

**Wiltshire Housing Site Allocations Plan
Examination in Public**

Draft Statement of Common Ground

between

Wiltshire Council

and

Environment Agency

Natural England

New Forest District Council

New Forest National Park Authority

Wessex Water Services Ltd

4th April 2019

Introduction

1. Wiltshire Council ('the council') works collaboratively with the Environment Agency (EA), Natural England (NE), New Forest District Council (NFDC) and New Forest National Park Authority (NFNPA) and Wessex Water Services to manage nutrients in the Hampshire Avon Special Area of Conservation (the SAC). Each organisation is a member of the R Avon SAC Working Group (WG).
2. Instigated by EA and NE issuing a joint position statement on the SAC requiring all development to be 'phosphate neutral' for an interim period, the WG has:
 - Agreed a Memorandum of Understanding – to give an operational definition to 'phosphate neutral development' and to commit signatories to developing a set of measures to delivering mitigation to achieve it
 - Commissioned an assessment of what measures would be the most effective means to deliver mitigation – published as an annex to the Nutrient Management Plan (Annex 2);
 - Supported an Outcome Delivery Incentive as part of Wessex Water's Business Plan (2020-2025) that restricts phosphate discharge from its sewage treatment works
 - Agreed an Interim Delivery Plan that contains a set of mitigation measures to achieve phosphate neutral development (that includes monitoring and review); and
 - Further action planning to define roles, responsibilities and timescales in order implement individual mitigation projects and other streams of work.
3. Each of these steps has informed the Appropriate Assessments of the Wiltshire *Housing Site Allocations Plan*, and the New Forest District (outside of the National Park) *Local Plan Part One 2016-2036: Planning Strategy* (the Plans) and helped to substantiate their conclusions.
4. No member of the WG disagrees with the conclusions of the Appropriate Assessments with regard to the River Avon SAC or considers either Plans to be unsound in relation to the potential effects of additional phosphate discharge on the River Avon SAC arising from proposals in the Plans.
5. This statement summarises those steps that have been taken since a Memorandum of Understanding was agreed, describing in more detail how it is expected to achieve phosphate neutral development.

Context

Wiltshire Housing Site Allocations Plan ('the Wiltshire Plan')

6. In July 2018, Wiltshire Council submitted the Plan, along with a Schedule of Proposed Changes and supporting evidence, to the Secretary of State, for independent examination.
7. The Plan will, once adopted, form part of the Development Plan for Wiltshire. It has been prepared to support the delivery of the Spatial Strategy set out within the Wiltshire Core Strategy (adopted January 2015).
8. The purpose of the Plan is twofold:
 - Allocate sites for housing to ensure the delivery of homes across the plan period in order to help maintain a five-year land supply in each of Wiltshire's three Housing Market Areas (HMAs) over the period to 2026; and
 - Review and, where necessary, revise settlement boundaries in relation to the Principal Settlements of Salisbury and Trowbridge, Market Towns, Local Service Centres and Large Villages

New Forest District Local Plan Part One 2016-2036: Planning Strategy ('the NFDC Plan')

9. In November 2018 the the NFDC Plan and supporting evidence was submitted to the Secretary of State for independent examination.
10. The NFDC Plan replaces the Core Strategy 2009 and sets out a new planning strategy including a significantly increased housing target of 10,500 homes 2016-2036 (averaging 525 per annum, previously 196 per annum). Eighteen strategic site allocations of 100 or more homes are identified to deliver most of the housing target, and other supporting uses. At least 2,250 homes are planned-for in the Avon catchment 2016-2036 including five strategic site allocations. Around 900 housing completions are projected in the years relevant to the Interim Delivery Plan to achieve phosphate neutral development (2018/19- 2024/25).
11. Policy 10: *Mitigating the impact of development on international nature conservation sites* sets out the requirement to achieve phosphate neutral development in the River Avon catchment and references the River Avon Nutrient Management Plan.

The SAC Nutrient Management Plan (NMP) 2015

12. The SAC Nutrient Management Plan (NMP) was produced to help manage and reduce phosphorous levels, in order to support the conservation objectives of the SAC and facilitate growth in such a way as to avoid any deterioration and achieve compliance with the Habitats Regulations. The NMP pre-dated significant growth proposals in new Forest District and therefore demonstrated that development can occur as outlined in the Wiltshire Core Strategy date in a way that was consistent with Habitats Regulations.

Memorandum of Understanding

13. It became apparent, however, that reductions to levels of phosphate to the SAC, relying in large part on voluntary improvements to farming practices, were not being achieved to those intended by the NMP. As a consequence, the EA and NE advised that all new development discharging waste water into the River Avon catchment needed to be phosphate neutral, that is, that no overall net increase in phosphorous

load would arise from development. A Memorandum of Understanding gave an operational definition to 'phosphate neutral development' and committed WG signatories to developing and funding measures to delivering mitigation to achieve it.

14. The MoU also defines the period over which phosphate neutrality needs to be achieved as lasting until 2025. After this date the interim phosphate mitigation measures should be replaced by the measures secured through the next Price Review (PR24) process and implemented under the Asset Management Plan and/or additional measures. Beyond this time an approach will take account of water company planning, as well as Government policy and legislation. The period may also end sooner as a result of new evidence, early start on additional measures before PR24 or an alternative approach (such as measures secured through a revised Nutrient Management Plan for the catchment).
15. After this date also, Local Plans will review development proposals for the catchment taking account of the outcomes from the Price Review and any additional measures.

Achieving Phosphate Neutrality

Annex 2 to the Nutrient Management Plan

16. Annex 2 sets out methods for estimating phosphorous load generated by new development in the catchment and outlines a suite of mitigation options to offset any increases in order to achieve phosphate neutrality.
17. It is a high-level assessment of their effectiveness, feasibility, potential delivery and possible funding mechanisms. It outlines that mitigation through the measures described is technically and realistically possible and, on that basis, that phosphorous levels in the River Avon are not a constraint to growth and development can occur as proposed in Local Plans.

Wessex Water Business Plan

18. As part of its business plan under the current price review (PR19), Wessex Water has proposed a performance commitment to support improvements to rivers (outside of other regulated requirements and planned improvements). An Outcome Delivery Incentive (ODI) commits to maintaining levels of phosphate discharge to the SAC to the average level of the last five years. The Company's commitment will be achieved primarily by greater operating efficiency at Sewage Treatment Works. The ODI would operate over the years 2020-2025. The ODI addresses additional phosphate load arising from new development and is therefore a central measure to ensure phosphate neutral development.
19. The Business Plan has yet to be approved (due by December 2019) and, although the ODI is not mandatory, there is a clear and definite intention to take significant and positive action, if not absolute certainty.

Interim Delivery Plan.

20. The IDP develops options set out in Annex 2 to the NMP.
21. It sets out projections of growth in the catchment for the period to 2025 and estimates the associated increase in phosphate load to the SAC. Phosphate neutral development for the catchment would be achieved by reductions in phosphate from mitigation at least balancing the additional load from total forecast development.

22. The IDP returns to the suite of measures set out in Annex 2 to the NMP. Each measure is assessed in terms of challenges to implementation and wider benefits, and an estimate of the reduction that it could achieve, as well as costs. It goes on to advise on the applicability of various measures in different parts of the catchment.
23. The IDP identifies the measures necessary to achieve phosphate neutral development as follows:
 - Although little development permitted will be operational and adding to loads by 2020, it proposes measures to meet the load from growth over the period 2018-2020, as a precautionary approach ahead of the ODI
 - It sets out measures that can achieve phosphate neutral development over the period 2020-2025 as a contingency should the ODI fail to deliver some or all the benefit intended
 - Its sets out measures to achieve phosphate neutrality for unsewered development that is forecast and that will not be encompassed within the ODI
24. Main mitigation measures are wetland creation, less intensive grazing and there are also positive consequences for P reduction from the loss of farmland to urban development. The IDP includes a framework for monitoring performance and adjusting the measures that may be needed. A project officer will co-ordinate and manage delivery.
25. The IDP therefore provides a clear and measurable approach and offers sufficient certainty that development will be consistent with Habitats Regulations.

Action Planning

26. The WG has a continuing role overseeing the possibility of adverse effects and managing phosphate discharge from new development.
27. Action planning lists individual projects and measures to take forward the IDP, funding, timescales and responsibilities for their delivery. It has a formal role undertaking monitoring and review of performance bringing together information on housing delivery in the catchment, the effectiveness of the ODI and mitigation measures. It therefore clarifies ownership of actions from the IDP in more detail to ensure actions are completed appropriately. Action planning therefore provides further certainty for the years ahead.
28. The work of the WG is also the avenue for EA, NE and WW to inform planning policies and the preparation of local plans with fresh evidence on the condition of the SAC and implications flowing from change in the wider regulatory framework. Conversely, it is the means for planning authorities to continue to cooperate as well as inform WG members of cross boundary planning issues.

Conclusion

29. The WG is carrying out commitments in the MoU. The WG has established an agreed, collaborative framework progressing work to successfully realise the objective of phosphate neutral development.
30. The MoU will be reviewed in June at which point it will be appropriate to take account of new evidence becoming available, the implications of recent case law and any recommendations coming forward to change the wider regulatory framework. New

evidence will become available from EA modelling. This should allow the WG to develop measures that can be deployed in an appropriate spatial and temporal way to reduce the local impacts of growth to an acceptable level to protect the integrity of the SAC, based on in-river P concentration downstream of each STW.

Signed:

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