



Briefing 22-13

April 2022

The Environment Act: How will the Act contribute to climate change actions within local councils?

To: All Chief Executives, Senior Policy Officers, Main Contacts and APSE Contacts in England, Scotland, Wales and Northern Ireland.

Brief Overview

The Environment Act was given Royal Assent on 9 November 2021. On 23 February, APSE held an online seminar, looking in-depth at what this new legislation means for local authority climate action plans. This briefing provides a short summary of the day's speakers, and the topics of discussion: waste and resources, biodiversity, and air quality.

[Each presentation from the online event can be downloaded for free from the APSE website here.](#)

1. Background: Storm clouds gathering

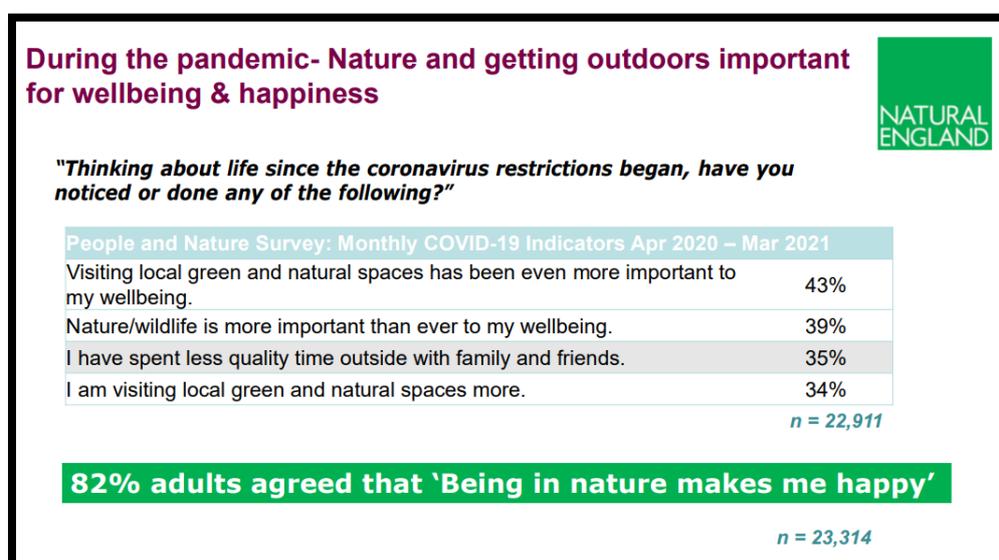
On 21 February, the Met Office announced it was the first time in UK history that three named storms have been recorded within seven days. These terrible storms wrought havoc across the country causing river banks to burst, homes to be evacuated, schools to be closed, train and plane journeys to be cancelled and, in several tragic instances, lives to be lost.

Anyone with a discerning mind may wonder if perhaps this unprecedented series of extreme weather events may be connected with the climate crisis. A connection not lost on many of the attendees for APSE's online seminar - The Environment Act: How will the Act contribute to climate change actions within local councils?

Attended by well over 100 delegates throughout the UK, the online event was set up to explore the myriad issues for local councils stemming from the Environment Act, which was given Royal Assent on 9 November 2021. Speakers joined us from across the public policy landscape – governmental departments, non-departmental public bodies, local authorities – to consider relevant topics such as clean air, biodiversity, waste reduction, green infrastructure and deposit return schemes.

2. Green Infrastructure Mapping: Understanding the distribution of green space across England

Green infrastructure was the focus of our first speaker, Clare Warburton, Principal Adviser for Natural England. Clare opened her presentation citing the following survey:



The survey findings confirm those of similar APSE surveys on parks and greenspace: that easy access to local parks and greenspaces play a crucial role in improving the wellbeing of local communities.

To assist in the need to create or maintain easy access to vital green infrastructure, Clare showcased Natural England's Green Infrastructure Mapping Database. The database shows all green and blue infrastructure across England. One of the functions of the mapping is a greenness grid; displaying the ratio of naturalness to man-made surface. By presenting a realistic understanding of the distribution of green space across England, the map will allow councils to identify inequalities in access to nature in their local area, and plan greenspace strategies accordingly.

3. The Office for Environmental Protection: What can we expect from this new body?

Up next, we were joined by Richard Greenhaus, Chief of Staff at the newly created Office for Environmental Protection. Set up under the Environment Act, the OEP has the principal objective to 'contribute to environmental protection and the improvement of the natural environment'. Holding government and other public authorities to account against environmental laws and targets, its remit includes local authorities.

To give a broader overview of the role, the OEP have four functions under the Environment Act:

1. Advice

Advise Ministers, regarding proposed changes to 'environmental law' and matters relating to the 'natural environment'.

2. Scrutinising Environmental Law

We have a duty to monitor the implementation of environmental law.

3. Scrutinising Environmental Improvement Plans (EIPs) and targets

Review and report on government progress in implementing environmental improvement plans and targets.

4. Enforcement

Investigate suspected serious failures to comply with environmental law by public authorities and enforce compliance when needed.

The OEP Chief of Staff was keen to remind delegates that the OEP are currently consulting on their draft strategy and enforcement policy; they are urging those in local government to seek the strategy out, consider the proposed approach and have a say. The draft strategy and enforcement policy set out key aspects of how the OEP intend to fulfil their role objectively and impartially, how enforcement will work, and how they will work with others. The consultation can be found [here](#).

4. Biodiversity Net Gain: What is it and what does it mean for local councils?

Our final speaker of Session One, Rebecca Moberly of the Local Government Association, looked in detail at what the Environment Act means for biodiversity, specifically mandatory biodiversity net gain.

Net gain is an approach to development that aims to leave the natural environment in a measurably better state than it was beforehand; the key word is measurably. So we need to know what it's like now and what it's going to be like in the future.

Mandatory biodiversity net gain amends the Town and Country Planning Act requiring a minimum of 10 percent gain, which ought to be calculated using the biodiversity metric. It will also involve approval by the local authority of a biodiversity gain plan which will set

out the details from the developer around how they are going to deliver the biodiversity net gain. A Biodiversity metric allowing local authorities amongst other users to calculate the biodiversity net gain of a project or development can be found [linked to this explanatory page](#) on the Gov.Uk website for environmental planning.

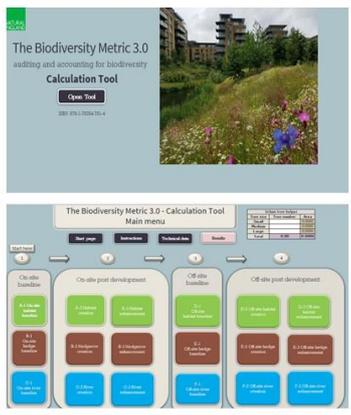


Biodiversity metric



- Tool for auditing and accounting for biodiversity losses and gains.
- Uses habitats as a **'proxy' measure** and translates into biodiversity units.
- Value based on habitat area, type, condition and spatial location.
- All **intertidal and terrestrial habitats** plus linear habitat types.
- Establishes a baseline and forecasts a proposed outcome.
- Factors in **delivery risk**.
- Provides **consistency** of approach.

- Tool to **aid decision making** NOT a decision tool.
- Sits within a decision framework based on the **mitigation hierarchy**.
- **Simplifies** the 'real world' to provide a measure of **relative** biodiversity value.



local.gov.uk/pas

5. Where does the Environment Act fit into the 25-year plan?

Session Two opened with our guest speaker from Defra, Rosily Jones, Communications and Stakeholder Engagement Team Leader, shedding light on the legislative frameworks underpinning the Government's environmental targets. Chief amongst these is the Environment Act 2021, which puts the 25 Year Environment Plan (25YEP) on a statutory footing.

Legislative frameworks

- First major economy to set **Net Zero** target
- Under the **Agriculture Act 2020** farmers and land managers in England will be rewarded with public money for environmental outcomes.
 - Environmental Land Management schemes
 - Food Security
- The **Fisheries Act 2020** helps support a thriving and sustainable fishing industry
 - A 'Climate Change Objective' will recognise and combat the impacts of fishing
 - New powers to develop Fisheries Management Plans to restore fish stocks
- The **Environment Act 2021**
 - puts 25 YEP on a statutory footing - range of measures to deliver 25 YEP
 - legally binding targets including target to halt the decline in species by 2030
 - strengthened system of governance including the Office for Environmental Protection and environment principles
 - Range of measures to tackle air quality, water, resources and waste, improve and restore nature



The Environment Act 2021 requires the government to have an Environmental Improvement Plan (EIP) covering at least 15 years and setting out steps the government intends to take to improve the environment. Rosily went on to describe how the Government must review the implementation and effectiveness of the 25YEP, and will be working across Defra and other relevant government departments on policy, analysis and stakeholder engagement. A refreshed plan is to be published by Jan 2023 which intends to be more delivery-focussed.

6. Clearing the air: The Environment Act and air quality

Air quality, as one of the four priority areas set clear statutory targets by the Environment Act, was the focus of APSE's own presentation on air quality provided by Mo Baines. In addition to new legally binding long-term targets to improve air quality and reduce fine particulate (PM2.5) emissions by October 2022, the Act also makes it quicker and easier for local authorities to enforce penalties for smoke emissions from homes in a Smoke

Control Area (SCA), and removes the limits on fines that can be issued for the sale and delivery of unapproved solid fuels to a building in an SCA.



What does this mean for councils?

- Councils and other relevant public bodies will be required to work together more closely to tackle local air quality issues
- It will be easier for local authorities to enforce restrictions on smoke emissions from domestic burning, which pollutes towns and cities.
- The government will also be required to regularly update its National Air Quality Strategy.
- The Act gives the government the power to make vehicle manufacturers recall vehicles if they do not comply with relevant environmental standards, ensuring illegally polluting vehicles are taken off the road quickly.

Aside from providing legislative context, APSE was also keen to stress the importance of a holistic approach to the problem of poor air quality; that councils ought to bring together various projects and initiatives such as planting schemes, walking and cycling routes, and 20-minute neighbourhoods to help drastically reduce the 40,000 deaths each year in the UK attributable to poor air quality.

6. How can we limit waste production using EPR?

Our final session considered that other priority area of the Environment Act, and an area of the utmost significance to local authorities: waste and resources.

Tim Walker, of ARC21, joined the session to discuss Section 50 of the Act (Producer responsibility) and questioned whether Extended Producer Responsibility (EPR) will be an effective mechanism to drive, not only recycling, but also resource efficiency in order to

reduce greenhouse gas emissions. Tim also looked into the (yet-to-be-finalised) approach to payments and what it may look like:

EPR – Key principles

- Many of the details of the EPR system are yet to be finalised, including the approach to payments. However, based on the most recent Defra consultation document:
 - Payments are likely to be based on modelling of efficient and effective systems, but vary to accommodate different geographies/demographics (housing stock and population density can cause variations in waste collection costs between councils).

The diagram illustrates the key principles of the EPR system. It features three main components, each with a circular icon and a text box:

- Producer payments to LAs:** Represented by a circular icon showing a recycling symbol (a bottle with a recycling symbol) and a text box.
- Modelled net costs:** Represented by a circular icon showing a map of the United Kingdom with green dots indicating different regions, and a text box.
- Efficient & effective collections:** Represented by a circular icon showing a recycling truck, and a text box.

Tim concluded his presentation by warning that, for plastic, if EPR only encourages the specification of materials that can be recycled back into the same application (a closed loop system) rather than recognising the value, where feasible, of replacing virgin material in other applications, this will be a significantly missed opportunity.

7. Deposit Return Scheme: What are the lessons from Scotland?

Our penultimate speaker, Charlie Devine, Service Manager at Dundee City Council, tackled the thorny issue of the Deposit Return Scheme, and what its rollout in Scotland could mean for local authorities across the rest of the UK.

Charlie began by asking what the purpose of the DRS was:

- Higher capture rate of key materials.

- Maximising environmental, economic and carbon benefits via a circular solution.
- Addressing concerns of frequently littered items and wider local environmental quality issues.
- Drive positive consumer behaviour change.



Impacts on Local Authorities (2)

- **APSE Working Group Report & Recommendations**
 - Updated compositional analysis
 - Sharing of assumptions and modelling of options
 - Revision of Household Waste Recycling Charter to take account of changes
 - Clarity on VAT status of the deposit
 - Taking forward existing and future offtake contracts

Next was a discussion on the practicalities of the Scheme, as well as its impacts on local authorities. Charlie was a key contributor to the various research roundtables and discussions informing APSE's latest report on the Scheme: Deposit Return Scheme Lessons from Scotland and implications for the rest of the UK. Following extensive consultation with our members, the report finds that without the necessary input of local government, the DRS, and its purported benefits, will falter, thereby jeopardising local, regional and UK wide environmental targets. The report provides six recommendations as to how the DRS can be implemented with minimal problems or disruption. You can download a copy of the report [here](#).

7. Developing a biowaste strategy

Our final speaker of the Session, and Seminar, was Tara Dumas, Waste and Recycling Manager at Denbighshire Council. Tara joined the event to highlight the excellent progress her Council had made in the field of food and garden waste collection. Only about one-third of English local authorities are operating separate food waste collections, so Tara's presentation provided great insight into how other councils can replicate the success of Denbighshire in Wales.

Ms Dumas examined organic treatment waste options; considering winter composting for garden waste and typically anaerobic digestion (AD) for food waste. This combination is what the majority of councils in Wales operate to.

The AD for the food waste produces a British Standard Institution's Publicly Available Specification (BSI PAS 110) product which can be spread on farmers' land. This product can, and should, play a key role in building a circular economy. The food waste digestate that the farmers use is so much richer in nitrogen; about eighty percent nitrogen retention compared to slurry which is ten percent.

Increasing organics recycling...

- Selling the environmental benefits (local)
- Free compostable liners
- Personal stories – food waste champions
- Consider making it mandatory
- Use of technology ... in cab/microchipping

Are you keeping up with the Joneses?
If you're not recycling, then being the odd one out could cost you £100

Strictly NO food waste

23/02/2022
Tara Dumas, Waste and Recycling Manager

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CYDDORW / EMPLOYER

8. Getting to grips with the green agenda

"Obviously, it is going to be an ongoing dialogue." Paul O'Brien, APSE Chief Executive

Lively, thought-provoking and brimming with discussion – as one would expect – APSE Chief Executive Paul O'Brien wrapped-up proceedings thanking each of our panel guests for their excellent contributions.

As the foremost specialist in local authority frontline services, APSE wants to continue the discussion and debate around the Environment Act – the opportunities and challenges the Act presents – via our extensive network of over 250 local authorities. Through our training suite, advisory groups, research programmes and benchmarking service, membership of APSE can bring significant benefits to those who work in local government – from officers to directors to elected members to chief executives – by helping them comprehensively get to grips with the green agenda.

Not a member? [Sign up today!](#)

Matthew Ellis

Communications Officer

How APSE's rich suite of services can help green your council...

apse membership resources

Climate Change and Renewable Energy Network – Free for members!

Free to join for APSE members, this Network looks at strategic, operational and technical issues which impact on local council actions in response to climate change. Covering a range of topics from green finance, to decarbonisation of frontline services, through to transport, housing and planning to support climate action, this Network also supports the development of council renewable energy schemes including energy management and efficiencies. Topics covered include examples of alternative energy sources, such as air and ground source heat pumps, solar PV, biomass and wind turbines. [You can sign up for the Network here.](#)

apse training

It's easy being green with APSE Training's Carbon Literacy programme

Announcing a climate emergency declaration is one thing, but how can a local council and its constituent teams deliver on it? This is the tricky question that APSE Training's Carbon Literacy Suite provides the answers for. Whether you are an officer, director, chief executive or elected member, APSE's rich programme of online carbon literacy courses will give a real creative jolt to you and your council as you aim to put things right.

Discounted for APSE members, [book your place on one of our courses here.](#)

apse solutions

Helping to green your grey fleet

APSE Solutions will help solve the problem of how to convince staff to replace their fossil fuel powered cars, by making electric vehicles financially much more accessible. A ground breaking salary sacrifice scheme developed by two of APSE's expert associate consultants, Peter Hollinshead and Alan Green, offers a genuine win-win answer to the problem. To find out more about the scheme and the support available to implement it, including ongoing management of the scheme, please contact Andy Mudd, Head of APSE Solutions on amudd@apse.org.uk



Helping your council municipalise local energy generation

APSE Energy is designed to bring councils together to share information, ideas, resources, best practice, and to support local energy projects. Our dedicated team of specialists assist APSE Energy members through:

- Regular briefings about the most up-to-date issues related to the energy agenda and their impact on local government;
- Detailed publications on relevant topics such as energy efficiency and renewables technologies, legislation and the climate emergency;
- Events, workshops and webinars to bring people, experience and ideas together to enable sharing of knowledge;
- Circulating specific operational queries to find answers from our membership;
- Providing consultancy support for individual projects where internal capacity means help and expertise is required.

Not a member? [Sign up today!](#)



Measure your progress on environmental targets

APSE Performance Networks is the largest voluntary public sector benchmarking service in the UK; with more than 200 UK local authorities in membership. Benchmarking across 17 frontline services, Performance Networks has embedded a wide range of climate change indicators in the models so as to reflect the environmental and ecological commitments made by local authorities over the past few years. These include:

- Council-wide questions on climate change declaration, carbon reduction and ecological actions.
- Service-specific measures such as route optimisation, biodiversity, types of fuel, etc
- Scored environmental indicators for each service to compare performance and identify good practice
- Measuring investment in staff training on carbon literacy and quality systems such as ISO.

This enables local authorities to compare their current performance, identify trends over time and identify good practice within the network. These measures will feature in the benchmarking events to facilitate learning and improvement across environmental indicators.

Not a member? [Sign up today!](#)