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Environment Board

Item 7

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Update on other Board Business

Summary

- Cllr Gary Porter's reports to the LGA Executive for November and December (**attached**)
- Members' Feedback (**attached**)
- A summary of work undertaken by the European and International Unit (**attached**)

Recommendations

Members to note the reports.

Members are invited to feedback the outcomes of recent Outside Body and other meetings.

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LGA Executive Report from Councillor Gary Porter (Chairman) November 2009

Greening Communities (Environment)

Waste

- I met with Dan Norris MP and Cllrs David Sparks, Linda Thomas and Clare Whelan attended Defra's War on Waste roundtable meeting hosted by Hilary Benn MP and John Denham MP in October. In particular, we signaled concerns over the significant financial pressures facing councils in delivering effective waste management services and the issue of Schedule 2 Waste. Existing legislation is ambiguous and Officers will be meeting with senior Defra officials to consider a way forward.
- Cllr Margaret Eaton and Cllr Clare Whelan met with Shadow Environment Minister Nick Herbert to discuss waste issues. Officers produced a detailed paper setting out an LGA Conservative Group response to Nick Herbert's recent waste speech. The meeting went well and Nick is keen to have further discussions.

Carbon Reduction Commitment (CRC)

- IDeA Knowledge has launched a new directory to help councils make sense of the different sources of support available to them on climate change.
<http://www.idea.gov.uk/idk/core/page.do?pageld=14422425>

Sustainable Communities (housing and planning)

Tenant Services Authority (TSA)

- The LGA has responded to the consultation on the cross domain order to bring local authorities under the regulation of the TSA. The domain order response can be viewed here: <http://www.lga.gov.uk/lga/core/page.do?pageld=18308>
- The statutory consultation on the new regulatory framework for social housing landlords is scheduled to be launched the week of November 9. The LGA will be watching for the framework to uphold the principles of the Local Performance Framework and consulting with housing advisers throughout the consultation period. Please contact the lead officer on TSA matters, Piali Das Gupta, piali.dasgupta@lga.gov.uk or at 020 7664 3041.

Planning

- The LGA has responded to the consultation on the Community Infrastructure levy regulations. The response is available at:
<http://www.lga.gov.uk/lga/core/page.do?pageld=18312>

Housing Revenue Account Subsidy System Reform

- The LGA has submitted its response to the CLG consultation paper on the reform of the Housing Revenue Account Subsidy System. The LGA response can be

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found on the LGA's website:

<http://www.lga.gov.uk/lga/core/page.do?pagelid=18308>

Housing Finance Conference

- The Association hosted a housing finance conference in October, addressed by the Rt Hon John Healey MP (Minister for Housing), Bob Neill MP (Shadow Local Government Minister) and Sarah Teather MP (Lib Dem Shadow Housing Minister), as well as experts in the housing finance world. The presentations from the conference can be found on the LGA's website.

Allocations and Lettings

- The LGA has submitted its response to the CLG consultation paper *Fair and Flexible*: Draft statutory guidance on social housing allocations for local authorities in England. The response notes that the Association is pleased that the CLG are proposing to give councils increased freedom to promote local lettings policies that are based in local housing need and not central targets. The submission can be found on the LGA's website.

European and International Work

- Key MEPs working on environment and energy policy issues were briefed by LGA politicians on 14 October. This was our first contact with the newly elected MEPs and allowed us to set out our concerns with legislation currently under consideration in the European Parliament with regard to various Directives.
- LGA wrote to MEPs dealing with the European Parliament's triologue negotiations on the Energy Performance of Buildings Directive to set out our concerns. We also responded to the CLG consultation on this subject, jointly with LACORS and the Trading Standards Institute.
- LGA lobbied new MEP Julie Girling (Conservative, South West), who has recently been named as shadow 'rapporteur' (draftsman) for the European Parliament's report on the EU's Biowaste Green Paper. It is expected that the EU will come forward with draft legislation in early 2010 on this topic.

Flooding

- Local authorities have a new lead role for managing surface water flood risk and this will be enshrined in new legislation to be proposed this month.
- I met the Minister for Flooding, Huw Irranca-Davies to discuss LGA concerns relating to the forthcoming Flood and Water Management Bill. The LGA has serious concerns about funding assumptions and is also proposing greater flexibility locally to deliver the lead role; more support for skills and training and a sustainable funding mechanism for Sustainable Urban Drainage systems (SUDs).
- Environment Board members agreed a proposal at to create a formal LGA Inland Flood Risk Management Group, with Board and regional representation and both a member and officer structure. The Group will support all local authorities in their new lead role for managing local flood risk and represent local government on this issue to Government, EA and others.

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- **New flooding web resource** - A comprehensive flooding web resource which is the only dedicated resource aimed at councils, went live in October. www.idea.gov.uk/flooding. Contact Kamal Panchal or Steve Waller.

LGAX Report from Councillor Gary Porter (Chairman) December 2009

Greening Communities (Environment)

Flooding

- The government published the Flood and Water Management Bill on 19 November. This will implement the legislative recommendations from the Pitt Report and give local authorities a new lead role for managing local flood risk.
- Whilst the LGA welcomes the Bill and some of the flexibilities that have been included in the final version, we will be lobbying for greater flexibility locally to deliver the lead role, which the Bill proposes to assign to counties in two tier areas. We also have serious concerns about funding assumptions which we do not think have been addressed in this final Bill.
- An LGA Briefing on the Floods Bill is available on the LGA website: www.lga.gov.uk. Additional, more detailed briefings from the LGA will be prepared to accompany the Bill as it progresses through Parliament.
- **New flooding web resource** - A new Checklist for local authorities on Flood Risk Management based on the key stages of Prevention, Protection, Preparedness, Emergency Response, Recovery and Lessons Learned is now available on the dedicated IDeA Knowledge Flood Risk Management web pages at www.idea.gov.uk/flooding. Links to other useful resources for local authorities, including the joint LGA/Cabinet Office guidance on Mutual Aid, are also available on these web pages.

Climate Change

- A new mini web resource on local low carbon economy has been established on the IDeA website. This resource articulates some of the drivers and opportunities for councils in building a local low-carbon economy. It covers the role of councils, policy drivers, economic drivers and resources and links. <http://www.idea.gov.uk/idk/core/page.do?pagelid=9580749>
- A staff lunchtime was delivered at Local Government House on 'Reducing the LGA Group Environmental Impact' on 23 November where Derek Allen, Executive Director, LACORS was unveiled as the LGA Group's Senior Environmental Champion. The session also heard from Caroline Scott of the London Borough of Islington. A write up and resources from the session will soon be posted on the Green Team portal page: http://familyportal/sites/greenteam_publicsite/default.aspx

Sustainable Communities (housing and planning)

Housing:

- LGA officers have meet with CLG officials as part of our ongoing work to influence the outcome of the HRA review.
- I wrote recently to Housing Minister, John Healey MP on the issue of allocation of the Housing and Planning Delivery Grant (worth £135m to councils this year). Councils were expecting to know how much they would receive in 2009/10 in summer this year, with actual payments due in autumn. Both of these deadlines have now passed with no clarification or explanation from Government. I pressed the Minister for an immediate decision to enable councils to plan their budgets for next year.
- Margaret Eaton, Tony Newman and I also met with John Healey on 2nd December to discuss priority housing issues, including the deferral of £150m funding for the Decent Homes programme and reform of the Housing Finance system. We also re-emphasised the importance of early decisions on the HRA subsidy determination and the Housing and Planning Delivery Grant.

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National Planning Forum

At the meeting on 13th October I took over as Chair for the next year. There were several presentations, and these can be viewed at www.natplanforum.org.uk They included a presentation from Duncan McCallum from English Heritage on the PPS15 consultation which ends at the end of October. Professor Janice Morphet from IDOX consultants outlined the draft report on the Culture Change action plan, with the final report due at the end of October.

Mike Hayes, gave a presentation on 'Fit for Purpose Spatial Planning' which had been produced with a working group from NPF. The final version will be sent to political parties shortly, in order to inform their considerations prior to the forthcoming general election. On that subject it was noted that Bob Neill MP has indicated that he would be able to attend the next Forum on 15th December.

There were short updates on Mediation pilots (in place of appeals) and initial work on planning & building control working more closely.

Cllr Mike Haines

European and International Unit work summary

WEEE Directive Recast (Waste Electronic and Electrical Equipment)

The Directive aims to tighten up on existing provisions to deal with WEEE. The draft Directive and proposals do not place any direct obligations on local authorities. However, many local authorities play a role in collecting WEEE at civic amenity sites which are Designated Collection Facilities. Changes are therefore likely to have some knock-on impacts on those authorities. In line with the 'polluter pays principle', the full costs of WEEE management should be met by consumers through producers and not by taxpayers in general through local authorities.

The extension of producer responsibility to bare the costs of separate collection of WEEE from households should be mandatory. Providing Member States with discretion to simply *encourage* producers to bare the costs of collection would lead to differences in implementation and an un-level playing field in the EU market. Producers should cover the costs of separate collection through providing kerbside collection facilities; through providing local authorities with the means to do this or by working with waste collection firms to provide this service.

The draft Parliamentary text has not yet been published at the time of writing. A draft lobbying position based on the above points which relate to Article 12 of the draft Directive will be brought back to a future Environment Board for full political endorsement. The current timeframe for the WEEE directive is for Parliamentary Committee discussion in March, April committee vote and May plenary although this could be subject to change given that the draft Parliamentary text is not yet available.

Industrial Emissions Directive (IPPC - Integrated Pollution Prevention & Control)

Local authorities play a key role in permitting industrial processes in England and Wales to implement the existing IPPC Directive. European environment ministers reached an agreement on the text for a new Directive in June 2009.

Holger Krahmer (Alliance of Liberals and Democrats for Europe ALDE) has been appointed the *rapporteur*. The report will be considered on January 26 by the Environment Committee. Martin Callanan MEP is the shadow *rapporteur* for the ECR. The committee will vote on the draft text in February which is due to go to a June plenary. The second reading will focus on the disproportionate extension of full IPPC requirements to smaller combustion plants.

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Biowaste Green Paper

The European Commission published a Green Paper in December 2008 on how to ensure that more biodegradable waste is diverted from landfill, and to develop a common approach to treating the waste that maximises resource efficiency across the EU. It is thought to be highly likely that the European Commission will come forward with a legislative proposal building on the Green Paper in 2010. Local authorities are improving management of bio-waste and have made significant investments to meet the requirements of the Landfill Directive. A framework is needed to guide investment and decision-making, whilst ensuring existing capacity can continue to function. There are benefits associated with separate collection of biowaste. However, local authorities are best placed to decide on the most appropriate collection method based on local conditions and needs. Product standards should be developed at EU level to drive the market for biowaste output. The European Parliament has appointed Jose Manuel Fernandes from the European People's Party (EPP) as *rapporteur* for the Environment Committee however there is no indication at this time as to when the report will come before the committee. Julie Girling MEP is the shadow rapporteur for the European Conservatives and Reformists (ECR) in the Environment Committee and Giles Chichester MEP, also from ECR, is following the report for the Industry Committee.

Energy

LGA lobbying over the past year to water down overly prescriptive proposals to revise the EU's Energy Performance of Buildings Directive resulted in more time for councils to implement the Directive's new provisions. Our concern was the proposal to extend Display Energy Certificates to all public buildings over 250m² by end of 2010 (replacing current 1000m² threshold) – evidence from councils suggested this was unworkable and financially burdensome. Final agreement suggests a phased implementation giving the public sector five years to implement the 250m² threshold. EU funds are also proposed to help councils implement the Directive. The LGA will work with CLG to ensure the Directive's effective implementation, and ensure councils are aware of, can plan for, and benefit from EU cash to make the changes.

Climate Change

The Commission published a White Paper on Adapting to Climate Change in April 2009. It sets out a framework to reduce the vulnerability of the EU to the impacts of climate change.

The LGA responded to the White Paper, stressing that local authorities are best placed to take the lead in adapting their local areas to climate change, but the EU

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and national governments should empower them to build capacity and skills and ensure that the cost of adaptation does not fall to local government alone.

The European Parliament is now considering the White Paper. Vittorio Prodi MEP from the Progressive Alliance of Socialists and Democrats Group (S&D) has been appointed *rapporteur*. The report will be discussed in the Environment Committee on January 25 with a committee vote scheduled for March. It is scheduled for an April plenary. Martin Callanan MEP is the ECR (Conservative) shadow *rapporteur*.

International climate change: UN Framework Convention on Climate Change negotiations (15th Conference of the Parties in Copenhagen)

We have been lobbying globally with ICLEI (Local Governments for Sustainability - a technical agency working with local government) and the world local government body UCLG, and in Europe with the Council of European Municipalities and Regions (CEMR) to promote clear references to local government in the negotiating texts on mitigation, adaptation, technical cooperation and financial resources.

The UK Department for Energy and Climate Change (DECC) has been supportive in principle but not proactive in promoting our cause.

European Parliament and Council of Ministers have recognised our role and the need for greater support "*in the development and implementation of national climate change strategies*".

Climate Challenge report

The European and International Unit produced a recent report which reviewed good institutional / regulatory frameworks for climate mitigation in local government in various countries. The aim was to promote greater decentralisation of powers and innovation in the UK. The report was launched at a Smith Square debate in late 2009 and can be accessed here:

<http://www.lga.gov.uk/lga/core/page.do?pagelId=6130152>