

PLANNING & INFRASTRUCTURE PORTFOLIO HOLDER DECISION – 10 DECEMBER 2018

IMPACTS FROM PHOSPHATE ON RIVER AVON

1. INTRODUCTION

- 1.1 The purpose of this report is to seek Portfolio Holder approval on a way for the Council to deal with the issues in relation to the impacts of phosphate on the River Avon Special Area of Conservation.

2. BACKGROUND

- 2.1 The River Avon Special Area of Conservation (SAC) is currently failing to meet the Common Standards Monitoring Guidance (CSMG) targets in relation to phosphates (P). CSMG targets are typically used by Natural England as a tool to assess the conservation status of protected sites including SACs. The River Avon SAC is unlikely to achieve the CSMG targets within the next river basin management planning cycle (2015-21).
- 2.2 A set of interim progress goals have been agreed by Natural England, the Environment Agency and Wiltshire Council who have jointly published a Nutrient Management Plan demonstrating how the interim progress goals will be achieved by 2021. The plan includes how the impact of any residential uses approved in the catchment area will have to be mitigated, which will also have to be applied across the large part of this District within the River catchment, in order to achieve Habitat Regulations compliance with the methods covered in a signed Memorandum of Understanding (MOU) between all parties.

3. THE IMPLICATIONS FOR PLANNED GROWTH

- 3.1 In order to address the issue the Council currently impose a condition on all new residential planning consents which requires the applicant to demonstrate how the impact will be mitigated, the details of mitigation to be submitted prior to the occupation of development. This is in line with the way we deal with the likely adverse impact of recreational impacts from new residential development. To date, no definitive projects have been developed for which funding could be secured and therefore there is no clear solution to how this condition can be discharged at this time.
- 3.2 The problem is likely to be only short term as Wessex Water have announced that, subject to DEFRA approval, they intend to change the way they deal with phosphorous output at their treatment works from 2020 onwards, so that levels of phosphorous are not greater than they have been on average over the last 5 years. This would effectively mean that the phosphorous loading from new development would be mitigated. However, they will not know for certain whether DEFRA will approve their plans until December 2019. Approval is likely but not guaranteed.

4. THE PROPOSAL

- 4.1 To date, the Council have issued twelve consents with the condition since April 2018 totalling 26 new dwellings. If consents continue to be issued in this manner it is likely there may be up to 75 dwellings from small developments that would require specific mitigation. In addition a scheme for over 120 units north of Ringwood has just been received.

4.2 In May 2018 a Memorandum of Understanding (MOU) was signed by the following parties to describe how each planning authority will ensure that development is phosphate neutral:

- Environment Agency Wessex Area
- Natural England
- New Forest District Council
- New Forest National Park Authority
- Wessex Water Services Ltd
- Wiltshire Council

4.3 In paras 32-34 of the MOU, Wiltshire County Council state that they will be 'top slicing' their CIL and will use a proportion of this to fund mitigation measures. The MOU states the costings for mitigation measures are likely to be in the range of £10 to £100 per dwelling. This approach has been endorsed by both Natural England and the Environment Agency

4.4 It is proposed that this Council adopt the same approach as Wiltshire and ring fence a maximum of £50,000 from the currently held CIL monies which already total over £2m and will be further increased by consents granted to provide suitable mitigation upstream once a project has been identified. This approach would negate the need for the condition until December 2019 when the position can be reviewed once more.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications to this Council as part of this project. The funds used towards this mitigation will form a very small component of funds already held by this Council collected through the Community Infrastructure Levy. As the level of required funding is relatively small then it will not have an impact on the delivery of further projects intended to be funded through CIL.

6. ENVIRONMENTAL IMPLICATIONS

6.1 By securing the funds for a suitable mitigation project in the future this will ensure that there is no negative impact on the phosphate levels on the SAC.

7. CRIME & DISORDER IMPLICATIONS

7.1 None

8. EQUALITY & DIVERSITY IMPLICATIONS

8.1 None

9. RECOMMENDATIONS

9.1 It is recommended that the Portfolio Holder agrees that the Council will use up to £50,000 of currently held Community Infrastructure Levy funds for use on a future mitigation project to mitigate the impacts from phosphate output into the river Avon.

10. PORTFOLIO HOLDER DECISION

I agree the recommendations contained within paragraph 9.1 of this report.

Signed: CLLR E J HERON **Date:** 11 December 2018

Date notice of decision given..... 11 December 2018

Last date for call in: 18 December 2018

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Background Papers:

Nutrient Management Plan
http://forms.newforest.gov.uk/ufsadc/form_docs/Policy/Evidence%20Base/NC%20-%20Nature%20Conservation/02%20Supplementary%20Documents/NC07%20River%20Avon%20Nutrient%20Management%20Plan.pdf?ufsReturnURL=https%3A%2F%2Fforms.newforest.gov.uk%3A443%2Fufsadc%2Fufsreturn%3Febz%3D1_1543928265935

Memorandum of Understanding
River Avon Special Area of
Conservation
Phosphate Neutral Development -
Interim Mitigation
<https://cms.wiltshire.gov.uk/documents/s151692/HRA03MemorandumofUnderstandingRiverAvonSAC.pdf>