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By Email to:

The Rt Hon Robert Jenrick MP
(Secretary of State for Housing,
Communities and Local Government)

Date: 23rd July 2021

The Rt Hon George Eustice MP
(Secretary of State for the Department
of Environment, Food and Rural Affairs)

Dear Secretaries of State,

Natural England advice in relation to phosphates in the Somerset Levels and Moors Ramsar site

Further to our letter of 3rd December 2020, we are writing to update you on our progress to date and planning work going forward to address Natural England's advice, concerning the unacceptable levels of phosphates in the Somerset Levels and Moors Ramsar site. As you are aware this advice has prevented the determination of a significant number of affected planning applications across Somerset, including development sites that would deliver over 11,000 new homes. Future strategic housing sites have also been delayed and as our knowledge has developed in this area, we are now acutely aware of the impact this issue will have on the delivery of brownfield sites, that already face challenging viability issues. As a result, the phosphates issue is continuing to have implications for many affected local authorities to meet local housing needs, to maintain a five-year housing land supply and meet government targets for the delivery of homes.

The Somerset authorities have been working in partnership to address this issue and we really appreciate the funding support provided by Homes England to help move work forward. In February 2021 all the Somerset authorities published the phosphate calculator. This provided affected applicants with the necessary information to calculate the phosphate load arising from their development. The calculator also identifies a theoretical land take and nature based solution that could help address the phosphate impact.

The authorities have also jointly commissioned consultants to support the delivery of a Somerset wide Nutrient Strategy. We anticipate this work will be completed in Autumn 2021 and one of the outcomes will be to identify appropriate solutions. Whilst we remain hopeful that a strategic solution(s) will be identified, it is becoming increasingly clear that the land take required, associated costs and timescales for delivery, will be significant. In the absence of a strategic solution, applicants are still having to seek their own nature based or alternative solutions to demonstrate their proposals are phosphate neutral. This

situation disproportionately impacts SMEs, given both their increased exposure to financial risk associated with the current delays and limited resources available to address the issue.

We have been working closely with Wessex Water/EnTrade on their environmental credit trading platform, in the hope that this may assist with delivering an interim solution to help unlock some housing delivery. We acknowledge the considerable amount of work undertaken to date to ensure compliance with HRA legislation. However, there remains significant uncertainty surrounding the operation of third party mitigation providers, including:

1. the quantum of housing that will actually be unlocked by third party environmental trading platforms given the scale of land required to deliver nature-based solutions
2. the legal framework within which these trading platforms will operate to provide local planning authorities the legal certainty and enforcement powers required to unlock development
3. the uncertainty surrounding the cost per phosphate credit delivered via this model / the additional cost per home and the direct impact this may have on site viability and developer contributions, towards the delivery of other critical infrastructure, such as transport improvements and education and health facilities, for which there are no alternative Government funding sources to replace the loss of this critical infrastructure funding.

We recognise the importance of protecting the integrity of the Somerset Levels and Moors Ramsar site. This importance has been reinforced by the recent downgraded condition of the Somerset Levels and Moors RAMSAR site to 'unfavourable declining' by Natural England following water quality monitoring that revealed that phosphate levels are three times higher than they should be. Whilst new developments within the affected area are required to ensure phosphate neutrality, this does not address the current unacceptable levels of phosphates in the Somerset Levels and Moors; it merely maintains the status quo. In the absence of any national response to address water quality, given that both existing waste water treatment works and current farming practices continue to contribute to this problem, it is unclear how the water quality issues facing these protected sites are going to be addressed (please see attached pie chart which shows what each sector contributes to the issue in Somerset). We thus call on the Government to address the ongoing major contributory polluters (i.e. waste water treatment works and farming practices) responsible for the discharge of nutrients into the water courses feeding into our protected sites nationally.

At present we are aware that water quality issues are impacting the delivery of housing in the Solent region, Cornwall, Wiltshire, Dorset, Kent and Herefordshire. However given the number of Ramsar sites across the country; the scientific evidence identifying the major contributory factors (i.e. waste water treatment works and farming practices) and the fact that these contributory factors exist across England, it seems likely that larger areas of England will be impacted by the same water quality issues. At present we are unclear why water quality issues appear not to be impacting a greater number of Ramsar sites and associated housing delivery in England. It is clear, from the work we have done to date and

our engagement with other affected authority areas, that water quality issues will remain a barrier to housing delivery for several years and will undermine the Government's ability to meet national housing targets. The recent Water and Sewage Companies Environmental Performance Report (2020) highlighted that the sector needs to make substantial improvements to meet environmental performance targets for both serious and total pollution incidents. The Somerset authorities will continue to work to identify strategic scale nature based solutions but from the evidence to date this can only be a short to medium term solution for all affected areas, given the likely land take required to unlock the Government's national housing requirement. We concur with the HBF's view that the most cost effective and sustainable long-term solution is investment and upgrades to the waste water treatment works across England. This view is supported by evidence outlined in the attached report published by the Environment Agency [phosphorus-pressure-rbmp-2021.pdf \(environment-agency.gov.uk\)](https://www.environment-agency.gov.uk/publications/2021/04/phosphorus-pressure-rbmp-2021.pdf). This report highlights that technologies to achieve very low levels of phosphate discharge in waste water effluent are not widely utilised in the UK. On a more positive note, the report does highlight successful trials and investments in the waste water treatment works at Slough, Derby and Nottingham that delivered full scale biological nutrient removal plants, with phosphate recovery, producing high grade fertiliser pellets. We would welcome the opportunity to work in partnership with DEFRA, OFWAT and Wessex Water to explore the potential to deliver accelerated improvements to the waste-water treatment works in Somerset.

Construction and housing delivery are major economic drivers in the UK and a key focus of the Government's Covid recovery plans. We welcome the Government's environment pledge and all the Somerset authorities are committed to working with the Government to address the climate and ecological issues. It is critical that we work together to find a national solution to the nutrient issue that is affecting many areas in the country, not just Somerset.

In summary we would welcome a response to the following:

1. Publication of the affected local authority areas, the quantum of housing development on hold as a result of Natural England's advice and information as to whether water quality issues are affecting other areas in England.
2. Government commitment to influence further investment and upgrades in the waste water treatment works to address this national water quality issue.
3. Request that the Government works proactively with the Somerset authorities to deliver a clear investment strategy to address water quality issues impacting the Somerset Levels and Moors Ramsar site, to help unlock much needed housing development.
4. Request that the Government makes capital funds available to assist the delivery of strategic scale nature-based solutions where the cost of delivery would otherwise negatively impact on much needed developer contributions for social and community infrastructure improvements (i.e. transport improvements and the provision of new education and health facilities) for which no alternative funding source is available.
5. Government confirmation that current infrastructure and affordable housing funding programmes in Somerset will not be placed at risk by the phosphates

issue and that extensions to spend programmes will be permitted where necessary.

6. Confirmation that relevant Government regulators (OFWAT, Environment Agency and Natural England) will be addressing the major contributory polluters responsible for the discharge of nutrients into the water courses that feed into the protected sites in England.

We trust that you recognise the significant progress the Somerset authorities have made to date to help identify solutions to this issue. It is clear that the existing national water quality issues will remain a barrier on housing delivery for several years. This requires urgent attention if we and other affected authority areas are going to be able to help address the national housing crisis.

We look forward to understanding what progress the Government has made to date on addressing this national issue and invite the Government to work with the Somerset planning authorities to help unlock much needed housing.

To this end we would be happy to provide additional information or briefing should you find that helpful.

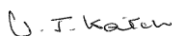
Yours sincerely,



Cllr Federica Smith-Roberts
Leader, Somerset West and Taunton
Council



Cllr David Fothergill
Leader, Somerset County Council



Cllr Val Keitch
Leader, South Somerset District Council



Cllr Duncan McGinty
Leader, Sedgemoor District Council



Cllr Ros Wyke
Leader, Mendip District Council

Cc Marcus Fysh MP, James Heapey MP, Ian Liddell-Grainger MP, Rebecca Pow MP, David Warburton MP, Philip Dunne MP

Gordon More, Interim CEO, Homes England

David Ralph, CEO, Heart of SW LEP

Pie Chart: Somerset Levels and Moors

