

PAS - Workshop 2

Implications of Nutrient Neutrality for Councils

7th April 2022 and 12th April 2022

Agenda

- Introductions and housekeeping
- LPA Talks
 - Phil Courtier, South Norfolk and Broadland Council
 - Louise Wood, Cornwall Council
- Questions
- **Break**
- LPA Talks
 - Rachel Jones, Wiltshire Council
 - Paul Browning, Somerset West and Taunton Council
- Questions

Phil Courtier Director of Place

Broadland and South Norfolk Councils

Two Councils - One Team



European protected sites requiring nutrient neutrality strategic solutions
Component SSSIs of
The Broads SAC

Local Authorities
SSSI subject to nutrient neutrality strategy
Nutrient neutrality SSSI catchment

Two catchments:

1. River Wensum

2. The Broads

Covers all Districts in
Norfolk

Actions to date:

Legal advice:

- What are the immediate implications?
- What are the implications for Local Plan, RMs, NPs, etc
- Can we challenge?
- Etc

Coordination of relevant partners

- Countywide planning policy/DM officers group (inc Norfolk Strategic Planning Group)
- Countywide Directors group, inc Anglian Water
- Countywide Member forum

Ensure coordination and avoid duplication

Response/actions to date:

- Prepared for drawdown of Govt fund
- Prepared joint scope for consultants

Medium/long term mitigation:

- Planning policies/conditions/mitigation
- Land use/agri practices/green&blue infrastructure
- Water treatment infrastructure

Response/actions to date (contd)

Short term.....aaargghh (there's so much at risk)

- Gather as much information as possible
- Ensure proper coordination
- What evidence and mitigation can we rely upon to base bespoke planning permissions on
- Lobby re: 5yr land supply

Communications

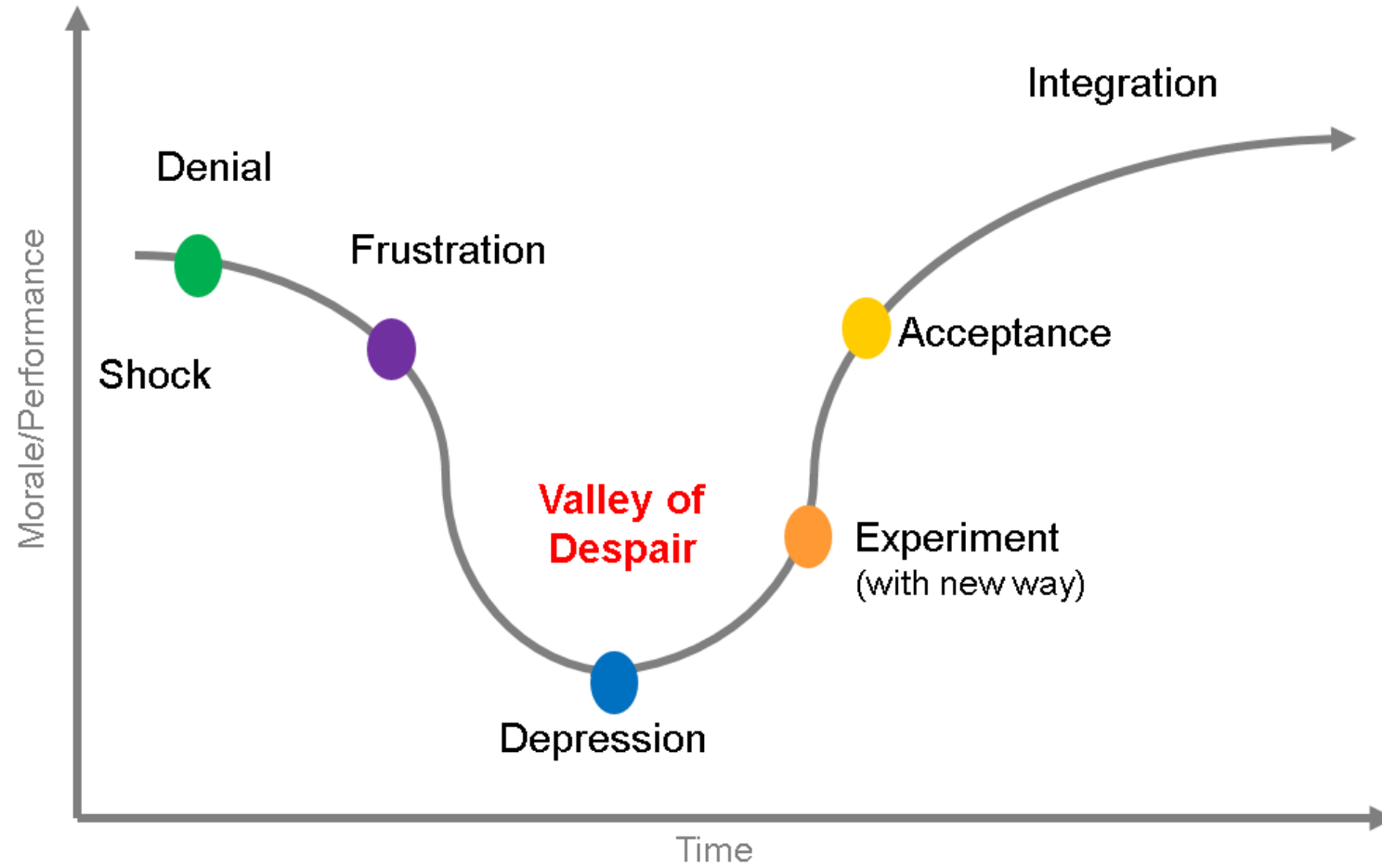
- Councillors
- Press
- Agents and developers – agents' forum
- Partners, inc water companies

Consistency, openness and integrity



River Camel SAC – Nutrient Neutrality – Experience so far

Louise Wood – Service Director, Planning & Sustainable Development

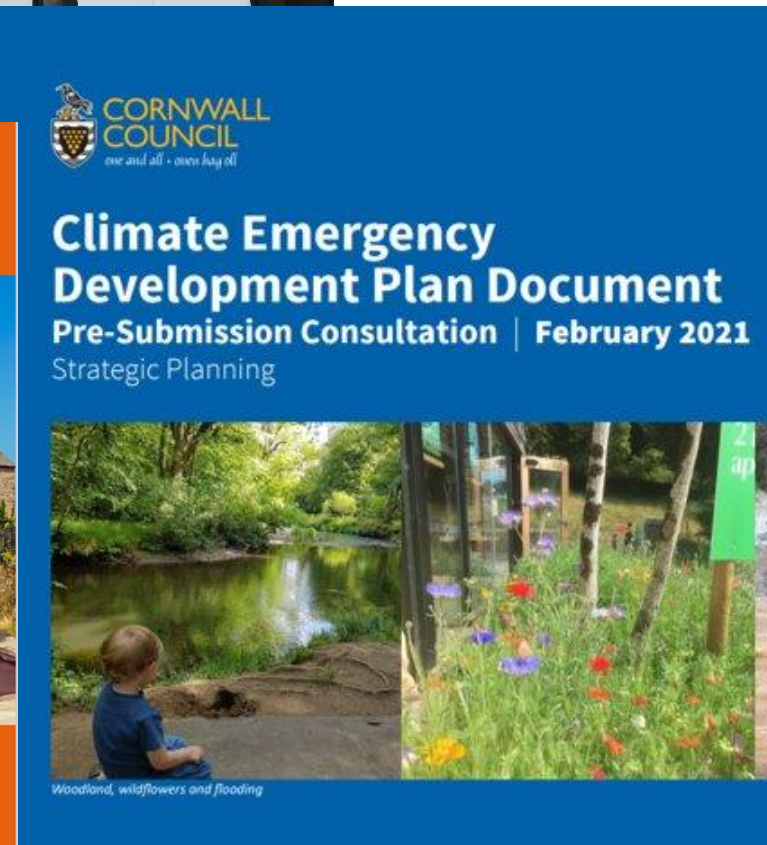
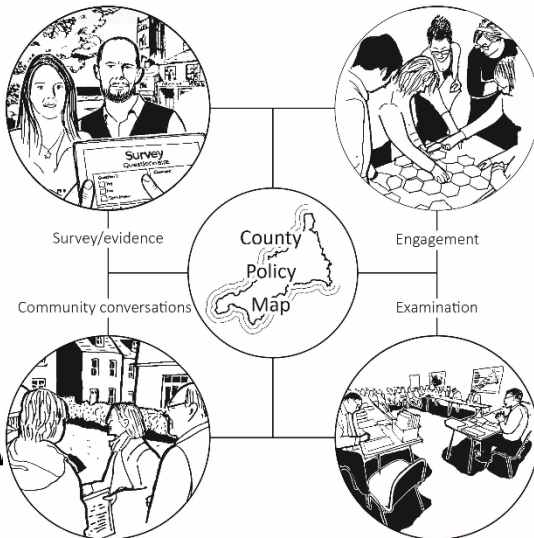




Major
development
10% Net
Gain in
Biodiversity

Council 'must declare housing emergency and take immediate action'

Any plan would focus on rapidly increasing supply of homes for locals to rent or buy



WWW

River Camel Special Area of Conservation - Context

Natural England letter received – April 2021



- 900 dwellings caught up in live applications
- 2,164 dwellings require mitigation (existing permissions, allocated dwellings and projected windfall until the end of the plan period in 2030.)
- additional 1,439 dwellings required beyond 2030 for the remaining allocated sites.

This is what we told our members ...Overview on a page...

- Excessive levels of phosphates impacting the River Camel SAC
- Court case known as 'Dutch N' has changed how impact is assessed
- Natural England mandate means we have no choice but to pause issuing decisions.
- Applies to outlines, full, RMs and even discharges of condition.
- We can't condition our way out of it
- 900 dwellings in the system now stalled.
- We now hold the risk and have to resolve it will not be quick and will require funding. But the good news is it's only a small part of Cornwall.
- We have 'P' problems which are more difficult to mitigate using natural solutions than 'N' problems that the Solent has. So some of the solutions other places are using won't work for us.
- Other places have been dealing with this for 18 months, it will take us many months to resolve.
- We are procuring specialist support to create Phosphate Management Plan.



What we did...nothing clever

- Working Group – DM/Policy/Env/legal/comms
- Met weekly at start still have people meeting weekly!
- Talked to other people – LPAs etc Somerset were brilliant
- Met with SWW, EA & NE
- Listened to that 50 Shade of Planning podcast more than once
- Got a friendly ecologist firm to do a presentation to staff
- **You will reach a point that talking to people isn't helping anymore and you need to make decisions....**

At first it is very Development Management heavy

- Took a precautionary approach and paused all applications
- Added the River Camel catchment area as a constraint layer to IDOX
- Created a schedule of all applications that would be affected – RAG rated them and worked through
- Sent a letter to all applicants/agents with pending applications to request an extension of time or withdraw the application
- Updated validation requirements - front screening
- NE responses /consistency / surgeries
- Sought Counsel advice
- Spend too much time worrying about conditions, but we now discharge them all with site specific consideration of pre-commencement conditions relating to drainage
- Reserved Matters....????



But we also moved on policy work

- Drafted a brief and appointed Consultant support
 - Calculator
 - Phosphate Mitigation Plan (solutions report and SPD)
- Solutions workshops
- Cornwall Local Plan – adopted 2017, we were in the middle of reviewing to confirm was up-to-date!
- Reviewed 5 year supply issues – modelled 2 / 3 year delay.

Engagement – steps taken

Agents / Developers

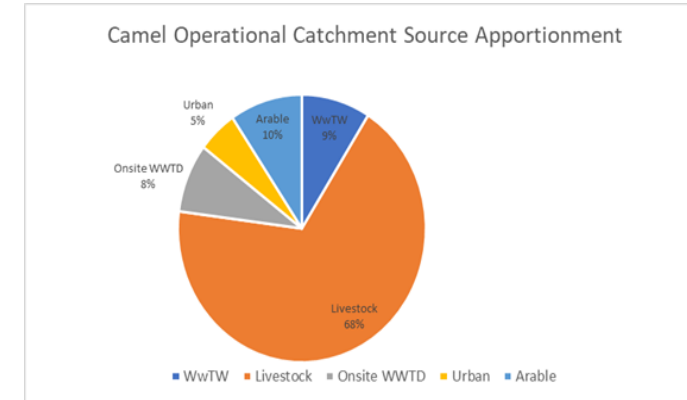
- Website updated with regular posts
- Agents briefing / workshop
- Developers of larger sites – working group

Members

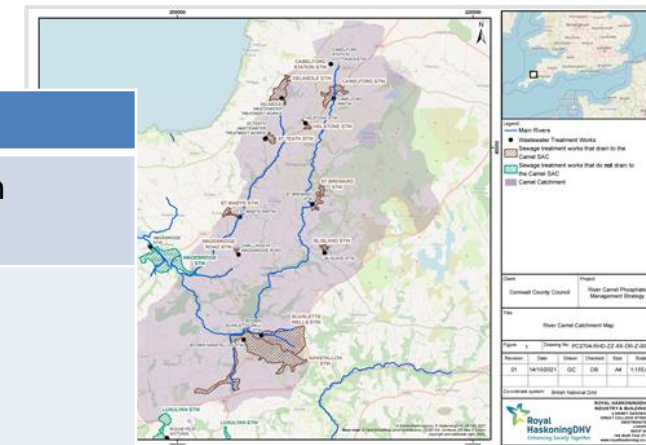
- Email briefings
- Meetings to brief on progress and challenges
- May 2021 new Conservative majority...

Work completed to date – April 2022

- Literature review / source apportionment
- Phosphate budget calculator
- Catchment mapping for wetlands/riparian buffer opportunities
- Solutions Report**



Phosphate management solutions	
Short – medium term implementation timescales	Medium – long term implementation timescales
Taking land out of agricultural use	Wet woodlands
Silt traps	Beaver reintroduction
Riparian buffer strips	Water company improvements
Cover crops	Willow buffer areas
SuDS	Third party credit scheme
Portable treatment works	Alternative wastewater provider
Package treatment plants	Constructed wetland creation
Cesspools	WwTWs additional treatment wetlands



What we've learnt...

- Maybe I'm too involved but needs leadership and momentum as its complex and easy to drift
- Consultants work has taken longer than we hoped
- Catchment mapping / CPO
- Its really technical - I'm still raising legal points with NE
I would struggle to see we could employ a person with the expertise – but you need someone in house
- Much of the advice still feels overly cautious
- THIS WILL TAKE TIME & PEOPLE WILL BE ANNOYED WITH YOU!!!!!!
- Solving the whole problem...should it be us??

Webpages

[Temporary pause on development in the River Camel Special Area of Conservation - Cornwall Council](#)

[Types of development and applications affected - Cornwall Council](#)

[Considering an application in the River Camel catchment area - Cornwall Council](#)

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Wiltshire Council - Nutrient Neutrality



Rachel Jones, Wiltshire Council
April 2022

Introduction

- Nutrient neutrality
 - Over 50% LPA area
 - Phosphorus Neutrality – Hampshire Avon
 - Over 10 years, earlier voluntary agreement with WxW, 'neutrality' from 2018.
 - Nitrogen Neutrality – River Test catchment (Solent) – new area since 2019
- Two nutrients, two approaches
 - CIL funded strategic approach
 - Developer contributions for Council mitigation scheme
- New areas for phosphorus neutrality.... River Lambourn and Somerset Levels and Moors but only very small areas and very rural



Hampshire Avon – Phosphorus Neutrality



Early days

- Planning applications stopped – 9 months
- Tried reverse auction with EnTrade
- One of first 'markets' – difficult, complex, uncertain
- Needed time

Alternative approach

- Facilitate planned growth (2018-2025)
- In-house scheme
- Simple system
- NE required commitment to time / resource and funding
- Ring fenced fund from CIL
- Support of Council Leaders and Councillors

Strategic scheme

- Ring fenced fund from CIL
- Appoint dedicated Project Officer
- Deliver temporary projects, whilst finding permanent solutions
- Track planning applications to ensure mitigation in place in time
 - Reviewed yearly

Pros

- No delay to planning applications
- Solution for all planned growth not relying on 'market'
- Less resource implications for planning team
- Steer projects types to meet wider Council objectives – GI, business plan
- Good understanding of constraints

Cons

- Directing CIL funding away from other projects
- No additional funding from developers
- Risk developers will not 'avoid' impacts (though SuDS design guide in progress)
- No mitigation for unplanned growth (pros & cons)

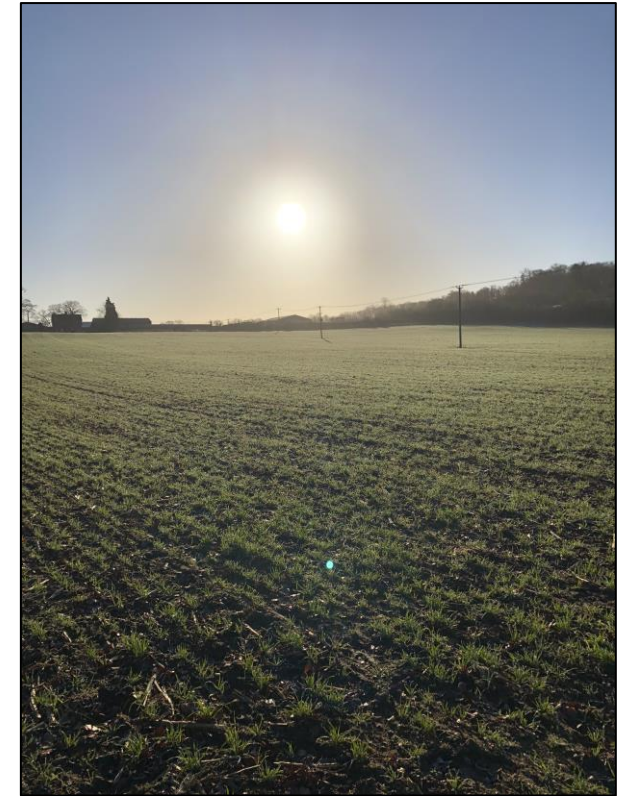
Solutions

Temporary measures

- Cover crops each year in line with housing growth
- 143 ha for first year – across upper catchments
- Scale each year in line with housing growth

Intermediate / Short term

- Adding phosphorus removal technology to Council owned package treatment plants
- 5 priority sites in upper catchments
- Extra treatment with aggregate beds
- Possible to extend to residents / farms on short term
- Possible - willow beds, coppice, reedbeds



Solutions

Longer term

- Large constructed wetlands— 3 projects at feasibility stage, more possible
- Farm-scale wetland
- Possibly options on Council land

Risks

- Need to ensure pipeline of projects in line with growth
- Difficult parts of catchment
- Collating evidence to inform costs



Solent / River Test – Nitrogen Neutrality

Context

- Mainly windfall, one or two allocations
- Development held up for 18 months
- Nitrogen 'easier' to mitigate

Approach

- Need certainty for planned growth and local plan review
- Other mitigation providers in adjacent authority areas, but need inter-authority agreements, reserve credits
- Not listed as project under CIL



Strategic scheme

- Option on Council-owned land in Wiltshire
- 120 hectare dairy farm
- Tenant has vacated farm
- Opportunity to restore farm to chalk grassland nature reserve



Pros

- Provides certainty for local plan for all growth
- Meeting wider Council objectives
 - Business Plan
 - Green and Blue Infrastructure Strategy
 - Climate Strategy
- Opportunity for new partnerships

Cons

- Financial risk as loss of farm income in perpetuity
- Reputational risk as loss of a farm



To conclude..

- Best approach – in house, partnership?
- Any quick wins – even if only temporary...
- Ways to working to help with workload
- Good comms
- Any approach can be adapted

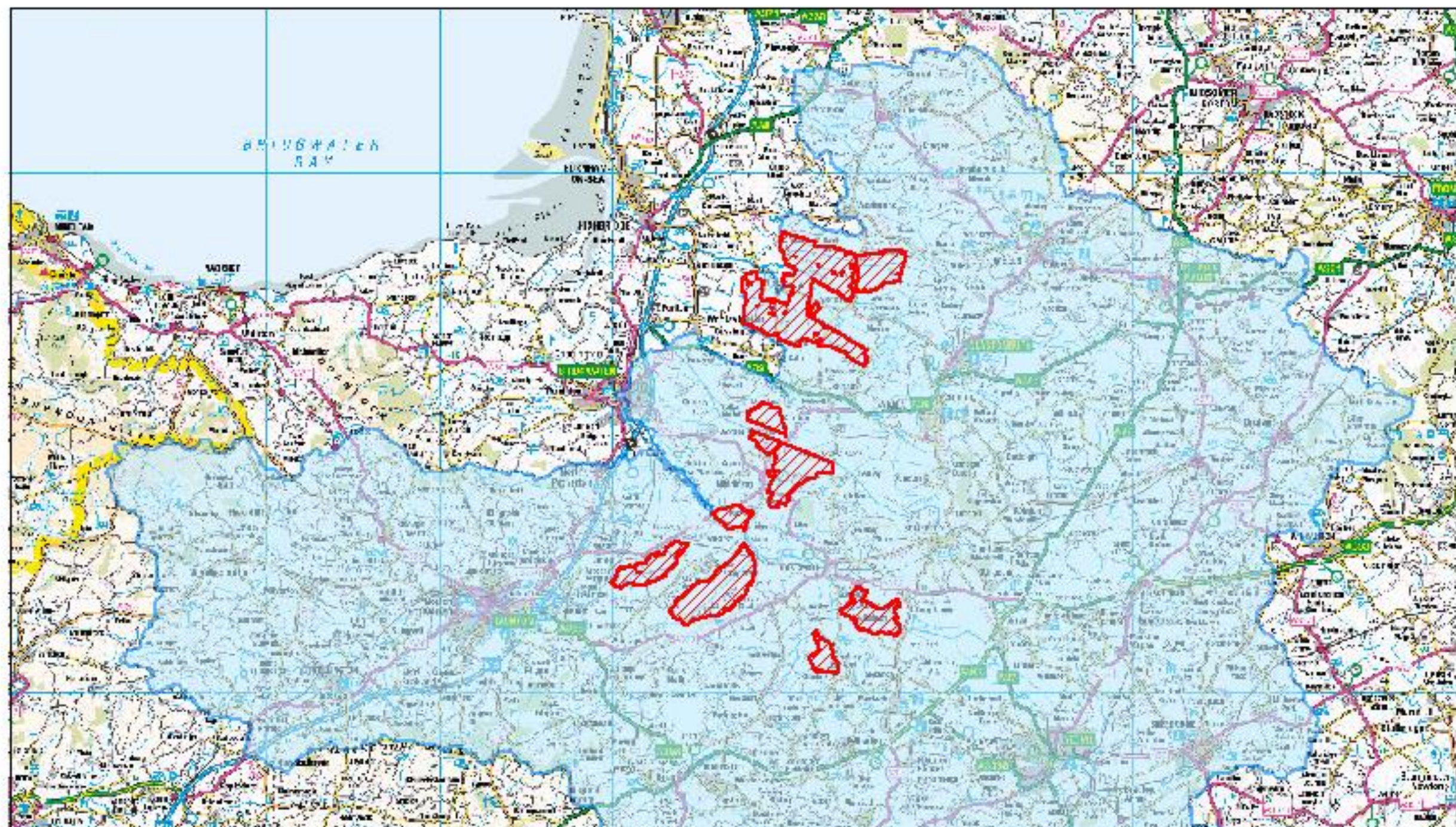
Questions ??

7th & 12th April 2022

Phosphates on Somerset levels and Moors: Planning Policy Overview

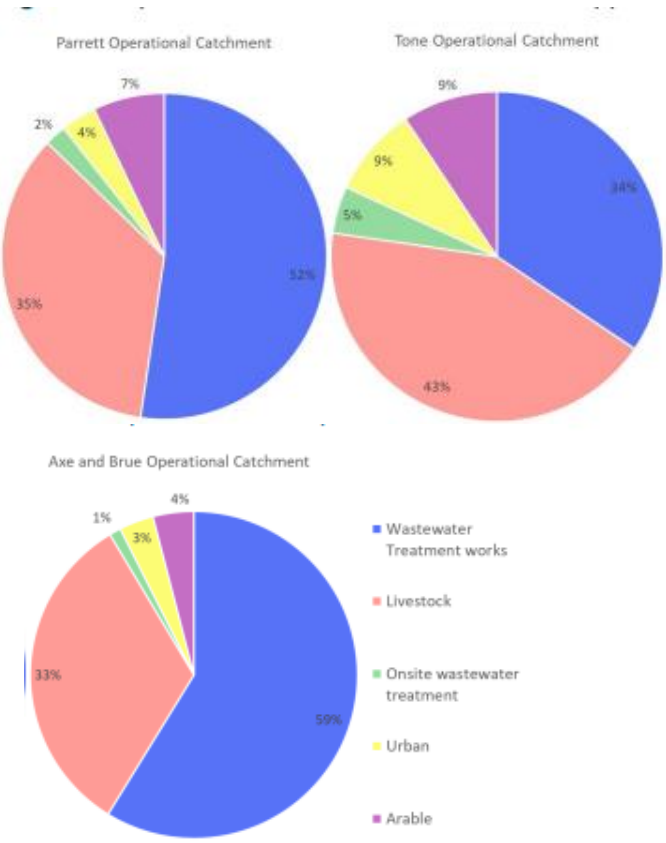
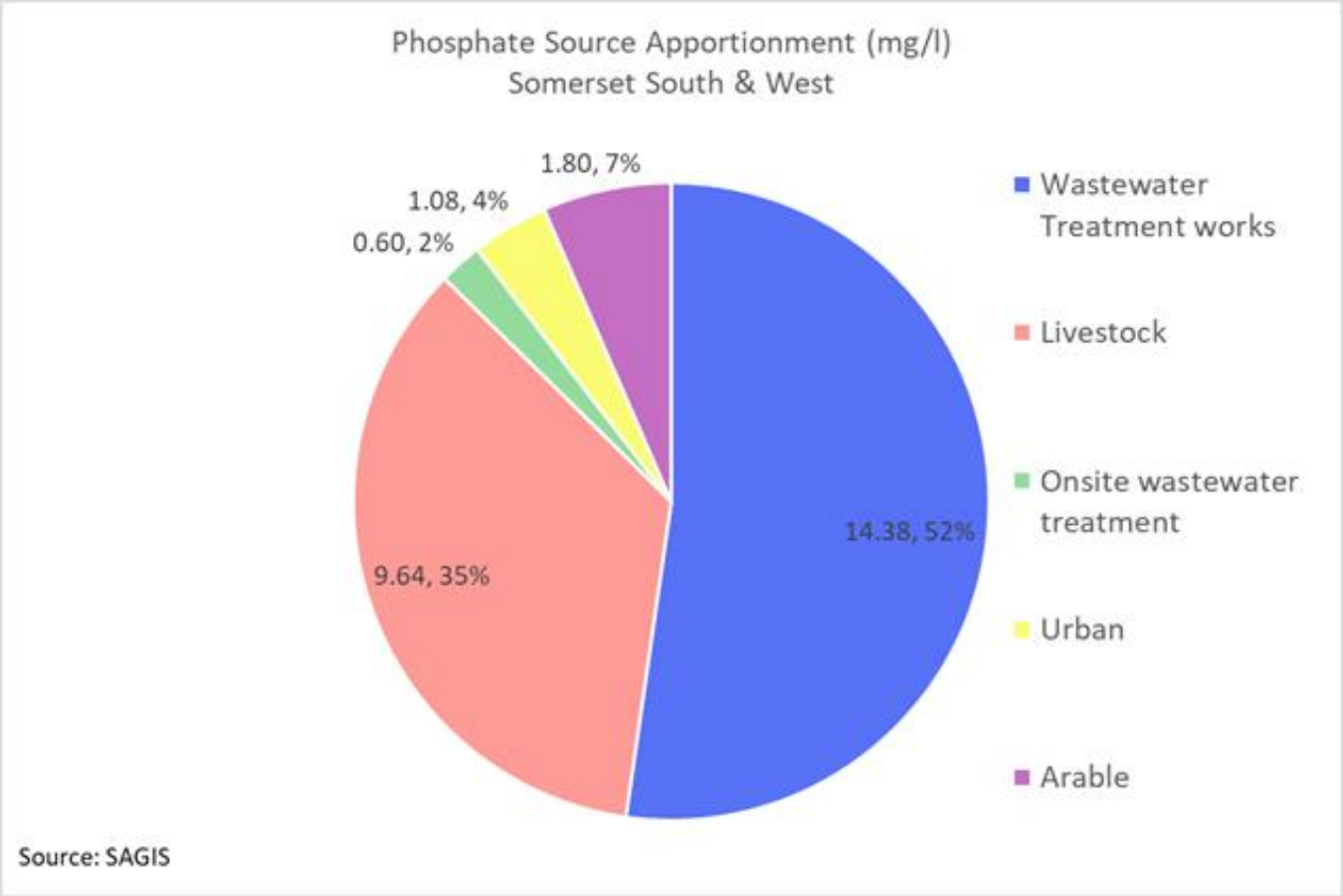
PAS Nutrient Neutrality workshops

Somerset Wide Context: Background



Phosphates on the Somerset Levels and Moors

The principal sources of phosphates



Phosphates on the Somerset Levels and Moors

Economic impact on Somerset: Overview

- Residential (including affordable) planning applications on hold.
- Government funding at risk.
- Disproportionate affect on small and medium size enterprises (SME's). Supply Chain, SMEs and subcontractors impacted.
- Difficult to demonstrate a 5 year housing land supply and meeting planning targets.

Phosphates on the Somerset Levels and Moors

Overview of where we currently are:

The Somerset Phosphate calculator

- Launched the calculator on 26 February 2021. Supported by user guide and video. Can be used to assist in determining applications. Applicants need to seek their own professional advice to understand the results of the calculator and, where possible, translate these into deliverable solutions.
- Note: Joint statement has been prepared with NE, EA, Wessex Water and Somerset Authorities. Until advised otherwise: the NE generic Nutrient Neutrality Methodology and catchment calculator should not be used. They are provisional national tools and methodologies. Decisions on affected planning applications will continue to be based upon the use of the Somerset Phosphate Calculator.

Somerset wide: Somerset Levels and Moors Phosphate Mitigation Solutions (March 2022)

Solutions Report

- Now been produced and is intended to be taken forward by all the Somerset authorities.
- For the 3 River Catchments (i.e Tone, Parrett, Brue) - provides information on the quantum of phosphate offsetting required and the appropriate measures that could be used (it will not however set out specific projects in order to deliver phosphate credits).
- Redefining the geographical extent of the “area of risk”.
- Recommending improvements to the Somerset phosphate calculator.

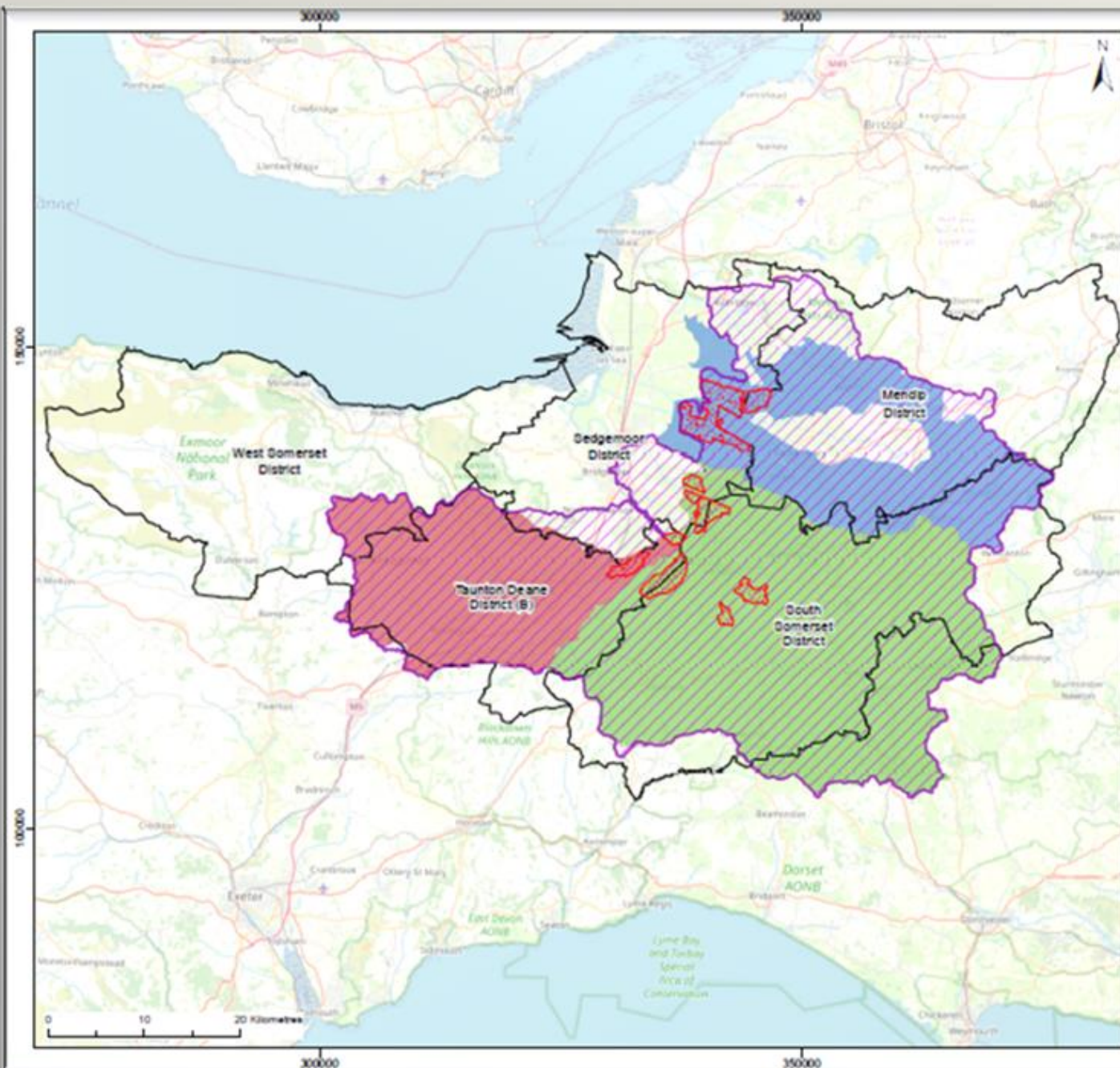


**Somerset West
and Taunton**

Somerset wide: Somerset Levels and Moors Phosphate Mitigation Solutions : March 2022

- For each river catchment, the quantum of phosphate to be mitigated against. For the River Tone catchment area, circa 1,200 kg/y for the period up to 2032. This equates to a mitigation requirement of approximately 110 kg per year. (Table 5.8)
- The potential solutions/options/costs that could be employed to address that quantum of phosphate mitigation. These range from the short term (e.g. fallowing land), to more complex measures requiring longer lead-in times (e.g. wetlands.) Table 6.2 provides a useful summary of the short listed solutions and a cost per kg/y based on a review of the evidence to date.





Legend

- Area of risk - Brue Catchment
 ■ Area of risk - Parrett Catchment
 ■ Area of risk - Tone Catchment
 ■ Previous Natural England catchment map for information (now superseded)
 ■ Local Planning Authorities Boundaries
 ■ Somerset Levels & Moors Ramsar

Data Sources: Environment Agency, Nature England © HousingsDataUK Ltd, 2022

[illegible]

Client:

Somerset combined
authorities

Project

Phosphate Budget Calculator

Title	Author	Year	Journal	Volume	Page
...

Somerset Levels and Moors Surface Water Catchment

Figure 1

Drawing No. PC-1961-RHD-ZZ-XX-OR-Z-0010

Revision:	Date:	Drawn:	Checked:	Size:	Scale:
01	09/03/2022	GC	CB	A4	1:575,000

Co-ordinate system: British National Grid



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Table 6.1: Suitability of solutions by district

Solution	Mendip	South Somerset	Somerset West and Taunton	Sedgemoor
Taking land out of agricultural use	✓	✓	✓	✓
Cessation of fertilizer / manure application	✓	✓	✓	✓
Buffer strips	✓	✓	✓	
Wet Woodlands	✓	✓	✓	
Cover Crops	✓	✓	✓	✓
Beavers	✓	✓	✓	
Constructed wetlands	✓	✓	✓	✓
Secondary treatment wetlands	✓	✓	✓	
Water Company Improvements	✓	✓	✓	✓
Willow buffer areas	✓	✓	✓	✓
SuDS	✓	✓	✓	✓
Third party credit scheme		✓	✓	
Portable treatment works	✓	✓	✓	✓
Alternative wastewater providers	✓	✓	✓	✓
Restrictions on water use			✓	
Anaerobic digestors	✓	✓	✓	✓
Package treatment plants	✓	✓	✓	✓
Cesspools				

Somerset wide: Somerset Levels and Moors Phosphate Mitigation Solutions

Key messages:

Within the “Officer observations”, the SWT Cttee report highlights a number of matters associated with:

- The areas of risk;
 - Significant cost of mitigation;
 - The land take of nature based solutions;
 - The estimated costs per dwelling which will be extremely variable;
 - The need for continued lobbying of central government.
-
- Further information available at:. Phosphate planning sub Cttee
<https://democracy.somersetwestandtaunton.gov.uk/ieListDocuments.aspx?CId=461&MIId=3127>

SWT Interim Strategy

Progress on the Interim Strategy and determination of planning applications held in abeyance

Interim Strategy Purpose: To unlock some of the growth/planning applications which are currently held up in the system (recognising the impact on the local economy and the need for homes) the Council agreed to bring forward a number of interim measures to provide phosphate credits.

Full Council Agreed:

- Funding £2m (aim is to recover in the long term).
- Where appropriate the use of Compulsory Purchase Orders.
- Continued lobbying of central government.

LINK TO FULL COUNCIL REPORT:

<https://democracy.somersetwestandtaunton.gov.uk/ieListDocuments.aspx?CId=325&MId=2887>

Progress on the Interim Strategy and determination of planning applications held in abeyance

Since the Full Council Meeting on 5 October 2021, SWT has:

- Appointed two dedicated Officers to support the unlocking of development in the catchment of the River Tone.
- Established the Phosphates Planning Sub Committee.
- Started to identify a series of projects to generate phosphate mitigation credits.

Progress on the Interim Strategy and determination of planning applications held in abeyance

Projects to generate phosphate credits through the interim programme include:

- Retrofitting of council housing stock/assets with water efficiency measures to bring the average use to 110 litres per person per day.
- Programme of land use measures (e.g. Wetlands; fallowing of land, woodland creation, riparian buffer strips) to generate phosphate credits.
- Consideration to other measures such as upgrades to existing package treatment plants.

The Council is required to carry out an Appropriate Assessment in relation to the interim strategy. This is being progressed by Officers for sign off by Natural England.

Progress on the Interim Strategy and determination of planning applications held in abeyance

Phosphate (P) Credits

- Agreed the allocation of P credits is based upon various objectives and criterion.
- Flow diagram sets which sets out the which planning applications will be prioritised.

Link to Sub Committee

REPORT: <https://democracy.somersetwestandtaunton.gov.uk/ieListDocuments.aspx?CId=461&MId=3105>

Progress on the Interim Strategy and determination of planning applications held in abeyance: Key Considerations

- As at 27th January 2022 there are approx. 112 planning applications held in abeyance, as well as approx. 36 applications for the discharge of planning conditions. This equates to approx. **3,200 dwellings**.
- A key aspect of the strategy is that it is **interim in nature** and designed to 'unlock' some phosphate affected development within the River Tone catchment.
- It is anticipated that further opportunities for phosphate mitigation will become available in the future either through the Council's interim programme, through the work being undertaken to develop a Somerset wide nutrient strategy or by applicant's bringing forward their own mitigation solutions.

Lessons learnt to date

Lessons Learnt to date

- Not a new issue. More and more Council's are being caught by the nutrient neutrality issue. Water environ very complicated. Little expertise out there – all scrambling for the same resource. One size does not fit all (potential solutions and the ability to fund varies). PAS events one stop shop for further information.
- Short term - cannot rely on existing improvements to WWTW's to address the adverse effect to the integrity of the SAC from development proposed in the proposed LP or windfall development .
- Regional and national organisations are placing “blind faith” in nature-based solutions to nutrient pollution in river catchment areas. It is part of the solution – not the total solution.

Lessons Learnt to date

- Multi disciplinary / longer-term strategic approach to deliver reductions in nutrients is required. Involves neighbouring Council working together with Natural England, the Environment Agent etc.... and the agricultural and water industry. This goes beyond the statutory land use planning system.
- Legislative restrictions: with the Asset Management Plan (AMP) and package treatment plants.
- Plethora of development management issues. Range from legal opinions; use of conditions through to matters relating to Section 106 and UU's.

Lessons Learnt to date

- The release of further advice from Natural England: March 2022. One size does not fit all. In Somerset, until advised otherwise: decisions on affected planning applications will continue to be based upon the use of the Somerset Phosphate Calculator.
- Communication: with Cllrs, developers, your residents ... and government departments. FAQ's and website.
- Lobbying : Letters to government. Latest - £100k additional government funding is welcomed. Our biggest ask of central government: flexibility on land supply and housing delivery targets – publicly no positive feedback on this so far.

End

**Somerset West
and Taunton**

