

ENVIRONMENTAL SCRUTINY COMMITTEE

16 NOVEMBER 2023

Present: Councillor Owen Jones(Chairperson)
Councillors Derbyshire, Gibson, Green, Lancaster, Lloyd Jones,
Jackie Parry, Proctor and Wood

20 : APOLOGIES FOR ABSENCE

No apologies for absence.

21 : DECLARATIONS OF INTEREST

Councillor Owen Jones declared a personal interest in Item 4 as a non-Executive Director of Cardiff Bus.

22 : MINUTES

The minutes of the meeting held on 6 July 2023 were approved by the Committee as a correct record and were signed by the Chairperson.

23 : TRANSPORT FOR WALES - CARDIFF PROJECTS

RESOLVED – That members of the public be excluded during the consideration of the following item as it includes exempt information as defined in described in paragraphs 14 and 21 of parts 4 and 5 of Schedule 12A to the Local Government Act 1972.

RESOLVED: That the Chairperson writes to the Cabinet Member on behalf of the Committee to convey any comments, observations and recommendations made during the way forward.

24 : NATURE EMERGENCY/BIODIVERSITY UPDATE

The Committee received a report providing an update in relation to actions taken to address the nature emergency declared in November 2021 and also progress in relation to the development of the Biodiversity and Resilience of Ecosystems Duty Plan.

Members were advised that Section 6 of the Environment (Wales) Act 2016 requires that public authorities to maintain and enhance biodiversity and promote the resilience of ecosystems. In order to comply with this duty public authorities must prepare and publish a plan setting out what they propose to do to maintain and enhance biodiversity and promote resilience. The first of these plans was required in 2019. The Biodiversity and Resilience of Ecosystems Duty(BRED) report has been delayed for a number of reasons including the Ecologist post being vacant.

Local Nature Partnerships (LNPs) have been established in all Local Authorities and National Parks in Wales through the 'LNP Cymru' project funded by Welsh Government. The Cardiff Local Nature Partnership was formed in 2020 with the appointment of a Local Nature Partnership Coordinator and the creation of a Local Nature Partnership Steering Group. LNPs are an integral element in addressing the nature crisis in Wales, providing biodiversity advice; seeking funding opportunities and collaborations; supporting community groups to take action; and sharing information about nature-based projects, events and activities. LNPs are responsible for producing Local Nature Recovery Action Plans to complement and reinforce national nature recovery efforts at a local level.

The Chairperson welcomed Councillor Caro Wild, Cabinet Member for Climate Change, Steve Ball, Development Manager Strategic and Placemaking, John Maidment, Operational Manager Parks, Sport and Harbour Authority, Justin Groves, County Ecologist and Sam Eaves, Local Nature Partnership Coordinator. The Cabinet Member was invited to make a brief statement.

Following a presentation from officers, the Chairperson then opened the debate on this item. Those discussions are summarised as follows:

- Members noted that most of the funding available to meet the challenges of the Nature Emergency came from Welsh Government. A Member questioned whether the Nature Emergency was received equal prominence with the Climate Emergency. The Cabinet Member for Climate Change accepted the point. It was considered that the Climate Change agenda is universally recognised in a way that the Nature Emergency isn't and this presented a challenge. However, the authority can robustly defend its position in terms of its commitment to the Nature Emergency.
- Members asked whether the authority was confident that the momentum and progress made in terms addressing of the Nature Emergency would continue if grant funding from the Welsh Government was withdrawn. The Cabinet Member was unable to speculate at this time but reiterated the authority's manifesto commitment to the 'green' agenda.
- Members welcomed the partnership working with other public bodies. A Member asked whether more could be done to work jointly with neighbouring local authorities in order to enhance nature at a regional level. The Operational Manager Parks, Sport and Harbour Authority stated that Cardiff is proactive at an operational level in terms of working in partnership with neighbouring local authorities. However, there may be room for improvement at a strategic level. The Green Space Wales network links the 22 local authorities in Wales at an operational level.
- Members asked whether enough was being done to engage with schools and young people in general to formulate strategy. The Development Manager Strategic and Placemaking stated that education was the key to addressing the Nature Emergency and the authority is always seeking to get young people involved. There is a strong schools workstream within the Coed Caerdydd project

but this area needs to be developed further.

- Officers were asked to comment on the revised Local Development Plan and whether the LDP would sufficiently achieve the objectives of protecting and enhancing nature, particularly in around new developments. The Development Manager Strategic and Placemaking stated that the preferred LDP, setting out the long-term strategy, is currently subject to consultation. The Nature Emergency, biodiversity and the importance of green infrastructure forms part of the preferred strategy and are critically to its delivery. The LDP follows Welsh Government policy guidance. Officers were confident that the LDP would strengthen the protection and enhancement of nature in respect of large scale developments.
- A Member considered that the LDP could do more to enhance nature by ensuring that houses in new developments have adequate size gardens and asked whether that provision would be included in the LDP. The County Ecologist stated that gardens are considered in all applications and if the proposed planning application doesn't meet the 'net benefit' test then an objection to the application will be submitted. There may be an argument for having a specific Net Benefit Policy in the LDP but those aspects are covered by existing policies such as the Green Infrastructure Policy. The Development Manager Strategic and Placemaking stated that Planning Policy Wales has a requirement for biodiversity enhancement and this would carry through to the replacement LDP.
- A Member noted a recommendation in the Committee's Biodiversity inquiry report regarding the amount of time resource committed by the County Ecologist to discharge statutory duties under the Planning regime. The County Ecologist was asked to comment on the recommendation and asked whether the appointment of a second County Ecologist would assist. The County Ecologist stated that the intention is to recruit a second ecologist and this would enable him to work on more strategically across the authority. A large amount of time is currently allocated to the consideration planning applications, however it is vital that this work is undertaken in order to enhance biodiversity. The Development Manager Strategic and Placemaking accepted that additional capacity was necessary. The second Ecologist post has been advertised but it did not attract candidates with the qualifications required, so it will be readvertised.
- A Member asked which of the recommendations in the Biodiversity Inquiry Report have been progressed and which are in need of improvement. The Operational Manager Parks, Sport and Harbour Authority considered that good progress has been made against the recommendations set out in the Inquiry Report that fell under the remit of his Service Area. Additional revenue funding was allocated in the 2021/22 and 2022/23 budgets enabled additional Community Park Rangers to be deployed. The Apprenticeship Scheme has also helped.
- A Member asked whether the replacement LDP policies were sufficient to address the conflicting priorities the Council has such as balancing the enhancement of biodiversity and the provision of new housing or transportation projects and whether enforcement was adequate. Officers were asked to comment on what the authority could do in terms of enforcement when developers fall short. The Development Manager Strategic and Placemaking stated that current policies address these issues but they could potentially go

further in the replacement LDP. The point regarding conflicting priorities was accepted and this represented to the biggest challenge faced by Planning Officers. Strong enforcement was important in order to identify areas where there are deficiencies in order that these can be addressed with developers.

- A Member asked whether the authority has any powers to ban the installation of artificial grass. Officers confirmed that there are currently no powers to ban the use of artificial grass as no consent is required. A Member questioned whether the installation of 4G grass sports pitches would have an effect. The Development Manager Strategic and Placemaking advised that in any installation of 4G pitches there would be a need to mitigate against any potential impact and biodiversity enhancement measures will be included in order to offset any impact.
- A Member asked how the protection of SSSI areas are balanced against the need for new developments in the city. The Development Manager Strategic and Placemaking stated that balancing competing interests was challenging. The revised Chapter 6 of the Planning Policy Wales guidance gives much greater weight to the protection of SSSI insofar as new developments affecting SSSI areas should now be avoided. Developments on or affecting SSSI areas will only be permitted in exceptional circumstances.
- Members asked whether consideration has been given to having an officer dedicated seeking sources of grant funding for biodiversity projects. The Operational Manager Parks and Harbour Authority supported the suggestion for a dedicated grants officer. The role is currently integrated into the Community and Conservation Development officer role within the Community Park Ranger Service, the Tree Officer role and the Allotment Officer role.
- A Member questioned whether, in terms of enforcement, a dedicated officer could be deployed to enforce biodiversity policy on new developments.
- Responding to a point raised by a Member, officers advised that Welsh Government 'Greening the Council Estate' funding was used to provide green walls at Kitchener Primary School, Birchgrove Primary School and the Dusty Forge Centre. Regulatory Services air quality monitoring demonstrated a 25% drop in nitrogen oxide levels as well as providing additional privacy and a reduction in traffic noise levels.
- The Committee sought views on the extent to which biodiversity and the nature emergency are embedded into the Council's decision-making processes, for example when disposing of areas of land. The Cabinet Member considered that the BRED plan will require those issues to be incorporated into decision-making. The County Ecologist advised that Section 6 duty training, provided as part of the LNP funding, will target heads of departments and should assist that these issues are embedded into decision-making also.
- Members asked when the BRED plan would be completed. The Cabinet Member stated that the plan would be ready in April 2024.

- A Member asked how the importance of nature and biodiversity has been incorporated into the One Planet Cardiff objectives.
- Members asked what could be done to assist communities to promote biodiversity scheme in their localities. The Operational Manager Parks and Harbour authority advised that there are various mechanisms by which communities can be supported including direct consultation with local members. Partnership working is taking place between Friend of Parks groups/residents groups and the Community Park Rangers team. The Love Where You Live campaign is also another potential avenue.
- The Committee asked for comments on biodiversity regulation in England which requires a net biodiversity gain for planning applications. The County Ecologist considered that there were pros and cons for both regimes. The net gain scheme can become a quantitative exercise whereas the regime in Wales does allow the Ecologist assessing a planning application to 'push-back' and make changes to planning application schemes.

RESOLVED : That the Chairperson writes to the Cabinet Member on behalf of the Committee to convey any comments, observations and recommendations made during the way forward.

25 : URGENT ITEMS (IF ANY)

No urgent items.

26 : WAY FORWARD

27 : DATE OF NEXT MEETING

Members were advised that the next Environment Scrutiny Committee is scheduled for 7 December 2023.

The meeting terminated at 6.40 pm