Purbeck Local Plan Examination:

Council technical paper - nutrient neutrality and housing land supply/delivery (in response to the Inspectors' note 19 August)

2 September 2022

Dorset Council

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Appendices

Introduction

1. The council prepared this technical paper in response to a note (19 August 2022) issued by the Planning Inspectors examining the Purbeck Local Plan. The note was issued following a public hearing session held on the 19 July 2022 that was convened to allow discussion of issues raised in representation on Further Proposed Main Modifications to Policies v2 (Green Belt) and I5 (Morden Park). The consultation on Further Proposed Main Modifications closed on 24 January 2022.

2. On 16 March 2022 Natural England issued updated guidance in respect to nutrient neutrality for habitat sites. Their guidance affects the Poole Harbour habitat site. The area defined as the catchment for the Harbour washes over many settlements in Purbeck in addition to the sites proposed for allocation in the emerging local plan at Lytchett Matravers, Moreton Station, Upton and Wool (see Map in Appendix 6).

3. The council has been in discussions with Natural England since the publication of their guidance. Following the hearing session, government issued a Written Ministerial Statement on the Nutrient Neutrality issue and local planning authorities received a letter from the Chief Planning Officer.

4. The Inspectors' note of the 19 August 2022 seeks:

    a. A council technical paper which:
        i. Summarises the implications of the announcements on nutrient neutrality for the Purbeck Local Plan;
        ii. Sets out the need for any changes to emerging planning policy; and
        iii. Sets out the need for updated Habitats Regulation Assessment and Sustainability Appraisal.
    b. The council to consider the implications of nutrient neutrality on housing land supply and delivery, and to present updated findings in its technical paper; and
    c. That the council and Natural England should publish a joint statement, or statement of common ground, in respect to nutrient neutrality and Poole Harbour.

5. This paper is the council's response to the Inspectors' note. It includes our consideration of the implications of the latest guidance on nutrient neutrality for the Purbeck Local Plan, a letter from Natural England which considers the implications of announcements on nutrient pollution and an updated assessment of 5-year housing land supply in the Purbeck area (based on an assumption that homes could be delivered inside Poole Harbour's catchment).

Nutrient neutrality

6. This paper considers the issue of nutrient pollution in Poole Harbour Special Protection Area, Ramsar and Sites of Special Scientific Interest. Elevated levels of nutrients (particularly phosphorus and nitrogen) in freshwater habitats and estuaries can speed up the growth of certain plants (through a process known as

eutrophication), disrupting natural processes and harming wildlife. The protected species of birds which live in, and visit, Poole Harbour depend on its estuarine habitats to provide food and shelter. The deterioration and loss of these habitats is adversely affecting protected species of birds[1].

7. Dorset Council received notification from Natural England (see Appendix 4) and government's chief planner on 16 March 2022 of updated guidance around the effects of nutrient pollution on water bodies which are also designated as habitat sites. The notifications outline short ('nutrient neutrality') and longer term (regulation [in the form of new legislative requirements relating agriculture and wastewater], policy and strategy) measures to avoid adverse effects and improve the condition of these habitat sites.

8. Natural England's letter indicates that Poole Harbour Special Protection Area (SPA) & Ramsar is currently in an unfavourable condition and that any further discharges of nutrients (specifically nitrogen and phosphorus) into the harbour are likely to have an impact on the habitat site. Increased emissions of wastewater discharged into the harbour that relate to new residential development is likely to have a significant effect on the harbour's habitats and protected species.

9. Since receiving the March 2022 letters we have been considering the implications of the announcement for the examination of the Purbeck Local Plan and decision making on planning applications within the Poole Harbour catchment. As part of this we have sought clarification from Natural England on the role of phosphorus in eutrophication in Poole Harbour and the implications from the announcements on the existing mitigation strategy for nitrogen (as presented in Nitrogen Reduction in Poole Harbour Supplementary Planning Document April 2017). We received a letter with further clarification on 26 August 2022 which is presented in Appendix 1 of this paper.

10. Government published a Written Ministerial Statement on 20 July 2022 (see Appendix 2) on this issue. The statement outlines a series of measures for improving water quality, that seek to address the issue of nutrient pollution for habitat sites. The measures which are particularly relevant to Poole Harbour are as follows:

    - a proposed amendment to the Levelling Up and Regeneration Bill (LURB) that would impose a statutory duty on water and sewage companies in England to '…upgrade wastewater treatment works to the highest technically achievable limits by 2030 in nutrient neutrality areas. Water companies will be required to undertake these upgrades in a way that tackles the dominant nutrient(s) causing pollution at a protected site.'; and
    - a ministerial direction issued to Natural England to establish a Nutrient Mitigation Scheme. The scheme will deliver mitigation measures funded by developer contributions. Department for Environment, Food & Rural Affairs (Defra) and Department for Levelling Up, Housing & Communities

[1] Including: Common tern, Sandwich tern, Mediterranean gull, Little egret, Eurasian spoonbill, Pied Avocet, Shelduck, and Icelandic-race black-tailed godwit.

(DLUHC) funding will initially 'pump prime' the scheme to support delivery of these mitigation projects (potentially including woodlands and wetlands). Developers[2] investing in the scheme will receive 'nutrient credits' for mitigation to offset the nutrient pollution arising from their development.

11. Government clarifies in their statement that they will announce further details of the Nitrogen Mitigation Scheme in the autumn of 2022 and that the national mitigation scheme will dovetail with established private and local planning authority-led nutrient mitigation schemes. (Government intends that the national scheme would provide additional support where required and wants to avoid situations where it would crowd out established schemes).

12. Government's chief planner issued a further letter entitled 'Nutrient Neutrality & Habitats Regulation Assessment Update' on 21 July 2022 in conjunction with the Written Ministerial Statement. The chief planner's letter refers to the measures described in the ministerial statement to impose stricter regulation to reduce nutrient levels in wastewater discharged into protected habitat sites and to improve access to mitigation measures.

13. The chief planner's July letter also states that: 'To ensure regard is had to the required WWTW upgrades, the Habitat Regulations will be clarified, so the measures are considered certain in the assessment provisions.'

Achieving 'nitrogen neutrality' in Purbeck

14. The local planning authorities in Dorset have previously recognised that the nitrogen which is discharged from wastewater into the ground and water courses in the Poole Harbour drainage catchment is likely to have significant effects on this habitat site[3]. A 'nitrogen neutrality strategy'[4] was prepared and adopted as a supplementary planning document to fund and support delivery of mitigation projects to ensure that there were no adverse effects from additional nitrogen from wastewater discharges in the harbour's catchment. Our strategy, and more specifically the detailed plans for funding and delivering mitigation projects, focuses on mitigating the impacts of nitrogen rather than phosphorus.

15. The Purbeck Local Plan (2018-2034) was submitted for examination in January 2019. The Habitats Regulation Assessment (HRA) prepared for this plan recognises the impacts of elevated nutrient levels in Poole Harbour and the effects of further treated wastewater discharged into the harbour. It goes on to specifically consider the effect of nitrogen on the habitat site but does not screen phosphorus (See footnote 1) as likely to have significant effects.

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[2] Government has indicated that the scheme would be available for all developers, but indicates in their statement that '…that small and medium enterprises are prioritised, given the difficulties they can face in securing mitigations due to access to funds and skills.'

[3] See paragraphs 8.3 to 8.11 (pages 93 to 95) and Tables 3/4 of the 'Habitats Regulations Assessment of the Purbeck Local Plan Review, Main Modifications and Further Main Modifications' October 2021.

[4] Nitrogen Reduction in Poole Harbour Supplementary Planning Document, 1 April 2017

16. Both the HRA for the Purbeck Local Plan and the earlier supplementary planning document were prepared before Natural England's announcement on 16 March 2022.

Council response 'nutrient neutrality' in Purbeck

17. The Government's and Chief Planning Officer's letters recognise that the recent announcements raise challenges for plan making. In addition to compliance with the requirements in the Habitats Regulations, government also acknowledge that the requirement to effectively mitigate the impacts from new residential development can impact housing land supply and delivery. The Chief Planner's letter of 21 July 2022 states that:

> 'We will make clear in planning guidance that judgements on deliverability of sites should take account of strategic mitigation schemes and the accelerated timescale for the Natural England's mitigation schemes and immediate benefits on mitigation burdens once legislation requiring water treatment upgrades comes into force. DLUHC will revise planning guidance over the summer to reflect that sites affected by nutrient pollution forming part of housing land supply calculations are capable of being considered deliverable for the purposes of housing land supply calculations, subject to relevant evidence to demonstrate deliverability. It will be for decision takers to make judgements about impacts on delivery timescales for individual schemes in line with the National Planning Policy Framework.'

18. In specific regard to plan making the Chief Planner's letter goes on to state:

> 'For those preparing local, strategic or neighbourhood plans, the Habitats Regulations require plans ensure they have no adverse effects. Local Plans are also tested for soundness, including deliverability over the plan period. With plans also setting out the contributions from development, including setting out the levels and types of affordable housing provision required. Today's measures will contribute to the evidence base for plans; helping to show they are deliverable with the NE mitigation scheme being in place until 2030 and with a reduced mitigation burden.'

Implications for the Purbeck Local Plan

Achieving nitrogen neutrality

19. Dorset Council and Bournemouth, Christchurch and Poole Council have an established approach (following adoption of a supplementary planning document in April 2017) to funding and delivering mitigation to achieve nitrogen neutrality. The Government's announcements about the introduction of more stringent regulation on nutrient discharges from wastewater treatment works and a national nutrient mitigation scheme, provide the necessary certainty that effective mitigation can be delivered. Both councils have committed to review the existing nitrogen mitigation strategy to take account of Natural England's new guidance on this issue and the proposed changes to LURB. Natural England have

confirmed that in the interim (pending review of the existing mitigation strategy and enactment of further clauses in LURB):

> '…the existing strategy can continue to be relied upon to deliver nitrogen neutrality requirements for the purpose of the Habitats Regulations.' (Natural England letter 26 August 2022, Appendix 1).

20. Taking these matters into consideration, and in respect to the issue of nitrogen neutrality, we do not consider that there is a need:

    a. to update local plan policies and supporting text; or
    b. to update the Habitats Regulation Assessment and Sustainability Appraisal.

Achieving phosphorus neutrality

21. Natural England have clarified through their letter of 26 August (Appendix 1) that in the medium to long term, subject to enactment of legislation requiring improved efficiency at wastewater treatment works (WWTW), an approach that is focused on achieving nitrogen neutrality will provide effective mitigation for nutrients in Poole Harbour habitat site as whole. They state:

> 'Government announced improvements at the WWTWs would deliver the entire phosphorus reductions required to ensure that phosphorus is no longer an impediment to the harbour reaching favourable condition.' (Natural England letter 26 August 2022, Appendix 1).

22. And their letter goes onto clarify that:

> 'Natural England is also satisfied that the small increases in phosphorus that would result from new development up to 2030 would not cause further harm to the designated sites or have any impact on achieving the necessary reductions in phosphorus loads from the WWTWs. That is, the reduction in phosphorus from WWTW discharges required in the LURB (once enacted) would be enough to secure favourable condition irrespective of any additional phosphorus resulting from development up to 2030 and for the foreseeable future.'

23. Pending enactment of the LURB and the commitments to upgrade WWTW, Natural England's letter indicates that likely significant effects from phosphorus discharged in wastewater cannot be ruled out. Natural England suggest that in the interim period before the enactment of the LURB, the council would need to demonstrate phosphorus neutrality through appropriate measures or safeguards as part of an Appropriate Assessment.

The need for an updated Habitats Regulation Assessment and Sustainability Appraisal

24. Taking account of Natural England's letter of 26 August 2022, and updated guidance earlier in the year, we consider that there is a need to prepare an

addendum to the HRA which considers the issue of phosphorus pollution to Poole Harbour.

25. We have started the process of engaging a specialist consultant to prepare an addendum to update the Habitats Regulation Assessment (7 October 2021) relating to the Purbeck Local Plan that was published with the Further Proposed Main Modifications. The addendum will take account of:

    a. The proposals to introduce requirements to upgrade WWTW to the highest technically achievable levels;
    b. A local safeguarding approach to avoiding adverse impacts to the integrity of Poole Harbour (this approach has not been finalised, but could include the council maintaining a record of all development given planning permission from the 16 March 2022 that is also likely to have significant effects on Poole Harbour pending enactment of updated regulation in LURB, with a commitments to deliver effective mitigate measures in the event that new legislation is not enacted as expected); and
    c. The mechanisms available to deliver effective mitigation measures for phosphorus. These include through the government's Nutrient Mitigation Scheme (as supported with investments from government departments) and any local projects delivered by the council[5].

26. As part of the brief for this work we will be seeking direction from the consultant undertaking the addendum to the HRA around the need for changes to the draft local plan, as modified by the Proposed Main Modifications and Further Proposed Main Modification. Pending the consultant's direction on this issue, we note that the submission draft local plan, and Proposed Main Modifications, include several specific references to nitrogen, including:

    a. Paragraphs - 86, 87, 249 (MM72) and the table outlining implementation/monitoring framework (MM82); and
    b. Policies - 'E9: Poole Harbour' (MM21) and 'H3: New housing development requirements' (MM32). (See Appendix 7 for exerts of the key policy references).

27. After we have received and considered the direction in the HRA addendum we will prepare a brief addendum to the SA. The scope of the addendum to the HRA would be specifically limited to this issue and any further revisions to policy where deemed necessary.

Updates to the Nitrogen Reduction in Poole Harbour Supplementary Planning Document

[5] As part of the established nitrogen mitigation strategy the council has been investigating the feasibility and opportunity to deliver wetlands mitigation projects. There is the potential for these projects to provide effective mitigation for both nitrogen and phosphorus.

28. This issue is also discussed above under the heading 'Achieving nitrogen neutrality'. We have committed to reviewing the current nitrogen mitigation supplementary planning document (SPD) in consideration of the revised 'Nutrient Neutrality Generic Methodology' (prepared by Natural England and published March 2022), and the government's announcements relating to the Nutrient Mitigation Scheme (government's announcement indicates that this scheme will be delivered through establishment of a specific 'Accelerator Unit' in Natural England and pump prime funding).

29. Natural England have stated that that the councils may rely on the existing methodology to calculate nutrient loads from proposed development, and to provide the necessary framework to deliver mitigation, in the interim whilst considering a review of the SPD. The current draft of the SPD is referenced in the emerging local plan (see MM68 and MM84). We do not consider that further revisions to MM68 and MM84 are needed because the review of the SPD has not yet been completed, and can take place independently of the local plan's examination (in order to avoid confusion, there will be an opportunity to cross reference drafts on our website and in relevant documents if we decide that a new version of the SPD needs to be prepared. See also MM2 where the council references 'other document' which be relevant to decision making and makes it clear that these documents may be reviewed and updated over time). We anticipate that this joint work, in association with Natural England and the national mitigation scheme, will allow us to develop an effective mitigation strategy for nitrogen discharged in wastewater into Poole Harbour.

30. Natural England's letter of 26 August, the council's commitment to review and update the local approach that has been developed for mitigating the impacts of nutrients and the national 'Nutrient Mitigation Scheme', provide the necessary certainty[6] that adverse impacts to the integrity of Poole Harbour Habitat site can be avoided through effective mitigation measures.

Housing land supply and delivery

31. The council has published a 5-year housing land supply report for the Purbeck area between 2021/22 and 2025/26. The report was prepared and published prior to the written ministerial statement on nutrient neutrality, the Chief Planning Officer's letter in July and Natural England's letter of 26 August 2022. It assumed that it would not be possible to deliver new homes within Poole Harbour's drainage catchment unless an applicant could demonstrate nutrient neutrality as an integral part of the development proposal. Reflecting the position at that time, the latest published report indicated that the housing supply (320.4 homes) from deliverable sites wass equivalent to 1.23 years' worth of supply.

32. The council has prepared an updated report (presented in Appendix 5 of this paper) that assumes delivery of homes within Poole Harbour's catchment can be achieved through appropriate safeguards or mitigation measures to achieve

[6] The council has experience in administering (securing contributions from development) and delivering nitrogen mitigation. With the security and support provided by government's Nutrient Mitigation Scheme and the reduced mitigation burden, it is confident that it will be able to apply its experience to the delivery mitigation measures.

phosphorus neutrality[7]. The updated report indicates that the housing supply (913.1 homes) from deliverable sites between 2021/22 and 2025/26 is equivalent to 3.49 years' worth of supply.

33. The allocations in the emerging local plan have a key role in supplying deliverable sites in this part of Dorset. The rates of delivery estimated in the updated report presented in Appendix 5 of this paper reflect evidence from developers which in turn takes account of the delays to the preparation of the local plan. Despite the lack of a 5-year supply, the local plan allocations would provide a robust foundation that could be built upon through work in the medium to long term in the emerging Dorset Council local plan to support delivery of homes in this part of Dorset. For these reasons we consider that the adoption of the Purbeck Local Plan would continue to serve an important role in the supply and delivery of homes in Purbeck.

Conclusions

34. The council and Natural England are satisfied that once enacted, the new regulatory requirements in the Levelling Up and Regeneration Bill, in conjunction with an updated local nutrient mitigation strategy and the national mitigation strategy, would provide the necessary certainty that adverse impacts on Poole Harbour habitat site can be avoided.

35. In the period between the date when the latest guidance from Natural England was first issued (i.e. 16 March 2022) and the date when the new requirements in the Levelling Up and Regeneration Bill take effect, we accept the need to update assessments in the latest Habitats Regulation Assessment to consider our approach to for putting in place appropriate measures or safeguards to ensure phosphorus neutrality.

36. Dorset Council considers that the Purbeck Local Plan has a significant role in the supply of suitable sites for new homes and housing delivery in this part of Dorset. Despite not being able to identify a 5-year supply at the current time, the proposed allocations in the emerging local plan would provide a foundation for housing delivery through the emerging Dorset Council Local Plan.

[7] Natural England have clarified that mitigation measures will not be required for phosphorus in the longer term following enactment of regulation in LURB and the existing approach to nitrogen mitigation will remain effective on the proviso that the council reviews the current Nitrogen Reduction in Poole Harbour Supplementary Planning Document.

Appendix 1: Natural England's letter of 26 August in respect to the 'Implications of the Written Ministerial Statement dated 20 July 2022 for Nutrient Neutrality in Poole Harbour'

Date: 26 August 2022

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T [redacted]

[redacted]
Dorset Council

By Email Only

Dear [redacted]

Implications of the Written Ministerial Statement dated 20 July 2022 for Nutrient Neutrality in the Poole Harbour.

Thank you for forwarding the request from the Inspector for the Independent Examination of the Purbeck Local Plan (2018-2034) for clarification on the implications of the Written Ministerial Statement on nutrient neutrality requirements for the Poole Harbour Habitats Sites.

Background

Poole Harbour is classified by the UK government as a Special Protection Area (SPA) pursuant to Article 4 of the Wild Birds Directive, and as a wetland of international importance under the Ramsar Convention (Ramsar site) and as such is part of the national site network. Under the Conservation of Habitats and Species Regulations 2017 as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 appropriate authorities must manage this network to achieve its management objectives. These management objectives, for SPAs such as Poole Harbour, are the conservation objectives that relate to the requirements of the Wild Birds Directive. Ramsar sites are afforded similar protection to SPAs by virtue of Government policy.

Some bird features of Poole Harbour SPA and the habitats required by these birds are not in favourable condition and therefore the site is not contributing as it should to the favourable conservation status of the national site network. Eutrophication is the primary cause of this failure and has resulted in, or contributed to, widespread macroalgal mats on mudflats, loss of saltmarsh, absence of eelgrass over most of the harbour and severe declines of some

bird species. The particular characteristics of the harbour; one of very few microtidal estuaries in Britain (and by far the largest), make it especially vulnerable to eutrophication.

Nutrient neutrality advice

Nitrogen is generally considered the main cause of eutrophication in the marine environment. For example, EA guidance on water company improvements does not provide for phosphorus improvements for marine environments under the Urban Waste Water Treatment Regulations. However, there is also evidence that phosphorus has a significant role in some estuaries, with the balance of nutrient availability along the continuum from inflowing rivers to the open coast an important factor. In Poole Harbour Natural England considers that nitrogen has a central role in driving eutrophication and its harmful ecological impacts. However, an imbalance of nitrogen relative to phosphorus is also an important factor and can lead to a dominance of dinoflagellates within the marine plankton. Further, modelling in relation to the abundance of macroalgae suggests that with continued high phosphorus loads greater reductions in nitrogen will be required than might otherwise be the case. Reductions in both nutrients are therefore necessary for the restoration of the marine ecology within Poole Harbour, but a substantial reduction in nitrogen remains the primary driver.

Diffuse Water Pollution Judicial Review Consent Order (JRCO)

Poole Harbour was one of the sites included within the Diffuse Water Pollution Judicial Review Consent Order (JRCO) which required the identification of causes of the pollution and the measures and mechanisms needed to achieve the conservation objectives for each site. The resultant report (Poole Harbour Consent Order Technical Investigation and Recommendations) was issued in February 2021.

The JRCO interim target requires the nitrogen load entering Poole Harbour from the catchment to be reduced to a limit of 1500 tonnes inorganic nitrogen per year (a 35% reduction from that calculated for the 2010 baseline) and the phosphorus load to a limit of 22 tonnes inorganic phosphorus per year (a 57% reduction from that calculated for the 2010 baseline). A final nitrogen target giving confidence in meeting the site conservation objectives has yet to be agreed. Based on a broad body of scientific evidence from the harbour and elsewhere Natural England has advised that, in order to achieve the conservation objectives for the site, the input limit for nitrogen into the harbour is likely to need to be reduced beyond the interim target to a level closer to 1000 tonnes per year.

Regarding phosphorus, it is Natural England's advice that provided the interim target of 22 tonnes per year were achieved or a load close to this, the level of phosphorus reaching the harbour would not then be an impediment to the harbour reaching favourable condition, so further reductions would not be required. A target of 22 tonnes of inorganic phosphorus per year is therefore considered appropriate to enable the sites conservation objectives to be achieved.

The proposals set out in the JRCO for the delivery of these targets differ between nitrogen and phosphorus, reflecting differences in the sources of the two nutrients – the main sources being agriculture and wastewater treatment work discharges. For nitrogen, diffuse pollution from agriculture (the predominant land use in the catchment), is the main (74%) source of the current load so consequently, the main measure for achieving this reduction involves an overall reduction in this diffuse load at source, with measures that need to be rolled out

across the entire agricultural catchment to achieve incremental reductions. In contrast, for phosphorus the emission load reduction required can only be delivered through improvements at the waste water treatment works (WWTWs).

On 16th March 2022 Natural England issued further advice to Dorset Council and BCP Council on nutrient neutrality requirements for all the affected catchments in their areas. The advice concerned the application of Regulation 63 of the Habitat Regulations 2017 for new plans or projects that have the potential to affect water quality. The issued advice for Poole Harbour included the existing requirement for nitrogen neutrality along with an additional requirement for phosphorus neutrality. As the competent authority under the Habitats Regulations, Dorset Council must take into account this advice when considering plans and projects within the catchment.

Future requirements for nutrient neutrality in Poole Harbour following the Written Ministerial Statement dated 20 July 2022.

On 20 July 2022, the Secretary of State for Environment, Food and Rural Affairs released a written statement setting out two measures to respond to nutrient pollution. These measures are:

- an amendment to the Levelling Up and Regeneration Bill (LURB) to place a new statutory duty on water and sewerage companies in England to upgrade wastewater treatment works to the highest technically achievable limits by 2030 in nutrient neutrality areas.

- a Nutrient Mitigation Scheme to be managed by Natural England, working with Defra and DLUHC to enable developers to purchase 'nutrient credits' which will discharge the requirements to provide mitigation.

It is Natural England's view that once the statutory duty is in place then it is reasonable to conclude that the legally required improvements to the WWTWs will be secured. On this basis once the LURB is enacted nutrient budgets for schemes can account for the required WWTWs improvements from 2030 or sooner if the relevant WWTW is upgraded before 2030. The LURB is currently due to be in place by April 2023.

Implications for nitrogen neutrality

Once the LURB is enacted then new schemes will be able to calculate their nutrient neutrality requirements based on the improvements at the WWTWs that will be delivered by 2030. In such circumstances, new developments would require measures to offset any additional nitrogen loads that would result from discharges from the WWTWs up to 2030 at the current rates, reducing to take account of the lower WWTWs consent limits from 2030 onwards. Should the WWTWs improvements be completed before 2030 then this may also be taken into account within the nutrient budgets for new schemes. A requirement for nitrogen neutrality for new development after 2030 would however remain until such time it can be demonstrated that nitrogen loads from all sectors are reduced to a level that would allow recovery of the Harbour to a favourable condition. Therefore, there will remain a requirement to address nitrogen discharge within the catchment and there is an existing strategy[1] in place to achieve nitrogen neutral development. There will also be continued need for the agricultural sector to achieve nitrogen pollution reductions across the whole

[1] Nitrogen Reduction in Poole Harbour

catchment. Although the current strategy continues to deliver nitrogen neutrality in Poole Harbour, it does require reviewing and updating to take account of the latest advice from Natural England. A timetable for this update will need to be agreed between Dorset Council, BCP Council and Natural England but in the interim, the existing strategy can continue to be relied upon to deliver nitrogen neutrality requirements for the purpose of the Habitats Regulations.

Implication for phosphorus neutrality

In contrast to nitrogen the Government announced improvements at the WWTWs would deliver the entire phosphorus reductions required to ensure that phosphorus is no longer an impediment to the harbour reaching favourable condition. Therefore, provided the LURB statutory requirement for improvements at the WWTWs is in place, from 2030 onwards phosphorus neutrality will no longer be a requirement for new development within the Poole Harbour catchment. Further, Natural England is also satisfied that the small increases in phosphorus that would result from new development up to 2030 would not cause further harm to the designated sites or have any impact on achieving the necessary reductions in phosphorus loads from the WWTWs. That is, the reduction in phosphorus from WWTW discharges required in the LURB (once enacted) would be enough to secure favourable condition irrespective of any additional phosphorus resulting from development up to 2030 and for the foreseeable future. On this basis new development assessed after the LURB is enacted (anticipated April 2023) would no longer be required to implement phosphorus neutrality measures. However, new permissions given prior to the enactment of the LURB will be required to demonstrate through Appropriate Assessment that appropriate measures or safeguards are in place to ensure phosphorus neutrality. Natural England is currently in discussion with Dorset Council as to how this can be achieved.

For any queries relating to the specific advice in this letter please contact [redacted] on [redacted]

Yours sincerely

[redacted]

Appendix 2: Written Ministerial Statement from Lord Benyon 20 July 2022

Statement on improving water quality and tackling nutrient pollution

Statement made on 20 July 2022

Statement UIN HLWS256

Statement made by

Lord Benyon

Parliamentary Under Secretary of State (Minister for Rural Affairs, Access to Nature and Biosecurity)

Conservative

Life peer Lords

Statement

My Right Hon Friend the Secretary of State (George Eustice) has today made the following statement.

Improving water quality

Improving water quality is a government priority. We are the first government to take such substantial steps to restore our water environment, from setting in motion the largest water company infrastructure project ever to reduce discharges from storm overflows, to seeing the largest fines in history placed on water companies. We have provided new funding to the Environment Agency to increase farm inspections to at least 4,000 inspections a year by 2023, and we are launching future farming schemes that will reward farmers and land managers for actions to reduce run-off, such as introducing cover crops and buffering rivers. This is reinforced by our proposed Environment Act targets to reduce the key sources of river pollution.

We are today launching a further package to tackle nutrient pollution, which is a significant problem for our freshwater habitats and estuaries. Increased levels of nutrients (especially nitrogen and phosphorus) can speed up the growth of certain plants, disrupting natural processes and devastating wildlife.

While we have taken substantial steps, this is taking time to make an impact on the ground and we must go further. At present some 27 catchments, and several of our internationally important water bodies and protected sites, are in unfavourable status due to nutrient pollution. In accordance with complex and bureaucratic EU-derived domestic legislation and case law, Local Planning Authorities can only approve a plan or a project if they are certain it will have no negative effect on the site's integrity. Natural

England, in its statutory role as an adviser on the natural environment, has advised a total of 74 Local Planning Authorities on the nutrient impacts of new plans and projects on protected sites where those protected sites are in unfavourable condition due to excess nutrients. They have issued tools and guidance on an approach called 'nutrient neutrality' to mitigate the impact of nutrient pollution so that development can go ahead. However, there is still a gap in the ability of LPAs and developers to find mitigation quickly and effectively.

In order to drive down pollution from all development in the relevant catchments, we will be tabling an amendment to the Levelling Up and Regeneration Bill. This will place a new statutory duty on water and sewerage companies in England to upgrade wastewater treatment works to the highest technically achievable limits by 2030 in nutrient neutrality areas. Water companies will be required to undertake these upgrades in a way that tackles the dominant nutrient(s) causing pollution at a protected site. We are also using feedback from the recent 'call for evidence' to water companies to identify where these upgrades could be accelerated and delivered sooner. Our proposed Environment Act target to tackle wastewater pollution across the country will still see upgrades brought in elsewhere, on a slightly longer timeframe.

In the meantime, we know the impact of new housing is a small proportion of overall nutrient pollution, but mitigation requirements have a significant impact on overall house building. This amendment will improve water quality and in doing so will support housebuilding to continue in areas affected by nutrient pollution. We want these improvements to be factored in for the purposes of a Habitats Regulation Assessment.

Wastewater treatment upgrades will reduce a significant source of nutrient pollution, helping to recover these crucial habitats, which will thereby reduce the level of mitigation required by individual developers when legislation comes into force.

Supporting mitigation

Building on our initial package of support announced in March 2022, I will issue a ministerial direction to support Natural England to establish a Nutrient Mitigation Scheme.

Natural England will develop the scheme, working with Defra and DLUHC. Defra and DLUHC will provide funding to pump prime the scheme: this is intended to frontload investment in mitigation projects, including wetland and woodland creation. This will then be recouped through a simple payment mechanism where developers can purchase 'nutrient credits' which will discharge the requirements to provide mitigation. Natural England will accredit mitigation delivered through the Nutrient Mitigation Scheme, enabling LPAs to grant planning permission for developments which have secured the necessary nutrient credits. Wetlands and woodlands will also *provide biodiversity enhancements to areas and promote public access to nature across England, helping to deliver on our levelling-up missions for pride in place and well-being.*

Natural England will deliver the scheme by establishing an 'Accelerator Unit', with the support of Defra, DLUHC, the Environment Agency and Homes England. The previous announcement of £100,000 funding from DLUHC for affected areas will help support delivery of the scheme. We will open the scheme to all developers while ensuring that small and medium enterprises are prioritised, given the difficulties they can face in securing mitigations due to access to funds and skills. This scheme will not be a requirement but an option to discharge mitigation requirements more efficiently. We recognise that there are a number of private markets and local planning authority-led nutrient mitigation schemes that are already being established. Natural England will be working closely with these providers to ensure they do not crowd out private markets, and will ensure that the national scheme dovetails with these markets and provides additional support as needed. We will announce further details in the autumn when the scheme will launch, and in the meantime, Natural England will be in touch with local authorities and developers.

Our amendment will support the delivery of the tens of thousands of homes currently in the planning system, by significantly reducing the cost of mitigation requirements. The mitigation scheme will make delivering those requirements much easier for developers.

Longer term, we continue to progress proposals to reform the Habitats Regulations so that impacts on protected sites are tackled up front, focusing on what is best for bringing sites back into favourable status. Recovering our protected sites is critical to meeting the government's ambitious environment commitments, including our apex target to halt the decline in species abundance by 2030. Through this work we can improve water quality, biodiversity and our wider environment while also enabling sustainable development.

Planning

We understand the concerns that some Local Planning Authorities have around the impact of nutrient neutrality on their ability to demonstrate they have a sufficient and deliverable housing land supply.

We will make clear in planning guidance that judgements on deliverability of sites should take account of strategic mitigation

schemes and the accelerated timescale for the Natural England's mitigation schemes and immediate benefits on mitigation burdens once legislation requiring water treatment upgrades comes into force. DLUHC will revise planning guidance over the summer to reflect that sites affected by nutrient pollution forming part of housing land supply calculations are capable of being considered deliverable for the purposes of housing land supply calculations, subject to relevant evidence to demonstrate deliverability. It will be for decision takers to make judgements about impacts on delivery timescales for individual schemes in line with the National Planning Policy Framework.

The rollout of advice in relation to nutrient pollution to additional catchments in March, and for those already caught by the issue, resulted in a number of planning permissions having been granted prior to the nutrient neutrality issue being raised, but where a post-permission approval is still required (Reserved Matters approval or discharges of conditions). I am aware of views that the Habitats Regulations Assessment provisions do not apply to subsequent stages of outline approval, and while we know the following will be disappointing to the developers whose sites are affected, it is important to ensure there is clarity on how the assessment provisions should operate.

The Habitats Regulations Assessment provisions apply to any consent, permission, or other authorisation, this may include post-permission approvals; reserved matters or discharges of conditions. It may be that Habitats Regulation Assessment is required in situations including but not limited to:

- where the environmental circumstances have materially changed as a matter of fact and degree (including where nutrient load or the conservation status of habitat site is now unfavourable) so that development that previously was lawfully screened out at the permission stage cannot now be screened out; or
- development that previously was lawfully screened in but judged to pass an Appropriate Assessment cannot now do so because the mitigation (if any) secured is not adequate to enable the competent authority to be convinced of no adverse effect on integrity of the habitats site.

DLUHC will therefore also update the Planning Practice Guidance on the application of the Habitats Regulations Assessment in this regard, and consider any further additional revisions as necessary over the Summer.

Statement from

Department for Environment, Food and Rural Affairs

Linked statements

This statement has also been made in the House of Commons

Department for Environment, Food and Rural Affairs

Statement on improving water quality and tackling nutrient pollution

George Eustice
Secretary of State for Environment, Food and Rural Affairs
Conservative, Camborne and Redruth

Statement made 20 July 2022

HCWS258 Commons

Appendix 3: Letter from the Chief Planning Officer 21 July 2022

Department for Levelling Up,
Housing & Communities

Joanna Averley
Chief Planner

Department for Levelling Up, Housing and Communities
3rd Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Email: [redacted]

Chief Planning Officers
Local Planning Authorities

By email only

21 July 2022

Dear Chief Planning Officer,

NUTRIENT NEUTRALITY & HABITATS REGULATIONS ASSESSMENT UPDATE

I am pleased to be writing to update you on the action government is taking to address the issue of nutrient pollution. This update is further to my letter of 16 March in relation to the rollout of nutrient neutrality advice to additional catchments with the initial response from government.

Yesterday, the Secretary of State for the Environment laid a Written Ministerial Statement setting out the action government is taking to address the issue of nutrient pollution. This consists of three elements; obligating the upgrade of wastewater treatment works in nutrient neutrality areas, a strategic mitigation scheme and clarifying the application of Habitats Regulations Assessments for post-permission approvals.

NUTRIENT NEUTRALITY

Nutrient pollution in rivers, lakes and estuaries has an adverse effect by causing eutrophication and algal blooms, harming delicate ecosystems. Some areas are protected as Habitat Sites and under the Habitats Regulations. Competent authorities must carefully consider the impacts of any new plans and projects on habitats sites, and whether those impacts may have an adverse effect on the integrity of a habitat site which requires mitigation. Areas where there is a potential for harm to a failing habitats site due to additional nutrients can receive nutrient neutrality advice, meaning that additional nutrient impact from development must be mitigated.

As of March 2022, 74 LPAs have received advice from Natural England across 27 catchments (equating to 14% of England's land area). Nutrient neutrality places significant additional requirements on development and assessment by LPAs when plan-making or taking decisions. This has delayed the granting of planning permissions until mitigation is secured. To date there has been a high mitigation requirement, to achieve the necessary offsetting of nutrient pollution related to development, as well as an insufficient supply of accessible mitigation.

GOVERNMENT ACTION

The Government has announced two significant measures in response to the nutrient pollution issue, significantly reducing the mitigation that new development has to secure as well as making the access to mitigation far easier than it has been.

In the autumn, the government will table an amendment to the Levelling Up and Regeneration Bill (LURB). This will place a new statutory duty on water and sewerage companies in England to upgrade wastewater treatment works to the highest technically achievable limits by 2030 in nutrient neutrality areas. Water companies will be required to undertake these upgrades in a way that tackles the dominant nutrient(s) causing pollution in the catchment of habitats sites. To ensure regard is had to the required WWTW upgrades, the Habitat Regulations will be clarified, so the measures are considered certain in the assessment provisions.

To ensure mitigation is available for development to demonstrate neutrality, Natural England will establish a Nutrient Mitigation Scheme, working with Defra and DLUHC. Natural England will work with stakeholders to identify mitigation projects in nutrient neutrality catchments with Defra and DLUHC providing funding to pump prime the mitigation scheme; this is intended to frontload investment in mitigation projects, including wetland and woodland creation. Developers can then purchase 'nutrient credits' which will discharge the requirements to provide mitigation. Natural England will accredit mitigation delivered through the Nutrient Mitigation Scheme, enabling LPAs to grant planning permission for developments which have secured the necessary nutrient credits in their catchment. Mitigation from wetlands and woodlands will provide biodiversity enhancements to areas; with the scheme providing multiple benefits by promoting public access, helping to deliver on our levelling up missions for pride in place and well-being, by improving access to nature.

Natural England will deliver the scheme, with the support of Defra, DLUHC, Homes England and the Environment Agency. The scheme will be open to all developers while ensuring that SMEs are prioritised, given the difficulties they can face in securing mitigations due to access to funds and skills. This scheme will not be a requirement but an option to discharge mitigation requirements more efficiently. We recognise there are a number of private markets and LPA-led nutrient mitigation schemes that are already being established, and Natural England will be working closely with these providers to ensure they do not crowd out private markets, and will ensure that the national scheme dovetails with these markets and provides additional support as needed.

It is envisaged that the scheme will enable LPAs to grant permission subject to conditions or obligations securing mitigation and phasing developments (if needed) so that mitigation is operational and in place, prior to any nutrient pollution being discharged.

We will work closely with affected LPAs in the development of the scheme. Natural England local area teams are writing directly to affected LPAs to begin working

together at a catchment level and we will also work with the PAS Nutrient Network to engage collectively with LPAs in affected catchments. We will announce further details in the autumn when the scheme launches.

The full Written Ministerial Statement may be found at the following link: https://questions-statements.parliament.uk/written-statements/detail/2022-07-20/hcws258

HOW DOES THIS ADDRESS THE ISSUE OF NUTRIENT POLLUTION?

The majority of nutrient pollution from residential properties enters waterbodies via treated discharges from wastewater treatment works (WWTW). The performance of WWTW varies based on the limits in environmental permits issued by the Environment Agency, which in turn reflect the environmental requirements of the waterbodies to which the effluent is discharged. The performance of WWTW is therefore the central factor in the level of nutrient pollution associated with existing homes and new development. It is therefore logical that effort on reducing nutrient pollution associated with housing focusses on upgrading WWTW. The statutory obligation for upgrading WWTW, which will be introduced into the LURB, will ensure that WWTW in nutrient neutrality catchments are operating at the highest level of performance, rectifying nutrient pollution at source. This will reduce the pollution from not only new development coming forward, but also from the majority of existing dwellings in affected catchments, representing a significant decrease in overall pollution from housing.

The specific performance levels of the connected WWTW is a major variable when determining the amount of mitigation new development has to secure to achieve nutrient neutrality. Suitable mitigation measures might include constructed wetlands or land use change, which can be land intensive. Under Natural England's Nutrient Neutrality methodology, the permit limit is used, or where there is no permit limit on nutrient discharges from WWTW, a standard precautionary figure is used (8mg/l for phosphates (P) and 27mg/l for nitrates (N)). The statutory obligation from 2030 will require WWTW to operate at the technically achievable limit (TAL); for phosphates this is 0.25mg/l and nitrates 10mg/l. This action will ameliorate nutrient pollution and significantly reduce the mitigation burden for developments.

The habitat regulations require that mitigation be secured for the lifetime of the development which Natural England consider to be 80-120 years. The obligated upgrades to WWTW required from 2030; will provide clarity from the point of the LURB measures coming into force. For developments this means that the current high level of mitigation will only be required up to the end of 2030. After 2030, the pollution levels via WWTW will be much reduced and so a lower level of mitigation will be required. This reduces the overall mitigation burden on housing developments coming forward in nutrient neutrality catchments.

The focus of these measures is addressing nutrient pollution at source, but in most catchments they won't remove the nutrient neutrality requirement, though they will

reduce a significant proportion of the pollution. We must act to address the sources of pollution so that habitats sites are no longer in an unfavourable condition due to eutrophication. Nutrient neutrality can only be an interim solution; to remove the requirement site restoration is required or a strategic plan demonstrating forthcoming restoration with confidence. This role should be addressed by Nutrient Management Plans (Protected Site Strategies, or Diffuse Water Pollution Plans), to secure the actions required for site restoration which will be different for each habitats site but the definitive action on pollution from WWTW may be considered in due course.

WHAT DOES THIS MEAN FOR DECISION AND PLAN MAKING?

For planning applications in the affected areas, the possibility of adverse effects will still need to be considered, in relation to additional nutrient loads (as part of a Habitat Regulations Assessment (HRA)). It is for decision-takers to determine, based on the information provided (including any mitigation secured), whether the development will avoid adverse effects, such as through neutrality. The increased availability of mitigation as a result of the Natural England scheme will enable applications to more easily demonstrate the nutrient neutrality requirement is met.

The amendment to the LURB will seek to enable decision-makers to be confident the upgrades will be in place by 2030, enabling them to treat as certain the lower levels of pollution after 2030 as part of a HRA. Reducing the mitigation requirements for the in-perpetuity period, as the current (higher) levels of pollution need only be mitigated until 2030 (or earlier if the upgrades take place sooner), with the lower pollution levels of TAL needing to be mitigated thereafter.

In this regard, the Court of Appeal recently handed down its judgment on an appeal against the High Court decision in Wyatt v Fareham BC. The Court of Appeal dismissed the case on all grounds and concluded that the planning permission had been lawfully granted. This positive outcome should give all those involved confidence in the approach and methodology that Natural England has proposed to help LPAs to address nutrient impacts from new development. Natural England, when developing its nutrient neutrality methodology, guidance, and tools, incorporated the recommendations provided by Jay J. in his High Court judgment.

We understand the concerns that some Local Planning Authorities have around the impact of nutrient neutrality on their ability to demonstrate they have a sufficient and deliverable housing land supply.

We will make clear in planning guidance that judgements on deliverability of sites should take account of strategic mitigation schemes and the accelerated timescale for the Natural England's mitigation schemes and immediate benefits on mitigation burdens once legislation requiring water treatment upgrades comes into force. DLUHC will revise planning guidance over the summer to reflect that sites affected by nutrient pollution forming part of housing land supply calculations are capable of being considered deliverable for the purposes of housing land supply calculations, subject to relevant evidence to demonstrate deliverability. It will be for decision takers to make

judgements about impacts on delivery timescales for individual schemes in line with the National Planning Policy Framework.

For those preparing local, strategic or neighbourhood plans, the Habitats Regulations require plans ensure they have no adverse effects. Local Plans are also tested for soundness, including deliverability over the plan period. With plans also setting out the contributions from development, including setting out the levels and types of affordable housing provision required. Today's measures will contribute to the evidence base for plans; helping to show they are deliverable with the NE mitigation scheme being in place until 2030 and with a reduced mitigation burden.

Where authorities are not entirely covered by nutrient neutrality advice, it may be appropriate to consider how phasing of development through the plan period can reflect the timing of upgrades to WWTW, to further reduce mitigation burden on new developments, and therefore potentially ensuring more development contributions are available for other important infrastructure.

HRA FOR POST-PERMISSION APPROVALS

The rollout of advice in relation to nutrient pollution to additional catchments in March, and for those already caught by the issue, resulted in a number of planning permissions having been granted prior to the nutrient neutrality issue being raised, but where a post-permission approval is still required. We are providing clarity on this matter.

The Habitats Regulations Assessment provisions apply to any consent, permission, or other authorisation, this may include post-permission approvals; reserved matters or discharges of conditions. It may be that Habitats Regulation Assessment is required in situations including, but not limited to:

- Where the environmental circumstances have materially changed as a matter of fact and degree (including where nutrient load or the conservation status of habitat site is now unfavourable) so that development that previously was lawfully screened out at the permission stage cannot now be screened out; or

- development that previously was lawfully screened in but judged to pass an Appropriate Assessment cannot now do so because the mitigation (if any) secured is not adequate to enable the competent authority to be convinced of no adverse effect on integrity of the habitats site.

DLUHC will update the Planning Practice Guidance on the application of the Habitats Regulations Assessment in this regard and consider additional revisions as necessary over the summer.

SUPPORT FROM THE PLANNING ADVISORY SERVICE

The Planning Advisory Service has been supporting LPAs by offering training and advice to help them to understand nutrient neutrality and what it means for their catchments. This support has included a series of workshops on the nutrients issue, with sessions covering the principles underpinning nutrient neutrality, how LPAs can begin to respond to the issue and catchment-based approaches. These sessions have been recorded and are available online as a public resource on nutrient neutrality. PAS have also convened a "Nutrient Network", allowing the local authorities affected by nutrient pollution to share their experiences. PAS will continue to support local planning authorities through the Nutrient Network and with additional workshops to support LPAs. Please find a link to the resources on the PAS website below:

https://www.local.gov.uk/pas/topics/environment/nutrient-neutrality-nn-and-planning-system

In March, the department announced it would be providing £100k funding to each catchment affected by the nutrient neutrality issue, through the Nutrients Support Fund. The funding has already been issued to all catchments which first received nutrient neutrality advice prior to March and is available for all other catchments affected by nutrient neutrality. Catchments should agree a lead authority and provide evidence of spend. Officials are engaging with these catchments to ensure the funding is issued by September. Regarding this funding, please contact [redacted]

Finally, I appreciate the issue of nutrient neutrality is challenging for LPAs and developers alike. Through this action we will enable sustainable development, protect our most sensitive ecosystems, improving water quality overall in the catchments; and ensure that there is more access to nature in line with our levelling up commitments. These measures represent a substantial step towards reducing nutrient pollution from both new and existing houses; complementing the leadership that LPAs are showing on this issue at a local level.

Yours faithfully,

Joanna Averley

Chief Planner

Appendix 4: Correspondence from Natural England (16 March 2022)

Date: 16 March 2022

To: LPA Chief Executives & Heads of Planning,
County Council Chief Executives and Heads of Planning,
EA Area and National Team Directors,
Planning Inspectorate,
Natural Resources Wales (Cross border sites only) &
Secretary of State for Department for Levelling Up Housing & Communities (DLUHC)

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T [redacted]

Dear Sir / Madam

Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites.

1.0 Summary

This letter sets out Natural England's advice for development proposals that have the potential to affect water quality in such a way that adverse nutrient impacts on designated habitats sites[1] cannot be ruled out.

It also provides an update to those Local Planning Authorities (LPAs) whose areas include catchments where Natural England has already advised on how to assess the nutrient impacts of new development and mitigate any adverse effects, including through application of the nutrient neutrality methodology. It includes:

- Supporting Information (Annex A) which summarises the key tools and guidance documents available and how to take account of certain issues in any Habitats Regulations Assessment (HRA)
- a national map showing the affected catchments (Annex B)
- a list of habitats sites in unfavourable condition due to nutrients, where new development may have an adverse effect by contributing additional nutrients and therefore where nutrient neutrality is a potential solution to enable development to proceed (Annex C)
- a national generic Nutrient Neutrality Methodology (attached in covering email with this letter)
- a nutrient assessment methodology decision tree (Annex D)
- a flow diagram of the HRA process (Annex E)
- guidance on thresholds for insignificant effects for phosphorus discharges to ground (Annex F)
- Natural England Area Team contacts for each habitats site and catchment (Annex G)
- Catchment Specific Nutrient Neutrality Calculators and associated Calculator Guidance (attached in covering email with this letter)
- Site specific catchment maps (attached in covering email with this letter)
- Site specific evidence documents (new catchments only - attached in covering email with this letter)
- Nutrient Neutrality Principles (attached in covering email with this letter)

[1] Habitat sites are sites which are protected by the Habitats Regulations and includes Special Areas of Conservation (SAC) and Special Protection Areas (SPA). Any proposals that could affect them require a Habitats Regulations Assessment (HRA). Ramsar sites are also included as these are protected as a matter of government policy and also require a HRA where proposals may affect them.

- Nutrient Neutrality – A Summary Guide to Nutrient Neutrality (attached in covering email with this letter)

Natural England advises you, as the Competent Authority under the Habitats Regulations, to carefully consider the nutrients impacts of any new plans and projects (including new development proposals) on habitats sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality.

This letter provides advice on the assessment of new plans and projects under Regulation 63 of the Habitats Regulations. The purpose of that assessment is to avoid adverse effects occurring on habitats sites as a result of the nutrients released by those plans and projects. This advice does not address the positive measures that will need to be implemented to reduce nutrient impacts from existing sources, such as existing developments, agriculture, and the treatment and disposal of wastewater. It proposes that nutrient neutrality might be an approach that planning authorities wish to explore.

This letter is being sent to the Environment Agency (EA) and all Heads of Planning and Chief Executives for the Local Planning Authorities (LPAs) which are affected by this advice as well as the following:

- The Planning Inspectorate as the Competent Authority for appeals and local plan examinations.
- Secretary of State for the Department of Levelling Up, Housing and Communities (DLUHC) as Competent Authority for called in decisions/appeals.
- County Councils where there is a 2-tier authority.
- Natural Resources Wales (for cross border sites).

NE will also be writing to Ofwat and water companies to inform them of our advice.

2.0 Background

In freshwater habitats and estuaries, poor water quality due to nutrient enrichment from elevated nitrogen and phosphorus levels is one of the primary reasons for habitats sites being in unfavourable condition. Excessive levels of nutrients can cause the rapid growth of certain plants through the process of eutrophication. The effects of this look different depending on the habitat, however in each case, there is a loss of biodiversity, leading to sites being in 'unfavourable condition'. To achieve the necessary improvements in water quality, it is becoming increasingly evident that in many cases substantial reductions in nutrients are needed. In addition, for habitats sites that are unfavourable due to nutrients, and where there is considerable development pressure, mitigation solutions are likely to be needed to enable new development to proceed without causing further harm.

In light of this serious nutrient issue, Natural England has recently reviewed its advice on the impact of nutrients on habitats sites which are already in unfavourable condition. Natural England is now advising that there is a risk of significant effects in more cases where habitats sites are in unfavourable condition due to exceeded nutrient thresholds. More plans and projects are therefore likely to proceed to appropriate assessment.

The principles underpinning HRAs are well established[2]. At the screening stage, plans and projects should only be granted consent where it is possible to exclude, on the basis of objective information, that the plan or project will have significant effects on the sites concerned. Where it is not possible to rule out likely significant effects, plans and projects should be subject to an appropriate assessment. That appropriate assessment must contain complete, precise and definitive findings which are capable of removing all reasonable scientific doubt as to the absence of adverse effects on the integrity of the site.

[2] See, amongst others Case C-127/02 *Waddenvereniging and Vogelsbeschermingvereniging* (Waddenzee); *R (Champion) v North Norfolk DC* [2015] EKSC 52 (Champion); C-323/17 *People Over Wind, Peter Sweetman v Coillte Teoranta* (People Over Wind); C-461/17 *Brian Holohan and Others v An Bord Pleanála* (Holohan); Joined Cases C-293/17 and C-294/17 *Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Other* (the Dutch Nitrogen cases).

Appropriate assessments should be made in light of the characteristics and specific environmental conditions of the habitats site. Where sites are already in unfavourable condition due to elevated nutrient levels, Natural England considers that competent authorities will need to carefully justify how further inputs from new plans or projects, either alone or in combination, will not adversely affect the integrity of the site in view of the conservation objectives. This should be assessed on a case-by-case basis through appropriate assessment of the effects of the plan or project. In Natural England's view, the circumstances in which a Competent Authority can allow such plans or projects may be limited. Developments that contribute water quality effects at habitats sites may not meet the no adverse effect on site integrity test without mitigation.

Mitigation through nutrient neutrality offers a potential solution. Nutrient neutrality is an approach which enables decision makers to assess and quantify mitigation requirements of new developments. It allows new developments to be approved with no net increase in nutrient loading within the catchments of the affected habitats site.

Where properly applied, Natural England considers that nutrient neutrality is an acceptable means of counterbalancing nutrient impacts from development to demonstrate no adverse effect on the integrity of habitats sites and we have provided guidance and tools to enable you to do this.

3.0 Natural England's Role and Advice

Natural England is the government's adviser for the natural environment in England. As a statutory consultee in the planning and environmental assessment processes we provide advice to planning authorities to support them in making plans and decisions that conserve and enhance the natural environment and contribute to sustainable development.

In reviewing our advice on water quality effects on habitats sites Natural England has:

- Undertaken an internal evidence review to identify an initial list of water dependent habitats sites (which includes their underpinning Sites of Special Scientific Interest) that are in unfavourable condition due to elevated nutrient levels (phosphorus or nitrogen or both). These sites are listed in Annex C. Development which will add nutrients to these sites may not meet the site integrity test without mitigation. This will need to be explored as part of the HRA. Nutrient neutrality is an approach which could be used as suitable mitigation for water quality impacts for development within the catchments of these sites (please refer to the Nutrient Neutrality – A Summary Guide for an explanation of nutrient neutrality).

- Revised our internal guidance for planning, permitting and other HRA consultations which have the potential to have water quality and in particular nutrient effects on a habitats site.

This advice applies to the following types of habitats sites:

- Special Protection Areas (SPA) designated under the Habitat Regulations 2017.
- Special Areas of Conservation (SAC) designated under the Habitat Regulations 2017.
- Sites designated under the Ramsar Convention, which as a matter of national policy are afforded the same protection as if they were designated under the Habitat Regulations 2017.
- Sites identified or required as compensatory measures for adverse effects on SPAs, SACs and Ramsar sites.

A plan or project will be relevant and have the potential to affect the water quality of the designated site where:

- It creates a source of water pollution (e.g. discharge, surface run off, leaching to groundwater etc) of either a continuous or intermittent nature or has an impact on water quality (e.g. reduces dilution).

AND

- There is hydrological connectivity with the designated site i.e. it is within the relevant surface and/or groundwater catchment.

AND

- The designated sites interest features are sensitive to the water quality pollutant/impact from the plan/project.

For LPAs where Natural England has already provided advice on this matter: Natural England has already provided advice to some local authorities on how to address the impacts of development which has the potential to increase nutrient emissions and adversely affect the integrity of habitats protected sites. The sites subject to this previous advice are listed in Annex C Table 1. There is an agreed approach between Natural England and these authorities on applying nutrient neutrality as a mitigation measure to enable development to proceed without causing harm to the integrity of those habitats sites (which are in unfavourable condition due to elevated nutrient levels). We have advised that a likely significant effect from development that increases these nutrients cannot be ruled out[3]. In the absence of evidence to the contrary, our advice has been and continues to be that all new housing development proposals (including any other additional locally specific advice which has been issued), will need to consider, via an appropriate assessment, the impact of adding to the existing nutrients levels / loads where water quality targets are not being achieved for these habitats sites. Having carried out that assessment, permission for the plan or project may only be given if the assessment allows you to be certain that it will not have an adverse impact on the integrity of the site i.e. where no reasonable scientific doubt remains as to the absence of effects[4].

We are writing to your authority now to keep you updated on the development of the approach including the availability of an updated package of tools and guidance. We recommend that your authority moves to using the updated generic Nutrient Neutrality Methodology (attached) and the updated catchment calculators (attached) in preference to existing methodologies whether produced by Natural England or your own authority. Your authority will be best placed to consider how it transitions to the new tools and guidance. Natural England recognises that for some existing catchments where nutrient neutrality is being implemented and mitigation is being actively progressed, authorities may need to consider the associated practicalities of moving to the new guidance whilst recognising their role as Competent Authority. The updated generic Nutrient Neutrality Methodology and associated catchment calculators incorporates new information and evidence, which is explained in Annex A.

For local authorities where this advice is new: Natural England advises you, as the Competent Authority under the Habitats Regulations, to fully consider the nutrients implications on the sites identified in Annex C Table 2 when determining relevant plans or projects and to secure appropriate mitigation measures (see Annex A, para 6 for mitigation options).

When considering a plan or project that may give rise to additional nutrients within the affected catchments, you should undertake a HRA. An Appropriate Assessment will be needed where a likely significant effect (alone or in-combination) cannot be ruled out, even where the proposal contains mitigation provisions. The need for an Appropriate Assessment of proposals that includes mitigation measures intended to avoid or reduce the harmful effects of a plan or project is well established in case law[5]. The Competent Authority should only grant permission if they have made certain at the time of Appropriate Assessment that the plan or project will not adversely affect the integrity of a habitats site i.e. where no reasonable scientific doubt remains as to the absence of effects[6].

The application of nutrient neutrality as mitigation for water quality effects from development has been tested in *Wyatt v Fareham case*[7]. The High Court dismissed an application for judicial review that planning permission which applied nutrient neutrality as mitigation did not satisfy the Habitats

[3] Natural England has agreed that for some sites it is appropriate to screen out insignificant discharges to ground of phosphorus where certain criteria are met. See Annex E for further details.

[4] Unless the further conditions in regs. 64 and 68 apply.

[5] *Gladman Developments Limited v S of S for Housing, Communities and Local Government and another* [2019] EWHC 2001 (Admin)

[6] Unless the further conditions in regs. 64 and 68 apply.

[7] *Wyatt v Fareham BC [2021]* EWHC 1434 (Admin)

Regulations. The case has now been appealed. Where properly applied Natural England considers that 'nutrient neutrality' can be a robust way to mitigate nutrient impacts from development.

Your authority may wish to consider a nutrient neutrality approach as a potential solution to enable developments to proceed in the catchment(s) where an adverse effect on site integrity cannot be ruled out. For such an approach to be appropriate, the measures used to mitigate nutrients impacts should not compromise the ability to restore the designated site to favourable condition and achieve the conservation objectives (Further guidance is provided on what this means in practice in the Nutrient Neutrality Principles document, attached).

4.0 Plans and Projects Affected

Development

The Nutrient Neutrality Methodology enables a nutrient budget to be calculated for all types of development that would result in a net increase in population served by a wastewater system.

It covers all types of overnight accommodation including new homes, student accommodation, care homes, tourism attractions and tourist accommodation and permitted development[8] (which gives rise to new overnight accommodation) under the Town and Country Planning (General Permitted Development) (England) Order 2015[9].

For authorities where Natural England's advice is already being applied the development types affected remain as previously advised but are summarised in Table 1 Annex C.

This advice also applies to planning applications at the reserved matters approval stage of the planning application process, and to applications for grants of prior approval and/or certificates of lawfulness for a proposed use or operation.

Tourism attractions and tourism accommodation are included in the methodology as these land uses attract people into the catchment and generate additional wastewater and consequential nutrient loading on the designated sites. This includes self-service and serviced tourist accommodation such as hotels, guest houses, bed and breakfasts, self-catering holiday chalets and static caravan sites. Other types of proposal should be considered on their individual merits, for example conference facilities that generate overnight stays.

Other types of business or commercial development, not involving overnight accommodation, will generally not need to be included in the assessment unless they have other (non-sewerage) water quality implications. For the purposes of the Methodology, it is assumed that anyone living in the catchment also works and uses facilities in the catchment, and therefore wastewater generated can be calculated using the population increase from new homes and other accommodation. This removes the potential for double counting of human wastewater arising from different planning uses.

Permitting

Activities that require an environmental permit (such as waste operations, water discharge activities and groundwater activities) should be subject to an HRA where they are carried out within the catchment of a habitats site and there is a risk that they may affect water quality within that catchment.

Where a likely significant effect on the habitats site cannot be ruled out, they should be subject to an appropriate assessment. Mitigation will be required if an adverse effect on the integrity of the site cannot be ruled out, although depending on the type of permit being considered it may not be appropriate, to apply the standard nutrient neutrality methodology to such plans and projects. This would need to be considered on a case by case basis.

[8] Please note the condition on permitted development relating to European sites is set out in Regulation 75 of the Habitats Regulations 2017. The statutory condition on permitted development in regulation 75 only applies the HRA procedure (via regulations 76 and 77) to statutory European Sites. It therefore only applies to Special Areas of Conservation (SAC's) and Special Protection Areas (SPA's) it does not apply to Ramsar sites, proposed SAC's or potential SPA's or to sites identified, or required, as compensatory measures for adverse effects on habitats sites.

[9] Planning permission granted for permitted development is subject to regs. 75-78 of the Habitats Regulations.

Other Plans and Projects

Whilst nutrient neutrality is only currently being applied to development that would result in a net increase in population served by a wastewater system, the HRA requirements will apply to any plans or projects, including agricultural or industrial plans and projects that have the potential to release additional nitrogen and / or phosphorus into the system and that require an LPAs or the EA's consent, permission or approval.

A case-by-case approach will need to be adopted for these. Early discussions with Natural England via our chargeable Discretionary Advice Service (DAS) are recommended Natural England Discretionary Advice Service.

Competent Authorities must be cognisant of their duties under the Habitats Regulations when performing any of their functions. Competent Authorities may reasonably conclude that a HRA is required whenever they receive an application for any consent, approval, licence or permission for plans and projects not expressly referenced in this advice that may affect a habitats site. Natural England would welcome further discussion with you on any other types of plans and projects that you consider may have nutrients impacts.

5.0 Supporting Information

Annex A of this letter outlines the tools and guidance documents that will support LPAs in implementing this advice. There are also a suite of documents appended to this email including the generic Nutrient Neutrality Methodology, catchment specific calculators and associated guidance, catchment maps, Nutrient Neutrality Principles, Nutrient Neutrality – A Summary Guide and site specific evidence documents. We recommend reading the Nutrient Neutrality – A Summary Guide to help your understanding of what is a complex issue. Natural England has been working closely across government departments (Defra and DLUHC) in the preparation of this support package and will continue to do so in the development of longer term solutions.

The Planning Advisory Service will be hosting detailed teach ins and Q&A sessions on nutrient neutrality and we therefore strongly advise joining these as a first step to understanding the issue and as an opportunity to raise questions. Please follow the link for further details: Nutrient neutrality and the planning system | Local Government Association

Area Team contacts have been provided in Annex G as an initial point of contact for informal discussions. However, should you have any detailed or technical questions concerning this advice, please contact [redacted] marked for the attention of the relevant Area Team. Please ensure that any formal consultations are also sent to [redacted]

Yours faithfully,

[redacted]

ANNEX A:Supporting Information

This Annex summarises the key information and tools that are available to enable LPAs to implement Natural England's advice contained in this letter. It also explains how to take account of the following issues in any HRA:

- Habitats sites which are in unfavourable condition due to nutrients
- Use of permitted Wastewater Treatment Works (WwTW) headroom
- Summary of the updated generic Nutrient Neutrality Methodology
- Status of the National Nutrient Methodology and Calculators
- Mitigation options
- Forthcoming tools and guidance

1.0 Available Tools and Guidance

To help competent authorities take account of these water quality issues and develop strategic solutions, Natural England has provisionally developed the following tools and guidance:

1. A national generic Nutrient Neutrality Methodology (attached)
2. A national map showing the affected catchments (Annex B)
3. Table 1 listing the habitats sites that Natural England has previously advised are in unfavourable condition due to excessive nutrients and will require a HRA and where nutrient neutrality is a potential solution to enable development to proceed (Annex C).
4. Table 2 listing the additional habitats sites which are in unfavourable condition due to excessive nutrients which will require a HRA and where nutrient neutrality is a potential solution to enable development to proceed (Annex C).
5. A nutrient assessment methodology decision tree (Annex D)
6. A HRA Flow chart (Annex E)
7. Thresholds for insignificant levels of phosphorus discharges to ground (Annex F)
8. Area Team contacts for each habitats site and catchment (Annex G)
9. Catchment specific Nutrient Neutrality Calculators and associated Calculator Guidance
10. Detailed catchment specific maps (attached)
11. Evidence summary for each habitats site (new catchments only) including, brief site description, habitats site designated water dependent features, names of component SSSIs where relevant and summary of water quality data including targets and exceedances (attached).
12. Nutrient Neutrality Principles (attached)
13. Nutrient Neutrality – A Summary Guide to Nutrient Neutrality

The Nutrient Neutrality Methodology is a national generic methodology which can be used for all affected catchments and sites (as listed in Annex C). The methodology can be used for both phosphorus and nitrogen. It provides a framework and a set of agreed "input values" to enable a nutrient budget to be determined for any development draining into a habitats site. These values are based on updated information and evidence; Natural England considers that they are suitably precautionary[10] and address impacts in perpetuity to remove risks to site integrity beyond reasonable scientific doubt. The nutrient budget calculated should form part of the Appropriate Assessment (AA) of any HRA produced to address nutrient impacts on affected habitats sites.

The HRA Flow Chart summarises the key stages in the HRA process and the questions which need to be answered in relation to the habitats site and the proposed development at the screening and the appropriate assessment stages.

Guidance on Thresholds for Insignificant Effects from Phosphorus Only. This identifies the conditions which must be met to enable the effects of phosphorus, where it discharges to ground, to be considered as being insignificant. Where best available evidence indicates that these

[10] Precautionary values are used for key variables and an additional buffer is applied in stage 4 of the methodology.

conditions are met, Natural England's advice is that a conclusion of no LSE, either alone or in combination, for phosphorus can be reached. Note this does not apply to nitrogen.

The Catchment Calculators have been developed for each designated habitats site and its catchment. They enable nutrient budgets to be calculated for phosphorus and nitrogen. The calculators will be in an Excel spreadsheet format. There will be an associated guidance document for each calculator.

Site Specific Catchment Maps show the extent of the affected catchment. Natural England advises that a HRA of water quality impacts on the habitats sites is undertaken for developments that are within, or discharge to, Wastewater Treatment Works (WwTW) that are within these catchments.

Evidence Summary for each habitats site. This document includes the site name and site details including reasons for designation, nutrient pressure (i.e. whether it is nitrogen, phosphorus or both), water quality evidence and information on the underpinning Sites of Special Scientific Interest (SSSIs) for the habitats site.

Nutrient Neutrality Principles. These set out the key principles which must be met for nutrient neutrality to be an effective mitigation measure which can be relied upon to enable development to proceed that would otherwise adversely affect the integrity of habitats sites.

2.0 Where a Habitats Site is Currently Unfavourable Due to Nutrients

Where a site is considered unfavourable due to exceeded nutrient levels and there is the possibility of further nutrient loading from a new plan or project, Natural England advises that Competent Authorities need to carefully consider the circumstances where plans or projects can be authorised. In many cases, an Appropriate Assessment (AA) is likely to be the appropriate stage to consider these matters more thoroughly.

Where the plan or project will (or it cannot be ascertained that it will not) contribute additional significant nutrients, alone or in-combination directly to, or upstream of, any unfavourable location which is important for maintaining or restoring the sensitive designated interest features, then Natural England advises that either there is a Likely Significant Effect (LSE) or a LSE cannot be ruled out and therefore, an Appropriate Assessment should be undertaken. We advise that as the Competent Authority you should consider the implications of relevant case law in any HRA. Annex F identifies "Thresholds for Insignificant Effects" for phosphorus discharges to ground.

3.0 Use of Permitted Wastewater Treatment Works (WwTW) Headroom

Headroom (flow or quality) in WwTW discharge permits has largely come about due to decisions being made by the Competent Authority based on taking a 'fair share' approach that relies on proportionality (i.e. relying on action by each sector to achieve favourable conservation status) and/or through water companies significantly over-performing on their permits. In many situations, headroom has been eroded as the habitats site water quality objectives have become more stringent, or there is new available information since the last AA of the permit.

Competent Authorities who wish to rely on the reasoning or conclusions in previous AA should consider the age of the AA, its robustness and whether evidence or circumstances have changed and therefore whether additional consideration is needed. Careful consideration will be needed where the habitats site feature is unfavourable due to elevated nutrient levels and plans or projects contribute further loading. Competent Authorities should consider:

- Any changes to the habitats site nutrient objectives or related ecological objectives since the AA was undertaken.
- Any new relevant information since the AA e.g. change to site condition, information on how measures relied on in the AA have performed.

- Whether the previous AA complies with current legal requirements as a result of any changes to Case law.
- Whether any measures taken into account in the AA can be still be safely relied on to deliver the anticipated effects so that no reasonable scientific doubt remains as to their efficacy and delivery. For example, if a decision on a permit was based on another sector (such as agriculture) also delivering reductions to enable the site to achieve the water quality objectives, those measures to be taken on other sectors should be sufficiently certain so that they can lawfully be considered in an AA.

The preferred approach is to have a strategic plan which considers what is required from all sources (e.g. Diffuse Water Pollution Plan /Nutrient Management Plan) based on the latest evidence, is sufficiently certain and can therefore be used to identify and enable the development of WwTW headroom that can be used for growth, which competent authorities can then rely on to inform their AA. However due to the difficulties with providing sufficient certainty in these plans this may not be possible in the short to medium term for some habitats sites and may remain a longer term aim.

4.0 Updated Nutrient Neutrality Methodology

This new methodology incorporates updated information as detailed below. For those authorities which are currently implementing nutrient neutrality Natural England recommends that they move to applying the updated methodology (attached) and the catchment calculators (attached) in preference to any existing methodologies whether produced by Natural England or your own authority.

- The Generic Methodology includes the latest version of Farmscoper (version 5) which includes more up to date values for the various variables. The updated approach also uses the actual outputs rather than averaged values from Farmscoper for detailed farm types broken down by rainfall, drainage and Nitrate Vulnerable Zones. The benefit of taking the detailed farm types approach is that it offers a more specific budget calculation for the actual nutrient losses from the development or mitigation land to be taken into account.
- The Generic Methodology covers all potential different situations on water usage that might occur across the full range of catchments.
- It provides a more consistent approach for dealing with onsite wastewater treatment systems.
- Pet waste is not considered in the greenspace export coefficient as this type of waste is taken into account in the urban surface water run off element of the calculator.
- The new methodology uses a different approach for calculating the urban export co-efficient so that it is applicable across the country. The values take into account the type of urban land and development site specific rainfall. This results in export values that will be specific to the rainfall at the location within the catchment.

5.0 Status of the National Nutrient Methodology and Calculators

Natural England is issuing the National Generic Methodology (and the associated catchment calculators) to provide Local Planning Authorities with the tools to progress nutrient neutrality as a potential mitigation solution to enable development that would otherwise adversely affect the integrity of habitats sites to proceed. However, at present this guidance **should be considered as provisional** due to the outstanding appeal to the Court of Appeal in **Wyatt v Fareham BC** [2021] EWHC 1434 (Admin), which although not concerned with the National Generic Nutrient Neutrality Methodology, could impact on certain elements contained within the Methodology because that case considers a similar (but not identical) earlier methodology for the Scient region. The Court of Appeal has granted permission for the appeal to be heard. The dates of the hearing are 5th and 6th April 2022.The outcome of the appeal hearing is not known. Nevertheless, Natural England is encouraged that the Judge in the High Court upheld Natural England's nutrient neutrality approach in principle and has responded to the Judge's comments in the Methodology. Natural England

intends to review this Methodology following judgement in the appeal in ***Wyatt*** which may require amendments to be made to the Methodology.

6.0. Mitigation Options

Mitigation to enable development to proceed within the affected catchments of the designated sites listed in Annex C can include nutrient neutrality as an option to avoid either permanent, or temporary increases in nutrients on the affected sites. Suitable mitigation measures might include constructed wetlands, land use change or retrofitting of Sustainable Urban Drainage systems (SUDs). Such measures must be effective for the duration of the impacts. In the case of new housing the duration of the impact is typically taken as in perpetuity, with the costs of maintaining, monitoring and enforcing mitigation calculated for a minimum of 80 – 125 years. It does not, however, follow that mitigation is not needed after that period, but rather the expectation is the mitigation will continue indefinitely (e.g. through securing appropriate permanent land use change).

There may be circumstances in which it is possible to define the 'lifetime of the development' more precisely, for example where consent is sought for the construction and use of a temporary structure that will be removed after a fixed period. In those circumstances, a Competent Authority may require mitigation to be maintained for a shorter period providing the Competent Authority is certain that adverse impacts on the integrity of a habitats site will not occur after the mitigation is removed. In those circumstances, a bespoke nutrient budget will be required, and early discussions with Natural England via our chargeable DAS are recommended Natural England Discretionary Advice Service.

Natural England has identified that nutrient neutrality is an option which can be used to mitigate the impacts of excess nutrients from development for the majority of sites listed in Annex C. However, there may be instances where due to the nature of the habitats site and/ or the location and scale of development it may not be appropriate to apply nutrient neutrality, as doing so would compromise the ability to restore the site to favourable conservation status in the long term, or it may not be possible to identify mitigation which will enable the development to be nutrient neutral. Situations where this is more likely to apply are explained in Annex C.

The extent of these nutrient neutrality constraints will be site and often development specific so will need to be considered on a case-by-case basis. Natural England recommends that Competent Authorities should carefully consider whether it is possible to allocate development in catchments or parts of catchments of sites which are likely to have significant constraints in being able to apply nutrient neutrality. Where nutrient neutrality cannot effectively mitigate the nutrient impacts of new developments, then consent should only be granted where other mitigation can effectively prevent an adverse effect on the integrity of site.

When consulting Natural England on proposals with the potential to affect water quality resulting in nutrient impacts on habitats sites, please ensure that a Habitats Regulations Assessment is included which has been informed by the Nutrient Neutrality Methodology (attached). Further guidance on the process is provided by the Decision Tree (Annex D) and HRA flow Diagram (Annex E) Without this information Natural England will not be in a position to comment on the significance of the impacts or the scope of any mitigation which may be required. For large scale developments, Natural England may provide advice on a cost recovery basis through our Discretionary Advice Service

All queries in relation to the application of this methodology to specific applications or development of strategic solutions will be treated as pre-application advice and therefore subject to chargeable services.

7.0 Forthcoming Tools and Guidance

Natural England's SSSI Impact Risk Zones will also be updated to include the affected catchments.

Annex B: National Map of Catchments

European protected sites requiring nutrient neutrality strategic solutions

Nutrient neutrality SSSI catchments

SSSI subject to nutrient neutrality strategy

Nutrient neutrality SSSI catchment

Annex C: Habitats sites in unfavourable condition and where nutrient neutrality has been identified as a potential mitigation solution to enable development to proceed.

Table 1: Existing sites in unfavourable condition due to excessive nutrients which require a Habitats Regulations Assessment (HRA) and where nutrient neutrality is being deployed as mitigation.

Habitats Site & Catchment	LPA Affected	Nutrient	Summary of Development Types Affected	Nutrient Neutrality Methodology and Calculator produced by Natural England or LPA*.
Poole Harbour SPA / Ramsar	Dorset Council Bournemouth, Christchurch and Poole Council	Nitrogen and Phosphorus	Additional development that will result in a net increase in population served by a wastewater system, including new homes, student and tourist accommodation	Nitrogen Reduction in Poole Harbour Supplementary Planning Document (SPD)
The Solent	Basingstoke and Deane Borough Council Chichester District Council East Hampshire District Council Eastleigh Borough Council Fareham Borough Council Gosport Borough Council Havant Borough Council Isle of Wight Council New Forest District Council New Forest National Park Authority Portsmouth City Council South Downs National Park Authority Southampton City Council Test Valley Borough Council Wiltshire Council Winchester City Council	Nitrogen for existing catchment (River Itchen includes Phosphorus and Nitrogen See River Itchen in Table 2 for further details)	Additional development that will result in a net increase in population served by a wastewater system, including new homes, student and tourist accommodation	Methodology and Calculator developed and provided by Natural England
River Avon SAC	Bournemouth Christchurch and Poole Council	Phosphorus	Additional development that will result in a net increase in population served by a	Interim Phosphate Calculator

	Dorset Council New Forest District Council New Forest National Park Authority Test Valley Borough Council Wiltshire Council		wastewater system, including new homes, student and tourist accommodation	
River Camel SAC	Cornwall Council	Phosphorus	• Additional development that will result in a net increase in population served by a wastewater system, including new homes, student and tourist accommodation. • Additional locally specific advice	Phosphate Calculator developed by consultants on behalf of Local Planning Authority
Stodmarsh SAC/Ramsar	Ashford Borough Council Canterbury City Council Dover District Council Folkestone and Hythe District Council Maidstone Borough Council Swale Borough Council	Nitrogen and Phosphorus	Additional development that will result in a net increase in population served by a wastewater system, including new homes, student and tourist accommodation.	Methodology and Calculator developed and provided by Natural England.
River Wye SAC (only applies to the River Lugg component)	Herefordshire Council Malvern Hills District Council	Phosphorus	Additional development that will result in a net increase in population served by a wastewater system, including new homes, student and tourist accommodation.	Phosphate Calculator developed by consultants on behalf of Local Planning Authority
Somerset Levels and Moors Ramsar	Dorset Council Exmoor National Park Mendip District Council Mid Devon District Council Sedgemoor District Council Somerset West and Taunton District Council South Somerset District Wiltshire Council	Phosphorus	• Additional residential and commercial development that will result in a net increase in population served by a wastewater system, including new homes, student and tourist accommodation. • Additional locally specific advice	Methodology and calculator developed by consultants on behalf of Local Planning Authority

*Note: Nutrient neutrality calculators have been provided for all the catchments listed above, even where there is an existing nutrient neutrality calculator .

Table 2: Additional habitats sites in unfavourable condition due to excessive nutrients which require a Habitats Regulations Assessment (HRA) and where nutrient neutrality is a potential solution to enable development to proceed.

Habitats site & Catchment	LPA Affected	Nutrient
Chesil and the Fleet SAC/SPA	Dorset Council	Nitrogen and Phosphorus
Esthwaite Water Ramsar	South Lakeland Council	Phosphorus
Hornsea Mere SPA	East Riding of Yorkshire Council	Nitrogen and Phosphorus
Lindisfarne SPA/Ramsar	Northumberland County Council	Nitrogen
Oak Mere SAC	Cheshire West and Chester Council	Phosphorus
Peak District Dales SAC	Derbyshire Dales District Council High Peak Borough Council Peak District National Park Authority	Phosphorus
River Axe SAC	Dorset Council East Devon District Council Somerset West & Taunton Council South Somerset District Council	Phosphorus
River Clun SAC	Herefordshire Council Shropshire Council	Nitrogen and Phosphorus
River Derwent & Bassenthwaite Lake SAC (only applies to catchments of Bassenthwaite Lake (River Derwent and Tributaries SSSI unit 1) and River Marron (unit 124 of River Derwent and Tributaries SSSI).	Allerdale Borough Council Copeland Borough Council Eden District Council Lake District National Park	Phosphorus
River Eden SAC	Allerdale Borough Council Carlisle City Council Durham County Council Eden District Council Lake District National Park Northumberland County Council Northumberland National Park Richmondshire District Council South Lakeland Council	Phosphorus
River Itchen SAC (part of Solent Catchment)	Basingstoke and Deane Borough Council East Hampshire District Council Eastleigh Borough Council Winchester City Council	Nitrogen and Phosphorus
River Kent SAC (only applies to catchments of units 104 and 111 of River Kent SSSI)	Eden District Council Lake District National Park South Lakeland Council	Phosphorus
River Lambourn SAC	Swindon Borough Council Vale of White Horse District Council West Berkshire Council Wiltshire Council	Phosphorus
River Mease SAC	East Staffordshire Borough Council Hinckley and Bosworth Borough Council Lichfield District Council North Warwickshire Borough Council	Phosphorus

	North West Leicestershire District Council South Derbyshire District Council	
River Wensum SAC	Borough Council of King's Lynn and West Norfolk Breckland Council Broadland & South Norfolk Council North Norfolk District Council Norwich City Council	Phosphorus
Roman Walls Loughs SAC	Northumberland County Council Northumberland National Park Authority	Phosphorus
Rostherne Mere Ramsar	Cheshire East Council	Nitrogen and Phosphorus
Teesmouth & Cleveland Coast SPA/Ramsar	Darlington Borough Council Durham County Council Eden District Council Hambleton District Council Hartlepool Borough Council Middlesbrough Council North York Moors National Park Redcar and Cleveland Borough Council Richmondshire District Council Stockton-on-Tees Borough Council	Nitrogen
The Broads SAC/Ramsar (only the following are included: • Bure Broads and Marshes SSSI • Trinity Broads SSSI • Yare Broads and Marshes SSSI • Ant Broads and Marshes SSSI • Upper Thurne Broads and Marshes SSSI	Borough Council of King's Lynn and West Norfolk Breckland Council Broadland & South Norfolk Council Great Yarmouth Borough Council North Norfolk District Council Norwich City Council The Broads Authority	Nitrogen and Phosphorus and
West Midlands Mosses SAC (only catchments of Abbotts Moss SSSI and Wynbunbury Moss SSSI are included)	Cheshire East Council (Wynbunbury) Cheshire West and Chester Council (Abbotts)	Nitrogen and Phosphorus

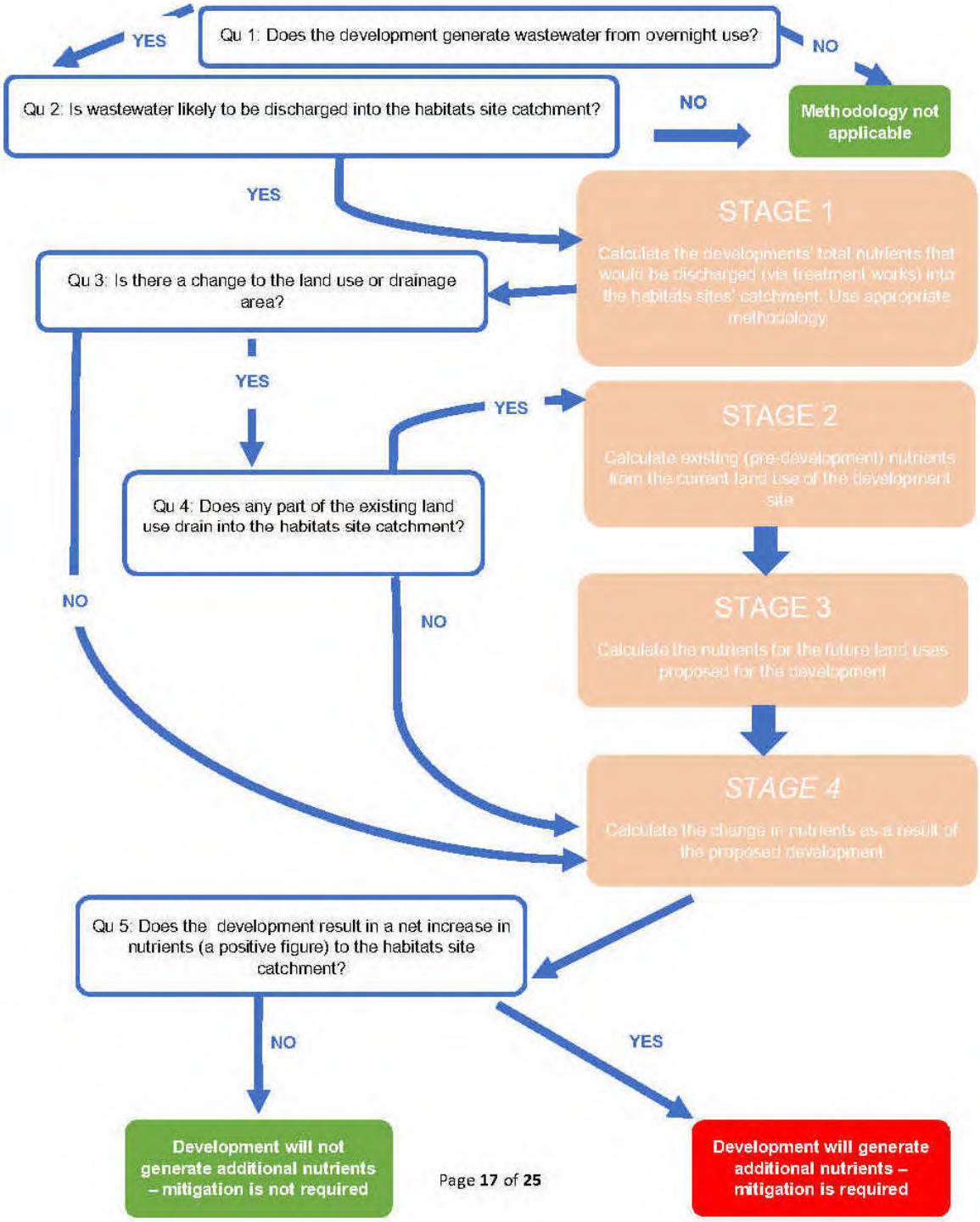
Situations where Nutrient Neutrality may not be an appropriate Mitigation Measure

- Lake or wetland sites and particularly those with long residence times or which have a limited or no outflow. For these types of sites nutrients will accumulate over time and therefore they are particularly vulnerable to even small increases in nutrients which will further hinder restoration. Where one of these sites is already unfavourable due to nutrient enrichment it is also likely that current sources of nutrients will need to be reduced to restore the site and therefore using these measures for nutrient neutrality would undermine the ability to restore the site.
- Where the development impact is direct to a habitats site terrestrial wetland habitat rather than to surface water. In these circumstances the mitigation would need to be

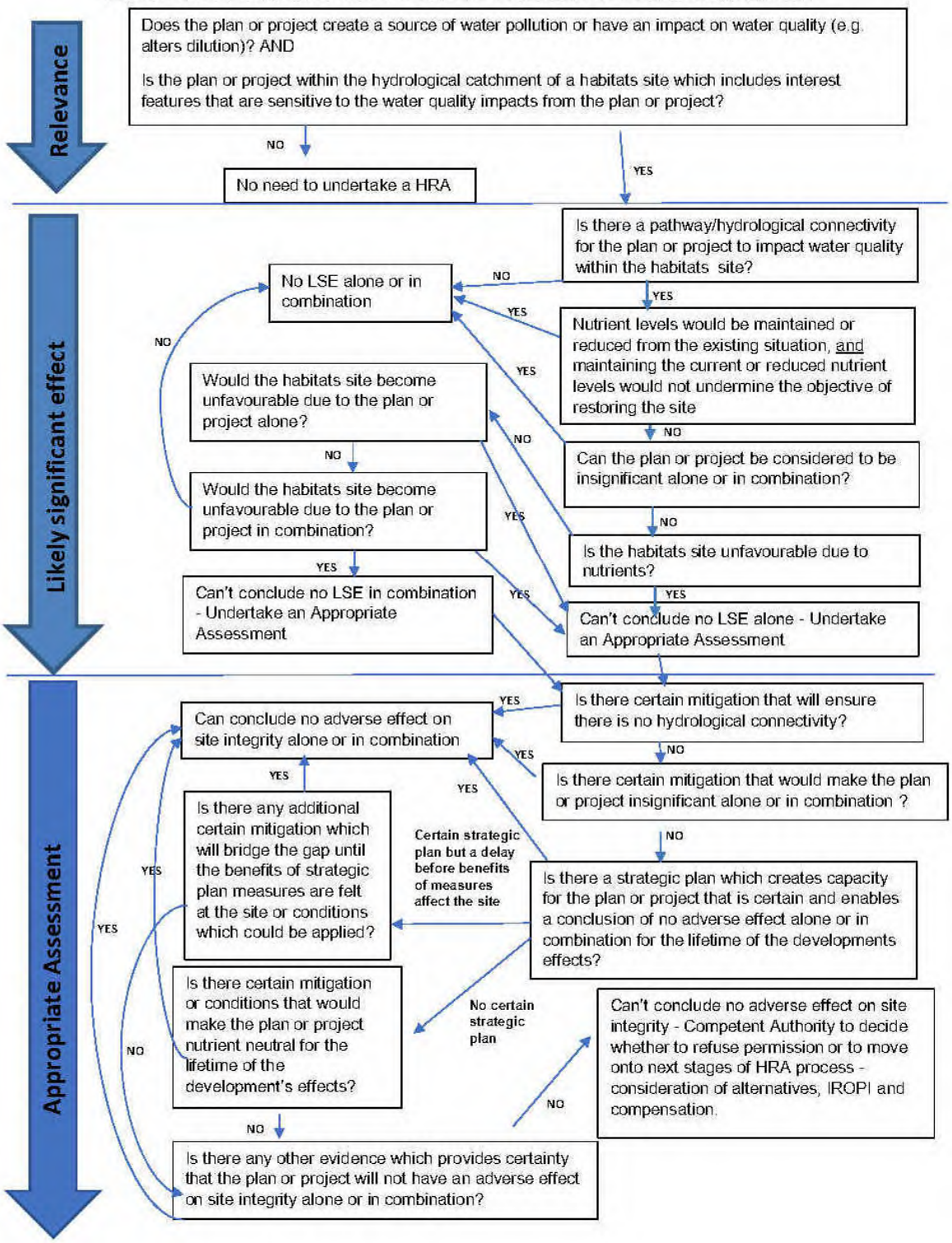
at the exact same location where the development is having its effect on the site, as reductions in nutrients in other locations of the wetland would not neutralise the effect of the development. Therefore, potential mitigation options will likely be very limited.

- Where the development impact is via groundwater discharging direct to a habitats site terrestrial wetland habitat rather than to groundwater discharging to surface water. In these circumstances there will be variation in the effectiveness of measures depending on their location within the groundwater catchment compared to development. This means measures may need to be located in the same part of the groundwater catchment to ensure that it would neutralise the nutrient increase from the development before it reaches the site, thereby constraining the area where mitigation could be targeted to a smaller area.
- Development (particularly larger developments) in the headwaters of a catchment. In these circumstances the area upstream of the development where nutrient neutrality mitigation can be located will be restricted to a small area, providing much more limited and perhaps in some cases no feasible opportunities for mitigation through nutrient neutrality, although other mitigation measures may be possible.
- Habitats sites with small catchments. Again, there will be a much more limited area where mitigation can be targeted thereby limiting potential nutrient neutrality mitigation opportunities.
- Where widespread and/or large-scale uptake of measures are needed to restore the habitats site or part of the site (e.g. identified in the DWPP or NMP) thereby significantly constraining the measures available for counterbalancing additional nutrient inputs in a way which will not undermine site restoration.

Annex D: Nutrient Assessment Methodology for Development which Generates Wastewater Decision Tree



Annex E: Flow Diagram of HRA Process for Consultations Contributing Nutrients



Annex F: Thresholds for Insignificant Effects – Phosphorus Discharges to Ground

Waddenzee established that an Appropriate Assessment (AA) is required where there is a "probability or a risk" of a significant effect on the site concerned. In light of the precautionary principle, a plan or project is likely to have a significant effect if the risk cannot be excluded on the basis of objective evidence. Any site specific rationale or thresholds to demonstrate the insignificance of effects would need to ensure that the risk of Likely Significant Effect (LSE) (alone or in combination) can be excluded. Where evidence is not currently available or it is uncertain, it would be more appropriate to take the plan or project through to AA for further consideration. It may still be possible to conclude no adverse effect on site integrity (alone or in combination) in the AA through further consideration as to the specific facts of the case in question and/or through consideration of appropriate mitigation.

Natural England currently considers that it is difficult to make robust arguments around generic standardised thresholds for levels of water quality impacts that exclude the risk of likely significant effects (alone or in combination) for all sites and situations. There are a number of different factors that are variable between sites which can influence the risk of cumulative effects and the sensitivity and vulnerability of the site and therefore what might be significant.

Thresholds for insignificant levels of phosphorus discharges to ground

Natural England considers that there is an exception to this position on generic thresholds in relation to discharges of phosphorus to ground.

Any plan or project which requires planning permission, Building Regulations approval or an environmental permit from the Environment Agency must comply with the requirements of those regulatory regimes as well as what is needed to meet the Habitat Regulations. For example, all of these regimes require that developments should be connected to the public foul sewerage network wherever this is reasonable. This includes areas where the Habitats Regulations apply and any need to reduce nutrient inputs in those areas should not lead to the installation of non-mains foul drainage systems in circumstances where connection to the public foul sewer would otherwise be considered reasonable. Any plan or project then connecting to mains would still need to also be compliant with Habitat Regulations.

Summary of evidence

Septic tank systems or package treatment plants that discharge to ground via a drainage field should pose little threat to the environment, because much of the P discharged is removed from the effluent as it percolates through the soil in the drainage field[11]. The risk of water pollution by these types of discharges to ground depends on a range of factors that affect their success or failure and can be summarised by three key factors[12]:

1. improper location
2. poor design
3. incorrect management

[11] Robertson WD, Van Stempvoort ER & Schiff SL. 2019. Review of Phosphorus attenuation in groundwater plumes from 24 septic systems.

[12] MAY, L., PLACE, C., O'MALLEY, M. & SPEARS, B. 2015. *The impact of phosphorus inputs from small discharges on designated freshwater sites.* Natural England Commissioned Reports, NECR 170.

Phosphorus is removed from the effluent within the drainage field through retention in the soil through sorption within the aerated soil zone and mineral precipitation. How much phosphorus is removed will depend on the soil type and phosphorus characteristics, mineral content, pH, texture, and the hydraulic loading rate. P sorption can be reversed and P desorption can occur in certain conditions e.g. change in redox conditions[13]. For the drainage field to work effectively the drainage field needs to have acceptable year round percolation rates which will be influenced by the soil type, as if they drain too quickly or to slowly effective phosphorus removal will not take place. In addition if infiltration rates are lower than the loading rate of the effluent into the drainage field then hydraulic failure can occur which results in the effluent being discharged over the soil surface. Therefore correct design of the system is important. The Building Regulations[14] set out design and construction standards for septic tanks, package treatment plants and drainage fields. In relation to drainage fields they include the need for a percolation test, a method for how this should be undertaken and the minimum and maximum percolation values (V_p) which ensure that the drainage field effectively removes pollutants. This is then used to calculate the size of the drainage field required for the size of the household it will be serving.

Robertson et al (2019)[8] found that the carbonate mineral content of the drainage field sediments can also affect the P retention within the drainage fields and therefore the distance any P plume extends. Calcareous sediments having very high P retention (average 97%), with plumes not extending beyond 10m and non-calcareous sediments showing greater variability and having a lower P retention (average 69%) with some of the P plumes extending beyond 15m up to 100m in one case.

The evidence has shown that it is the aerated drainage field sediments which provides a key function in terms of removing the phosphorus from the effluent before it enters a receiving water body (surface or groundwater). Any enhanced connectivity to a water body, which short circuits this process, is probably one of the main factors that causes pollution of habitats sites (and other water dependent sites) by these systems[15] [16]. Therefore it will be important that the drainage field is sited far enough away from any watercourse, ditch, drain etc. as well as that it is not in a location where the groundwater is high enough that comes into connection with this aerated zone. Fractured rock or fissured geology could also short circuit this process. In addition seasonal flooding can wash out the contents of the tanks. Slope also affects the way the drainage field functions, with steeper slopes having a higher risk of run off.

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[13] Mary G. Lusk, Gurpal S. Toor, Yun-Ya Yang, Sara Mechtensimer, Mriganka De & Thomas A. Obreza. 2017. *A review of the fate and transport of nitrogen, phosphorus, pathogens, and trace organic chemicals in septic systems*, Critical Reviews in Environmental Science and Technology, 47:7, 455-541,

[14] Building Regulations, Drainage and Waste disposal (2015), Document H, Section H2.

[15] MAY, L., WITHERS, P.J., STRATFORD, C., BOWES, M., ROBINSON, D. & GOZZARD, E. 2015. *Development of a risk assessment tool to assess the significance of septic tanks around freshwater SSSIs: Phase 1 – Understanding better the retention of phosphorus in the drainage field*. Natural England Commissioned Reports, NECR171

[16] MAY, L., DUDLEY, B.J., WOODS, H. & MILES, S. 2016. *Development of a Risk Assessment Tool to Evaluate the Significance of Septic Tanks Around Freshwater SSSIs*. NECR 222

There is also some evidence that density (i.e. number) of these types of systems in an area also has a bearing on the risk of pollution. In general, lower densities of tanks tend to cause less contamination of downstream water bodies than higher densities of tanks.

Proposed thresholds

Small discharges to ground i.e. less than $2m^3/day$[17] that are within the surface or groundwater catchment of a designated site will present a low risk that the phosphorus will have a significant effect on the designated site where certain conditions are met:

a) The drainage field is more than 50m from the designated site boundary (or sensitive interest feature) [18] **and**;

b) The drainage field is more than 40m from any surface water feature e.g. ditch, drain, watercourse[19]; **and**;

c) The drainage field in an area with a slope no greater than 15%[20], **and**;

d) The drainage field is in an area where the high water table groundwater depth is at least 2m below the surface at all times[21] **and**;

e) The drainage field will not be subject to significant flooding, e.g. it is not in flood zone 2 or 3 **and**;

f) There are no other known factors which would expedite the transport of phosphorus[9] for example fissured geology, insufficient soil below the drainage pipes, known sewer flooding, soil/geology type and its ability for P sorption/mineralisation or presence of conditions would cause remobilisation phosphorus, presence of mineshafts, etc **and**;

g) To ensure that there is no significant In combination effect, the discharge to ground should be at least 200m from any other discharge to ground[22].

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[17] A limit of 2m3/day is used based on this being the size used for discharges to ground in the General Binding Rules and is representative of the size of the majority of the septic tanks investigated within NECR171, from which most of the criteria are based.

[18] 50m is the distance as which no measurable phosphorus signal was detected at this distance (NECR171 and NECR222). Robertson *et al* (2019) also found that the majority (although not all) of plumes did not extend further than this distance

[19] 40m is the distance that represents a low risk, based on there was a weak phosphorus signal this distance for some of the small discharges (NECR171 and NECR222) This is a slightly less precautionary value than the 50m distance to the Habitats site as there will be the capacity for further attenuation and dilution before the site.

[20] 15% is the slope that represents a low risk based on the methodology outlined in NECR222.

[21] 2m is the groundwater depth that represents a low risk, based on very low levels being detected in soil at depth below this (NECR171 and NECR222)

[22] The 200m is based on the 50m distance where no measurable phosphorus signal was detected (NECR171) for each septic tank. So for two drainage field areas not to overlap they need to be at least 100m apart. A safety factor of two is then applied to ensure that in the long term there will be the certainty that the effective drainage field phosphorus retention areas don't overlap. This then also takes account of the greatest distance that Robertson et al (2019) found a plume to extend which was 100m to ensure there would be no overlap. It also ensures that the maximum density of these systems is no more than one for every 4ha (or 25 per km2), as identified in NECR170.

A GIS layer is available from NE[23] which looks at conditions b, c and d above only, for the whole of England. Where this layer indicates that there is a low risk, then the three conditions (b, c & d) above can be considered to be met. Where there is a high or medium risk identified, then one or more of the three conditions (b, c & d) will not be met. This GIS layer can be shared with the EA and Local Authorities with the relevant data licence via our GI team, but not with developers due to the terms in the data licence. If site specific monitoring/modelled data is presented for conditions b, c or d which provides greater certainty than the national dataset used to produce the risk map, then this can override the risk map. It may be time consuming and/or costly to undertake site-specific monitoring that provides certainty for some of the conditions such as groundwater depth, due to the inherent variability over time and therefore the need for any monitoring to cover a long enough time period (several years) and to a sufficient frequency to determine the highest groundwater depth. So it is acceptable to rely on modelled or national dataset where these are the best available data and scientifically robust.

To consider the other three conditions (a, e and f) other data sources will need to be considered. Condition a can be looked at through using the designated site data layer[24] and calculating the distance from the site boundary. Condition e can use the EA flood risk maps (https://flood-map-for-planning.service.gov.uk/). Condition f should make use of any sewer flood data, information on local geology and soils, groundwater phosphorus concentration monitoring within the catchment or other local information which it is readily available. Elevated concentrations of phosphorus in groundwater would indicate phosphorus transport being short circuited e.g. through fissures, that it is not being effectively retained within the drainage field or it is being remobilised. It can be assumed that phosphorus is being effectively retained and not remobilised unless there is existing evidence at the discharge location or within the wider catchment which suggest that this may be occurring in the same conditions to those present at the location of the proposed discharge. Such evidence could include investigations, known soil or geological conditions or groundwater water quality (P) data from similar soil/geological conditions.

As not all of the phosphorus will be retained by the soil, condition g is to ensure that there is no in combination or cumulative effect from a number of these discharges in an area which together could add up to have a significant effect.

If conditions a to g are all met this represents a low risk that phosphate will reach the site, and not zero risk (i.e. not that no phosphorus from the discharge will ever reach the site in all cases). There will be further processes of dilution and attenuation between the drainage field and the site, which will provide further reduction and the current evidence would suggest that the scale of any inputs from these sources would not be significant.

Where best available evidence indicates that these conditions are met, Natural England advice is a conclusion of no LSE alone or in combination for phosphorus can be reached in these circumstances. Where uncertainty remains so LSE cannot be ruled out or evidence exists that there is a risk of phosphate from small discharges to ground causing a significant effect to a designated site (e.g. from SAGIS modelling or monitoring investigations), then Natural England advice is that there is a LSE or LSE cannot be ruled out and an AA should

[23]. The dataset LPAs can request the GIS layer for the England sewage discharge risk map from Natural England. The dataset is called - Small_Sewage_Discharge_Risk_Zone_Map_For_England (Dissolved).

[24] The Special Protection Area (England), Potential Special Protection Area (England), Special Areas of Conservation (England), Possible Special Areas of Conservation (England), Ramsar (England) and Proposed Ramsar (England) data layers can be download from Natural England Open Geodata portal

be undertaken. Where evidence is presented which provides certainty that there will be no LSE even though these conditions are not met e.g. better local information, then Natural England's advice may be no LSE, but would be determined on a case by case basis.

The Competent Authority, as the decision maker, will need to determine whether it agrees with NEs advice.

For developments which allow for increases in the number of people that will be served by an existing discharge to a drainage field, it will be important to consider whether the existing system has sufficient capacity in its design to accommodate the increase, without increasing the risk of pollution.

The evidence underpinning these thresholds will be periodically reviewed and the thresholds will be amended as necessary to take account of any new evidence.

This approach does not apply to nitrogen as it does not get taken up by the soil like phosphorus.

Further work is necessary to review the evidence and determine if it is possible to establish any other generic insignificance thresholds for other development or discharge types. It may also be possible to develop site specific insignificance thresholds.

Annex G: Natural England Area Team Contacts

Habitat Site	Area Team	Area Team Manager	Additional Area Team contact
Oak Mere SAC	Cheshire and Lancashire	Ginny Hinton [redacted]	Petula Neilson Bond
Rostherne Mere RAMSAR			
West Midlands Mosses SAC			
Estwaite Water Ramsar	Cumbria	Helen Kirkby [redacted]	Helen Smith
River Derwent & Bassenthwaite Lake SAC			
River Eden SAC			
River Kent SAC			
River Axe SAC	Devon, Cornwall and Isles of Scilly	Wesley Smyth [redacted]	Denise Ramsay for LPAs in Devon and Simon Stonehouse for LPAs in Somerset
River Camel SAC			Denise Ramsay
Peak District Dales SAC	East Midlands	Vicky Manton [redacted]	Ian Butterfield
River Mease SAC			
River Wensum SAC	Norfolk and Suffolk	Helen Dixon [redacted]	Jack Haynes
The Broads SAC/Ramsar			
Lindisfarne SPA/Ramsar	Northumbria	Christine Venus [redacted]	Lewis Pemberton Andrew Whitehead
Roman Walls Loughs SAC			

Teesmouth & Cleveland Coast SPA/Ramsar			
Stodmarsh SAC/Ramsar	Sussex and Kent	James Seymour [redacted]	Sue Beale
Solent	Thames Solent	Allison Potts [redacted] Please contact the Thames Solent Team for developments in Hampshire and Isle of Wight and the Kent and Sussex Team for developments in Chichester and Wessex Team for developments in Wiltshire.	Becky Aziz
River Itchen SAC			Becky Aziz
River Lambourn SAC			Amy Kitching
River Avon SAC	Wessex	Rachel Williams [redacted]	Tom Lord
Somerset Levels & Moors Ramsar			
Chesil and the Fleet SAC/SPA			
Poole Harbour SPA Ramsar			
River Clun SAC	West Midlands	Emma Johnson [redacted]	Hayley Fleming
River Lugg (part of River Wye SAC)			
West Midland Mosses SAC			
Hornsea Mere SPA	Yorkshire and Lincolnshire	Paul Duncan [redacted]	Hannah Gooch

Appendix 5: Revised 5-year housing land supply report for the monitoring years 2021/22 to 2025/26

Five year housing land supply

for the area covered by the Purbeck Local Plan 2018-2034

Published XXX

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Appendices

Introduction

1. The National Planning Policy Framework (NPPF, Paragraph 67) states that "Planning policies should identify a supply of: a) specific, deliverable sites for years one to five of the plan period". Paragraph 73 goes on to say that local planning authorities should: "identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old".
2. This report is an assessment of the five-year housing land supply position for the area that was formerly covered by Purbeck District Council. It now forms part of Dorset Council following reorganisation of Local Government across Dorset on 1 April 2019.
3. The data that supports this report relates to a base date of 1 April 2021 and this report covers the five-year period to 31 March 2026.
4. The emerging Purbeck Local Plan's housing target has been modified through the examination process to reflect the Local Housing Need calculated using the standard methodology detailed in national policy. The information available at the point of submission of the Local Plan gave a Local Housing Need figure of 180 dwellings per annum.
5. Five years' worth of the housing target (180dpa) is equivalent to 900 dwellings. Consideration also needs to be given to any shortfall in provision since the beginning of the plan period and the housing delivery test results.

Housing delivery test

6. The Covid-19 pandemic resulted in a national lockdown in 2020 which disrupted the planning service and caused a suspension of development on construction sites. This impact on the delivery of housing against targets has been recognised by government for the 2019-20 and 2020-21 years. The result has been to reduce the number of homes required within the 2019-20 year by one twelfth of the annual target (31 days). For the 2020-21 year, the target was reduced by 122 days. The net result is that the overall target was reduced from 180 dwellings to 164 dwellings for the 2019-20 year and to 118 dwellings for the 2020-2021 year.
7. Based on these targets, the Housing Delivery Test results for 2021 show that 76%[8] of the required homes were delivered in Purbeck over the previous three-year period[9]. Paragraph 73 of the NPPF requires that "the supply of specific deliverable sites should in addition include a buffer of:

    a) 5% to ensure choice and competition in the market for land; or

[8] 2021_HDT_Final_Results_.ods (live.com)

[9] Please note, the number of homes required were reduced by 1 month in 2020 and 4 months in 2021 due to the impact of the Covid pandemic.

b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or

c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply."

8. For the Purbeck area, the Housing Delivery Test result indicates that a 20% buffer needs to be applied to the housing target and that an Action Plan needs to be produced. An Action Plan for the whole Dorset Council area is available on our website.

Table 1: Housing Delivery Test Results 2020/21

	Completions		Target		Housing Delivery Test result
	Annual	3 year total 2019/20	Annual	3 year total 2019/20	2020/21
2018/19	73	353	180	461	76%
2019/20	148		164		
2020/21	132		118		
					Action Plan and 20% buffer

Five Year Housing requirement

9. Five years' worth of the housing target (180dpa) is equivalent to 900 dwellings. 20% needs to be added to this target because of Purbeck's Housing Delivery Test results. And consideration needs to be given to any shortfall in provision since the beginning of the plan period. Paragraph 3-044 of the PPG states that: "The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5-year period (the Sedgefield approach)".

Table 2: Housing delivery shortfall 2018-2021

Year	Housing completions	Housing target	Shortfall
2018/19	73	180	107
2019/20	148	164	34
2020/21	132	118	48
Total	353	461	**189**

10. Paragraph 2a-011 of the PPG does however indicate that "The affordability adjustment is applied to take account of past under-delivery. The standard method identifies the minimum uplift that will be required and therefore it is not a

requirement to specifically address under-delivery separately". This means that any shortfall from *before* the start of the plan period can be ignored for the purposes of calculating the housing requirement for a local plan and for the five-year supply.

11. The completions figure for the 2020/21 year is 132 new dwellings (net) against the revised Local Housing Need target figure of 180 dwellings per annum. This clearly indicates a shortfall in provision of 48 dwellings. This needs to be added to the shortfall from the previous years of 107 and 34 dwellings giving a total shortfall of 189 dwellings which the council aims to address within five years.
12. Table 3 shows the total five year housing requirement taking into account the housing delivery test buffer, annual housing requirement and shortfall of delivery since the beginning of the plan period.

Table 3: Five-year Housing Requirement (2021-2026)

Annual housing target		**180**
Five-year target (2021-2026)	5 x 180	900
Total shortfall to date	(2018/19: 180 - 73 = 107) + (2019/20: 180 - 146 = 34) + (2020/21: 180 – 132 = 48) = 189	189
Shortfall + five-year target	189 + 900	1,089
Housing Delivery Test buffer	20%	
Total five-year housing requirement	1,089 x 1.20	1,306.8
Annualised five-year requirement	1306.8 ÷ 5	261.36

Housing supply

13. In order to fully understand the supply of land available for residential development, it is necessary to assess a number of different sources of supply. Potential sources include extant planning permissions and allocations in Local and Neighbourhood Plans and sites identified through the proposed Policy H8: Small Sites. There are also windfall sites that cannot specifically be identified but contribute significantly to the supply of housing.
14. The different sources of supply identified within the Purbeck Local Plan include:

- minor sites (1 to 9 dwellings) that benefit from planning permission;
- major sites (10 + dwellings) that benefit from planning permission;
- sites allocated within the local plan;
- a windfall allowance;

- sites identified in Neighbourhood Plans;
- small sites policy (H8); and
- rural exception sites.

15. For each of these site categories, different criteria have been used to estimate delivery within five years and therefore the contribution towards the five-year supply. These sources of supply and the assumptions that inform them are considered to accord fully with national policy, namely the deliverability of the sites.

16. A deliverable site for the purposes of the five-year housing land supply is defined in the glossary to the NPPF.

> **Deliverable:** To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:
>
> a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
>
> b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

17. The PPG lists the suitable evidence to demonstrate deliverability as follows:

    - current planning status – for example, on larger scale sites with outline or hybrid permission, progress made towards approving reserved matters, or a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;
    - firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;
    - firm progress with site assessment work; or
    - clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.

18. The list of suitable evidence as suggested in both the PPG and the NPPF are not considered to be exhaustive so where it is necessary the use of other evidence that helps to demonstrate deliverability is justified.

19. The following sections discuss the sites in Purbeck and their deliverability.

Minor sites with planning permission

20. The definition of deliverable in the Glossary to NPPF 2019 states that "sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years". The presumption is therefore that sites with planning consent for less than 10 dwellings are considered deliverable unless there is evidence that the site will not be delivered.

21. As of the base date of 1 April 2021 there were 177 homes benefiting from planning consent on sites of 1 to 9 dwellings.

Major sites with planning permission

22. Major development sites (those of 10 dwellings or more) are considered in a different way to minor sites. The definition of deliverable states that "where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years". Each site is considered separately taking into account the site detail, developers input, conditions discharged and progress made towards implementation. For this reason, it is not appropriate to apply a blanket discount rate to large development sites as this more detailed assessment has been undertaken on a site by site basis.

23. As of the base date of 1 April 2021 there were 193 homes benefiting from planning consent on sites of 10 or more dwellings.

Sites allocated in Local Plans

24. Within the submitted Purbeck Local Plan and the Swanage Local Plan, there are a number of new sites proposed for allocation of which 362 are considered deliverable within 5 years. These sites are set out in Table 4.

Table 4: Sites allocated in Local Plans

Settlement	Site location	Total capacity	Contribution to five-year supply
Purbeck Local Plan Sites			
Upton	West of Watery Lane	90	92
Lytchett Matravers	Blaney's Corner	25	25
	East of Flowers Drove	30	30
	East of Wareham Road	95	95
Moreton Station	Redbridge Pit	490+65 extra care units	0

Wool	West of Chalk Pit Lane / Oakdene Road	320+65 extra care units	0
	North of Railway Line	30	30
	North East of Burton Cross Roundabout	90	0
	North West of Burton Cross Roundabout	30	0
Swanage Local Plan sites			
Swanage	Northbrook Road East	90	90
TOTAL		**1,422**	**362**

West of Watery Lane, Upton

25. Wyatt Homes have submitted a full planning application for 92 dwellings on the land at Policemans Lane, Upton. The application was registered in January 2020 (app ref 6/2019/0717) and is awaiting determination pending the outcome of the Local Plan review process. This is the second phase of development at Policemans Lane and much of the infrastructure for phase 2 (SANG, drainage systems, utilities connections, etc) is already in place from the phase 1 development. This means that construction can commence swiftly following grant of planning permission and discharge of pre-commencement conditions. Based on experience of the phase 1 development, there is pent up demand for new homes in the Upton area and it is anticipated that good sales rates can be achieved.

26. Wyatts are currently preparing a planning application for an extension to the SANG at Policemans Lane. Whilst the existing SANG has capacity to serve the Policemans Lane Phase 2 development, the SANG extension will help provide mitigation for housing growth in the wider area.

Lytchett Matravers sites

27. Wyatt Homes undertook public consultation on proposals for the sites at Lytchett Matravers in September 2020. A full planning application for 95 homes on the land to the east of Wareham Road (ref 6/2021/0282) was submitted in May 2021 and a full planning application for 25 homes on land at Blaneys Corner (ref P/FUL/2022/0195) was submitted in February 2022, both applications are awaiting determination pending the outcome of the Local Plan review process. A full planning application for the land east of Flowers Drove is being prepared for submission in Q3 2022.

28. The planning application for the SANG at Flowers Drove (app ref 06/2019/0530) has been granted planning permission. The SANG land is in the ownership of Wyatt Homes and would serve the proposed development sites in Lytchett Matravers (land east of Wareham Road, land at Blaneys Corner, and land to the east of Flowers Drove). It also has further capacity to provide mitigation for housing growth in the wider area.

29. Lytchett Matravers is a popular village with a good school and it is anticipated there will be strong demand for new homes in this location.

Moreton Station/Redbridge Pit

30. Although Moreton Station/Redbridge Pit estimates a conservative number of completions per year this is based on one developer being on site at once. In reality it is planned for two developers to be on site at once and therefore the number of completions would most likely be higher.

Wool sites

31. The revised trajectory has taken into account the current 3 year delay in the Local Plan.
32. A planning application is currently being determined for the site to the north of the railway line at Wool. We expect an outline planning application for the remainder of the sites this year. All of the sites in Wool are under the same ownership and are therefore considered together.

Northbrook Road East

33. Application number 6/2021/0314 was unvalidated in April 2021 (it is now pending decision). The proposal was for the demolition of the former school, buildings and structure, and the erection of 90 dwellings with new vehicular access from Northbrook Road.
34. The site is allocated in the Swanage Local Plan, is included within the Strategic Housing Land Availability Assessment (SHLAA) and the PDL land on this site is listed on the Council's Brownfield land register.
35. There is sufficient evidence to demonstrate its deliverability as there is clear evidence of activity by the developer to deliver the site having submitted a planning application that is now approved and having an active site next door at Northbrook Road West (Compass Point).

Sites identified in Neighbourhood Plans

36. Across the Purbeck Local Plan area there are a number of neighbourhood plan areas designated and neighbourhood plans are at varying stages of production. Of these plans, the Bere Regis Neighbourhood Plan and the Wareham Neighbourhood Plan make housing allocations which will contribute 277 homes towards the overall housing supply and 115 are considered deliverable within the 5-year period.

Bere Regis Neighbourhood Plan

37. The Bere Regis Neighbourhood Plan was made part of the development plan on 25 June 2019. The plan allocates 5 separate development sites contributing a total of 105 dwellings to the overall supply and 20 homes within 5 years.
38. An application (6/2020/0013) for 17 homes at White Lovington was approved at committee and an application (6/2021/0249) for 3 homes was under officer consideration in April 2021 (now approved). These sites, in addition to being

allocated in the neighbourhood plan, show clear evidence of deliverability within 5 years.

39. For clarity the sites and their anticipated supply are listed in Table 5.

Table 5: Shows sites allocated in the Bere Regis Neighbourhood Plan

Site name	Allocated supply	Supply deliverable within 5 years
White Lovington	17	17
Tower Hill	3	3
Former School	23	0
Back Lane	55	0
North Street	12	0
TOTAL	**110**	**20**

Wareham Neighbourhood Plan

40. The Wareham Neighbourhood Plan was made part of the development plan on 8 November 2021. The plan allocates 6 separate development sites contributing a total of 205 dwellings, plus 100 homes as a result of predicted windfall development, to the overall supply.

41. The numbers proposed in the Purbeck Local Plan 2018-2034 supply are slightly different due somewhat to how care provision is calculated in housing supply, and how some of the sites are progressing.

42. Table 6 shows the sites allocated in the Wareham Neighbourhood Plan and the following section will explain why the land supply in the Purbeck Local Plan 2018-2034 is different.

Table 6: Shows sites allocated in the Wareham Neighbourhood Plan

Site	Wareham Neighbourhood Plan supply
Wareham Middle School Anglebury Court (Bonnett's Lane)	100
Hospital site	40
Gas works	20
Westminster Road Industrial Estate	30
Johns Road	15
Windfall	100
TOTAL	**305**

Windfall

43. The windfall allowance included in the Wareham Neighbourhood Plan are not counted separately within the five year supply as they are counted within the overall windfall estimate for the Purbeck.

Wareham Health Hub

44. The Middle School site and Angelbury Court are owned by Dorset Council and the Hospital Site is owned by Dorset Healthcare Trust. Dorset Council and Dorset Healthcare Trust were proposing to use these sites to create a care village known as 'Wareham Health Hub'. This is supported by Policy I6 within the

Purbeck Local Plan 2018-2034 which allocates the site for this use and specifies the Health Hub's intentions.

45. The Wareham Health Hub proposals have undergone detailed masterplanning, are informed by technical assessments and extensive consultation.

46. The proposals for Wareham Health Hub included the relocation of the GP Surgery, Hospital and Ambulance Station together with other elements of care found in and around Wareham such as specialist dementia services. The Middle School site proposed the provision of a 69-bed care home, nursery and 22 affordable homes, the hospital/GP/ambulance station site proposed 40 homes and Anglebury Court (Bonnetts' Lane) site proposed the provision of 60 extra care units.

47. Unfortunately, Dorset Healthcare Trust are no longer intending to redevelop the hospital site and, as such, this site has been removed from the supply.

Adjustments for care provision

48. The proposals for the Middle School site include a 69-bed care home (C2 use) and 22 affordable homes. Due to care provision being proposed, the council must take into account paragraph 11 of the Housing Delivery Test Measurement Rule Book[10]. The rule book states that C2 care provision bed spaces should be divided by 1.8 to find an equivalent number of 'mainstream' homes.

    - Step 1: Discount the care provision by dividing the total number of bedspaces proposed by 1.8

      69/1.8 = 38.3

    - Step 2: Add the 22 non care homes to this figure

      38.3 + 22 = 60.333.

    - Result: 60 homes can be counted towards the housing supply from the Middle School site after calculating the care provision as set out in paragraph 11 of the Housing Delivery Test Measurement Rule Book.

49. The proposals for Anglebury Court site includes the loss of the existing 32 bed nursing home (C2 use) and a gain of 60 extra care homes (C3 use).

    - Step 1: Discount the care provision loss by dividing the total number of bedspaces by 1.8

      -32 / 1.8 = -17.7

    - Step 2: Add the 60 extra care units

      -17.7 + 60 = 42.2

[10] Accessed at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728523/HDT_Measurement_Rule_Book.pdf

- Result: 42 homes can be counted towards the housing supply from the Middle School site after calculating the care provision as set out in paragraph 11 of the Housing Delivery Test Measurement Rule Book.

Total housing numbers at Wareham

50. In conclusion the total number of homes planned for Wareham is reduced from the 205 homes as shown in the Wareham Neighbourhood Plan (not including windfall estimates) to 167 homes due to changes to the proposals for the health hub and calculations to include monitoring of C2 uses.

51. The updated total housing supply and a breakdown of the deliverable net supply within the next five years can be seen in Table 8.

Table 8: Shows Neighbourhood Plan proposals

Site	Wareham Neighbourhood Plan supply	Supply remaining (taking into account site progression as well as care provision and paragraph 11 of the HDT measurement rule book)	Supply deliverable within 5 years
Wareham Middle School	100	60	60
Anglebury Court		42	0
Gas works	20	20	0
Hospital site	40	0	0
Westminster Road Industrial Estate	30	30	30
Johns Road	15	15	5
TOTAL	**205**	**167**	**95**

Total supply from Neighbourhood Plans

52. As shown in Table 9, the total supply provided by both Neighbourhood Plans is 277 new homes over the plan period. However, due to the nutrient neutrality requirement, none of these are considered deliverable within the next 5 years.

Table 9: Neighbourhood Plan supply

Neighbourhood Plan	Total supply	Contribution to five-year supply
Bere Regis	110	20
Wareham	167	95
TOTAL	**277**	**115**

Windfall allowance

53. National policy specifically recognises the importance of windfall sites in delivering homes with windfall sites being defined as those which are developed but are not specifically identified in the development plan.

54. Allowances for windfall sites can be included in the five-year supply as set out in paragraph 3-24 of the PPG. Any assessment of windfall does however need to be based on compelling evidence in accordance with NPPF paragraph 70. "Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends".

55. For the Purbeck area, a windfall delivery rate has been calculated through a detailed review of completed sites over the preceding five years. Sites that were originally allocated through a local plan have been removed from the windfall calculations. In addition, the consent granted to the permanent residential use of static caravans in Organford has been removed from the calculation as these are not regarded as a typical windfall development.

56. The total number of dwellings completed on windfall sites for each of the preceding 5 years and the windfall allowance of 80.4 dwellings per annum is set out in Table 10. 160.8 of these can be considered deliverable within 2024/25 and 2025/26 so as to avoid double counting with minor and major applications in the first 3 years of the 5 year housing land supply.

Table 10: Windfall allowance

Year	2016/17	2017/18	2018/19	2019/20	2020/21	Average windfall completions
Windfall completions	44	52	73	113[11]	120	80.4 dwellings per annum

Rural exception sites

57. Rural exception sites will deliver primarily affordable housing in rural areas where there is an identified need. Currently there are no rural exception sites in Purbeck that do not already benefit from planning consent.

Small sites (Policy H8)

58. All small sites that come forward over the lifetime of the plan will be counted within the Major or Minor planning application sections of subsequent reports. As none have planning permission, and the requirement to demonstrate Nutrient Neutrality is in place, none have been counted towards delivery over the next five years.

Total five-year supply

[11] Removes Prospect Farm and Compass Point completions from the windfall from this year as they were allocations in the Swanage Local Plan

59. The total deliverable supply from the sources outlined in this section is set out in Table 11. Since the beginning of the plan period 351 dwellings have been completed.

60. In addition to the 351 already delivered, the plan makes provision for an additional 3,019 dwellings shown in Table 11 below. It is estimated that 210 of these homes are to be delivered beyond the plan period at Moreton Station/Redbridge Pit.

61. It is appropriate to apply a discount to some of the 5-year supply. Typically, capacity on Local Plan allocations and Neighbourhood Plan allocations are based on estimates and therefore it is appropriate to discount these estimates by 10%. Major and minor sites are however consented with the site capacity based on detailed design and site analysis and therefore a smaller discount of 5% is applied. Table 11 shows the impact of this on the supply.

Table 11: Total deliverable supply

Supply source	Total supply	Supply deliverable within 5 years	Discounted 5 year supply
Minor sites with planning permission	177	177	168.15
Major sites with planning permission	193	163	154.85
Local Plan allocations	1,422	362	325.8
Neighbourhood Plan Allocations	277	115	103.50
Rural Exception Sites	0	0	0
Windfall Allowance	804	160.8	160.8
Small Sites policy (H8)	146	0	0
TOTAL	**3,019**[12]	**977.8**	**913.1**

Five-year supply conclusion

62. The requirement to maintain a supply of deliverable sites to provide a minimum of five years' worth of housing against the housing requirement is derived from national policy. For the Purbeck Local Plan area and for the period 2020-2025,

[12] In addition to the development above the sites at Wool and Moreton Station have requirements for the delivery of 65 extra care homes at both locations. They have not been counted in the overall supply.

this supply requirement has been calculated as 1,306.8 dwellings as shown in Table 3 and 12 equivalent to 261.36 dwellings per year.

63. The supply of deliverable sites that make up the five-year supply for the 2021 to 2026 period is as set out in Table 11. The total deliverable supply is 913.1 dwellings based on the most up to date information at 1 April 2021.

64. This supply of deliverable sites is equivalent to 3.49 years of supply, as set out in Table 12.

Table 12: Five-year supply calculation

Supply requirement		
Annual Housing Requirement	180	180
Five-year target (2020-2025)	180 x 5	900
Plus Housing Shortfall since 2018	900 + 189	1,089
Plus 20% buffer	1,089 x 1.20	1,306.8
Annualised requirement	1,306.8 ÷ 5	261.36
Deliverable Supply including discount		
Minor sites with planning permission (5% discount)		168.15
Major sites with planning permission (5% discount)		154.85
Local Plan allocations (10% discount)		325.8
Small Sites policy (H8) (10% discount)		103.50
Neighbourhood Plan Allocations (10% discount)		0
Rural Exception Sites (0% discount)		0
Windfall Allowance (already discounted when calculating)		160.8
Total supply		**913.1**
Calculation of five year housing land supply		
Deliverable Supply ÷ Annualised Requirement	913.1 / 261.36	**3.49 years**

65. The council is unable to identify sufficient deliverable supply for the 2021 to 2026 period taking into account the completions in the 2020/21 year.

Table 13: Shows predicted build out of sites

	Commitment Total	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2028/39	2039/40
Permissions - Minor	177	51	88	51	49	33	52	37	6	0	0	0	0	0	0	0	0	**0**	**0**	**0**	**0**	**0**	**0**
Permissions - Major	193	22	58	80	39	51	58	10	5	10	10	10	0	0	0	0	0	0	**0**	**0**	**0**	**0**	**0**
Allocations	1292	0	0	0	0	10	85	165	102	120	110	145	145	115	110	70	35	35	35	35	35	35	35
Wool	*470*				**0**	**0**	**0**	***30***	**0**	*75*	*75*	*95*	*95*	*75*	*70*	*30*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*
Moreton Station	*490*				**0**	**0**	**0**	**0**	**0**	*50*	*50*	*50*	*50*	*40*	*35*	*35*	*35*	*35*	*35*	*35*	*35*	*35*	*35*	*35*
Lytchett Matravers	*150*				**0**	**0**	***40***	**55**	**55**	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*
Upton	*92*				**0**	**0**	**0**	***45***	***47***	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*
Swanage	*90*				**0**	**10**	**45**	**35**	**0**	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*
Small sites	146				0	0	0	0	0	41	19	40	27	4	15	0	0	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Neighbourhood Plans	235			0	0	15	28	37	35	40	37	0	33	10	0	0	22	20	**0**	**0**	**0**	**0**	**0**	**0**
Rural Exception Sites	0				**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Windfall	643							80.4	80.4	80.4	80.4	80.4	80.4	80.4	80.4	80.4	80.4	80.4	**0**	**0**	**0**	**0**	**0**	**0**
Total supply	**2,856**	**73**	**146**	**132**																			

Plan period

Appendix 1: Minor sites with planning permission

Location	Reference	Net gain of dwellings
Seabank Lodge, 4 Ulwell Road, Swanage, BH19 1LH	6/2017/0176	2
37 Commercial Road, Swanage	6/2015/0727	1
68 Queens Road, Swanage BH19 2EX	6/2016/0472	1
3 Highcliffe Road, Swanage, Dorset. BH19 1LW.	6/2016/0276	1
Knapp Stores Limited, 198 High Street, Swanage, BH19 2PQ	6/2017/0439	2
128-132 High Street, SWANAGE, BH19 2PA	6/2018/0105	1
Hillcrest, 8 Durlston Road, Swanage, BH19 2DL	6/2018/0577	4
5- Land adjacent to Olive Cottage, Cliff Place, Marshall row BH19 2PL	6/2016/0733	1
Land adj. 1A Battlemead, Swanage, BH19 1PH	6/2019/0492	1
15C Commercial Road, Swanage, BH19 1DF	6/2018/0076	1
78 Ulwell Road, Swanage, BH19 1LN	6/2018/0411	1
Castleton Hotel 1 Highcliffe Road Swanage BH19 1LW	6/2018/0447	1
The Reading Room, 36 Bell Street, Swanage, BH19 2SA	6/2019/0073	1
251 High Street, Swanage, BH19 2NG	6/2018/0556	2
53A Queens Road, Swanage, BH19 1LW	6/2018/0447	1
Land to the west of York Cottage, Russell Avenue, Swanage, BH19 2ED	6/2019/0625	1
4 Russell Avenue, Swanage, BH19 2EB	6/2019/0045	1
27 Station Road, Swanage, BH19 1AD	6/2019/0366	1
10 The Parade Swanage BH19 1DA	6/2019/0609	2
3 De Moulham Road, Swanage, BH19 1NP	6/2019/0648	4
Swanage Police Station, Argyle Road, Swanage, BH19 1HZ	6/2020/0226	6
1 Ballard Road, Swanage, BH19 1NG	6/2020/0342	0
Land adjacent to 41 Jubilee Road, Swanage, BH19 2SE	6/2020/0430	1
Units A and B Tilly Whim Mews Swanage BH19 1EH	6/2019/0682	2
1 Bon Accord Road, Swanage, BH19 2DN	6/2020/0027	1
Land at Priests Road, Swanage, BH19 2RL	6/2020/0154	3
48 Victoria Avenue, Swanage, BH19 1AP	6/2020/0218	4
Flat 3 & 4 135 High Street Swanage BH19 2NB	6/2020/0257	-1
Purbeck Heights, Priests Way, Herston, Swanage, BH19 2RS	6/2020/0432	8
16 Sandy Lane, Upton, Poole, BH16 5EL	6/2020/0081	1
Park Farm Cottage, Poole Road, UPTON BH16 5LW	6/2017/0323	-1
71 Dorchester Road, Upton BH16 5NN	6/2019/0249	1
20 Heights Approach, Upton, BH16 5QZ	6/2019/0407	1
635 Blandford Road, Upton, BH16 5ED	6/2020/0111	3
Land rear of 140 Dorchester Road Upton BH16 5NX	6/2020/0123	1
4 Poole Road, Upton, BH16 5JA	6/2019/0680	9
Cottee and son, East Street, Wareham, BH20 4NR	6/2018/0611	2
Store to r/o 18 & 20 South Street, Trinity Lane, Wareham	6/2020/0312	1
18 West Street, Wareham BH20 4JX	6/2019/0185	1

West Mill Farm, Wareham Common, Wareham, BH20 6AA	6/2018/0084	4
132 Northmoor Way, Wareham	6/2019/0397	1
35 Sherford Close, Wareham, BH20 4JL	6/2018/0539	1
12 to 16 Bere Road, Wareham BH20 4DD	6/2020/0239	1
149 Northmoor Way, Wareham, BH20 4EH	6/2019/0390	1
Sandford General Stores, Sandford Road, Sandford, Wareham, BH20 7AF	PDR/2020/0001	2
12 to 16 Bere Road, Wareham BH20 4DD	6/2020/0239	3
Land rear of 9 & 9A Daniel Drive, Wareham, BH20 4RU	6/2020/0417	1
Land adj 8 Arundel Terrace, Langton Matravers	6/2017/0343	1
Home Farm, Dorchester Road, Winfrith Newburgh, Dorchester, DT2 8DD	6/2019/0029	1
Knoll Cottage Caravan Park, Gatemore Road, Winfrith Newburgh, Dorchester, DT2 8LD	6/2018/0324	4
West Lulworth C of E Primary School, School Lane, West Lulworth, Wareham, BH20 5SA	6/2018/0653	9
Barn at Langcotes, Pigeon Close, Winfrith Newburgh, DT2 8JP	6/2019/0667	1
The Old Malthouse, High Street, Langton Matravers BH19 3HB	6/2019/0604	3
Palafox, The Hyde, Langton Matravers, Swanage, BH19 3HE	6/2020/0056	2
12 Capston Field, Langton Matravers, Swanage, BH19 3HP	6/2020/0353	1
Former cow shed, West Burton Farm, Winfrith Newburgh, Dorchester, DT2 8DD	6/2016/0333	1
Kemps Country House, East Stoke, Wareham, BH20 6AL	6/2019/0090	6
Abbascombe Farm, Worth Matravers BH19 3LF	6/2018/0410	1
Adele, Arne Road, Ridge, Wareham, BH20 5BH	6/2020/0327	1
Nursery Bridge Farm, Valley Road, Harmans Cross, Swanage, BH19 3DX	6/2020/0041	1
Land south of North Lease Farm, Knitson To Valley Road, Knitson, Corfe Castle, BH20 5JB	6/2020/0449	1
Downshay Farm, Haycrafts Lane, Harmans Cross, Swanage, Dorset, BH19 3EB	6/2017/0030	1
Knolldown Valley Road Harmans Cross BH20 5HU	6/2019/0686	1
Morden Mill & Farmhouse, West Morden, Wareham, BH20 7DJ	6/2019/0664	2
Luckford Wood Camp Site, Holme Lane, East Stoke BH20 6AP	6/2019/0367	1
Plot at Kingston Lane, Worth Matravers, BH19 3LE	6/2019/0470	1
Blackdown House Farm, The Hollow, Briantspuddle, DT2 7HX	6/2018/0037	3
West Morden Dairy, Kings Lane, West Morden, BH20 7EA	6/2015/0019	1
6 Colliers Lane, Wool, Wareham, BH20 6DL	6/2019/0241	1
3 Hopmans Close, Lytchett Matravers, Poole, BH16 6AY	6/2018/0374	1
Redbridge Farm, Dolmans Hill, Lytchett Matravers BH16 6HP	PDA/2016/0002	1
The Walled Garden, Colehill Road, Lytchett Matravers, Poole, BH16 6BS	6/2018/0081	1
Northhouse Farm, Huntick Road, Lytchett Matravers, BH16 6BB	6/2018/0696	2
Owls Farm, Dolmans Hill, Lytchett Matravers BH16 6HP	PDA/2020/0001	1
The Shooting Box, Middle Road, Lytchett Matravers BH16 6HJ	6/2019/0441	2
Whytewood Lodge, Jennys Lane, Lytchett Matravers, BH16 6BP	6/2019/0453	3
16 Foxhills Crescent, Lytchett Matravers BH16 6BE	6/2017/0511	1

Old Dairy Cottage, Woolgarston Road, Corfe Castle, BH20 5JD	6/2019/0561	1
12 King George V Road, Bovington BH20 6JQ	6/2019/0247	3
53 Spring Street, Wool, BH20 6DB	6/2020/0012	1
Bovington Shopping Centre, King George V Road, Bovington, BH20 6JQ	6/2019/0523	7
Tanglefoot, East Burton Road, Wool, Wareham, BH20 6HF	6/2020/0635	1
Bluebell Lodge, 142A Rye Hill, Bere Regis	6/2018/0428	1
Oak Ridge, Flowers Drove, Lytchett Matravers, BH16 6BX	6/2020/0204	1
Lyndale, Middle Road, Lytchett Matravers, Poole, BH16 6HJ	6/2020/0242	0
164 Wareham Road, Lytchett Matravers, Poole, BH16 6DT	6/2020/0314	1
73 West Street, Bere Regis, Wareham, BH20 7HL	6/2020/0334	1
Yearlings Poultry Farm, Bere Regis, Wareham, BH20 7LS	PDA/2020/0004	4
24 West Street, Corfe Castle, Wareham, BH20 5HD	6/2020/0141	2
Bovington Shopping Centre, King George V Road, Bovington, BH20 6JQ	PDR/2020/0002	3
The Potting Shed, Glebe House, Bucknowle BH20 5NS	6/2019/0340	1
Garages off Knowle Hill, rear of 29-32 Knowle Hill, Wool, BH20 6DG	6/2020/0131	4
Former Royal British Legion Club, Wimborne Road, Lytchett Matravers, Poole, BH16 6HQ	6/2018/0645	3
		177

Appendix 2: Major sites

Location of site	Status	Application reference	Number of new dwellings remaining
Compass Point, Land west of Northbrook Road, Swanage	Under construction	6/2017/0713	6
Rowlands Wait Caravan Park, access road To Blackhill Clump, Rye Hill, Bere Regis, BH20 7LP	Under construction	6/2018/0670	35
Land at Huntick Road, Lytchett Matravers	Under construction	6/2021/0044	46
Spyway Orchard, Durnford Drove, Langton Matravers, BH19 3HG	Under construction	6/2018/0606	28
Manor Farm Caravan Park, Church Lane, East Stoke BH20 6AW	Under construction	6/2018/0675	23
Former St Marys School, Manor Road, Swanage, BH19 2BH	Not started	6/2018/0493	30
Land adjacent to Wessex Water Reservoir, Purbeck Road, Lytchett Matravers	Under construction (as of 2021)	6/2018/0287	25
			193

Appendix 3: Evidence of progress towards delivery

[redacted]

From: [redacted]
Sent: 22 June 2022 10:52
To: [redacted]
Cc:
Subject: Purbeck LP Housing Trajectory

Importance: High

[redacted]

Further our telecon on Friday, please see our revised trajectory. I did plan to get this off to you yesterday, as agreed, but Wimborne had a power cut knocking out our wifi.

Our revised trajectory has taken into account the current 3 year delay in the Local Plan and continuing uncertainty about the Nutrient Neutrality issue. It also factors in the fact that we have made substantial progress with a full planning application on Plot H.

15 YEAR PLAN PERIOD		18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	
Wool	470						30	70	70	95	95	75	35				Original
Wool	470							30		70	70	95	95	75	35		Revised

Regards

[redacted]

Savills, Wessex House, Priors Walk, East Borough, Wimborne, BH21 1PB

[redacted]

Before printing, think about the environment.

1

[redacted]

From: [redacted]
Sent: 17 June 2022 17:42
To: [redacted]
Subject: Re: Site trajectory for Purbeck Local Plan 2018-2034 5 year housing land supply report

Dea[redacted]

I have set out below our current build programme for housing completions on the Wyatt Homes sites at Upton and Lytchett Matravers. This is based on the assumption that the Local Plan will be adopted later this year alongside a revised CIL Charging Schedule and confirmation of the approach regarding nutrient neutrality: timely progress on these matters is important for housing delivery.

Projected housing completions for Upton and Lytchett Matravers

	2022/2023	2023/2024	2024/25	2025/2026	2026/2027
Upton	-	-	45	47	
Lytchett Matravers	-	-	40	55	55

An update on the individual sites is set out below.

Upton

Wyatt Homes has submitted a full planning application for 92 dwellings on the land at Policemans Lane, Upton. The application was registered in January 2020 (app ref 6/2019/0717) and is awaiting determination pending the outcome of the Local Plan review process. This is the second phase of development at Policemans Lane and much of the infrastructure for phase 2 (SANG, drainage systems, utilities connections, etc) is already in place from the phase 1 development. This means that we are in a position to commence construction swiftly following grant of planning permission and discharge of pre-commencement conditions. Based on our experience of the phase 1 development, there is pent up demand for new homes in the Upton area and we anticipate that good sales rates can be achieved.

We are currently preparing a planning application for an extension to the SANG at Policemans Lane. Whilst the existing SANG has capacity to serve the Policemans Lane Phase 2 development, the SANG extension will help provide mitigation for housing growth in the wider area.

Lytchett Matravers

Wyatt Homes undertook public consultation on our proposals for the sites at Lytchett Matravers in September 2020. A full planning application for 95 homes on the land to the east of Wareham Road (ref 6/2021/0282) was submitted in May 2021 and a full planning application for 25 homes on land at Blaneys Corner (ref P/FUL/2022/0195) was submitted in February 2022, both applications are awaiting determination pending the outcome of the Local Plan review process. A full planning application for the land east of Flowers Drove is being prepared for submission in Q3 2022.

The planning application for the SANG at Flowers Drove (app ref 06/2019/0530) has been granted planning permission. The SANG land is in the ownership of Wyatt Homes and would serve the proposed development sites in Lytchett Matravers (land east of Wareham Road, land at Blaneys Corner, and land to the east of Flowers Drove). It also has further capacity to provide mitigation for housing growth in the wider area.

Lytchett Matravers is a popular village with a good school and we anticipate strong demand for new homes in this location.

I trust this is of assistance as you prepare the updated five year land supply report.

Kind regards.

[redacted]

1

[redacted]

Wyatt Homes
1 Parkstone Road, Poole, Dorset, BH15 2NN

[redacted]

Web: www.wyatthomes.co.uk

From: [redacted]
Date: Wednesday, 8 June 2022 at 19:03
Subject: Site trajectory for Purbeck Local Plan 2018-2034 5 year housing land supply report

Good afternoon all

I hope you are well. It has been a while since we last spoke and I hope you've all been following the progression of the Purbeck Local Plan 2018-2034 on the Councils website.

We are now in a position to publish last year's (2021) 5 year housing land supply report in order to consult on it following the hearing scheduled for 19 July 2022. In order to finalise this, I would like to check whether the trajectories I have are agreeable/still relevant to you all.

I've attached the draft trajectory and conclusions. I hope you can either confirm the trajectory as satisfactory or provide me with alternative build out rates that are your current best estimate. Please can you do this **by 17 June 2022**.

If you need to discuss anything with me or if you'll struggle to reach the deadline please feel free to get in touch. Thank you, as ever, for your assistance.

Kind regards

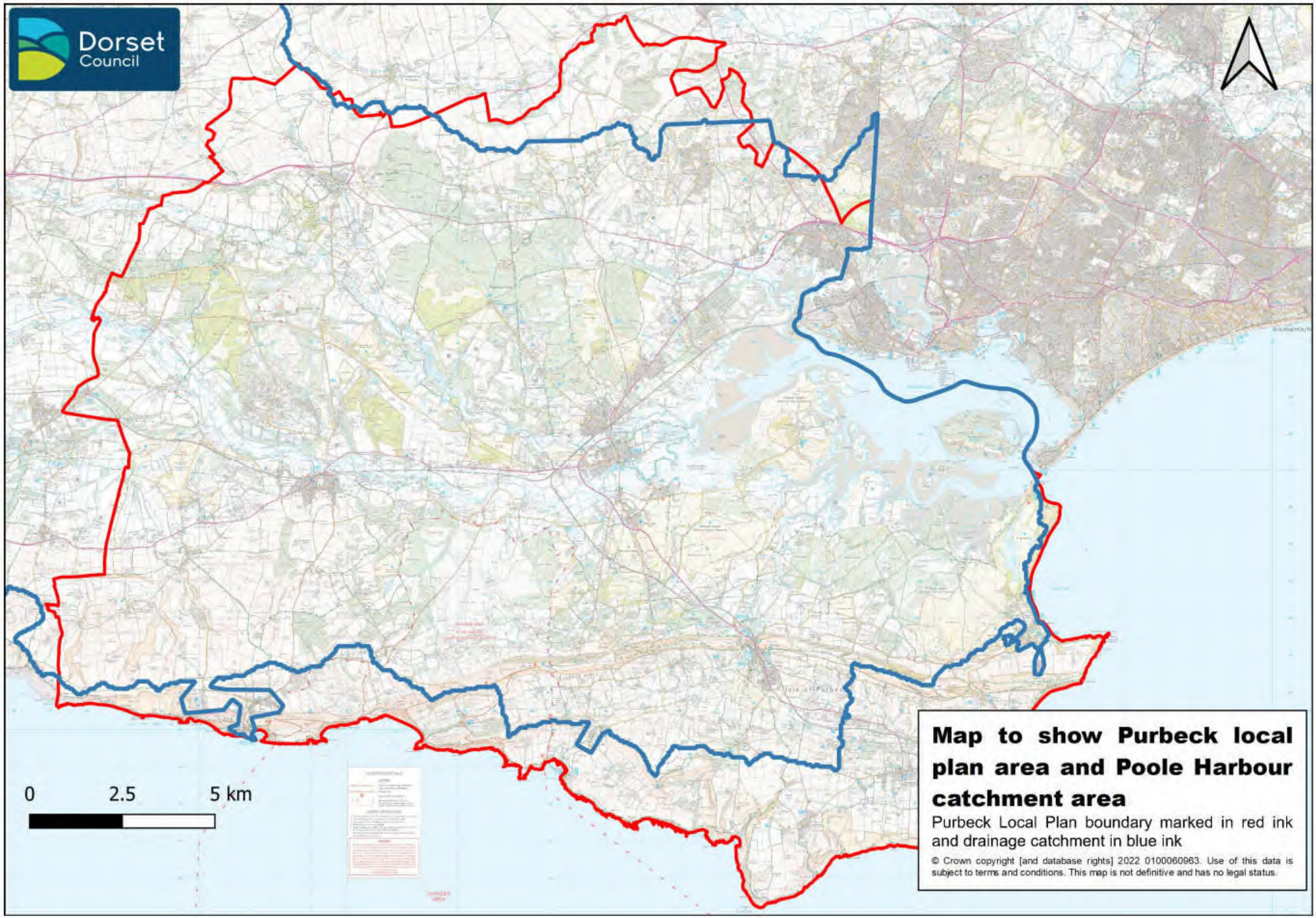
[redacted]

Dorset Council

[redacted]
dorsetcouncil.gov.uk

2

Appendix 6: Map to Purbeck Local Plan area and Poole Harbour Catchment


Dorset Council
0
2.5
5 km
Map to show Purbeck local plan area and Poole Harbour catchment area
Purbeck Local Plan boundary marked in red ink and drainage catchment in blue ink
© Crown copyright [and database rights] 2022 0100060963. Use of this data is subject to terms and conditions. This map is not definitive and has no legal status.

Appendix 7: Supporting text and policies in the submission draft and Proposed Main Modifications to the Purbeck Local Plan

Submission draft supporting text (paragraphs 86 to 91) and Policy E9

86. Poole Harbour provides a resource for a variety of local businesses and port activities. The quality of the natural environment in Dorset makes it an attractive place to live, work and for recreation and leisure. However, increasing nitrogen levels from sewage and agriculture are contributing to the growth of algal mats in the harbour, restricting the growth, distribution and variety of important food available for wading birds protected under European law and smothering estuarine habitats. Evidence shows that there are two particular pressures on the harbour: nitrate pollution; and recreational issues. The Poole Harbour Nutrient Management Plan identifies a need to reduce nitrogen in the harbour. The majority of nitrogen is generated by agriculture, but a proportion is generated from human sewage.
87. The Council, in planning for population growth and tourism, has to ensure that additional nitrogen from sewerage generated by such developments in the catchment of Poole Harbour is mitigated. Mitigation can be 'direct' through upgrading sewage treatment works or ‘indirect’ by offsetting the nitrogen generated from new development by taking land out of a nitrogen intensive use, e.g. fields where nitrogen fertiliser is applied, or projects based on alternative technologies to remove nitrogen from water courses or effluent.
88. The joint Nitrogen Reduction in Poole Harbour SPD 2017, sets out an approach to calculating the impact of development and calculation of appropriate developer contributions or other obligations to enable mitigation of the adverse effects of development.
89. Recreational pressures can also have a harmful effect on Poole Harbour. More activity within the harbour and on the shoreline, through activities like boating and dog walking, can disturb protected birds. The Council is working with the Borough of Poole on the development of a Recreation in Poole Harbour SPD. This SPD will provide detailed guidance on potential mitigation for development and projects to mitigate potential harm to Poole Harbour.
90. The Poole Harbour Aquatic Management Plan (2006), supported by the Poole Harbour Steering Group of which the Council is a member, considers ways of maintaining sustainable levels of economic and social activity within the harbour and its hinterland, while protecting its natural environment.
91. The Recreation in Poole Harbour SPD is intended to facilitate small developments coming forward which individually would be unable to provide sufficient mitigation measures over the necessary timescale.

Policy E9: Poole Harbour

Proposals for development will not be permitted that would lead to any adverse effects upon the integrity, either alone or in combination directly or indirectly of the Poole Harbour SPA, SSSI and Ramsar site.

Nitrogen neutrality

Development proposals for any net increase in homes, tourist accommodation or a tourist attraction, will provide mitigation in accordance with the advice set

out in The Nitrogen Reduction in Poole Harbour SPD, if the sewerage drains into the Poole Harbour catchment. **Recreational effects**

The Council is working with the Borough of Poole to develop a Recreation in Poole Harbour SPD. Development proposals for any net increase in homes, tourist accommodation or a tourist attraction around the edges of the harbour (as defined in the SPD) will need to avoid or mitigate adverse impacts arising from recreational activity on Poole Harbour.

Proposed Main modifications (MM21)

86. Poole Harbour provides a resource for a variety of local businesses and port activities. The quality of the natural environment in Dorset makes it an attractive place to live, work and for recreation and leisure. However, increasing nitrogen levels from sewage and agriculture are contributing to the growth of algal mats in the harbour, restricting the growth, distribution and variety of important food available for wading birds protected under European law and smothering estuarine habitats. Evidence shows that there are two particular pressures on the harbour: nitrate pollution; and recreational issues. The Poole Harbour Nutrient Management Plan identifies a need to reduce nitrogen in the harbour. The majority of nitrogen is generated by agriculture, but a proportion is generated from human sewage.
87. The Council, in planning for population growth and tourism, has to ensure that additional nitrogen from sewerage generated by such developments in the catchment of Poole Harbour is mitigated. Mitigation can be 'direct' through upgrading sewage treatment works or ‘indirect’ by offsetting the nitrogen generated from new development by taking land out of a nitrogen intensive use, e.g. fields where nitrogen fertiliser is applied, or projects based on alternative technologies to remove nitrogen from water courses or effluent.
88. The joint Nitrogen Reduction in Poole Harbour SPD 2017, sets out an approach to calculating the impact of development and calculation of appropriate developer contributions or other obligations to enable mitigation of the adverse effects of development.
89. Recreational pressures can also have a harmful effect on Poole Harbour. More activity within the harbour and on the shoreline, through activities like boating and dog walking, can disturb protected birds. The Council ~~is working with the Borough of Poole on the development of~~ **has adopted Poole Harbour** Recreation **2019 – 2024 Supplementary Planning Document** ~~in Poole Harbour SPD~~. This SPD ~~will~~ provides detailed guidance on potential mitigation for development and projects to mitigate potential harm to Poole Harbour.
90. The Poole Harbour Aquatic Management Plan (2006), supported by the Poole Harbour Steering Group of which the Council is a member, considers ways of maintaining sustainable levels of economic and social activity within the harbour and its hinterland, while protecting its natural environment.
91. The Recreation in Poole Harbour SPD is intended to facilitate small developments coming forward which individually would be unable to provide sufficient mitigation measures over the necessary timescale.

Policy E9: Poole Harbour

~~Proposals for d~~**D**evelopment will ~~not~~ **only** be permitted ~~that~~ **where it** would **not** lead to any adverse effects upon the integrity, either alone or in combination directly or indirectly of the Poole Harbour SPA, SSSI and Ramsar site.

Nitrogen neutrality

Development proposals for any net increase in **residential development** ~~homes~~, tourist accommodation or a tourist attraction, **where the sewage drains into the Poole Harbour catchment** will provide **avoidance**/mitigation **measures to ensure the development is neutral for nitrogen and does not have an adverse effect on the integrity of the site** ~~in accordance with the advice set out in The Nitrogen Reduction in Poole Harbour SPD, if the sewerage drains into the Poole Harbour catchment~~.

Recreational effects

Development proposals for any net increase in homes, tourist accommodation or a tourist attraction around the edges of the harbour (as defined on the local plan policies map) will provide avoidance/mitigation measures to ensure that additional effects arising from recreational activity do not have an adverse effect on the integrity of the site. ~~The Council is working with the Borough of Poole to develop a Recreation in Poole Harbour SPD. Development proposals for any net increase in homes, tourist accommodation or a tourist attraction around the edges of the harbour (as defined in the SPD) will need to avoid or mitigate adverse impacts arising from recreational activity on Poole Harbour.~~

The impacts of other development proposals on Poole Harbour will be considered on a site by site basis and be appropriately assessed in line with national legislation and the Habitats Regulations Assessment. The proposals may need to provide bespoke mitigation.

Policy I1 identifies how the mitigation will be secured.