

Motion 1

The following Motion has been submitted by Councillor Mike Stanton:
The Motion is seconded by Councillor Sarah Dyke

House Building Crisis in Somerset

Phosphate Pollution: Failure to Remove or Mitigate

This Council resolves to:

- Instruct the Chief Executive to write to the relevant Government Ministers, i.e. the Parliamentary Under-Secretary of State for Environment, Food and Rural affairs (Rebecca Pow MP), and the Secretary of State (The Right Honourable George Eustice MP) requesting urgent intervention and immediate resourcing for statutory agencies to address the issues of phosphate overload which are ravaging South Somerset's economy, ecology and communities.
- Press the recently-established Defra/DLUHC Ministerial Task Force to work to reduce nutrient pollution by establishing a strategically-led co-ordinated approach through the Environment Agency (EA) or Natural England (NE) with non-government stakeholders such as the Home Builders Federation (HBF), Royal Institution of Chartered Surveyors (RICS) and Local Government Association (LGA), recognising that this is an industry responsibility. And press the EA and NE to recognise their joint responsibility to establish a strategically led co-ordinated approach.
- Urge Central Government to pressure Ofwat to adopt a strategic approach to adopting measures which ensure development is phosphate neutral in the catchment area for the Somerset Levels and Moors Ramsar Site, including short term temporary measures followed up by long term strategic mitigation measures, such as a large-scale habitat creation scheme, to ensure phosphate neutrality.
- Demand that Wessex Water bring forward and increase its 5-10 year investment in the removal of phosphates from sewage at its treatment plants of all sizes which discharge into the catchment of all local rivers, including their tributaries, rhines and ditches.
- Record its dissatisfaction with the severely delayed progress of Wessex Water EnTrade in setting up mitigation arrangements, especially that the necessary legal controls were not presented earlier in the process, thus to unlock development.
- Invite the LGA to bring further pressure on Government and non-Government stakeholders to deliver a strategic programme to ensure phosphate neutrality.



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Council registers its considerable disappointment that neither the Environment Agency (EA) nor Natural England (NE) have been forthcoming with a solution.

Council is deeply concerned that this situation has a major negative effect on our local communities and economy, with our Five-year Housing Land Supply projections now negatively affected by NE's moratorium, disadvantaging South Somerset communities in the long term.

Background:

Currently, any planning application within the Somerset Levels and Moors Ramsar site catchment area cannot be granted planning permission if it will produce an increase in nutrient waste with a phosphates element, whether that is human, livestock or anaerobic digester waste, until a Habitats Regulations Assessment (HRA) has been undertaken.

Many planning applications across South Somerset have been held up since August 2020 following a requirement issued by Natural England (NE) in light of the Dutch "N" (Nutrients) court case ruling, that the Somerset Levels and Moors Ramsar Sites are at risk from the effects of eutrophication caused by excessive phosphates. The ruling has resulted in greater scrutiny of plans or projects that will result in increased nutrient loads, and proscribes nutrient discharge into watercourses which may flow into the designated Somerset Levels and Moors Ramsar protected site, a designated feature of the SSSI.

South Somerset District Council area includes parts of the Somerset Levels & Moors Ramsar site as defined under the Ramsar Convention on "Wetlands of International Importance especially as Waterfowl Habitat", which has been updated every three years at COP since it was adopted in 1971 in Ramsar, Iran.

In November 2020, Wessex Water's EnTrade subsidiary undertook to work with South Somerset District Council and other Somerset councils on mitigation arrangements in the form of an online 'Phosphates Credits' market, with the intention of having these in place in the first quarter of 2021.

At a meeting with District Executive members in May 2021 Wessex Water EnTrade indicated that this 'Phosphates Credits' market would be delayed until the Autumn of 2021. It is still not in place, in Spring 2022, well over a year after it was first proposed.

This council resolved at its meeting in February 2021, to express its "deep concern about recent and continuing long delays in consideration of most residential planning applications as a result of Natural England's requirement on us to carry out greater scrutiny of the effects of plans or projects that are likely to increase discharge of nutrients and hence phosphate loads to unacceptable levels at internationally important sites".

A year later, this concern has deepened to become a fear that the proposed solution either will never happen, or will be unworkable.

Whilst mitigation arrangements may be a temporary means of dealing with phosphate pollution, they are expensive and less than satisfactory: they merely combine a range



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of phosphate-neutral and phosphate-removing projects – which derive largely from their particular locations & characteristics - with the immediate need to release housing development now. Prioritising phosphate reduction projects over other land management considerations will not keep pace with meeting SSDC's urgent housing requirements.

More than half of phosphate pollution is human in origin, so government's apparent intention to remove the farming portion, which is less than half, will have insufficient effect.

In parallel, Wessex Water has been working with developers on the possibility of installing Package Treatment Plants (mini sewage plants) within developments, to prevent phosphates reaching a river catchment. These should be co-ordinated by Natural England, the Environment Agency (EA) and Wessex Water (WW) to avoid a piecemeal approach.

Setting up a pilot 'Phosphates Credits' market has, we understand, required complex and lengthy negotiations between Wessex Water EnTrade, the Somerset district councils, and local landowners and property developers.

SSDC is in a worse position than the other three district councils in Somerset, because two of them are little affected, and one has a temporary solution because it owns its own housing, a solution not available to SSDC. County is not directly involved in relevant planning.

Wessex Water EnTrade claims that various requirements from Local Planning Authorities, including SSDC, have been part of the delay. These include agreement on handling the long-term liabilities associated with the maintenance and monitoring of projects. The need for these was, however, presented by EnTrade somewhat late in the negotiation process.

For those wanting to build houses or build additional livestock accommodation, the situation is utterly unsatisfactory.
