

SWT Phosphates Planning Sub-Committee - 21 July 2022

Present: Councillor Simon Coles (Chair)
Councillors Mark Blaker, Norman Cavill (via Zoom), Roger Habgood, John Hassall, Mark Lithgow, and Gwil Wren

Officers: Alison Blom-Cooper, Emmeline Brooks, Paul Browning, Kate Murdoch, Jessica Picken, Roy Pinney (Shape Legal) and Tracey Meadows

(The meeting commenced at 10.00 am)

13. **Apologies**

No apologies were received.

14. **Minutes of the previous meeting of the Subcommittee**

Councillor Habgood proposed, and Councillor Coles seconded the approval of the minutes of the previous meeting.

The motion was carried.

15. **Declarations of interest**

No further Declarations of Interest were declared.

16. **Creation of phosphate credits to offset development in the River Tone sub catchment.**

The purpose of the report was to update members on the creation of P credits to offset development in the River Tone sub catchment area.

During discussion of this item the following comments/queries were raised (summarised)

- Did the Council have any plans to retro fit any other Council owned buildings and whether this would feed into the unitary authority in due course;
- Concerns that various proposed schemes on agricultural land with a 1-year lease agreement with farmers created a risk and not a lot of flexibility;
- Concerns with the lack of liaison between the Rivers Authority and Somerset County Council;
- Concerns that small developers were not taking up the 'P' credit scheme;
- Concerns with the impact on the viability of Social Housing;

- Concerns with the excess phosphates on land, and how they were to be removed;
- Were we confident that all of the accountable authorities and service providers were using the same numbers and parameters in their algorithms;
- Apprehensions with which forums were taking place to communicate and update the farming community as most were not on topic with the situation;
- Concerns with the timing of delivery of the 'p' credits the scheduling of the 65.3 kilos, how much was going to be available and when;
- Concerns that in terms of the nations capacity to provide many solutions to require land. Would agricultural food production still be sustainable?;
- Information should be sent out to the public on phosphate free household products;
- The government should have spent money years ago on filtering out phosphates from our waterways;
- Would the cessation of peat harvesting on the Levels help the phosphate issue due to it being less permeable?;

The Chair proposed and Councillor Blaker seconded a motion for the Phosphates Planning Sub Committee to:

- a. Note the number of P credits being generated through the interim measures. Based upon the contents of Appendix A and the supporting Habitats Regulation Assessment, (Appendix C), 65.3 P credits for the River Tone sub catchment are being generated at a total estimated cost to the Council of circa £3,54m;
- b. Agree the pricing of one P credit for the River Tone sub catchment area at £54,222 + VAT per kilogram of offset required per year;
- c. In line with the Council's charging policy, to recharge the cost of P credits on a full cost recovery basis;
- d. Note that the principle the Council's interim programme of phosphate mitigation measures has Natural England support (see Natural England letter dated 6 June 2022 enclosed as Appendix D);
- e. Note, continue with all further necessary preparations to enable the use of P credits to provide the required mitigation and support the determination of some planning applications held in abeyance for the River Tone sub catchment;
- f. Note, that the Local Planning Authority (LPA) will use the P Credit Allocation Procedure as agreed by this Phosphates Planning Sub Committee in February 2022;
- g. Agree that, where a developer has purchased P credits (or tenths of P credits), and the planning permission lapses or a developer

chooses not to proceed to build, all unused P credits (and tenths of a P credit) will be forfeited, and the fee paid for them returned to the developer less the 10 % deposit and less an administration fee (as part of the Section 106 Agreement process);

h. Delegate to the Assistant Director Strategic Place and Planning in consultation with the Chair of the Phosphates Planning Sub Committee, minor clarifications, and amendments to processes which govern the release, monitoring, and pricing of P credits and the subsequent determination of planning applications for the River Tone sub catchment;

i. To review the price of P credits for the interim measures by April 2026, based on actual final build and three full years of actual operating costs.

The motion was carried.

17. **Proposed guidance for the determination of planning applications proposing the use of new Package Treatment Plants or the upgrading of existing Package Treatment Plants/Septic Tanks as phosphate mitigation.**

The purpose of the report was to provide advice as to how Somerset West and Taunton Council would apply advice received by Natural England and Environmental agency in relation to the Package Treatment Plants or Septic Tanks as phosphate mitigation. The NE/EA advice received was to be jointly published by the Somerset Authorities in due course.

This report set out how this guidance should be applied at a local level in Somerset West and Taunton (SWT) and relates to the determination of planning applications that propose to use Package Treatment Plants (PTPs) or Septic Tanks as phosphate mitigation.

The report covered both the use of new PTPs as phosphate mitigation, as well as upgrades to existing poorly performing PTPs and septic tanks. It sets out when using this equipment as mitigation would be acceptable to SWT Council, as the Local Planning Authority (LPA), and what steps planning applicants are required to take to secure their proposed phosphate mitigation.

During discussion of this report the following questions/comments were raised (summarised)

- Concerns with who would be monitoring existing septic tanks that discharge into the watercourse. This needed to be monitored in the long term with an up to date database;
- Concerns with chemicals used in septic tanks getting into the watercourse;
- Concerns with the impact on the rural community that used septic tanks and the increased cost on the rural community;
- Concerns with slurry tanks and their capacity for run off into the watercourse if they overflow;

- Concerns with the gasses released from slurry tanks;

Councillor Coles proposed and Councillor Habgood seconded a motion for the Phosphates Planning Sub Committee to:

a. Agree that the use of new PTPs and the upgrade of existing poorly performing PTPs and septic tanks as phosphate mitigation is acceptable in principle;

b. Agree that the use of biological systems in PTPs should be preferred over chemical dosing in PTPs which should only be used as a last resort. Applicants must demonstrate that they have considered the use of a biological system and should show that the use of a biological PTP would not be sufficient to meet their phosphate mitigation requirement for the development proposed, before the LPA will consider a chemical dosing PTP as a possible mitigation option;

c. Delegate to the Assistant Director Strategic Place and Planning in consultation with the Chair of the Phosphates Planning Sub Committee, clarifications and amendments to processes which govern the long-term maintenance and management of PTPs/Septic Tanks. It is proposed that these are to be agreed on a case by case basis between the LPA and the applicant.

The motion was carried.

18. **Next steps**

Next steps – Lobbying of central government continued, focused on the following key issues;

- Natural based solutions only part of the solution-scale of land = a ‘Long Run Meadows’ (i.e. circa 26 ha) every other year.
- Need Government intervention on national solutions and clarity around regulations.
- Partnership working is critical – Natural England, Environment Agency, Wessex Water, Somerset Rivers Authority, and the development industry.

The Sub-Committee raised concerns on how the resolution of the treatment of treatment plants/septic tanks be translated into action and fitted into the planning process. Specified that developers needed to prove that chemical treatment was the last resort, with no other alternative for removing phosphates.

19. **Any other business**

The Chair requested that correspondence was sent out to re-contact with small and medium enterprises with applications that were currently stalled due to the phosphate issue to gauge their interest in taking our 'p' credits they were likely to use to mitigate the phosphate issue.

(The Meeting ended at 12.15 pm)