



HOUSE OF LORDS

Environment and Climate Change Committee

Corrected oral evidence: Nitrogen

Wednesday 23 April 2025

10 am

Watch the meeting

Members present: Baroness Sheehan (The Chair); Lord Ashcombe; Lord Duncan of Springbank; Lord Jay of Ewelme; Lord Krebs; Lord Layard; Earl of Leicester; Lord Rooker; Lord Trees; Baroness Whitaker.

Evidence Session No. 11

Heard in Public

Questions 81 – 86

Witnesses

[I](#): Elle Winning, Air Quality Lead, West Midlands Combined Authority; Tom Parkes, Air Quality Programme Manager, London Borough of Camden; Mike Garrity, Corporate Director of Planning, Place, Dorset Council.

Examination of witnesses

Elle Winning, Tom Parkes and Mike Garrity.

Q81 The Chair: Good morning and welcome to the Lords Select Committee on the environment and climate change. Today, we will be continuing our inquiry into the efficient use and management of nitrogen in the environment and hearing this time from two panels of expert witnesses. In the first panel, we will take evidence from three local authorities and hear about their responsibilities in mitigating nitrogen pollution. In the second panel, we will be hearing from Natural England, the Government's adviser for the natural environment in England.

Before we start, may I remind everyone that the session will be webcast live on Parliament TV and that a transcript will be taken and made public? Witnesses will have an opportunity to review the transcript and may make very minor amendments if necessary. Members are reminded that they should declare any relevant interests the first time they speak. I will take this opportunity now to say that I am a director of Peers for the Planet, which is an unpaid role.

Before asking the first question, may I emphasise to the panellists the need to keep answers short and to the point? We have a lot to get through in the time available to us. However, if there are important issues that you really think must be heard, then please do take that extra bit of time.

The first question, from myself, is quite a general one. We have heard the huge amount of damage that nitrogen pollution is doing to our ecosystems. Is there an appreciation among local authorities of the importance of containing nitrogen pollution? The main question for the panellists is, how much of a focus is there on nitrogen management across your work? The first time you speak, please will you say a few words introducing yourself and what you do? Mike Garrity, would you like to go first?

Mike Garrity: I am a corporate director for planning at Dorset Council. In answer to the first question, yes, there is quite a significant appreciation of the significance of nitrogen. We also focus more broadly on nutrients—including phosphorus and others—because of the implications for wetland habitats and catchments that are affected. So our work focuses on both the nitrogen effects and the phosphorus. Crossing both heathland habitats and wetland habitats is the primary focus. Sorry, could you remind me of the second question?

The Chair: There is no question after the ones I asked. Does more need to be done to embed nitrogen considerations into existing responsibilities, or do you think you have a good handle on nitrogen pollution in your council area?

Mike Garrity: I would say that we have a good handle on it, but that is because we have built up quite strong partnerships working across our

neighbouring authority, as well as with Natural England and other partners such as water utilities. There are issues about how we handle the mitigation and the delivery of that, and that is the thing that is causing issues for us in terms of certainty, backlogs in planning permissions, development coming forward, and how we mitigate that. So the framework is there to do it; it is the certainty of delivery of the mitigation that is probably a big challenge for us.

Elle Winning: I am from the West Midlands Combined Authority. As the West Midlands Combined Authority is a largely urbanised area—approximately 60% built up and made of gardens—I would say that damage to ecosystems from nitrogen is not at present a significant issue or something that is being looked into. The WMCA is responsible for delivering the Local Nature Recovery Strategy, and we have done extensive stakeholder engagement, including with Defra’s arm-length bodies such as Natural England and the Environment Agency. The impacts of nitrogen, be it waterborne or airborne, have not been identified as significant at present. That does not necessarily mean it is not significant; it is just not a priority in our region at the moment.

In terms of the management of nitrogen, as a combined authority we do not have the same statutory powers as local authorities at present, which means our work has not been shaped by regulation. In 2022, the Combined Authority Board was asked what we were doing as an MCA to improve air pollution, including nitrogen. Subsequently, we developed an air quality framework strategy in partnership with our seven constituent local authorities and other relevant stakeholders in the region.

That was adopted in 2023, and it allows us to strategically deliver air quality improvements across the region. However, as we do not have any statutory powers, this is very much based on building up a collaborative working partnership with our local authorities. If we got more powers and resources through devolution and integrated settlement, this could be strengthened and built upon, and we could deliver more in the way of managing nitrogen and particulate matter across the region.

The Chair: Is this something that you would like to see happen in the future?

Elle Winning: Yes. We would want to work with government to identify what the relevant requirements are at each level—national, regional and local—with clear communication so that we can manage the issues within the regions more effectively. Issues vary from region to region, so we need varying resources and capacity. At present, that is not necessarily there, and the work we are doing is based upon political will and the partnership working.

The Chair: When it comes to air pollutants like NOxes, do you have absolutely no jurisdiction over that and the health of the population you oversee?

Elle Winning: As a combined authority, no, not at present. It is something we would like to request through the integrated settlement—through devolution as a mayoral combined authority—but we rely on the powers that the local authorities have and for them to deliver their statutory duty.

Lord Duncan of Springbank: I have a very quick question. I am trying to understand the difference between the corporate level that you work at and the elected level. How much instruction do you receive from councillors who are seeking to drive forward an agenda?

Mike Garrity: We have a close working relationship. In the May election, we changed political direction; the new administration is very keen to establish its direction of travel. It has identified climate change and nature recovery as being quite high priorities within the council plan. There is quite a close working relationship with members of the Cabinet and officers leading on some key workstreams to ensure integration between some higher-level political priorities as well as the strategies that we are all developing, whether it be through a Local Nature Recovery Strategy or the emerging local plan.

So there is that integration, but we are still probably at a formative stage because we are relatively new as an administration, and the council is finding its feet. But it can rely on quite a lot of embedded practices that we have already established through partnerships that we have been dealing with over a number of years to help inform that development.

The Chair: Elle Winning, I am really flummoxed about this lack of statutory duty that you have in controlling nitrogen—or any pollution, it appears—and yet there is ULEZ, for example, under the GLA. Is the statutory duty different there? Can you elaborate on why there is that difference?

Elle Winning: Obviously, the GLA is an established authority and is quite far progressed; it has different statutory requirements and legislation that allow it to implement the ULEZ or planning guidance and policy.

The Chair: Would you like the same powers as the GLA?

Elle Winning: Yes. We would like to discuss with government what suits best the West Midlands Combined Authority and other MCAs nationally across the region.

The Chair: Are the other combined authorities all in the same position as yourself?

Elle Winning: Correct. We all have slightly different requirements and legislation. Greater Manchester may have more, but a lot of them do not have any statutory requirements and it is not necessarily in their political manifestos, which means it is hard to make it a priority. So the level does really vary nationally.

The Chair: As I understand it, Birmingham comes under your jurisdiction

and has a ULEZ; I do not know what name it goes under. That has been done under its own authority, but presumably it would be far more effective if it could be stretched across the entire combined authority.

Elle Winning: The Clean Air Zone in Birmingham has been significantly effective in reducing nitrogen dioxide within the boundary. We would welcome investigating whether it would be beneficial to expand it. But in terms of air pollution issues in other local authority areas, Walsall, for example, is still highly industrialised, so those are the kind of emissions we would want to focus on.

The Chair: Who monitors those reduced emissions in Birmingham?

Elle Winning: It is the local council—Birmingham City Council.

The Chair: It has not been going very long, has it?

Elle Winning: No. I would have to double-check when it was launched, but it was a few years ago.

The Chair: But you say it has already seen an improvement in air quality.

Elle Winning: Yes, in respect of nitrogen.

The Chair: That is excellent. If we can have some figures on that, that would be much appreciated. Tom: sorry to have kept you.

Tom Parkes: I am the air quality programme manager for Camden Council. Camden is a very densely populated, inner-city authority, and my role is purely focused on nitrogen dioxide air pollution: not the nitrogen that we use as a product in an agricultural setting, but the by-product of other activities like road transportation and how we heat our schools, homes and other buildings in Camden.

We have seen enormous reductions in nitrogen dioxide concentrations in Camden and the rest of London over the past 10 to 15 years, from a range of different regional and local policy interventions, and that has been hugely successful. However, I would not say we necessarily have a good handle on nitrogen pollution. The reason for that is that we have plateaued; we have picked off lots of the quick wins from reducing emissions from road transportation.

There is evidence now that shows that the gas heating emissions from commercial buildings and homes in central and inner London are now by far the largest source of nitrogen dioxide air pollution. So there is clearly a lot more that needs to be done now—shifting our focus away from vehicles and towards other sources of nitrogen pollution—if we are going to make further progress in trying to protect public health in Camden from nitrogen pollution.

That also extends to considering the indoor environment. We know that a lot of people—about half of all homes—are cooking with gas in the UK. That is actually one of the main ways an individual might be exposed to

nitrogen pollution throughout their day-to-day lives, and it is a significant contributing factor to the overall burden of asthma and other health damage linked to nitrogen air pollution. So there is a lot more that can be done, but there are a lot of opportunities to make real progress in trying to better protect people's health.

Q82 Lord Rooker: I do not want to cause you to repeat what you have already said, but in our previous evidence sessions we have heard a lot of concerns about the performance of local authorities in looking at air levels. Could you just run through for us which pollutants you measure and how the results are reported? Bearing in mind what you said earlier, who holds local authorities to account for air quality measures? We are not clear about that from our previous evidence sessions, and it is even less clear in the first few minutes of this session.

Tom Parkes: I can talk about the pollutants and how we report them. The statutory obligations for local authorities relate to nitrogen dioxide, primarily particulate matter. There are a couple of different pollutants that we have historically focused on, just because there is more evidence about the widespread public health damage that is done from exposure to those pollutants. In Camden, we measure NO₂, PM₁₀, which is coarse particulate matter, and PM_{2.5}, which is fine particulate matter. We are also increasingly monitoring ozone and other pollutants, which have emerged in recent years as being potentially a greater threat as our climate changes and we have more intense heatwaves during summers.

All the monitoring data that we collect is publicly available. Local authorities have a statutory obligation to publish annual status reports, which set out the monitoring data we have collected from the previous calendar year, along with an overview of all the action we have taken against our statutory air quality action plans to try to improve air quality. That is all publicly accessible. In London, the 33 boroughs and the City of London Corporation are held to account by the Greater London Authority.¹ So we have a slightly different framework for complying with the local air quality management guidelines in London compared to other local authorities.

Elle Winning: In the Midlands, at present it is the LA's statutory responsibility to monitor and report on air pollutants, much like they do in London. They report directly to Defra as we do not have any statutory requirements, so they do not report to the combined authority at present. If we had those statutory requirements or more powers, it would make it much easier for us to get a better understanding of air pollutant concentrations across the region, because data would come up to us regionally.

On the concern around the performance of local authorities, what we see in the Midlands is that the statutory requirements are set out within policy by national government but the dialogue and mandate that comes down from that is limited. There have been cuts in funding and resources

¹ Footnote by the witness: In London it is 32 boroughs and the City of London.

from national government in terms of regulation, whether that be land, air or water. So it is very hard for some local authorities—especially where they do not have that political pressure or drive—to deliver the same level of work and reduction in air pollutants as it might be for another local authority, because they do not have that support. That needs to come from national government, as well as setting out the standards of their requirements.

Lord Rooker: Can we just be clear about this specific area? The combined authority is essentially the seven district councils, but part of the authority's powers or interest stretches outside to Staffordshire and to Shropshire, does it not? What are you doing in those areas, which are certainly not industrial?

Elle Winning: They are non-constituent areas. The air quality programme has been going for just under two years now and we are working primarily with our seven constituent combined authorities where we see nitrogen pollution being highest at the moment. But yes, you are right, we do have non-constituent authorities and they are more rural, and that is something that we know we need to look into. We are starting to have conversations with those authorities—as well as Worcester, which borders us; it is not a non-con—to determine pollutant levels influencing across the wider region.

Lord Rooker: My final question was on agriculture, but for two of you it is out of bounds. I used to have a horse grazing in my constituency in Perry Barr, but that was the only bit of agriculture there was. What consideration is given to agriculture and the impacts on the action plans? I do not want to shut down farming; some people give the impression they would rather do that. What more can we do to assist agriculture in complying with what we want in clean air? Mike, it is really only you I am looking at for this.

Mike Garrity: It is a really interesting question because a lot of the work that we have done in Dorset has been around voluntary arrangements with agricultural sectors. But being largely a rural authority, a lot of that impact is on habitats, so a lot of the measures that are taken are about setting aside areas of agriculture, moving to more natural production methods, taking fertilisers out of the equation, moving lands to different monitoring, or measuring management approaches through the farming communities². So they do rely a lot on other incentives to take land out of agricultural production where it is having an impact.

There are more localised effects as well—for example, slurry lagoons, where we work closely with Natural England. If those need planning permission, there is a very clear way of managing that through measures you can take. But for agricultural practices that do not need planning permission, there is a lot more reliance on voluntary arrangements and

² Footnote by the witness: The witness would like to add for clarity that a key challenge in Dorset is on avoiding and mitigating impacts upon protected catchments and habitats due to the largely rural but highly protected nature of the area.

the partnership and network building that we do through the Local Nature Recovery Strategies. So we work very closely with farmers and landowners on how they can manage their estates to help improve air quality through those kinds of mechanisms.

Tom Parkes: May I just add something on the point about agriculture? Although urban local authorities would not necessarily contain any activities that contribute towards nitrogen emissions from agriculture, we are still quite significantly affected by particulate air pollution from agricultural activities from further afield. About 88% of all ammonia emissions in the UK are from fertiliser use in agricultural settings. Ammonia is a very reactive compound and can produce particulate matter that is then transported long distances, where it can affect urban as well as rural air quality.

In cities like Leicester and other parts of the UK where there is a lot of surrounding agricultural activity, urban populations and urban public health are still quite significantly affected by agricultural activities, even though the local authority itself might not have any interest in, or recognise the relevance of what happens in, agricultural uses of ammonia and nitrogen.

Lord Rooker: Does Leicester understand that?

Tom Parkes: I am not sure; I have not spoken to them about it.

Elle Winning: To understand that, we need to extend our monitoring networks to look at ammonia and particulate matter. That has not necessarily been done; there is a national monitoring network, but it has not expanded at present into those more rural areas. As a predominantly urban combined authority, we would like to know the impact that agriculture is having on the periphery coming into the region. We do not know because we do not have that data yet.

The Chair: Do you think you have enough monitoring units?

Elle Winning: Within the West Midlands Combined Authority, the local authorities have their own monitoring networks to meet their statutory requirements, and Defra has an urban and rural monitoring network which is strategically located across the country. However, monitoring can only really give you a representation of what is in that area. Often, we have to rely on previous years' data, so it potentially does not give us an up-to-date picture of that.

Within the West Midlands Combined Authority, we have just launched a new air quality sensor network using Defra's air quality grant funding. Again, this is only 90 sensors. So while it is the second largest sensor network in the country after London, it still does not give us that spatial, granular coverage that we need from national government. We need them to invest and harness that as technology is advancing, so that we can start to look at these new or more prominent pollutants over a better spatial scale than we do at present.

Tom Parkes: I completely agree with what Elle said. A key thing for us is that the two types of monitoring equipment we have available to us for statutory reporting to measure nitrogen dioxide air pollution are either automatic, real-time sensors that cost tens of thousands of pounds to install and £10,000 per year to run, or we have to manually change small nitrogen dioxide diffusion tubes, which are cheap but the data we collect from those is not very granular and it is quite a staff time burden to collect those.

In Camden, we have a network of about 350 diffusion tube sensors and five or so real-time, automatic monitoring sites. Overall, we have quite a good coverage of data-monitoring for a small local authority area, but nitrogen dioxide air pollution is so reactive that it can vary hugely from one street to the next. When we are trying to communicate with people about why they might want to consider taking a different route when taking their children to and from school or when getting to work, or when we are trying to encourage people to modify their behaviour to reduce contributions to pollution, it is quite hard to do so without that really granular spatial data.

Being able to approve different technologies in the UK that fall somewhere in between that price range could be really advantageous, not only to support local authorities to take action on pollution where we know there is already a problem, but to support authorities where there currently has not been any monitoring because they have not had the capacity—either financially or in terms of staff—to look at the problem there.

Q83 The Chair: I will declare an interest. When I was parliamentary candidate for Merton, I ran a campaign called Merton's Missing Monitors because there was a particularly controversial planning application. The development was in the local air quality management area. The monitor, which was strategically placed, had gone missing, and the last known reading was off the scale. This is more of a problem across the country than meets the eye, so if any local authorities out there have any issues with monitoring air quality, we would love to hear from you.

Before we move on to Lord Jay's question, I just want to ask about the National Air Pollution Control Programme. We heard from Dame Glenys Stacey of the OEP that the National Air Pollution Control Programme was removed and that this raises questions of who is responsible for holding local authorities to account in meeting air quality targets. Would one of you like to give us some information about the National Air Pollution Control Programme, what it provided and why we are bemoaning the lack of it today?

Tom Parkes: Our responsibility so far has been almost exclusively focused on measuring the concentrations of pollutants, and we have not really focused much on emissions whatsoever. It has always been about the public health outcomes related to exposure to those pollutants, and it is probably a product of how the responsibility for managing air quality as a local problem has been administered through the Greater London

Authority and then down to the 33 boroughs, the City of London and Westminster City Council.³

I cannot say that it has had much of an implication for how we do things in Camden locally, but it would raise some concerns about how we mitigate the overall sources of pollution at the national level that we know can disperse and affect people across broad areas.

Mike Garrity: I do not have anything further to add to that.

Q84 **Lord Jay of Ewelme:** I wanted to ask about Local Nature Recovery Strategies, which Mike Garrity has already touched on in answering Lord Rooker. I wondered how effective the Local Nature Recovery Strategies are in your view in addressing biodiversity and engaging with land managers, particularly since they are not legally binding, and whether nitrogen features in such discussions and plans. I suppose that is, again, mostly for you, Mike Garrity, but Elle Winning might also touch on West Yorkshire, if you are allowed to do that.

Mike Garrity: I am happy to start on that. While they are not statutorily binding, they play a really important role as far as we are concerned because the development of the strategy itself has involved a lot of engagement with landowners, farmers and communities generally. That has helped to foster trust that the strategies are there to help them, not as a stick to beat them with.

The farming community is quite often worried about initiatives that are affecting livelihoods, farming, production and all that kind of thing, when in fact what we are trying to use the strategies for is to help steer the most effective management strategies for that land, but through buy-in of partnership working. We have done that through things like show and tell sessions, having farmers show what they have done on their sites and land and sharing it with other farming communities as well. So the actual strategy itself and the building of that strategy have been quite an important way of building that understanding locally as to how those cross-partnerships can work.

To give it teeth, we also have to make sure that the council as a whole considers it important as part of its overall strategic approach and that that gets embedded in other strategies that we are developing that have statutory relevance. We would certainly want to make sure that that forms part of our overall approach to things like biodiversity net gain: how it ties in with things that have statutory relevance—our local plan policies—how we look at nature recovery, and the role of land use planning in achieving that, as well as Defra's National Survey of Land Use.

These are things that we are all trying to tie together, but the process of preparing a Local Nature Recovery Strategy is very important in getting

³ Footnote by the witness: In London it is 32 boroughs and the City of London.

buy-in from the people who are actually going to make a difference to it: the landowners and farmers.

Lord Jay of Ewelme: In an earlier session we heard that, on the whole, farmers are more inclined to listen to other farmers than to you. How do you manage to get the trust that you talked about, which is going to be so important, rather than them saying, "God, here they are again, coming to tell us what we mustn't do"?

Mike Garrity: Part of the arrangement is not only the network of people who are part of working groups and steering groups, which includes groups such as the National Farmers' Union and the Country Land and Business Association; it is also about the individual farmers who are participating in that. It is about having working examples, and building the relationships between them and the local authority, and the town and parish councils, but equally the Environment Agency, Natural England—and Wessex Water in our case—in terms of how that ties into water management, nutrient levels, and everything that goes with that.

It means that it provides us with a platform to look at constructive solutions which help the farming community do things that do not put them out of pocket financially; that help them to maintain a focus on producing crops and farming—whatever it might be; but equally, that help deliver land set aside for nature recovery to help with that process. Equally, it is about engaging them with other farmers on schemes such as slurry management: how they manage that in a more strategic sense across a wider farming community, so that we can deal with things like that—which can have significant localised impacts on air quality, for example—through the nature recovery strategy.

Elle Winning: LNRS does not fall within my remit; that sits within the natural environment team, so I am happy to take that question away for them to answer.

Lord Jay of Ewelme: That would be helpful.

Elle Winning: The LNRS shows how effective utilising regional government is in being able to tackle some of the most prominent environmental issues, working as that step between national and local government.

Lord Jay of Ewelme: Anything from Camden?

Tom Parkes: No.

Lord Ashcombe: Mike, you reeled off a variety of different agencies that farmers need to interact with. It sounds to me there are way too many and they are not that connected at the same time, so confusion reigns, does it not?

Mike Garrity: There is a risk of that. Speaking from the Dorset experience—because we have a focus around some very specific issues such as nutrient management and heathland mitigation—we have had

quite a well-established partnership arrangement in place with neighbouring authorities as well as some of those statutory bodies and the local farming communities. There has been a degree of nurturing those relationships so that people are clear about what the roles and responsibilities are, and that we try to get some degree of tying together of different strategic approaches to how you deliver some of the issues.

But I agree in principle that it is highly complex, and the complexity of it is a challenge for the farming communities, the administrators of systems and developers who have to, in effect, be part of the same ecosystem—if you want to put it that way—because they are reliant on farmers delivering nutrient credits, for example, or assisting in terms of set-aside land. From that perspective, tying that together and having a national overview is really important. It is not just reliant on local areas coming up with local solutions; there needs to be both, basically.

Lord Ashcombe: It does not seem to me that there is a national framework that this works under. Listening particularly to Elle as well, it seems to me to be hugely disjointed across the country.

Mike Garrity: There is a degree of disjoint because it is an evolving situation. I know this is not necessarily specifically relevant to the farming communities, but if you are thinking of how to mitigate the impact of development—given the Government’s agenda for growth and the fact that we need to deliver more affordable housing—we have to find sites for development. That involves huge amounts of not only mitigation but also nature recovery. It is not just about mitigating the impact; it is also about creating the environment for nature recovery.

That is definitely going to rely heavily on having a system that offers certainty to developers so that they know that they can actually bring forward sites, it takes out some risk, there is a mechanism to deliver that, and there is also a network of willing landowners who are prepared to be part of that solution. At the moment, there is a relatively fragmented approach that involves individual private solutions, local authorities doing what they can to bring forward packages of measures, Natural England with its own programmes, and landowners doing their own separately. It is not to say that that is not a positive way forward, but there also needs to be an umbrella of some degree of national steer over this so that there is clarity that somebody can go ahead with something that they need to do without having to rely on just finding a local solution without that certainty.

The Chair: We can pick up on more detail on that in the following question, but just staying with Local Nature Recovery schemes for the time being can you say to what extent nutrient or nitrogen management is a requirement of the measures included in the schemes?

Mike Garrity: Our Local Nature Recovery Strategy is in draft at the moment, but we have 12 priorities set out within it. Two of those priorities have elements of which nitrogen is quite an important aspect; those relate to water quality, but equally to how farms and land are

managed as well. There are strands within the nature recovery strategy where nitrogen is a key part and will be a key part of the solution.

The Chair: It must be, because—I hope this is something that will become clearer by the end of the inquiry—without proper management of nitrogen we are going to fail nature.

Mike Garrity: That is correct and is why the nature recovery strategy has to bed in and tie in very neatly with other strategies and programmes that we have, such as partnerships around heathland management.

The Chair: Before we move on, I have just one other question about the LNRS. It is not clear to what extent nitrogen deposition from the air is considered, particularly if there are nearby point sources such as industrial installations or livestock farms, and I am really talking about the effects of NOxes and ammonia on natural habitats. Can you say whether that is something that is taken into consideration when you are bringing together all the parties that need input into an LNRS?

Mike Garrity: It is taken into consideration. The Local Nature Recovery Strategy is more broad-ranging, across a range of recovery strands. We have other more specific issues that touch on habitat mitigation measures and overlap very neatly with that. Because we have quite extensive areas of internationally protected habitats and wetland habitats, nitrogen is quite a significant part of that.

When it comes to nitrogen emissions from the air, for example, it is principally transport and agriculture that cause those. We have touched on the fact that monitoring is key to understanding where those impacts are, and we are trying to expand our ability to monitor some of that through, for example, community infrastructure levy funding to improve our monitoring stations around that. So we are using funding from development to improve our ability to monitor and measure things such as air quality. That is the plan.

Q85 **Baroness Whitaker:** I should declare that I live in a national park. You have all mentioned quite a complex network of different relationships, and we have had quite a bit of evidence suggesting that we need a more joined-up approach. I would like to ask you particularly about the connections between central government, the national agencies and local authorities. How do your relationships with central government, the Environment Agency and so on affect your work on air quality, water quality and planning? Any of you could begin on that. Mr Parkes?

Tom Parkes: There is a significantly influential relationship between central government and local authorities in my experience. The national policy—national legislation—sets out the ambition for what we are expected to do collectively to try to reduce emissions to the air and how that affects people's health and well-being. So, for example, the Clean Air Strategy 2019 and the more recent air quality strategy for local authority delivery, and the Environment Act 2021—they all have a huge influence

on what local authorities are expected to do, but also set the parameters and the constraints for what we can do.

There is a degree of disconnect between what happens at the local level from local authorities and what happens in government. An example of that is there is a delay between efforts from within Defra, for example, in setting air quality policy and strategy and how that manifests at local level. My experience has been that local authorities are often taking the action that ends up being recommended by Defra before it is recommended.

I would not say it is an efficient relationship, and there is an opportunity to have a lot more effective, two-way communication between Government and local authorities so that we can provide the insight into our experience of trying to manage the diffuse sources of pollution in the local area, like Camden, which will probably have very different challenges from all the other local authorities represented on this panel. So there is a need to have clearer, more constant communication that would then inform policy and legislation to work collectively and more effectively for local authorities in taking action for communities.

Baroness Whitaker: Would you see that as ad hoc or a more formal structure? This will apply to the other two witnesses as well.

Tom Parkes: It needs to be formalised. The communication we have had thus far has been quite ad hoc, so whenever there has been a new strategy—a new piece of legislation—there will have been a consultation process, and periodically there may be some limited workshops with local authorities to provide some degree of input into shaping what comes through from it. But it does feel quite short notice and there has not always been an effective way of inviting lots of different local authorities with different perspectives to contribute.

What we have experienced from one community to the next—even in Camden—is that there are different pressures on how people are affected by nitrogen and other forms of air pollution. So I would say it is really important to have a formalised way of having a constant dialogue that invites lots of views.

Baroness Whitaker: With all the different authorities separately, or are you thinking of a big brainstorm every so often?

Tom Parkes: Probably regionalised, or maybe looking at the types of environments and urban and rural settings that different authorities represent. It needs to be done efficiently, I suppose. Currently, it seems to be done quite ad hoc and not in a very managed way.

Baroness Whitaker: Elle, you look as if you are agreeing.

Elle Winning: I do agree. It would obviously be very hard for Defra to engage with every single local authority, but we have seen devolution happen right across the country. We have seen with LNRS that if we can have a clear mandate from national government and we all communicate

effectively, utilising regional platforms like the MCAs, then we can understand what the issues are across the country. What might be an issue, say, in the north-east of England is not necessarily an issue in the West Midlands or London.

In London, the GLA is obviously more established and probably has better relationships with Defra, so there is potentially more support and clear parameters that the policy has set out. Whereas outside London, for instance in the West Midlands, because we do not have that relationship with Government—it has been very disconnected and we cannot seem to find a way in to communicate—we are not able to take the knowledge that we have on a local and regional level back up to them and vice versa.

Baroness Whitaker: How about Dorset? Does it have the same problems?

Mike Garrity: Dorset's experiences have probably been quite focused, with strong working relationships with government bodies and agencies, primarily because of the extent of the habitat issue in relation to nutrient management. We have quite established working groups and regular meetings with Defra, Natural England and the Environment Agency, but that has been focused on those specific aspects that relate to habitats; that has probably been the primary focus for those discussions rather than broader air quality issues that might affect urban areas.

Baroness Whitaker: You mentioned disconnect, so would that be on areas outside habitat?

Mike Garrity: Yes, and the disconnect probably comes in terms of the continuum from understanding what the problem is, having a strategy to deal with it, but then delivering the necessary measures and the outcomes that are needed. That bit of it is the challenging bit, finding solutions, and how you deliver that relies on quite a wide network. I do not think any government agency can do that alone; it needs that partnership arrangement with local authorities and people on the ground.

Baroness Whitaker: We can leave it there, but if you have any ideas about exactly how this ought to be managed we would welcome that. But later, not now.

The Chair: Just on that issue—before I move on to Lord Duncan for a supplementary—I am particularly interested in Poole Harbour as a case study. It suffers hugely from overload of nitrogen inputs, mainly from agricultural runoff. As a case study, it would be really interesting to know how the different bodies involved in saving Poole Harbour from that dreadful fate work together and where the buck stops. This is a longer issue—just a very short answer would do for now—but I would really appreciate some written evidence on what is happening in Poole Harbour and who is going to be ultimately responsible for making sure it is not overly polluted.

Mike Garrity: That is the big question for us. The responsibilities are quite varied, depending on the statutory roles of the organisations. Some of it is a voluntary basis—for example, a lot of the farming initiatives are voluntary—other things are statutory; the local planning authority has a duty through carrying out appropriate assessments to ensure that development can demonstrate its nutrient neutrality, and obviously Natural England works very closely with the local authorities in ensuring that is the case. I suppose it is a team effort, but it will vary depending on where those responsibilities lie as to who is actually responsible for enforcing that.

The Chair: So you do not know who is ultimately responsible for enforcing and cleaning up Poole Harbour?

Mike Garrity: It would not be a straight answer on that; that is my answer.

The Chair: Would it help you if there were a straight answer to that?

Mike Garrity: It would. It needs clarification as to that continuum with all the different agencies, but at the moment we just have to say that we have to rely on different agencies to pick up different strands.

The Chair: We look forward to receiving more evidence on that.

Mike Garrity: That is fine.

Lord Duncan of Springbank: I am curious. Elle, you said that there is a difficulty that Defra has in engaging with all the local authorities, which I can understand; there are a lot of them. A local authority then has to set out its own ambitions. How are those ambitions then measured against any metric? Does Defra—at an early point—accept the statement from the local authority that that is as good as it gets? Does it make any critical assessment?

Then the second part is: how is it monitored? You could set very low expectations and hit them and therefore be seen to be actually in conformity with your ambitions. I am trying to understand how Defra would be able to know if you were doing a good job, and how we would know as a committee—via whatever public means—that that information was available to us, and I mean us: the public and politicians.

Elle Winning: Tom might be able to explain in more detail about the local authority statutory requirements set out in the Environment Act 2021. In that, they are required to monitor air pollutants, nitrogen dioxide and particulate matter, and, should they identify an exceedance of the national air quality objective, they then have to adopt an air quality action plan. That then goes to Defra for sign-off, which continually monitors—using its monitoring network—the actions set out in the action plan that they then deliver to try to get air pollutants below the national air quality objectives. Once they are seen to be compliant, they can look to revoke that air quality management area.

Lord Duncan of Springbank: The reason I am asking that is that if you set out your action plan at the beginning, presumably some local authorities will be very good at doing it and some less good, but what I am trying to understand is: how would Defra know the difference?

Elle Winning: Due to the disconnect that we have spoken about, Defra would not necessarily know that.

Lord Duncan of Springbank: That is helpful. Thank you.

The Chair: That is worth pursuing.

Q86 **Earl of Leicester:** I had better declare my interests. I am a landowner in Norfolk, a farmer with a large mixed arable and animal regenerative system, small-scale developer, and manager of a national nature reserve, so have a fair bit going on. My question is: what is your perception of how nitrogen is managed across various planning functions, such as the nutrient neutrality habitats, directors' assessments, and of course, importantly, approval of housing and agricultural developments? I am sure there would be a benefit to a more integrated approach, but is it happening? Mike, you start.

Mike Garrity: It has been finding its feet; that is a way of putting it. It is highly complex and it is worth reflecting on the fact that if you are talking about the planning system, if development is required that is likely to add to nutrient loads, we have to go through a process of an appropriate assessment to demonstrate with certainty that it will not lead to an adverse effect on the integrity of the habitat, which is quite a high bar.

In terms of actually getting to that point, we also need a degree of assurance that the mitigation can be secured. A lot of this involves quite a long period; Natural England says it will require 80 years' worth of certainty in terms of ongoing delivery of that mitigation. That can be challenging for landowners in terms of wanting to commit to that, but it can also be very difficult for developers to find the certainty to be able to get the necessary mitigation in place.

That is why there has been some wider discussion around a national system, but it would still require local solutions, which is a good thing in general terms, but it will probably still need local solutions as well. At the moment, it is a bit of a patchwork of some local opportunities arising, relying on the market to bring them forward, or local authorities trying to desperately scrabble together to find sites that they can purchase off landowners to set aside for mitigation measures, whatever it might be. We are still finding uncertainty because of the supply and demand not matching up as they should.

Earl of Leicester: Presumably you are also finding a little uncertainty because there are so many different sorts of nitrogen and nitrogen pollution, and it is almost the elephant in the room that many other sorts of pollution are better understood. Would you say that comes into play?

Mike Garrity: It does. From Dorset's perspective, we are probably reasonably clear about where the sources are in terms of whether it is transport-related or agricultural-related and having mitigation schemes being worked up, so we have reasonably sophisticated mitigation strategies that are being developed. It is that jump between having the strategy and then getting the delivery that is the issue. I can see the complexities of the nitrogen issue being much more challenging within an urban environment than within the rural context—not that it does not exist, but we are focusing our attention a lot on the environmental aspects because of the habitat requirements.

Earl of Leicester: And the urban environment?

Elle Winning: In terms of atmospheric nitrogen in a more urbanised setting and outside London, because the West Midlands Combined Authority does not have any planning powers—it sits with the local authorities and we feel that there is limited governance and planning guidance in relation to air quality at a national level—what we tend to find is that the level at which it is considered within planning applications by developers varies from local authority to local authority. They know whether the planning authority is going to have the capacity to take interest and understand those assessments, so we see a very varied approach in how it is acknowledged in terms of the impact on public health.

Because the national air quality objectives were not reviewed in 2023 when the new particulate matter pollution national air quality objectives were revised, nitrogen dioxide is still relatively high in the World Health Organization comparison. When the local authorities would review an assessment, because we know the impact of nitrogen on public health, it means that if they refer to the World Health Organization, they could get challenged because it is not statutory, meaning the development will go ahead, which is detrimental to public health from the impact of nitrogen.

Earl of Leicester: Do you think that the proposal in a number of regions to move to unitary councils is going to help you to have a more joined-up approach?

Elle Winning: From an MCA perspective, having the ability to do a spatial development strategy as set out in the Planning and Infrastructure Bill would really help that; it would set the regional direction from which local plans would then be developed, so yes, that would help.

Earl of Leicester: And Dorset?

Mike Garrity: We are a unitary authority, but we work very closely with Bournemouth, Christchurch, and Poole as a unitary authority as well, so the model works well in terms of having that continuous approach across the wider area from evidence gathering and delivery.

The Chair: Lord Krebs. I know we are over time, but nevertheless.

Lord Krebs: Very briefly, perhaps to you, Mike: how strong is the

evidence base that nutrient neutrality offsetting actually works?

Mike Garrity: There are quite sophisticated models now, I suppose, for quantifying what nutrient loads development has and then figuring out what you need to do to take that out of the system. Natural England—with other bodies—would be involved in monitoring the water quality to check whether that is working.

From the understanding at the local level, it relies quite a lot on working very closely with our ecologists within the council, and our team works very closely with Natural England to understand that. We also gather evidence around those habitats to make sure we are monitoring the effects and ensuring that is the case. But that is going to be a key challenge moving forward: do we have sophisticated monitoring to show that it is leading to an improvement of those habitats? It is not just a question of whether we are stopping things from happening; some areas need improvement. They do not just need to be protected from further development; there has to be an overall net improvement of their quality.

The Chair: Before I bring this session to a close, there are just a couple of quick questions from myself. Can you say whether agricultural developments are considered in the same way as housing developments, and whether emissions to air are given equal weight to emissions to water under the habitats regulations?

Mike Garrity: From a planning point of view, a lot of what farming does does not need planning permission; it does not go through the same regulatory controls that planning would. There will be forms of development that might need that, but that is why we do quite a lot of work in terms of voluntary arrangements and partnership working with communities.

The Chair: Another quick question: when a new development is given permission, it needs to mitigate the extra load from the increase in population. Often, this is done by new wetland strips or buffer zones, but we have heard some real concerns that these wetland buffer zones are not good enough and have really deteriorated as developers become more and more reliant on them in terms of getting planning permission. Can you say who monitors the design of these wetlands?

Mike Garrity: Again, from our point of view, we would have ecologists who would look at that from the local authority perspective, but equally, we would work with Natural England to ensure that those are achieving the requisite standards. Through development, we have a financial requirement to pay towards the ongoing monitoring of those wetlands so that we have ongoing records to check that they are actually achieving their purposes.

The Chair: Do you accept that some of the more recent wetlands have been substandard and not fit for purpose?

Mike Garrity: I would have to pass on that one. We are quite new in terms of some of the wetlands we have created, so we have yet to get to

a point where we could say conclusively whether they are failing or doing what they are supposed to.

Lord Ashcombe: How long would you expect that time period to be so that you can actually measure it? With the potential ongoing development that we are going to have to see, it is very important that we get it to work. Is it 10 years?

Mike Garrity: It can take a long—

Lord Ashcombe: It takes a long time, I agree; that is what worries me.

Mike Garrity: From the wetlands point of view, I would say the focus for us is more along the phosphorous aspects of development, and that is much more challenging to deal with. It has to be very clearly related to where the development is in terms of the flow and the catchment of where the water goes to intercept it in time before it reaches a protected habitat. for nitrogen. Because we are dealing with it through an upgrade of sewage treatment works through Wessex Water and measures to take out nitrogen in the first place from development, it is more straightforward for us than it is for phosphorous⁴.

The Chair: If you have anything further to add to that, please write to us. We are awaiting Natural England; maybe it can pick up where we have left off on some of these issues. With that, it just remains for me to say a really heartfelt thank you to our three panellists for coming along and making the time to be with us today; it has been hugely appreciated. Thank you very much, and I formally end this first session.

⁴ Footnote by witness: The witness would like to add that wetlands are generally created to deal with phosphorus but there are associated nitrogen reduction benefits. Upgrades to wastewater treatment works are a key way of reducing phosphorus loads and nitrogen is generally more straightforward to mitigate.