule 7A to the Town and Country Planning Act 1990 or Schedule 2A to the Planning Act 2008.</p> <p>There is a Biodiversity Metric which can be used to give a biodiversity value for a site.</p> <p>The Consultation on the implementation of the Biodiversity Net Gain process began in January 2022.</p>	<p>deliver LNR (see below)</p> <p>It will be a major source of funding for nature projects around the county. Key partnerships will be with the GLNP and LWT. "Will be" or "could be". As it indicates in the adjacent column, developers could seek to purchase biodiversity credits from the SoS. If this happens there is no guarantee that the money will be spent in Lincolnshire.</p> <p>Could be a commercial opportunity for Lincolnshire County Council - aware that other Counties such as Leicestershire, who are large land holders, are looking at some of their land holdings to be used to off-set for their own development where it is not possible to provide the 10% at the site of the development and also to make provision for other developers who are not able to achieve their 10% net gain at the development site and "purchase" this net gain requirement from the Counties land holding.</p> <p>Also need to consider who will assess if the biodiversity put forward by the developer in the planning application is credible or</p>	

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			<p>not. LCC unlike many other County Planning Authorities does not have an "in house" ecologist to provide this advice. Recommendation that LCC considers employing an ecologist(s) for its own requirements and also could investigate through a Service Level Agreement to provide this service to District Councils in Lincolnshire who will also need to undertake such assessments but do not have ecologists to undertake this assessment either.</p> <p>The other requirements on Local Nature Recovery Strategies mean that it makes sense to address BNG on a countywide basis – where it could be used to deliver large scale benefits.</p> <p>Making BNG straightforward to comply with can help in enabling development in an area.</p> <p>The County Council will submit a response to the Biodiversity Net Gain Consultation.</p>	
	Local Nature Recovery Strategies	There will be a new system of spatial strategies for nature covering the	The County Council is likely to be the lead organisation for the LNRS – but this is not	

	Area	Requirement / Comments	Implications for Lincolnshire County Council	Proposed Targets
	to support a Nature Recovery Network	<p>whole of England - Local Nature Recovery Strategies (LNRS). Each strategy will include, for the area that it covers:</p> <ul style="list-style-type: none"> • a local habitat map • a statement of biodiversity priorities • the priorities, in terms of habitats and species, for recovering or enhancing biodiversity (taking into account the contribution that recovering or enhancing biodiversity can also make to other environmental benefits) 	<p>confirmed as yet.</p> <p>The LNRS process represents a huge opportunity to bring a wide variety of groups together to develop plans to improve the natural environment across the whole of Lincolnshire. There are significant opportunities to work together with the unitary authorities. Also in partnership with the authorities around the Wash, Fens and Trent.</p>	
	Duty upon Local Authorities to consult on street tree felling	A new duty is placed on local highway authorities to consult with local communities before felling street trees.	Will impact on the work of the arboricultural officers and issues around removal of trees due to ash dieback disease.	
	Strengthen woodland protection enforcement measures	Amends the Forestry Act 1967, fines for illegal felling will be increased to “unlimited”; introduction of a court ordered Restocking Order to be made by the courts to allow for the Forestry Commission to list Restocking Notices and Enforcement Notices on the Local Land Charges register.		<ul style="list-style-type: none"> • Increase tree canopy and woodland cover from 14.5% to 17.5% of total land area in England by 2050.

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	Conservation Covenants	<p>establishes conservation covenants which are a system of voluntary but legally binding agreements between a landowner and a designated “responsible body” such as a conservation charity, public body or for-profit body to conserve the natural or heritage features of the land.</p> <p>Conservation covenants may contain positive and restrictive obligations to fulfil conservation objectives for the public good and generally, they will bind subsequent landowners to their conditions.</p>		
Water	Effective collaboration between water companies through statutory water management plans	amends the current statutory water resources planning process to ensure there is more effective collaboration between water companies and other sectors to manage supply and demand, deliver resilience against droughts and facilitate environmental improvement through a better understanding of environmental need	Potential impact on the Water Resources East project for a South Lincolnshire Reservoir.	<ul style="list-style-type: none"> Abandoned metal mines target: Reduce the length of rivers and estuaries polluted by target substances from abandoned mines by 50% by 2037 against a baseline of around 1,500km. Nutrient targets: to address the two principal sources of nutrient pollution by

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				2037: <ul style="list-style-type: none"> • Reduce nitrogen, phosphorus and sediment pollution from agriculture to the water environment by at least 40% by 2037 against a 2018 baseline. • Reduce phosphorus loadings from treated wastewater by 80% by 2037 against a 2020 baseline.
	Drainage and sewerage management planning a statutory duty	Each sewerage undertaker must prepare, publish and maintain a drainage and sewerage management plan. A drainage and sewerage management plan, is a plan for how the sewerage undertaker will manage and develop its drainage system and sewerage system so as to be able, and continue to be able, to meet its obligations under this Part.		<ul style="list-style-type: none"> • Reduce phosphorus loadings from treated wastewater by 80% by 2037 (against a 2020 baseline)
	Minimise damage water abstraction may cause on environment	Gives powers to the Environment Agency from 2028 to revoke or vary permanent abstraction licences without liability for compensation		<ul style="list-style-type: none"> • Reduce the use of public water supply in England per head of population by 20% by 2037.

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		where the change is necessary to protect the environment or where the licence is consistently under-used.		

APPENDIX B

Draft Sustainability Impact Assessment

The aim of this Sustainability Impact Assessment (SIA) is to ensure that sustainability issues are comprehensively covered during the development process of major decisions around service provision and policy development at Lincolnshire County Council. The SIA document is intended to be simple to use and is a basic set of "sustainability questions to consider" during the project / policy development process.

To support users in completing the Sustainability Impact Assessment an example of a completed form is provided at the end of this form.

The Assessment systematically goes through each area of sustainability and attempts to identify if the project or change in service provision will have a sustainability impact. When completing the form, you should consider positive and negative sustainability impacts. The assessment should also consider both internal and external sustainability impacts.

As part of the national and global effort to tackle climate change, the County Council has set an objective to reach net zero carbon by 2050. The Sustainability Team has developed a Green Masterplan document, which sets out how the net zero carbon target can be achieved. The use of the SIA process will help to support the development and implementation of the Green Masterplan and in achieving the 2050 net zero carbon target. To meet the target for the whole county the Council needs to work closely with businesses, other public sector partners and local communities. Full details of the Green Masterplan can be seen at:

<https://www.lincolnshire.gov.uk/greenmasterplan>

The SIA aims to record basic details about the project and the changes that it will cause. In cases where there are negative impacts the form has the option to add any mitigation measures, which could be used to reduce the overall sustainability impact. The Sustainability Team will be able to provide support and assistance in completing the assessment. However, the form is intended to be straightforward to use. In addition, completed examples of the assessment form will be produced to guide the users through the completion process.

As part of the Green Masterplan, the Sustainability Team is planning to develop an Environmental Management System. The SIA process will be a crucial part of demonstrating that environmental impacts and aspects are being considered in the decision-making process at the Council.

It is intended that the SIA will sit alongside the established equalities assessment process and will fit into the existing governance procedures for major decisions. It is likely that the information available for the SIA will evolve as the project is developed. Therefore, the form can be completed as completely as possible at an early project stage and then updated as more information becomes available. It will become a living document as the project develops.

Major property developments undertaken by the Council are still likely to require a full Environmental Impact Assessment and this process is not intended to replace the EIA system. The types of projects that require an EIA are set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Sustainability Impact Assessment: Data Collection Form

Area	Sustainability Questions to Consider	Impact of Project Changes	Proposed Mitigation Measures
Energy Efficiency	<ol style="list-style-type: none"> 1. Will the project increase the amount of energy that the Council directly uses? 2. Are there opportunities to introduce energy efficiency measures as part of the project? 3. Does the project need additional building space? If so, can this be accommodated in existing Council run buildings? 4. Are there any new systems or equipment required for the project that are likely to have a high energy demand and will need to be monitored? 5. Will staff training be required for the operation of equipment and systems related to the project? 6. If new equipment is required for the project have the energy use and operating costs been included in the decision-making process? 		
Renewable / Alternative Energy	<ol style="list-style-type: none"> 1. Are there opportunities to install renewable energy systems as part of the project? 2. Can existing renewable systems be enhanced or upgraded as part of the project? 		
Waste	<ol style="list-style-type: none"> 1. Will the project increase the amount of waste generated? 2. Will the project lead to the creation of new hazardous waste streams? 3. Are additional recycling facilities required as a 		

Area	Sustainability Questions to Consider	Impact of Project Changes	Proposed Mitigation Measures
	<p>result of the project?</p> <p>4. Are there opportunities to minimise the amount of waste generated as part of the project?</p>		
Resource Use	<p>1. Will the project mean that the Council has to purchase additional resources?</p> <p>2. Will the major suppliers to the project have Environmental Management Systems / Environmental Policies?</p> <p>3. Have the Whole Life costs of the project been determined?</p> <p>4. Will the project make current activities more efficient?</p> <p>5. Are there opportunities to generate social value as part of the procurement process for the project?</p>		
Water	<p>1. Will the project increase the amount of water that the Council uses?</p> <p>2. Are there opportunities to install water efficiency devices as part of the project?</p> <p>3. Will the project require new large scale water uses that need to be monitored / metered?</p>		
Biodiversity	<p>1. Will the project impact on any existing habitats or biodiversity areas?</p> <p>2. Are there opportunities to create new habitats as part of the project?</p> <p>3. Will the project require landscaping works? If so can native species be included in the planting</p>		

Area	Sustainability Questions to Consider	Impact of Project Changes	Proposed Mitigation Measures
	plans?		
Transport	<ol style="list-style-type: none"> 1. Will the project reduce the need for car transport? 2. Are there opportunities to promote / create the infrastructure for active travel as part of the project? 3. Will the project require any new transport services? 4. Are there opportunities to install electric vehicle infrastructure as part of the project? 5. Will any vehicles required for the project be Electric Vehicles? 6. Is the project location in or adjacent to an Air Quality Management Zone? 		
Climate Change Adaptation	<ol style="list-style-type: none"> 1. Is the project likely to be impacted by future climate change impacts – such as higher summer temperatures, increased drought and flooding, etc? 2. Is the project taking place in a building where there are already issues with overheating? If so are there opportunities to introduce natural cooling solutions? 		
Noise	<ol style="list-style-type: none"> 1. Are there likely to be any noise pollution implications from the project? 		
Green economy	<ol style="list-style-type: none"> 1. Could the project be used to support the development of environmental skills within the 		

Area	Sustainability Questions to Consider	Impact of Project Changes	Proposed Mitigation Measures
	<p>county?</p> <ol style="list-style-type: none"> 2. Can the project be used to support the environmental sector within Lincolnshire? 3. Can the project link with local higher and further education providers to encourage and promote environmental skills? 		
Community Engagement & Awareness	<ol style="list-style-type: none"> 1. Can the project be used to promote the Green Masterplan and Net Zero Carbon Targets to the wider population? 2. Are there opportunities to use the project to engage with the business community on environmental issues? 		

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