

Public Agenda Pack



Notice of Meeting of

SCRUTINY COMMITTEE - CLIMATE AND PLACE

Wednesday, 17 May 2023 at 10.00 am

Luttrell Room - County Hall

To: The members of the Scrutiny Committee - Climate and Place

Chairman: Councillor Martin Dimery

Vice-chairman: Councillor Adam Boyden

Councillor Alan Bradford

Councillor Bente Height

Councillor Edric Hobbs

Councillor Henry Hobhouse

Councillor Marcus Kravis

Councillor Dave Mansell

Councillor Matthew Martin

Councillor Harry Munt

Councillor Connor Payne

Councillor Tom Power

Councillor Alex Wiltshire

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services democraticservicesteam@somerset.gov.uk.

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **5pm on Thursday, 11 May 2023**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by (the Proper Officer) on Tuesday, 9 May 2023

AGENDA

Scrutiny Committee - Climate and Place - 10.00 am Wednesday, 17 May 2023

Public Guidance Notes contained in Agenda Annexe

F_PRO

Click here to join the online meeting

F_PRO

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 338 634 769 857

Passcode: Yr9r3v

1 Apologies for Absence F_PR

To receive any apologies for absence.

2 Declarations of Interest F_PR

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors of Somerset Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

3 Public Question Time F_PR

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, please see details under 'click here to join online meeting'.

4 Approach to Climate and Place Scrutiny Committee F_PR

Members are asked to consider and comment on the report from the Governance Manager, Scrutiny.

5 Economy, Employment and Planning: Phosphates update F_PR

Members are asked to consider and comment on the update report from the Service Director, Economy, Employment and Planning.

6 Infrastructure and Transport: Highways Service Responsiveness update F_PR

Members are asked to consider and comment on a verbal update and presentation from Interim Deputy Director, ECI Operations.

7 Climate, Environment and Sustainability: EV charging update F_PR

Members are asked to consider and comment on a verbal update and presentation from the Interim Deputy Director, ECI Operations

8 Date of the next meeting F_PR

The date of the next meeting of the Scrutiny Climate and Place committee will be the 19th July at 10am in the Luttrell Room at County Hall, Taunton, TA1 4DY

Guidance notes for the meeting

Council Public Meetings

The legislation that governs Council meetings requires that committee meetings are held face-to-face. The requirement is for members of the committee and key supporting officers (report authors and statutory officers) to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

They can also be accessed via the council's website on [Committee structure - Modern Council \(somerset.gov.uk\)](#)

Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

Public Question Time

If you wish to speak or ask a question about any matter on the Committee's agenda please contact Democratic Services by 5pm providing 3 clear working days before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 5pm on the Thursday prior to the meeting) Email democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out, or alternatively can attend the meeting online.

A 20-minute time slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. Each speaker will have 3 minutes to address the committee.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish. If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

Meeting Etiquette for participants

Only speak when invited to do so by the Chair.

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

Speak clearly (if you are not using video then please state your name)

If you're referring to a specific page, mention the page number.

There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

Exclusion of Press & Public

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed.

Recording of meetings

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.



SOMERSET COUNCIL

UNITARY COUNCILLORS WHO ARE ALSO TOWN AND/OR PARISH COUNCILLORS

Somerset
Council

UNITARY COUNCILLOR	TOWN AND/OR PARISH COUNCIL
Steve Ashton	Crewkerne Town Council / Hinton St George Parish Council
Suria Aujla	Bridgwater Town Council
Jason Baker	Chard Town Council
Lee Baker	Cheddon Fitzpaine Parish Council / Taunton Shadow Town Council
Marcus Barr	Wellington Town Council
Mike Best	Crewkerne Town Council
Alan Bradford	North Petherton Town Council
Theo Butt Philip	Wells City Council
Simon Carswell	Street Parish Council
Norman Cavill	West Monkton Parish Council / Taunton Shadow Town Council
Peter Clayton	Burnham Highbridge Town Council
Simon Coles	Taunton Shadow Town Council
Nick Cottle	Glastonbury Town Council / St Edmunds Parish Council
Adam Dance	South Petherton Parish Council
Dixie Darch	Taunton Shadow Town Council
Tom Deakin	Taunton Shadow Town Council
Caroline Ellis	Taunton Shadow Town Council
Habib Farbahi	Taunton Shadow Town Council
Ben Ferguson	Axbridge Town Council
Bob Filmer	Brent Knoll Parish Council
David Fothergill	Taunton Shadow Town Council
Andrew Govier	Wellington Town Council
Pauline Ham	Axbridge Town Council
Philip Ham	Coleford Parish Council
Ross Henley	Wellington Town Council
Edric Hobbs	Shepton Mallet Town Council
John Hunt	Bishop's Hull Parish Council / Taunton Shadow Town Council
Dawn Johnson	Taunton Shadow Town Council
Val Keitch	Ilminster Town Council
Andy Kendall	Yeovil Town Council
Jenny Kenton	Chard Town Council
Tim Kerley	Somerton Town Council
Marcus Kravis	Minehead Town Council

Tony Lock	Yeovil Town Council
Martin Lovell	Shepton Mallet Town Council
Mike Murphy	Burnham Highbridge Town Council
Graham Oakes	Yeovil Town Council / Yeovil Without Parish Council
Sue Osborne	Ilminster Town Council
Kathy Pearce	Bridgwater Town Council
Emily Pearlstone	Ilchester Parish Council
Derek Perry	Taunton Shadow Town Council
Evie Potts-Jones	Yeovil Town Council
Hazel Prior-Sankey	Taunton Shadow Town Council
Wes Read	Yeovil Town Council
Leigh Redman	Bridgwater Town Council
Mike Rigby	Bishop's Lydeard and Cothelstone Parish Council
Tony Robbins	Wells City Council
Dean Ruddle	Somerton Town Council
Peter Seib	Brympton Parish Council / Chilthorne Domer Parish Council
Heather Shearer	Street Parish Council
Gill Slocombe	Bridgwater Town Council
Brian Smedley	Bridgwater Town Council
Fran Smith	Taunton Shadow Town Council
Federica Smith-Roberts	Taunton Shadow Town Council
Jeny Snell	Yeovil Town Council / Brympton Parish Council
Andy Soughton	Yeovil Town Council
Richard Wilkins	Curry Rivel Parish Council
Dave Woan	Yeovil Town Council
Ros Wyke	Westbury-sub-Mendip Parish Council

Their memberships of Parish or Town Councils will be taken as being declared by these Councillors to be Personal Interests in the business of the Somerset Council meeting and need not be declared verbally.

Any Unitary Councillor who has a Prejudicial Interest by virtue of their Membership of a Parish or Town Council, or who has a special involvement by virtue of being a Parish or Town Councillor, in a matter to be discussed by the Somerset Council will be expected to declare that prejudicial interest personally or bring to the attention of the Somerset Council meeting their special involvement.

H CLARKE, Unitary Solicitor, April 2023

Somerset Council
Scrutiny Climate and Place Committee
Wednesday 17th May 2023



Phosphates and Nutrient Neutrality Update

Lead Officer: Paul Hickson, Service Director Economy, Employment and Planning.

Author: Alison Blom-Cooper, Assistant Director Strategic Place and Planning

Contact Details: alison.blomcooper@somerset.gov.uk

Executive Lead Member: Cllr Sarah Dyke, Environment and Climate Change

Division / Local Member: NA – impact across multiple divisions

1. Summary

- 1.1.** The presence of high levels of phosphates in Somerset rivers and affecting the Somerset Levels and Moors is a complex environmental issue for Somerset. On 17 August 2020 the Somerset authorities received an advice note from Natural England concerning the unacceptable levels of phosphates present in the Somerset Levels and Moors Ramsar site. As a result of a European Court Judgment known as Dutch N, the Somerset Authorities were advised, as Competent Authorities under The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations), that they must not permit any new residential development, infrastructure that supports agricultural intensification, anaerobic digesters, some tourism development and development that provides overnight accommodation unless it *'can be certain beyond a reasonable doubt'* that it would not give rise to additional phosphates (either alone or in combination with other plans or projects) within the hydrological catchment of the Somerset Levels and Moors Ramsar Site.

Since the advice from Natural England was received the Somerset authorities have worked to progress various measures which seek to reduce phosphates entering the Ramsar site. The need to address phosphates levels and restore nutrient neutrality is not unique to Somerset – 74 local authorities across the country have received similar advice from Natural England – but the geographical extent and impact environmental, economic and social impact locally makes Somerset one of the most significantly affected areas areas.

- 1.2.** Since 2020 Somerset Councils have worked with external partners to mitigate the immediate impact of this issue (particularly in terms of impact on planning delivery) and to find longer term solutions to address its causes and restore nutrient neutrality. The impact and approaches taken have been reported to Scrutiny Committees of the former Councils. It is therefore intended that the

Climate and Place Scrutiny Committee receives a presentation about the matter at its first meeting. This will also provide an opportunity to update about the emerging Somerset response to the call for submissions of expressions of interest and evidence to the Government in response to its Nutrient Mitigation Fund announced in the Chancellor's March 2023 budget.

2. Issues for consideration / Recommendations

- 2.1.** Feedback from Scrutiny Committee members about the update contained in this report and the presentation made to the meeting of the Committee is welcomed.

3. Background

- 3.1.** On 17 August 2020 the former councils received advice from Natural England about the high levels of phosphates in the Somerset Levels and Moors. Subsequently, authorities have received similar letters relating to high levels of phosphates in the River Axe.
- 3.2.** In light of a court Judgment (known as Dutch N), Natural England advised the former councils that, in light of the unfavourable condition of the Somerset Levels and Moors Ramsar site and subsequently the river Axe catchments, before determining a planning application that may give rise to additional phosphates within the catchment, competent authorities should undertake a Habitats Regulations Assessment (HRA). Categories of development affected include:
- New residential units – including tourist accommodation, gypsy sites /pitches
 - Commercial developments – where overnight accommodation is provided
 - Agricultural development – additional barns, slurry stores etc. where it is likely to lead to an increase in herd size
 - Anaerobic Digesters
 - some tourism attractions
- 3.3.** Since receipt of Natural England's advice Somerset councils have worked jointly in the short term minimise delay and uncertainty around planning applications following guidance over unacceptable amounts of phosphates in the Somerset Levels and Moors. For example, in February 2021 Somerset West and Taunton Council obtained funding from Homes England to commission work to develop the Somerset Phosphate Budget Calculator and the Somerset Authorities and Dorset Council commissioned the Somerset Solutions report. This report, published in February 2022, sets out a range of mitigation options that could potentially be used to offset the additional phosphorus load from a new development within the catchment of the Somerset Levels and Moors Ramsar

Site, including consideration of strategic mitigation options. The councils have also identified longer term mitigation measures in terms of the planning system and work is ongoing with external bodies, including Natural England, Wessex Water, Environment Agency and others, to identify solutions to the underlying environmental issues which are causing this problem. Nevertheless the issue has unavoidably had significant impacts in terms of the delivery of development in Somerset and in particular has stalled the delivery of new housing, most significantly (but not exclusively) in Taunton.

- 3.4.** A number of interim solutions in Somerset have been progressed most notably a council phosphate credit scheme for the River Tone catchment area has been developed, which includes a number of mitigation projects including the following of land at Orchard Portman (near Taunton) to provide 'bridging credits' before wetland creation, the retrofitting of Council housing stock with water efficiency measures and wetland development schemes. As a result of these measures and mitigation projects brought forward by developers for their schemes some progress has been made to facilitate planning approval and delivery of a number of housing developments. Somerset is one of only a handful of Councils across the country to have an operational nutrient credit scheme which has been particularly important in allowing smaller scale development by SMEs to find mitigation solutions. In addition to work that has been completed within the River Tone Catchment, non Council run schemes have also been agreed for the Brue and Parrett catchments.
- 3.5.** Some financial support for this work has been received from Government to date. To continue to seek solutions to this challenging issue the Council is continuing to gather evidence of local impact and is developing an expression of interest for the first round of the Government's nutrient mitigation fund. The Council is also continuing dialogue with external bodies including Wessex Water about longer term solutions.

4. Consultations undertaken

- 4.1.** Somerset Council (and previously the Somerset District Councils and County Council) have engaged extensively with a range of local, regional and national stakeholders including the water industry, environmental bodies, local councils the development community, the farming community (including the NFU) and Government agencies (in particular Natural England) as part of our local response to the phosphates issue and to inform the development of the countywide nutrient strategy.

5. Implications

- 5.1.** There are no implications for Somerset Council arising directly from this report

given that it is scope is to provide a briefing and update on the phosphates issue.

- 5.2. There are significant environmental, economic and social impacts and risks for Somerset associated with the recorded levels of phosphates. As part of this it is estimated that the delivery circa 18,000 new homes identified in the adopted local plans are currently stalled as a result of needing to demonstrate nutrient neutrality. These impacts are being partly mitigated by actions undertaken by the Somerset Councils, with further redress envisaged should Somerset Council's forthcoming expression of interest to government's nutrient mitigation fund be successful.

6. Background papers

- 6.1. Somerset Solutions Report (commissioned by Somerset Councils and published March 2022) [Somerset Solutions Report \(March 2022\)](#)