

SWT Phosphates Planning Sub-Committee - 24 February 2022

Present: Councillor Simon Coles (Chair)

Councillors Roger Habgood, John Hassall, Sarah Wakefield and Gwil Wren

Officers: Alison Blom-Cooper, Emmeline Brooks (Phosphate Planning Officer), Paul Browning, Martin Evans (Shape Legal Partnership), Chris Hall and Rebecca Miller (Principal Planning Specialist) and Tracey Meadows

Also Present: Councillor Rigby

(The meeting commenced at 2.30 pm)

1. Election of Chair

Councillor Wakefield proposed and Councillor Habgood seconded a proposal for Councillor Coles to be Chair of the Phosphate Planning Sub-Committee;

The motion was carried.

2. Election of Vice-Chair

Councillor Hassall proposed and Councillor Coles seconded a proposal for Councillor Wakefield to be Vice-Chair of Phosphate Planning Sub-Committee.

The motion was carried.

3. Apologies

Apologies were received from Cllr Blaker.

4. Declarations of interest

No further declarations of interest were declared.

5. Election of Co-opted member

Councillor Habgood proposed and Councillor Coles seconded a proposal for Councillor Cavill to be a Co-opted member of the Phosphate Planning Sub-Committee.

The motion was carried.

6. **Terms of Reference**

During the discussion of this item the following point was raised:-

- Would the sub-committee have the capacity to tweak/alter the Terms of Reference going forward or would this require going back to Full Council for approval.
The Solicitor advised that any amendments would need to go through the Monitoring Officer in terms of changes to the Constitution and if significant change was needed this would need to go through the Planning Committee;

The Terms of Reference were agreed.

7. **Update Report on Phosphate and criteria/process for allocation of credits to support the determination of planning applications**

Purpose of the Report

As agreed by Full Council on 5 October 2021, Somerset West and Taunton Council was currently progressing a programme of interim measures which were being put in place to facilitate phosphate neutral development in the District.

The purpose of the report was to provide the Phosphate Planning Sub Committee with;

- an update on the interim strategy;
- To set out a preferred option for the allocation of Phosphate credits ('P credits');
- Outline and agree the next steps required for Officers to take forward the preferred option, including the establishment of a template Section 106 Agreement and project level Appropriate Assessment to be signed off by Natural England;

There was no statutory requirement for the Council to intervene to address the phosphates issue, however the impact on the problem was having wide ranging implications. As a result, the Council was taking proactive action in order to try and find appropriate solutions;

During discussion of this slide presentation the following comments were made; (summarised)

- The Chair raised concerns that developers required a suitable Phosphate solution on their site. A base line was needed so that we knew what we were talking about as some developers would produce a suitable mitigation plan. We also needed to ensure that Wessex Water as the

major water-treatment organisation in our area was busy removing phosphates to get some of these stalled site moving;

- Concerns with speculative development applications from outside of the areas that we would like to see developed;
- What level of mitigation was acceptable in terms of the developers?
In terms of mitigation they needed to be nutrient neutral so it would vary from site to site, the scale of the development proposed and the located catchment area and that meant how much mitigation needed to be provided and that was what the phosphate calculator set out to say how much credit was needed depending on the location, There was nothing to stop developers coming to use with their own mitigations. We are working with the ecology service to make sure that we were satisfied that developments were nutrient neutral;
- How could we go to Wessex Water?
Councillor Rigby was in conversations with Wessex Water and other bodies;
- Concerns were raised with regards to Septic tanks and pollution levels due to them being plumbed into a local streams. The septic tanks were hard to track down unless there was a pollution incident. Did the Environment Agency hold a database on these?
- Retrofitting our Council homes to come down to a 110 litres, did this mean that the litres that we were saving would go to 'P' credits for the North Taunton development to offset theirs ? if this was the case, what about our RSL and Alms houses who may be able to set up a similar situation, were they going to be eligible?
In terms of credits, the discussion would still have to had with Natural England regarding the extent to which it was applying to RSL's or registered providers for social housing etc. Also, any other types of community led development. Our colleagues in South Somerset were having discussions with Natural England;
- We were striding forward with this but there were concerns that we were undertaking this mantle on our own, we needed to draw in as many regular review bodies as we could;
- Commented that Comeytrowe site was already moving towards installing its own treatments as part of the development in order to ameliorate the phosphates issue. Would there be opportunities for larger developers to put in more than was required for a particular development and therefore sought to sell on phosphate credits to the wider market. Where would we stand on this?
We would have to be careful if one of the major developers was offering 'P' credits. We had to work with Wessex Water who were our local treatment organisation. If they got their act together and upgraded their plants to a suitable level, the capacity to remove phosphates and then the 'P' credit from a major developer may only be a temporary measure;
- Concerns with who was looking after the private homeowners. Could there be any incentive in the future for private homes to be doing something about this and earn credits ?
- Matters raised on applications that had gone forward with their own mitigation that had made their way to SES and where they were and how they were stacked at present;

- Concerns raised on how much it would cost to upgrade the water treatment plants;
- Concerns that the water companies were discharging untreated sewage far too often and in far too large a quantity and far too frequently;
- Wessex Water stated that there would be no more raw sewage discharged from 2024, was this correct?;
- Stated that all agencies needed to get together to discuss these issues;

Actions arising from the discussion;

- PB to circulate UK Government strategic policy statement on Ofwat to Members;
- PowerPoint presentation to be circulated to Members;
- Officers to check status of applications currently awaiting SES consultation;
- Officers to check information in relation to Wessex Water sewage discharges;
- Officers to consider possibility for Sub-Committee meetings to be held before main planning committee;

Recommendations

That the Phosphates Planning Sub-Committee resolves to:

- (a) Agree the recommended criteria for P Credit allocation as set out from Paragraph 5.7;
- (b) Agree the preferred option for P credit allocation as set out from Paragraph 6.1;
- (c) Agree that P credits are to be allocated only to application for 'implementable development' as set out from Paragraph 7.9; and
- (d) Agree the next steps required for Officers to take forward the preferred option, including the establishment of a template Section agreement and project level appropriate assessment template, as set out from Paragraph 9.1;

(The Meeting ended at 3.45 pm)