

Somerset County Council

Scrutiny for Policies and Place Committee

30/11/2022

Phosphates Issues Overview and Actions agreed from Phosphates Summit

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Lead Executive Member: Cllr Ros Wyke

Division and Local Member: n/a

1. Summary

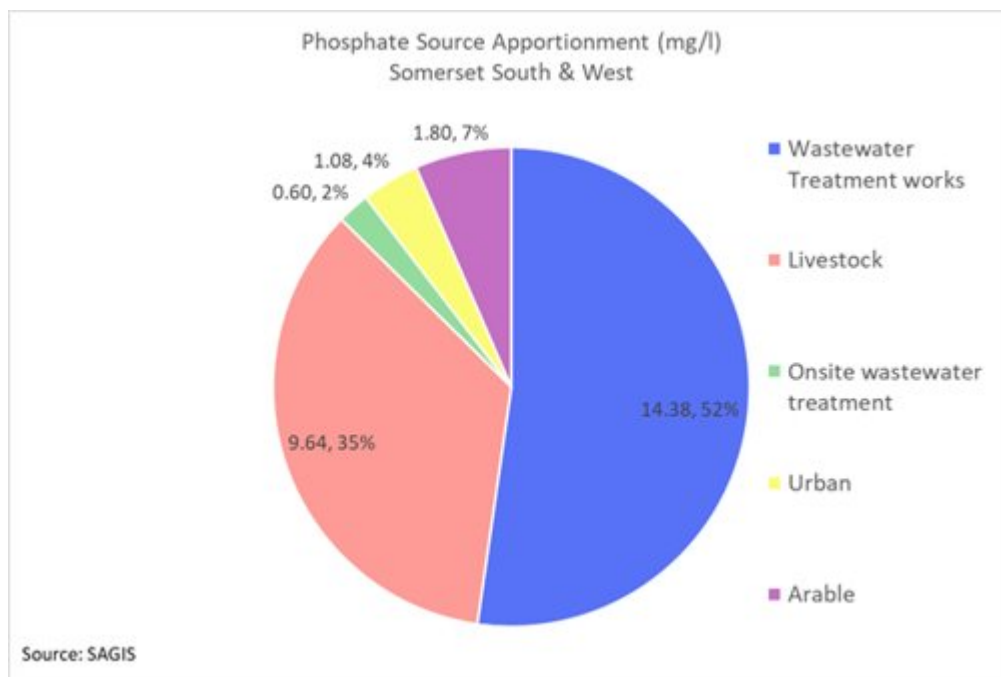
- 1.1** This paper is designed to show the work that the combined Councils and partners have undertaken to date on the phosphate issue and a way forward that we can work together to address this challenging situation
- 1.2** As noted below it is an issue that has far reaching impacts on planning decisions and the economy and society as a whole.

2. Issues for consideration / Recommendations

- 2.1** On 1 November 2022 Members and Officer undertook a phosphate workshop on the issue. The purpose of the workshop was to develop a shared understanding of the problem, review progress to date and then to consider next steps and priorities.
- 2.2** It was agreed to set up a Member/Officer working group involving members and officers of both the Districts and the County – and this is the recommendation of this paper.
- 2.3** The Member/Officer Working Group will need to work up a term of reference for its purpose. This should include how we work together as a unified group providing solutions. It was discussed at the workshop on 1 Nov that the membership of the Working Group would be cross disciplinary and consist of a cohort of Members and Officers with detailed understanding of the Planning System and that were able to input on the Planning, Economic and Environmental issues and impacts.

3. Background

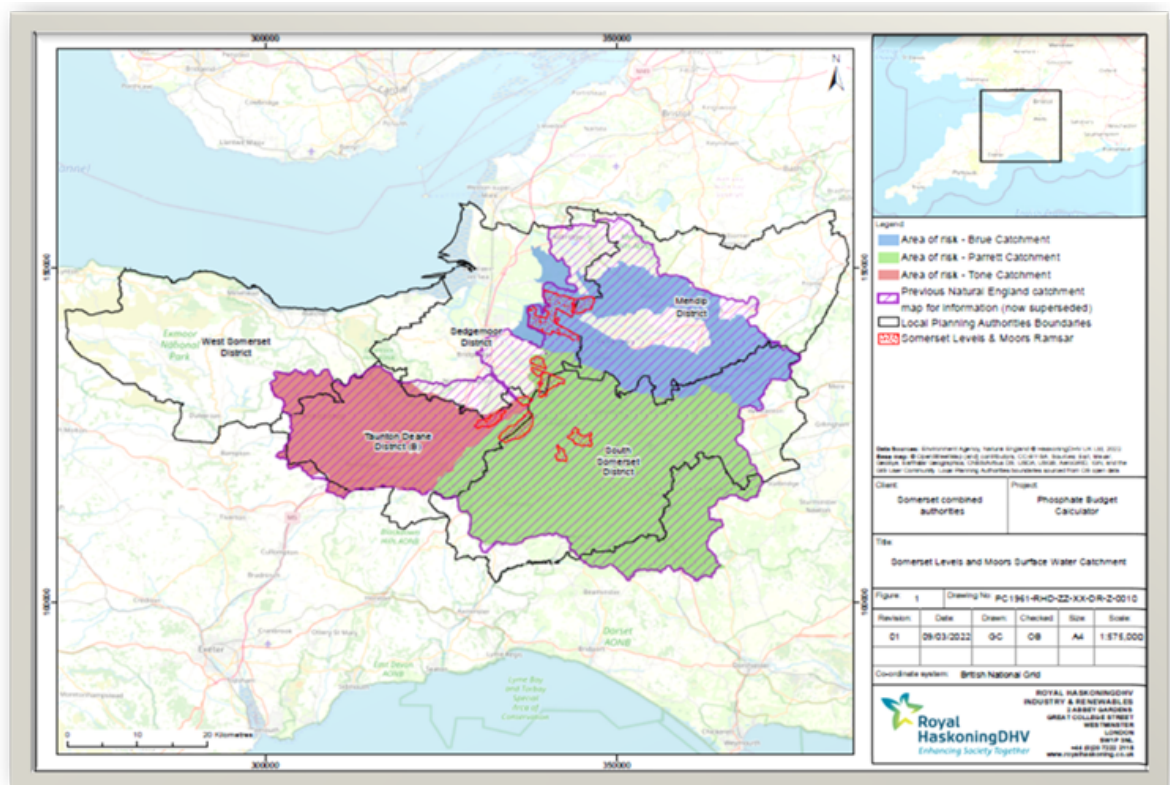
- 3.1 Phosphates make their way into the water systems from our use of the surrounding land. Agricultural sources such as the use of fertilisers and wastewater from housing result in the increase of phosphates.
- 3.2 High levels of phosphates causes eutrophication - the dense growth of algae which adversely affects the balance of flora and invertebrates. Green algae mats grow in the water, and deplete the oxygen needed by other plants and animals.
- 3.3 The chart below shows where the sources of phosphates come from in Somerset



- 3.4 In August 2020 Natural England advised on the unfavourable condition of designated habitats on the Somerset Levels and Moors due to these phosphates and stated that these areas were now in unfavourable declining status due to these levels. Developments which impact upon the protected wildlife area is subject to Habitat Regulations Assessment (HRA)
- 3.5 Due to a court judgement known as the Dutch Nitrogen case – development is only permissible if the proposal is nutrient neutral and most not contribute to any additional nutrient loading.
- 3.6 The main impact areas are in river catchments which have a foul or surface water link to the wetland SSSIs which make up the RAMSAR.

3.7 Natural England have advised that the developments listed below add to phosphate loading: New housing development, Commercial developments (with overnight accommodation) Agricultural development – additional barns, slurry stores etc, proposals likely to lead to an increase in herd size and Major tourist attractions.

3.8 The map below shows the relevant catchment areas



3.9 There are approximately 18,000 residential units on hold due to this issue in Somerset. It is a countrywide issue though with the House Builders Federation stating that the figure is 100,000 nationally.

3.10 Somerset was one of the first areas in the country to be affected and as can be seen from the timeline below since before informed by Natural England in 2020 it was 16th March 2022 when DEFRA released its policy paper on nutrient pollution. Work has been undertaken between time including the production of the phosphate calculator.

3.11 In terms of collaborations and work undertaken so far, the timeline is as below:

'Nov 2018-2019 Dutch 'Nitrogen Case', Revised government legal position. Hampshire letter 2019
August 2020 Natural England letter relating to development on Somerset Levels and Moors
December 2020 – Somerset Authorities joint letter to government (+July 2021) and July 2022

Jan 2021 – Wessex Water - position statement (updated July/Oct 21)

Jan 2021 - Wessex Water Entrade - discussions start on Somerset catchment market (Tone/Parrett)

Feb/March 2021 - Somerset Authorities - Phosphate Calculator launched & briefing

April 2021 – Somerset Authorities - commissioning of solutions report/ technical work

November 2021 Somerset Authorities - Solutions Report / revised Risk map published

March/April 2022 Natural England advice

launch of national nutrient neutrality calculators, toolkit & NN principles, more LPAs impacted and advice on continued use of Somerset calculator

16th March 2022 DEFRA Policy paper on nutrient pollution covering support for LPAs, Initiatives and targets for water industry, environment Act targets

May 2022 - £100k awarded for Somerset phosphates work (SWT acting as lead authority)

25th July 2022 DEFRA Water Pollution – policy announcement

new legal duty on water companies to upgrade treatment works

Natural England Nutrient Mitigation scheme - more details expected this 'Autumn'

4. Consultations undertaken and outcomes

- 4.1** In terms of how the districts and county council are working together on this we have produced a guidance note for Somerset recently on the use of new and upgraded Package Treatment Plants (PTPs) and Septic tanks as phosphate mitigation. This was achieved through joint working with Natural England, the Environment Agency and all Somerset authorities. We have also produced sustainable drainage guidance. There is a webpage on each of each Councils websites with guidance, NE letter and FAQs

- 4.2** We are developing a consistent approach to dealing with planning proposals and we have regular fortnightly meetings with NE to keep up to date with the latest approach.
- 4.3** We are working together to establish interim solutions and some councils are looking to utilise their own land to facilitate solutions. We are actively lobbying government for wider investment solutions to reduce phosphates. This includes promoting agri-tech/AD plants and other solutions to reducing phosphates.
- 4.4** There is a need to engage more fully with organisations such as Wessex water with their target to remove 303.8tpa phosphorous by 2027 by upgrading their facilities.

5. Implications

- 5.1** There simply isn't a 'do nothing' approach that can be undertaken in this issue. The table below shows the impacts of an effect of a reduction in building new properties:

Type of Economic Benefit		Past Completions	Effect of reduction in building		
			10% Reduction	25% Reduction	50% Reduction
Number of dwellings		4,727	473	1,182	2,364
Net Capital Expenditure	Acquiring or upgrading physical assets to support day-to-day operations	£23.8m	£2.4m	£6.0m	£11.9m
Economic Output	Builders, their contractors and suppliers	£822.6m	£82.3m	£205.6m	£411.3m
Employment	Direct	5,200	500	1,300	2,600
	Indirect	4,000	400	1,000	2,000
	Induced	5,900	600	1,500	2,900
	Total	15,100	1,500	3,800	7,600
UK Public Finance Revenue	Stamp Duty Land Tax Receipts	£8.5m	£849,000	£2.1m	£4.2m
	Corporation Tax Incurred	£34.6m	£3.5m	£8.7m	£17.3m
	NI and PAYE Contributions	£16.8m	£1.7m	£4.2m	£8.4m
Local Authority Revenue	New Homes Bonus payments	£31.6m	£3.2m	£7.9m	£15.8m
	Council Tax Receipts	£5.5m	£548,000	£1.4m	£2.7m
Local Community Benefits	S.106 Contributions	£18.2m	£1.8m	£4.6m	£9.1m
	Community Infrastructure Levy Payments	£4.1m	£407,000	£1.0m	£2.0m
	New Resident Expenditure	£153.7m	£15.4m	£38.4m	£76.8m
Affordable Housing	Value of affordable housing sales	£90.9m	£9.1m	£22.7m	£45.5m

- 5.2** There are also implications for a disproportionate impact on small and medium size enterprises as well as the effect it has on 5-year housing supply for the district councils, and it could push development to other areas.

- 5.3** As previously mentioned it is proposed to start an officer/member working group to address the issue in a joined-up manner. At present the co-ordinated work by the 5 LPAs to date has been admirable given the individual constraints and in the affected areas there is no common or single Somerset-wide mitigation solution which can be implemented.
- 5.4** If as a joint group we can 'speak with one voice' for instance lobbying government and other interested groups (e.g. Defra, Natural England, local water companies) our voice will be much stronger

6. Background papers

- 6.1** There are no associated background papers