

Draft minutes of a meeting of the Scrutiny Committee – Climate and Place held on Thursday 6th April 2024 at 9.30am in the Council Chamber at the Council Offices, Cannards Grave Road, Shepton Mallet, BA4 5BT.

Committee members in attendance:

Cllr Martin Dimery (Chair), Cllr Henry Hobhouse, Cllr Harry Munt, Cllr Bente Height, Cllr Mike Rigby (as sub), Cllr Martin Lovell (as sub) Cllr Matthew Martin, Cllr Edric Hobbs, Cllr Steve Ashton (as sub)

Committee members in attendance online:

Cllr Alan Bradford, Cllr Dave Mansell, Cllr Suria Aujla

Other members in attendance:

Cllr Dixie Darch Executive Lead Member Climate Change

Cllr Richard Wilkins Executive Lead Member Transport and Digital

Cllr Steve Ashton

Guests in attendance:

Tim Stephens Catchment Partnerships Advisor, Wessex Water

Guests/speaker/others in attendance online:

Dr Shane Rothwell Lancaster University

Cllr Ros Wyke Executive Lead Member Economic Development, Planning and Assets

David Orr Member of the public

Officers in attendance:

Mickey Green Executive Director Climate and Place

Jamie Jackson Governance Manager, Scrutiny

Mike Cowdell Head of Waste

Kate Murdoch Service Manager Planning Policy and Implementation

Stephanie Gold Democratic Services Officer

Alison Blom-Cooper Head of Planning

1. Apologies for Absence - Agenda item 1

Apologies for absence were received from Cllr Marcus Kravis (Cllr Mike Rigby as sub), Cllr Tom Power, Cllr Adam Boydon (Cllr Ashton as sub), Cllr Rob Reed (Cllr Martin Lovell as sub)

2. Declarations of Interest - Agenda item 2

There were no declarations of interest received

3. Minutes of the previous meetings - Agenda item 3

Resolved

That the minutes of the meeting held on 23rd March 2024 be approved as a correct record.

That the minutes of the Special meeting held on 26th April 2024 be approved as a correct record, subject to the following amendments

Item 9: Recommendations 4 & 5 to be swapped around and numbered as agreed at the previous the meeting,

Item 9: A member asked that it be noted that some members had understood the proposed task and finish group would also look at how to bring the Somerset Levels and Moors back into favourable conditions.

4. Public Question Time - Agenda item 4

The Chair advised that Mr David Orr, who was in attendance online, had submitted a statement and that this would be read out immediately preceding item 7 on the agenda.

5. Work programme – Agenda item 5

The Chair asked Jamie Jackson, Governance Manager, Scrutiny to present the committees Forward work plan and Outcome tracker. He invited comments and questions from members and the following points were raised and discussed

- A member requested an update on the status of the recommendations from this committee, regarding the Somerset Energy Investment Plan and when these would be taken to the Executive. The Service Manager for Economy, Employment and Planning advised that this due to be discussed soon, and an update will be brought back to the committee as soon as possible.
- A member pointed out that details of the Scrutiny Committee Climate and Place Forward Plan, as printed in the agenda, is not visible under the Forward Plans section of the Somerset Council website, and was advised that this would be rectified by Democratic Services.

6. Presentation from Lancaster University on the Somerset Catchment phosphorus project update – Agenda item 6

The Chair welcomed Tim Stephens, Catchment Partnerships Advisor, Wessex Water and Shane Rothwell from Lancaster University and thanked them for returning to give this presentation that was deferred from the Special Water Quality meeting on 26th April 2024 due to running out of time.

Tim Stephens provided some context for the [presentation](#) and explained that he was in attendance representing all the key stakeholders that have commissioned Lancaster University to carry out this research project across all of the Somerset catchments, the Brue & Axe, Parrett, Tone and Ramsar IRZ.

Shane Rothwell from Lancaster University talked members through the data and findings from the project which was being undertaken in two phases. The first phase to better understand food system P input pressures on the Somerset Levels and Moors and Dorset Stour catchments potentially impacting water quality and how they might be alleviated, and the second phase, which is still underway, to quantify how the past (Historic analysis) and present (SFA) P input pressures from the agricultural sector link to river P status, and the prospects for reducing the P pollution threat.

Shane Rothwell invited comments and questions from members and the following points were discussed

- Clarity that this research is based on sampling across the whole Somerset catchment, and not specific to the Somerset Levels and Moors. Tim Stephens added that there is an intention to some more detailed analysis of the Levels and Moors in the future.
- Does 'zero P' surplus mean no livestock and fertilisers, but considering the crops that are absorbing the P that is coming from those sources? Mr Rothwell explained that surplus P could be reduced by reducing livestock, although this is not favourable as the only approach, and by manure export, and this brings its own challenges.

- Regarding Legacy P – Legacy P remains in the soil and to remove and achieve Zero P it needs to be drawn down by farming the land without adding more P (fertiliser). The timescales for how long it would take to reach zero P in this way are not fully understood but could take decades.
- This research will not go through a peer review system at this time, but has been reviewed by technical specialists from partners such as the Environment Agency.
- The river sampling data was collected by the Environment Agency using the spot sampling method.
- A member referred to baseline data that he had seen that suggested that in 2019 Wessex Waters contribution to P in the river systems was 52%, would we expect that this has fallen after the amp 7 study? Mr Rothwell advised that he would check this and respond to the member directly.
- Phase 2 shows a strong link between Intensive agricultural practices (in response to increasingly high demand for food) and high levels of P in Somerset's waterways. Phase 3 of the research has not been mapped out yet, and Wessex Water and its partners are open to looking at working with farmers, possibly running pilot schemes, to encourage more nutrient balanced farm practices and reduce the surplus P runoff into Somerset's waterways.

The Chair thanked Tim Stephens, Wessex Water and Shane Rothwell, Lancaster University for their attendance and for the very informative presentation which he felt had led to a very interesting and worthwhile discussion as part of the committee's ongoing Water Quality in Somerset focus.

7. Executive response to the Scrutiny recommendations from the Special meeting on 26th April 2024 – Agenda item 7

The Chair invited Jamie Jackson, Governance Manager to read aloud a statement submitted by Mr David Orr (Supplement Pack 1 Page 31-32).

Kate Murdoch, Strategic Manager Planning Policy and Implementation thanked Mr Orr for his statement and gave her responses to his statement as follows

“We elect Councillors to make Somerset the best place it can be. You are in charge of policy, Officers advise.

The current nutrient neutrality policy is, I feel, an act of unnecessary self-harm which is damaging Somerset.”

Nutrient Neutrality is not policy it is national advice from Natural England as the Statutory Nature Conservation Body. Local authorities are the ultimate decision-makers, but they are required by law to consult NE as part of the habitats assessment process, to give NE's advice considerable weight, and to provide cogent reasons if they depart from it.

"The KC draft opinion was received by this Council. A verbal and undocumented meeting took place, when the KC was instructed that all Wessex Water headroom at their works had been used up by previous planning permissions. The draft opinion and the meeting notes are withheld.

In my opinion, the officers attending the verbal briefing of the KC were not senior enough. Nor was Wessex Water, as a strategic partner, allowed to participate as subject matter experts. Planning Officers are not qualified water industry engineers. The Council's view that all the headroom at Taunton's wastewater works has been used up, makes no sense."

This is covered in the Executive Report under paragraphs 19-23 and will also be covered in the presentation.

<https://democracy.somerset.gov.uk/documents/s31968/Executive%20Report%20-%20Scrutiny%20Recommendations%20Water%20Quality.pdf>

However, if evidence is provided to demonstrate improvements to the Taunton wastewater treatment works have been provided to ensure the future housing growth is mitigated for to ensure a nutrient neutral impact on the Ramsar sites, rather than just accommodated to ensure operation within a permit limit, the Council will consider this evidence.

"The District Council planned for 17,000 new homes by 2028. Of the 18,000 held-up homes across Somerset, 10,000 lie within Taunton Deane.

I regard the KC opinion made after the confidential verbal briefing as unsound.

I recommend that this Council work collaboratively with Wessex Water to transparently document the headroom across the catchment area. Then instruct the KC to re-assess his advice following a new written instruction based on that documented and verified work.

The Habitats Regulation requires a precautionary approach but doesn't give a number. In 2024, despite improvements, there is still an assumption that 100% of phosphates from new homes gets on to the Moors and Levels daily, then another 20% is added."

The 20% buffer is addressed in the Executive Report in paragraphs 7-11. The buffer is included in all the national nutrient load calculators and is based on Natural England advice as the Statutory Nature Conservation Body. The buffer ensures the mitigation measures satisfy the precautionary approach legally required by the Habitat Regulations.

"Since 2018, Wessex Water has removed a huge amount of phosphates from their daily discharges. In Taunton, the level of phosphates entering the river Tone is just 7% of what it was 6 years ago.

The Council owns the phosphate mitigation calculator. Amending the precautionary factor in the spreadsheet from 1.2 to 1.0 is a very quick task, retains a precautionary approach and reduces the cost of phosphate credits. Your recommendation is sound. The Officer briefing to the Executive, I feel, doesn't accord enough courtesy and respect to Dr Clegg's voluntary and unpaid work these past 4 years, when no-one else was measuring phosphates out in the real world."

The Executive Report and briefing is respectful of Dr Clegg's voluntary research. However, the Council needs to acknowledge that Natural England's feedback on the research means that we cannot rely on Dr Clegg's research as cogent evidence to justify taking an alternative approach to either the 20% buffer or the quantity of phosphates mitigation required going forward. The Council needs to ensure that the evidence it is seeking to rely on will stand up to scrutiny if legally challenged. Dr Clegg himself has acknowledged the limitations of his research.

"Somerset has a unique, man-made river system which will allow a confident Council to set pragmatic nutrient neutrality policy that respects our unique place".

The committee noted the public statement, along with the officer response.

The Chair invited Cllr Ros Wyke, Executive Lead member for Economic Development, Planning and Assets to introduce item 7.

Cllr Wyke addressed the committee with the following statement -

"I would like to first of all thank the Scrutiny Committee on behalf of the executive for holding a dedicated water quality session on the 25th of April. It was a very informative session. In fact, we've had had a lot of information against well presented to us today, but it's very evident that the research being carried out.

And is underway continually on a nutrient pollution on the levels of walls and the role of the various partners operating within the field is quite complex and as is the need for additional research is probably becoming the more we know, the more we know we don't know. I particularly wanted to thank Doctor Clegg and his team of volunteers for the water sampling they've undertaken on sections of the river parrot to help understand the nutrient pollution sources, and I think there's obviously considerably more work to be done in that area.

The session as today identify the complexity of water movements and pollution sources on the Somerset levels and more, and we work on the opportunity to work with key partners in the future to develop our understanding and to work in partnership to restore the Somerset level Moors in the longer term.

At the current time, the Council is focusing resources on delivering additional nutrient mitigation schemes utilising the £9.6 million government funding we've been awarded for this purpose. To date, over 600 dwellings have been progress with nutrient mitigation and further large-scale development sites are in progress with their own site solutions.

We've published a wealth of guidance to support development industry and to facilitate the third-party credit marke. We now have sufficient credits to unlock a further four and a half thousand homes in Somerset and we will continue to work on increasing the supply which will help bring cost down.

We acknowledge that nutrient neutrality continues to be a challenge for developers, not just in Somerset but across the country, and we will continue to work to find ways to minimise this burden wherever we can.

Whilst at this stage the executive is unable to support the recommendations made by the Scrutiny Committee based on the legal advice to date and the limited resources available, we will continue to consider new evidence and legal advice where this is raised, but at the same time, we must also ensure the legal and financial risk to the Council and Somerset taxpayer is minimised.

I will hand over now to Kate Murdoch, who will give you a more detailed presentation of the issues raised from the Scrutiny recommendations. Thank you”

Kate Murdoch, Service Manager Planning Policy and Implementation, presented the officer report and [Executive briefing slides](#), that had been considered and agreed by the Executive on Wednesday 5th June 2024.

The committee noted the response from the Executive, confirming that the recommendations from the Scrutiny committee will not be taken forward at the present time, but felt that the committee should continue to establish a Task and Finish group. The Chair asked that those members who would like to sit on a Task and Finish group (Scrutiny recommendation 4) should come forward, and a meeting to discuss the remit and scope of this should be scheduled as soon as possible.

8. Update on Waste Services - Agenda item 8

The Chair advised that several committee members would be attending the 6th June 2024 Strategic Planning committee meeting at 1.30pm, and as such, agenda item 8 has been deferred to the next meeting.

9. Items for information – Agenda item 9

The Chair advised that several committee members would be attending the 6th June 2024 Strategic Planning committee meeting at 1.30pm, and as such, agenda item 9 has been deferred to the next meeting.

[The meeting ended at 12.30pm]

.....CHAIR