

# Environment, Economy, Housing and Transport Board

Agenda

Thursday, 3 February 2022  
11.00 am

Hybrid / Beecham Room, 7th Floor, 18  
Smith Square, London, SW1P 3HZ

**To:** Members of the Environment, Economy, Housing and Transport Board  
**cc:** Named officers for briefing purposes

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Please read these notes for your own safety and that of all visitors, staff and tenants.

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Environment, Economy, Housing & Transport Board  
3 February 2022

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There will be a meeting of the Environment, Economy, Housing & Transport Board at **11.00 am on Thursday, 3 February 2022** Beecham Room, 7th Floor, 18 Smith Square, London, SW1P 3HZ.

For those attending virtually, please contact Member Services for joining details.

**PLEASE CONFIRM IF YOU ARE PLANNING TO ATTEND IN PERSON OR VIRTUALLY, SO THAT WE CAN ENSURE CATERING REQUIREMENTS AND CAPACITY IN THE MEETING ROOM.**

Lunch will be provided for those attending in person after the meeting

We will log virtual and in-person attendance.

**Political Group meetings:**

The group meetings will take place in advance of the meeting. Please contact your political group as outlined below for further details.

**Apologies:**

Please notify your political group office (see contact telephone numbers below) if you are unable to attend this meeting.

<b>Conservative:</b>	Group Office: 020 7664 3223	email: <a href="mailto:lgaconservatives@local.gov.uk">lgaconservatives@local.gov.uk</a>
<b>Labour:</b>	Group Office: 020 7664 3263	email: <a href="mailto:labgp@local.gov.uk">labgp@local.gov.uk</a>
<b>Independent:</b>	Group Office: 020 7664 3224	email: <a href="mailto:independent.grouplga@local.gov.uk">independent.grouplga@local.gov.uk</a>
<b>Liberal Democrat:</b>	Group Office: 020 7664 3235	email: <a href="mailto:libdem@local.gov.uk">libdem@local.gov.uk</a>

**Location:**

A map showing the location of 18 Smith Square is printed on the back cover.

**LGA Contact:**

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**Carers' Allowance**

As part of the LGA Members' Allowances Scheme a Carer's Allowance of £9.00 per hour or £10.55 if receiving London living wage is available to cover the cost of dependants (i.e. children, elderly people or people with disabilities) incurred as a result of attending this meeting.

## Environment, Economy, Housing & Transport Board – Membership 2021/2022

Councillor	Authority
<b>Conservative ( 7 )</b>	
Cllr David Renard (Chairman)	Swindon Borough Council
Cllr Kelham Cooke	South Kesteven District Council
Cllr Mark Crane	Selby District Council
Cllr Daniel Humphreys	Worthing Borough Council
Cllr Paul Marshall	West Sussex County Council
Cllr Patrick Nicholson	Plymouth City Council
Cllr Linda Taylor	Cornwall Council
<b>Substitutes</b>	
Cllr Tony Ball	Essex County Council
Cllr Andrew Gravells MBE	Gloucestershire County Council
Cllr Imogen Payter	Havant Borough Council
<b>Labour ( 7 )</b>	
Cllr Darren Rodwell (Vice-Chair)	Barking and Dagenham London Borough Council
Cllr Martin Gannon	Gateshead Council
Mayor Philip Glanville	Hackney London Borough Council
Cllr Ed Turner	Oxford City Council
Cllr Claire Holland	Lambeth London Borough Council
Cllr Cathy Mitchell	Warrington Borough Council
Cllr Emily Darlington	Milton Keynes Council
<b>Substitutes</b>	
Cllr Clare Penny-Evans	Newcastle upon Tyne City Council
Cllr Kevin Peel	Bury Metropolitan Borough Council
Cllr Martin Whelton	Merton London Borough Council
<b>Liberal Democrat ( 2 )</b>	
Cllr Pippa Heylings (Deputy Chair)	South Cambridgeshire District Council
Cllr Vikki Slade	Bournemouth, Christchurch and Poole Council
<b>Substitutes</b>	
Cllr Stewart Golton	Leeds City Council
<b>Independent ( 2 )</b>	
Cllr Loic Rich (Deputy Chair)	Cornwall Council
Cllr David Beaman	Waverley Borough Council
<b>Substitutes</b>	
Cllr Jamie Osborn	Norwich City Council
Cllr Diana Moore	Exeter City Council
Cllr Tim Hodgson	Solihull Metropolitan Borough Council

Cllr Ed Gemmell	Buckinghamshire Council
Cllr Paul Hilliard	Bournemouth, Christchurch and Poole Council
Cllr Phil Jordan	Isle of Wight Council

## Agenda

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### Environment, Economy, Housing & Transport Board

Thursday 3 February 2022

11.00 am

Hybrid / Beecham Room, 7th Floor, 18 Smith Square, London, SW1P 3HZ

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Item	Page
1. Declarations of Interest	
2. Office of Environmental Protection Draft Strategy	1 - 4
3. Neutrality and Water Issues	5 - 14
4. Building Safety Update	15 - 20
5. Other Board Business	21 - 26
6. CONFIDENTIAL Minutes of the previous meeting	27 - 34

LOCATION MAP - 18 SMITH SQUARE

**Date of Next Meeting:** Tuesday, 22 March 2022, 11.00 am, Hybrid / 18 Smith Square, London, SW1P 3HZ





## Office for Environmental Protection (OEP) Draft Strategy

### Purpose of report

For information.

### Summary

This paper introduces the item on the Office for Environmental Protection (OEP). Chair Dame Glenys Stacey and Chief Executive Natalie Prosser will be attending to introduce and discuss the work of the OEP. The OEP will be relevant to local government in protecting and enhancing the natural environment by ensuring Environmental Improvement Plans are delivered and ensuring all public bodies comply with Environmental Law. The OEP published their [draft strategy and draft enforcement policy](#) for consultation on 25 January 2022.

Is this report confidential? Yes  No

#### Recommendation

This item is for update and discussion

#### Actions

As directed by the Board

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## **Office for Environmental Protection (OEP) Draft Strategy**

### **Background**

1. The OEP has been set up, and its functions defined, through the Environment Act 2021. Having left the EU, the UK has the autonomy and ability to set its own future environmental protections and establish a new system of environmental governance and accountability to deliver environmental improvement.
2. The OEP's principal objective is to contribute to environmental protection and to the improvement of the natural environment. It will:
  - implement long-term environmental governance;
  - provide scrutiny and advice on environmental law;
  - monitor and report on progress against Environmental Improvement Plans (EIPs) and targets, which are also provided for in the Environment Act;
  - investigate complaints of alleged breaches of environmental law by public authorities where these are serious and in line with the OEP's enforcement policy;
  - take legal action in serious cases, if necessary as a last resort.
3. The OEP will be relevant to local government in protecting and enhancing the natural environment by ensuring Environmental Improvement Plans are delivered and ensuring all public bodies comply with Environmental Law.
4. The OEP published their [draft strategy and draft enforcement policy](#) for consultation on 25 January 2022. This meeting is an opportunity to hear about the draft strategy and draft enforcement policy and provide steer to LGA officers for potential consultation response.

### **Issues**

5. The OEP will investigate complaints made through a free-to-use system about potential breaches of environmental law by government and public authorities. Where the OEP considers that the potential breach is serious, the OEP is expected to engage in constructive dialogue with public authorities and, where appropriate, recommend remedial measures through a series of notices. If the issue is not resolved, the OEP may take enforcement action.
6. Since the OEP's establishment in shadow form, they have received some complaints from members of the public about local council services. Dame Glenys and Natalie may want to talk about council complaint policies and signposting members of the public, so they direct their complaint to the correct public body. Please also consider any breaches of environmental law that your local area has experienced that you would like the OEP to be aware of.

7. The OEP will take a proportionate approach to enforcement, focusing on serious breaches of environmental law. It must engage with public authorities to seek a solution before considering court action, which the OEP will take via a bespoke “environmental review” mechanism. Recourse to judicial review without going through earlier stages of engagement in the OEP’s enforcement framework is available in the most urgent cases.
8. The OEP’s scrutiny and advice functions are complementary to its complaints and enforcement role. Its independent scrutiny of the EIP, targets and environmental law will enable it to identify issues early on, which may be before a breach of environmental law and any associated environmental harm occurs. This will allow the OEP to engage in constructive dialogue with public authorities and advise on how progress in improving the natural environment, meeting targets or implementing environmental law could be improved, moving into its enforcement role only if necessary and where serious failures to comply with environmental law have been identified.
9. The OEP will also provide advice to government on proposed changes to environmental law, or at the request of a Minister, on any other matter relating to the natural environment.

#### **Implications for Wales**

10. The environment is a devolved matter (subject to a small number of reserved areas), it is for each administration to develop and deliver environmental governance proposals.

#### **Equalities Impact**

11. The responsibility and reach of the OEP is broad and far reaching. The engagement approach and language will need to consider accessibility from the onset.

#### **Financial Implications**

12. There are no immediate financial implications



## **Environmental pressures on planning and housing growth – dealing with nutrient and water neutrality restrictions**

### **Purpose of report**

For decision.

### **Summary**

There is an underlying tension between national ambitions for high standards of environment protection and rapid housing growth. Environmental law designed to protect fragile natural habitats has stopped all planning decisions on new development in certain river catchment areas, having a range of impacts on councils' ambitions for places and communities. It is also a challenge to local plan led development. This is a significant and growing concern for the 30 or so councils currently affected by these directions, including some of the councils represented on the Board. It is possible that more councils will be in a similar position as new data emerges. Councillor David Hitchiner, the Leader of Herefordshire Council, will join the meeting to discuss the impact on planning and other council activity.

Councils are actively seeking solutions, but there is growing concern that the support offered so far from Defra and DLUHC is not going far enough and will not reduce pollution at source. Long term action will require joint working with water companies, agricultural industry, housing developers, the Environment Agency, Natural England and the Government.

The report also notes new advice to local authorities where development is suspended to protect fragile natural environments from water extraction.

Is this report confidential? Yes  No

**Recommendations:** Board members are asked to note the issues raised in the report and to provide feedback on next steps, including the option for officers to expand their work on this topic. This is a complex issue that will need an organisational response from the LGA including improvement support.

#### **Action/s**

Officers will take actions as directed.

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## **Environmental pressures on planning and housing growth – dealing with nutrient and water neutrality restrictions**

### **Background**

1. There is an underlying tension between national ambitions for high standards of environment protection and rapid housing growth, which will likely grow as places experience more severe weather events and new environmental protections set out in the Environment Act come into force. These are growing tensions that councils will often have to try and manage locally.
2. This paper reports on the impact of recent advice to local planning authorities on a) **nutrient neutrality** - maintaining a balance between new development and levels of phosphates and nitrates in river catchment areas, and b) **water neutrality** - maintaining a balance between new development and limited water sources. Separately, councils are under scrutiny for approving development in areas of flood risk. Looking ahead, new duties to develop Local Nature Recovery Strategies as land-use plans and strengthened air quality roles could bring about further tensions.

### **The legal context and underlying causes of damage to special habitats**

3. In England, Natural England monitors the condition of special habitats and provides advice to local planning authorities. Special habitats are protected by international law, set out in the Habitats Directive. A judgement in the European Union Court of Justice in 2018 (known as “the Dutch case”) tested the interpretation of the Directive and judged that the competent authority (the local planning authority) must not allow any development that would worsen the condition of a designated special habitat.
4. Phosphates and nitrates are both types of nutrients that can damage wildlife at high levels. Phosphates enter the water system through farming practices and water industry discharges at locations like wastewater treatment works<sup>1</sup>. Nationally, agriculture contributes around 70% of the nitrogen loading to rivers with sewage effluent as the

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<sup>1</sup> <https://www.gov.uk/government/news/action-needed-to-fix-somerset-levels-and-moors-phosphate-level>

second highest source<sup>2</sup>. Patterns vary across regions according to population density and the extent and type of agriculture. Individual habitats can be affected by either high levels of nitrates or phosphates in water systems, or in some cases by both types of nutrients.

5. There is growing dissatisfaction with the environmental performance of the water companies. Southern Water recently received a record £90m fine<sup>3</sup> and Thames Water has been fined over £32 million since 2017 for 11 cases of water pollution<sup>4</sup>. The new Environment Act will update the regulatory framework for water quality and introduce new safeguards to prevent sewage discharge into rivers.

### **Scale of the issue**

6. Local planning authorities in the Solent area were the first to be notified of high levels of nutrient pollution in the river catchment area and advised to pause all planning decisions with immediate effect. Around thirty local planning authorities in England are currently affected by advice on nutrient neutrality and the problem has also affected councils in Wales. A list of the areas currently subject to advice is included at the end of this report at Table 1.
7. There is a separate issue on the threat to protected habitats from water extraction. Where this is identified as an environmental threat, the local planning authority must pause decisions on planning applications in the affected area until a water neutrality strategy has been agreed. Three district councils in Sussex have been advised by Natural England to defer decisions on planning applications in protected areas until a water neutrality strategy has been agreed. Their concerns have been raised with the LGA and with DLUHC.
8. It is possible that more local planning authorities will become subject to advice on these issues.

### **Impact and potential solutions**

9. The collective impact of these moratoriums on planning is likely to be more than 60,000 homes and therefore an economic cost measured in billions. A determination halting councils' ability to permit new development in these areas significantly curtails plan-led development across the whole local authority, as well as impacting council finances and workforce. The lack of notice puts a sudden stop to work by planning teams, and affects the wider development industry, for example cash flows for smaller to medium sized housebuilders and local developers. Income for planning fees drops at the same time as

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<sup>2</sup> Environment Agency River Basin Management Plan, 2021

<sup>3</sup> <https://www.gov.uk/government/news/record-90m-fine-for-southern-water-following-ea-prosecution>

<sup>4</sup> <https://www.gov.uk/government/news/thames-water-fined-4-million-after-30-hour-waterfall-of-sewage-discharge>

additional costs arise, such as external expertise to advise on mitigation schemes, and the implications on New Homes Bonus are not clear either.

10. Some of the first areas to be affected have put solutions in place to mitigate nutrient pollution, for example offset schemes and the creation of wetlands, and to try and bring together all partners across catchment areas to work towards joint whole system solutions, such as through nutrient management boards. The Planning Advisory Service has provided support to councils through workshops and case studies and is being provided with further funding by DLUHC to provide further support to affected councils.

11. However, the challenges and solutions go much wider than the planning function. In November 2021 we held an initial meeting with councils in the areas affected by nutrient neutrality and invited them to share their experiences and views on what support would be helpful from the LGA and PAS. Their concerns are summarised below:

11.1. Councils feel that they've been left to deal with a problem at the "end of the pipe" with little support from relevant partners. Some councils reported that it took a long time to get other partners such as the Environment Agency around the table (a year in one case).

11.2. Councils sense there is a new orthodoxy in some government agencies about using land to mitigate pollution in novel ways and they are the guinea pigs. They are worried that regional and national partners are placing "blind faith" in nature-based solutions to nutrient pollution in river catchment areas. At best, the creation of wetlands and other nature-based solutions are providing a stop gap to offset high levels of nutrient pollution. The long-term answers must bring about changes to **agricultural practices** and investment in **water treatment infrastructure**. Farming practices are a recognised source of nutrient pollution, but it is unclear whether incentives and penalties for farmers to manage nitrate pollution are making a difference.

11.3. Some councils have approached government for flexibility on land supply and housing delivery targets, but with no positive feedback on this so far. The consequences for future development are real and serious. Councils will find it a challenge to identify a 5-year land supply pipeline, and there will be pressure from developers to increase development in other parts of the area, where nutrient neutrality is not a concern. This leads to development not planned for and therefore less likely to contribute to environmental and economic objectives.

11.4. Agencies are not giving consistent advice to councils e.g., from Natural England.

### **Local government asks**

12. Councils are raising their concerns directly with their local MPs and with Defra and DLUHC. In terms of dealing with the **short-term pressures the LGA could:**



13. Ask DLUHC for dispensation from 5-year land supply requirements, and other interventions to support the local planning system. While making it clear that this is not a planning problem, but a whole system issue within wider river catchment areas.
14. Challenge the view that nature-based offset solutions are the sustainable long-term solution and comparing it with ending pollution at source in terms of the various factors impacting costs/impacts. For example, removing phosphates at wastewater treatment facilities compared to setting up a wetland. This would need to consider costs in the round, such as the cost of taking land out of agricultural production. It should also link to the environmental principles embodied in the Environment Act, such as the “polluter pays” principle.
15. Organise a national level round table/forum, with senior representatives from government, environment agency, Natural England, agriculture, the water companies and developers to begin raising the profile for whole system solutions with a focus on prevention.
16. Set up a network or forum for councils to learn from each other and share information on approaches to mitigation, strategic planning, coalition building.
17. Begin developing whole system policy solutions to ensure all partners consider their role in reducing pollution and moving towards sustainable development, for instance looking at:
  - 17.1. **Government:** investigate how both the Department for Levelling Up, Housing and Communities and the Department for Environment, Food and Rural Affairs can work together to support whole-system approaches in catchment areas that are embedded in principles of the Environment Act, such as polluter pays. Focus on joining up the legislative, policy, regulatory and workforce strategy and delivery plan.
  - 17.2. **Regulators:** look at how the Environment Agency (EA) could operate more in the open by sharing data about permits, water quality and its models for catchment pollution. How it could allow scrutiny of the number of permits within whole catchments to ensure they are within appropriate limits of nutrients, and reviewing and revisiting permits if necessary. Also, the EA could update/tailor their guidance to authorities affected by nutrient neutrality. The current guidance on new private wastewater treatment works<sup>5</sup> could be amended to make specific reference to it

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<sup>5</sup> (<https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits#discharges-in-sewered-areas>)

being "reasonable" to grant a permit where authorities are affected by nutrient neutrality issues.

- 17.3. **Natural England:** investigate the responsibility for habitat regulations and explore whether Natural England could have their role consolidated, to be the body responsible for the condition of sites and with the enforcement powers to compel others to respond. Further, investigate how NE can use the Protected Sites Strategy to further support ambitions to reduce nutrients pollution across catchments.
- 17.4. **Water companies:** Water companies are offering sewer connections in affected catchments as a default because of their duties under the water framework directive. However, they should also consider their duties under the habitat regulations and only do so if the development is nutrient neutral. Also, consider the role of Ofwat in setting investment strategies for the water companies, and bringing forward investment in the infrastructure needed to reduce nutrient pollution from waste water
- 17.5. **Agriculture:** explore whether and what stronger regulation could prevent nitrates running off from agriculture, and how reform of farming subsidies could lead to a stronger focus on environmental benefits. Where voluntary approaches are not working (such as supportive farm visits) the next steps should be clearly explained to farmers, this could be through a nutrient enforcement policy.
- 17.6. **Local governance and partnership:** explore models for ensuring good governance and partnership compelling all partners to play their role in addressing the issue in line with principles of Environment Act, including developing common and rich understanding of the issue and plan for redressing.

### **Defra and DLUHC activity**

18. This is an escalating issue within Government. Ministers Rebecca Pow (Defra) and Chris Pincher (DLUHC) have set up an intergovernmental nutrient task force. Membership of the taskforce includes Defra, Natural England, Environment Agency and DLUHC<sup>6</sup>. It does not seem to include any representation from local government, and it is not clear what the outcomes have been.
19. Having engaged with councils, we are now building relationships with officials at DLUHC and Defra to raise these issues and explore the potential solutions. Officials are keen to support councils to put mitigations in place so that development can continue, while they work on longer term plans to reduce nutrient pollution at source.

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<sup>6</sup> <https://questions-statements.parliament.uk/written-questions/detail/2021-10-21/60523>

20. DLUHC have identified funding to allow specialists to be recruited into PAS to support councils dealing with this problem.

### **Implications for Wales**

21. This issue has affected councils in Wales in a similar way and it is a cross border issue. As in England, Welsh local authorities had no notice of the new advice on nutrient neutrality and are facing similar challenges through the sudden halt to development.
22. Policy in Wales is set by the Welsh Government and Natural Resources Wales. While there are different lobbying routes, we have spoken to the WLGA and agreed that we will share information and look for opportunities to bring Welsh and English councils together to share experiences. The WLGA noted concerns over the delivery of new social housing in rural areas.

### **Financial Implications**

23. Lobbying work can be carried out within existing resources. There may be a requirement for additional research, that is not currently allowed for in policy budgets.

### **Equalities Implications**

24. The implications will vary by councils. In general terms, the sudden stop to development has exacerbated housing supply problems. The break in the supply of affordable housing will leave people waiting longer in temporary accommodation or the private rented sector.
25. In the longer term, any costs that fall on developers may reduce the amount they can contribute to section 106 and community-based projects.
26. Further considerations may emerge as this is a relatively new issue.

### **Next steps**

This is a complex issue that will take many years to resolve, in the case of nutrient pollution. The Board may wish to consider whether further time should be spent on research and lobbying, and how best to structure future engagement with stakeholders, including those at national level.

27. The LGA's Senior Management Team (SMT) will also consider the issue and a cross organisational response from the LGA.

Table 1: areas subject to advice on nutrient neutrality

<b>Habitats site</b>	<b>Local Authorities</b>
Solent Harbours	Isle of Wight Havant Portsmouth City Gosport Fareham Winchester City Eastleigh Southampton City New Forest District New Forest NPA Test Valley East Hampshire Basingstoke and Dean Chichester South Downs NPA
Somerset Levels and Moors	Sedgemoor South Somerset Somerset and West Taunton Mendip
Stodmarsh SAC	Canterbury City Ashford Folkstone and Hythe Dover Maidstone
River Wye & Lugg SAC	Herefordshire
River Axe	East Devon South Somerset Dorset
River Clun	Shropshire
River Mease	South Derbyshire Lichfield North West Leicestershire
Peak District Dales SAC	High Peak
Poole Harbour	Dorset Bournemouth, Christchurch and Poole
River Avon SAC	Wiltshire

	New Forest District New Forest NPA Dorset Bournemouth, Christchurch and Poole
River Camel	Cornwall



## Building Safety Update

### Purpose of report

Decision/discussion

### Summary

This report updates members on developments around building safety work.

### Recommendation

That members note the paper

### Action/s

Officers to incorporate members' views.

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### Fire Protection Board

1. The Fire Protection Board (FPB) was established in 2019 with a task of overseeing the Building Risk Review (BRR). The BRR fulfilled a ministerial commitment to have the fire service inspect or assure every residential building over 18m by the end of 2021. It was always recognised that this was a challenging task, especially in London – and one made more complicated by the inaccurate data available on building locations and numbers.
2. Nevertheless, the fire service completed the task on time, which is a considerable achievement, making an important contribution to resident safety and collecting a significant amount data. The LGA has worked closely with the National Fire Chiefs Council, the Home Office and DLUHC to support this work through the FPB.

### Secretary of State statement

3. On 11 January, Secretary of State Michael Gove made his long-awaited ‘reset’ [statement](#) on building safety. The statement set out four principles, listed below with the relevant policy decisions:
4. **A proportionate approach to building safety.** This refers to the Government’s belief that some landlords are either getting overly risk-averse fire risk assessments (from assessors who are afraid of being sued) or over-reacting to fire safety defects and imposing waking watches unnecessarily.
5. To prevent this
  - 5.1. the Government has withdrawn its Consolidated Advice Note and the BSI has published [PAS 9980 Fire risk appraisal of external wall construction and cladding of existing blocks of flats](#). The Government expects this to produce less of a pass/fail approach and a more proportionate one. PAS 9980 encourages a risk-based approach to assessing external wall systems rather than a compliance based approach referring to building regulation guidance and the Secretary of State clearly hopes this will promote his view that ‘medium-rise buildings are safe, unless there is clear evidence to the contrary’.
  - 5.2. The Secretary of State threatened to ‘take the power to review the governance of the Royal Institution of Chartered Surveyors’, which he appears to see as supporting a disproportionately risk-averse approach.
  - 5.3. The Secretary of State called for ‘far greater use of sensible mitigations, such as sprinklers and fire alarms, in place of unnecessary and costly remediation work’. Our understanding is that the Building Safety Fund will be adapted to enable its use to pay for such measures, something the LGA has argued for consistently.
  - 5.4. Before Easter an indemnity scheme will be brought in for those conducting surveys on external wall systems. This is expected to encourage a less risk-averse, more proportionate approach (our understanding is that the indemnity will apply to those doing EWS1 surveys, NOT to those conducting fire risk assessments under the Fire Safety Order). This seems to be a significant move as the lack of Professional Indemnity Insurance has been a significant issue in recent years, although the failure to cover fire risk assessments may be an issue.



- 5.5. The Government will audit EWS1 assessments 'to ensure that expensive remediation is being advised only where it is necessary to remove a threat to life'. To get an idea of the scale of audit required, DLUHC figures from seven major lenders show that between April and September last year an EWS1 form or equivalent was required by lenders for 8% of 55,000 mortgage valuations for flats in the UK.
6. **Protect leaseholders.** This part of the speech got the most attention. The key pledge was that no leaseholder in a building over 11m (4 storeys) high will have to pay to fix cladding problems. The LGA has long called for this.
7. As a consequence, the loans scheme for leaseholders in 11-18m blocks, announced last year has been scrapped.
8. While this is welcome news there are a number of caveats:
- 8.1. The announcement does not cover non-cladding fire safety issues. When pressed on this point, the Secretary of State said he would extend the time limit in which leaseholders can sue developers for defective work from the 15 years in the current version of the Building Safety Bill (itself an extension from the seven years in the Defective Premises Act, DPA) to 30 years. The LGA has previously questioned whether this approach will work as the DPA has seen little use in the past.
- 8.2. The number of affected buildings in the 11-18m range is unknown.
- 8.3. The commitment that leaseholders don't have to pay in flats over 11m only applies to 'leaseholders living in their own homes', not to those sub-letting.
- 8.4. It is unclear whether the protection afforded to leaseholders will be extended to social housing providers, although, answering a question from Clive Betts MP, the Secretary of State suggested he wanted to avoid a negative impact on social housing. The LGA's [response](#) to the statement emphasized the injustice of leaving social housing tenants and those on the housing waiting list to pay for the failings of the industry, by allowing costs to fall on the housing revenue account.
- 8.5. Where will the money come from (see below)?
9. Leaseholders will also be helped by
- 9.1. lower insurance premiums which Lord Greenhalgh will work with the Insurance Industry to achieve
- 9.2. protecting leaseholders against forfeiture and eviction as a result of cladding issues (in statute, we understand)
- 9.3. expanding the waking watch relief fund to cover flats below 18m
- 9.4. providing leaseholders with better information on remediation to leaseholders (this will be very welcome)
10. **Polluter pays** Much attention in the run up to the speech was devoted to a [letter](#) from the Chief Secretary to the Treasury emphasising that there would be no new money from the taxpayer.
11. The Government wants to force developers to pay rather than leaseholders. The Secretary of State has [written](#) to 'the residential property developer industry' telling it to come up with some proposals (worth £4bn) by March or the Government will take action.

This action will certainly include removing their right to participate in Government schemes such as help to buy and the existing developer levy and tax proposals, but Gove implied it will also include possible legal action and further tax.

12. If this approach fails to produce the requisite funds, the implication appears to be that DLUHC's budget will bear the cost.
13. **Hold to account those who have put lives at risk.** In addition to the demand that the industry as a whole meets the additional cost of fixing buildings under 18m, The Secretary of State warned: 'those who sought to profiteer from the consequences of the Grenfell tragedy: we are coming for you. I have established a dedicated team in my Department to expose and pursue those responsible. We will begin by reviewing Government schemes and programmes to ensure that, in accordance with due process, there are commercial consequences for any company that is responsible for this crisis and refusing to help to fix it.'

### Going Forward

14. Taken together, the announcement delivers many of the measures the LGA called for in its [position statement on leaseholder costs](#) a year ago: leaseholder protection, including for those in blocks under 18m; resolution of any professional insurance barriers to industry capacity, establishment of a residential building safety equivalent to Flood Re and 'a task force to take forward legal action against those responsible for the cladding crisis'
15. Nevertheless there remain concerns over:
  - 15.1 The impact on the housing revenue account and on housing associations if the industry fails to deliver more compensatory funding
  - 15.2 The ability of the Government to rectify any refusal by the industry to pay
  - 15.3 The capacity of the industry to deliver remediation
  - 15.4 The continuing supply of new unsafe buildings
  - 15.5 The funding and delivery of the new regulatory system
  - 15.6 The pace of remediation, given that the process of remediating buildings with ACM cladding is still not complete.
  - 15.7 The impact of non-cladding costs on leaseholders if the amendments to the DFA prove ineffective
  - 15.8 The continuing lack of firm proposals on some of the pledges made (for example insurance costs)
  - 15.9 Continuing delays to the commencement of the Fire Safety Act and uncertainty over the delivery of the Grenfell Tower recommendations (the Act would be commenced 'shortly' the Secretary of State said).
16. We expect that DLUHC will want councils and fire services to step up enforcement action in support of remediation, including on buildings in the 11-18m range. The LGA has invited members to get in touch if they need support and reminded them of the existence of the Joint Inspection Team which exists to support these efforts

17. To support councils and fire services in this work the LGA is engaged on a number of activities previously reported to the Board:

- 17.1. Hosting a document - *Principles for effective regulation of Fire Safety in purpose-built blocks of flats* - drawn up by sector experts led by the LGA and NFCC, to assist council private sector housing enforcement and the fire service to work together to inspect and enforce in relation to dangerous cladding. The text was completed in December last year and the document is in the process of being uploaded onto the LGA website
- 17.2. Commissioning case studies of joint working. These will be commissioned by the time of the meeting and should be published by the end of March.
- 17.3. Discussing the funding of the Joint Inspection Team next year with DLUHC with a view to significantly expanding it. This is overseen by the JIT Programme Board.
- 17.4. Supporting the provision of a data system to bring together the information on buildings over 18m in a way that supports effective enforcement. LGA and NFCC have made the case to DLUHC for this resource to be developed as a priority and the response has been positive. A report will be going to the Fire Protection Board later this month.
- 17.5. Liaising with DLUHC who are planning to write to councils raising issues about LPS buildings. This work has not progressed since the last report
- 17.6. Preparing plans for sector led improvement in 2022-3 and delivering existing SLI plans. A Leadership Essentials aimed at Housing portfolio Holders will be delivered at the end of February.

### **Implications for Wales**

18. Building regulations and fire and rescue services are devolved responsibilities of the Welsh Assembly Government, and the main implications arising from the recommendations of the Hackitt Review and the government's response to it are on building regulations and fire safety in England. However the Welsh government has announced that it will be making the changes recommended in the report to the regulatory system in Wales, and the LGA has been keeping in contact to ensure the WLGA is kept informed of the latest developments in England.

### **Financial Implications**

19. None for LGA.

### **Next steps**

Officers to take forward any actions





## **EEHT Update paper**

### **Purpose of report**

For information.

### **Summary**

This paper provides updates on a range of issues within the remit of the Board that are not already covered in other Board agenda items.

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## Housing, Planning and Homelessness

### Housing improvement

1. The Housing Advisers Programme (HAP) has now announced 30 successful projects for 2021/22, supporting 90 councils across the country. The programme continues to fund the provision of bespoke expert support to councils – or groups of councils – wanting to transform the delivery of homes and places, the quality and security of existing homes and/or to prevent and reduce homelessness.
2. A framework has now been developed for the delivery of a Social Housing Management Peer Challenge offer, following feedback from an engagement exercise with the sector. The first pilot in the East of England is due to go ahead in early February, with a second to follow in London before the end of the financial year. These pilots will inform proposals for 2022/23, which are under discussion.

### Ground Rent Bill

3. We have [briefed](#) parliamentarians during the passage of the Leasehold Reform (Ground Rent) Bill, stressing the importance for new burdens funding to enable councils to undertake the proactive work necessary to ensure compliance with the new legislation.

### Inquiry into the regulation of social housing

4. We submitted [evidence](#) to the Housing, Communities and Local Government Select Committee inquiry into the regulation of social housing in England. Among the key points made in the submission were the challenges that right to buy policy has on council housing stock provision; the role of sector-led improvement through in supporting the delivery of high-quality social housing; the impact of building safety remediation and retrofit programmes on the ability to maintain and improve housing stock and deliver new supply and [our case for councils to be given powers to build 100,000 social homes for rent each year](#). The submission reiterated the point that councils play a [vital role in housing supply](#) as planning and housing authorities, as partners with house builders and registered providers, as direct builders, as providers of homes for the most vulnerable and as local place leaders.

### Public Accounts Committee Inquiry into Rough Sleeping

5. We [responded](#) to a call for evidence which looked at the governments “lack of progress towards either the promise to end rough sleeping entirely by 2024, or the Government’s manifesto commitments on house-building”. We highlighted the vital

role council housing plays in preventing homelessness. We also made the argument for a cross-departmental homelessness prevention strategy following on from the achievements of 'Everyone In' to reap the benefits and deliver on promises to end rough sleeping by 2024.

#### Temporary Accommodation Peer Support Programme

6. Work is underway on setting up a number of delivery and impact panels to engage with 100-150 councils on the topic of temporary accommodation. This follows on from the success of the [Rough sleeper peer support programme](#). Temporary accommodation use in England is on the rise and as councils continue to work with the legacy of Everyone In and an ongoing lack of affordable housing, homelessness services are faced with the difficulty of finding suitable accommodation in their area.
7. This project will capture best practice, uncover the main challenges and opportunities for change, and produce a voice of the sector report which will provide guidance to councils and be shared with central government.
8. To launch the project we hosted [a webinar](#) attended 140 delegates, indicating a huge interest in this topic across the sector.

#### Homelessness Prevention Project with Local Partnerships

9. Leeds City Council and Cornwall Council have been selected to take part in research to identify best practice in relation to homelessness prevention and to begin to develop a case for investment that can help to improve homelessness prevention services nationally. This work is part-funded by the LGA and will be carried out by Local Partnerships.
10. As part of this work, Local Partnerships will look to compare national and local Key Performance Indicators in relation to homelessness prevention expenditure and outputs. They will be looking to understand what works well and how broad outputs associated with homelessness prevention can be measured or estimated. We will then work with Local Partnerships to consider making recommendations to DLUHC based on examples of good practice which are replicable.

#### Other Parliamentary activity

11. We have also briefed for debates on: [access to affordable housing and planning reform](#); [role of developers, house-builders and management companies in new homes](#) and [insecurity in the private rental market](#).

#### Economy

12. As mentioned in the work programme at the beginning of the year, the LGA had commissioned three pieces of work in relation to local economy and business via the DHLUC grant funded sector-led improvement programme. These are now published on the LGA website, and can be accessed through the following links:
  - [Supporting councils with business engagement](#). This report sets out how councils can engage more effectively with businesses in the future to support economic

03 February 2022

recovery and growth. The firm foundation built through the pandemic gives an opportunity to bring a strong business voice into local action and policy making.

- [Public-Private Partnerships: Driving Growth, Building Resilience](#). This good practice guide aims to support councils to plan and establish more effective public-private partnerships, which can deliver the investment, development and services that are essential to boosting economic growth and recovery.
- [Creating resilient and revitalised high streets in the 'new normal'](#). Economics and strategy research consultancy, Pragmatix Advisory, and futures experts, Trajectory, were commissioned by the Local Government Association to identify how councils can help create resilient and revitalised high streets beyond the pandemic.

### Minimum Revenue Provision

13. In November DLUHC launched a [consultation](#) on proposed changes to the regulations underpinning the Government's [Statutory guidance on Minimum Revenue Provision](#) (one of the four code that form the Prudential Framework for Capital Finance). The proposal will put the requirement to make Minimum Revenue Provision (an amount to set aside each year from the revenue account to repay the principal of debt) onto a statutory footing. The consultation closes on 8 February and we are now involved in discussions with a number of councils and a round table hosted by DLUHC to understand the implications and any unintended consequences of the proposals, for example affecting councils' ability to invest in infrastructure and housing via wholly owned companies or negatively impact on council revenue budgets. The LGA Resources Board is leading on this issue.

### Transport

#### Active Travel England

14. The Department for Transport ([DfT](#)) has launched [Active Travel England](#), a new cycling and walking body with Chris Boardman, former Olympian, to become its interim national commissioner. Active Travel England will be responsible for driving up the standards of cycling and walking infrastructure and managing the national active travel budget, awarding funding to local authorities for projects that improve both health and air quality. The LGA has called for a proportionate and balanced approach to inspection and local support and capacity building. Further funding to councils for e-cargo bikes, funding for cycle rail and routes to stations and social prescribing was also announced.

#### Funding for bus services

15. The LGA has written to the Secretary of State for Transport and the Chancellor to highlight the potential threat to local bus services as funding through the Bus Recovery Grant finishes at the end of March 2022. We have called on the Government to commit early to keeping the BRG going beyond March 2022, so that vital routes are not lost – possibly for good, and people can continue to keep faith in their local bus services.



#### EV charging

16. In November 2021 Cllr Renard met with the new minister responsible for EV charging and OZEV (Office of Zero Emission Vehicles), Trudy Harrison MP. The purpose of the meeting was to discuss the role of councils in delivering the EV charging infrastructure that will help the country to transition to electric vehicles. As well as roles, the discussion also covered issues such as local capacity, future funding and the forthcoming EV charging infrastructure strategy from OZEV. The LGA also submitted a [response](#) to OZEV's Future of transport regulatory review: zero emission vehicles consultation on whether there should be a statutory obligation to plan and deliver a charging infrastructure.

### **Environment and Climate Change**

#### Waste and recycling

17. Household waste and recycling services have been under pressure from staff shortages related to the Omicron variant. We have responded to media requests for information and continue to work with Defra and the waste officer networks to understand the impact on service delivery. There are signs of localised disruption but the overall picture is still unclear. We also responded to the release of updated figures on household recycling rates from Defra in December, which covered 2020 and the period of national lockdowns. Our response highlighted the significant achievements from local government in increasing food waste collections and reducing the amount of waste sent to landfill by 7% on the previous year.

#### Cop26

18. In November 2021 a delegation of local leaders and EEHT members, Cllrs Pippa Heylings, Claire Holland and myself, attended COP26 in Glasgow, alongside our Chairman Cllr James Jamieson and Chief Executive Mark Lloyd. The LGA had representation in both the Blue Zone, where the negotiations took place, and the public-facing Green Zone where we showcased the important work of councils tackling climate change. In the Blue Zone, we hosted a series of important discussions and events focusing on the vital role of councils in delivering net zero and the potential for local government to make this happen further and faster. Throughout COP26, the delegation worked hard to make sure the importance of councils in tackling climate change was recognised in the final wording of the Glasgow Climate Pact and that was achieved.

03 February 2022

#### Phasing out fossil fuel heating

19. On Wednesday 12 January 2022 we responded to government consultations on [Phasing out the installation of fossil fuel heating in homes off the gas grid](#) and [Phasing out the installation of fossil fuel heating in non-domestic buildings off the gas grid](#). You can read our response to the [consultation relating to homes](#) and to the one on [non-domestic buildings](#).

#### Persistent Organic Pollutants (POPs) in Domestic Soft Seating Furniture

20. Officers have been working with Defra and the Environment Agency on guidance for Local Authorities on managing domestic soft seating furniture waste following [New research](#) confirming that many items of domestic seating soft furnishings waste contain significant amounts of Persistent Organic Pollutants (POPs), meaning that the POPs content must be destroyed. Officers are looking to ensure that the guidance is clear, aims to maintain current levels of repair and reuse, doesn't exhaust existing EFW disposal capacity and that councils are not financially burdened from new regulatory requirements.

#### Environment Act

21. The Environment Act received Royal Assent in December after a long journey through the Houses of Parliament. The Act gives significant new responsibilities to local authorities on nature and biodiversity, and provides the legislative basis for reforms to waste and recycling services. We are working with Defra on the next steps, and seeking clarity on the timetable for implementation of the waste and recycling reforms.

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# LGA location map

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## Public transport

18 Smith Square is well served by public transport. The nearest mainline stations are: Victoria and Waterloo: the local underground stations are **St James's Park** (Circle and District Lines), **Westminster** (Circle, District and Jubilee Lines), and **Pimlico** (Victoria Line) - all about 10 minutes walk away.

Buses 3 and 87 travel along Millbank, and the 507 between Victoria and Waterloo stops in Horseferry Road close to Dean Bradley Street.

## Bus routes – Horseferry Road

- 507** Waterloo - Victoria
- C10** Canada Water - Pimlico - Victoria
- 88** Camden Town - Whitehall - Westminster - Pimlico - Clapham Common

## Bus routes – Millbank

- 87** Wandsworth - Aldwych
- 3** Crystal Palace - Brixton - Oxford Circus

For further information, visit the Transport for London website at [www.tfl.gov.uk](http://www.tfl.gov.uk)

## Cycling facilities

The nearest Barclays cycle hire racks are in Smith Square. Cycle racks are also available at 18 Smith Square. Please telephone the LGA on 020 7664 3131.

## Central London Congestion Charging Zone

18 Smith Square is located within the congestion charging zone.

For further details, please call 0845 900 1234 or visit the website at [www.cclondon.com](http://www.cclondon.com)

## Car parks

Abingdon Street Car Park (off Great College Street)

Horseferry Road Car Park  
 Horseferry Road/Arneway Street. Visit the website at

[www.westminster.gov.uk/parking](http://www.westminster.gov.uk/parking)



