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The Rt Hon Michael Gove MP
Secretary of State for Levelling Up,
Housing and Communities
Department for Levelling Up, Housing
& Communities
2 Marsham Street
London
SW1P 4DF

Date: 1 February 2023

Ref:

Officer: Mike Garrity



sent via email: michael.gove.mp@parliament.uk

Dear Secretary of State

Nutrient Neutrality in the Poole Harbour catchment

The two unitary authorities of Dorset Council and Bournemouth, Christchurch and Poole Council have been aware for some time that Poole Harbour is in an unfavourable condition for its national and international nature designations due to nitrogen enrichment from discharges within the catchment. The Environment Agency report that the harbour is also not achieving Good Status under the Water Framework Regulations, again with failure on nitrogen. The inputs of nitrogen into the harbour are carried mainly by the catchment's rivers from diffuse sources such as agriculture (approximately 85%) and from point sources such as wastewater treatment works (approximately 15%).

The science and modelling brought together by Natural England and the Environment Agency provides conclusive evidence that the reductions in nitrogen needed to achieve favourable status for the Harbour are significant. But that critically, the balance of nitrogen and phosphorus within the harbour need to be carefully considered to avoid unintended consequences that could be harmful for the Harbour's marine environment.

The councils in Dorset have had a joint strategy in place for ensuring that any new development is nitrogen neutral, and this has been successfully delivering mitigation since 2017. However, updated advice from Natural England received on 16 March 2022 added the need for phosphorus neutrality on top of the nitrogen neutrality requirement. The result of this advice is that approximately 5,900 new homes¹ planned within the catchment over the next 10 years are not able to be built and the examination of the emerging Purbeck Local Plan has been stalled both pending resolution of the need for phosphorus neutrality. This is having a significant impact upon planning applications for housing within the Poole Harbour catchment, both within Dorset and in our neighbouring unitary authority of Bournemouth, Christchurch and Poole. Finding a solution to phosphorus neutrality is of pressing importance for Dorset as without it, our ability to meet housing and economic needs will be seriously impacted.

This situation has arisen because the science, and now also new modelling by the Environment Agency, identifies that there should be a reduction in phosphorus alongside the reduction in nitrogen to control the growth of algae mats that affect the harbour. The modelling identifies a

¹ Short term: around 2,400 homes on sites that require a further consent or where a planning application has been made. Medium term: around 3,500 homes on sites allocated in local plans or larger sites where development will take place over a number of years. Longer term: around 3,000 homes being proposed in the emerging Dorset Council Local Plan.

target limit of phosphorus, combined with a large reduction in nitrogen which we can achieve through our existing mitigation strategy, would enable this to be achieved.

An upgrade of phosphorus removal at all wastewater treatment works over 250 population equivalent within the catchment, as originally suggested through the Levelling Up and Regeneration Bill, would easily provide the reduction needed to achieve the target limit for phosphorus input to the harbour. This would therefore remove the need for phosphorus neutrality, enabling development to continue.

The Levelling Up and Regeneration Bill amendment NC77 as currently proposed would secure upgrades to wastewater treatment works serving 2,000 or more population equivalent. This results in a lesser reduction in phosphorus within the catchment. The reduction would be insufficient to reach the target phosphorus limit and therefore does not remove the need for phosphorus neutrality within the catchment. The net result is that development would continue to be 'blocked' unless and until phosphorus mitigation measures are delivered, disproportionately affecting small and medium sized developers who have fewer resources available to secure the necessary mitigation.

Data provided by the water company suggests that by including an additional number of wastewater treatment works within the requirement for upgrade, the required reductions in phosphorus could be achieved resulting in the need for development to demonstrate phosphorus neutrality to be removed enabling development to restart. The additional wastewater treatment works that require upgrade are those that serve a population equivalent of 1,000-2,000. There are 6 such wastewater treatment works on rivers within the catchment but not all would require significant investment to deliver the necessary phosphorus levels².

There are additional environmental benefits with phosphorus removal at these 6 works. The upgrades would benefit two chalk river Sites of Scientific Interest (SSSI) in unfavourable condition due to excess phosphorus enrichment, benefit other chalk rivers which are a priority for conservation and, in this catchment, could achieve early the government's target under the Environment Act to reduce phosphorus loadings into freshwaters from treated wastewater treatment by 80% against a 2020 baseline.

Dorset Council was looking to put in place measures to enable consents to be granted on the back of the wastewater treatment works upgrade proposals in the Levelling Up and Regeneration Bill. These measures would have given certainty to the development industry that construction could recommence without the need for phosphorus mitigation. It would also have enabled the Purbeck Local Plan to move through the examination process and towards adoption.

The latest evaluation of the impact of amendment NC77 to the Levelling Up and Regeneration Bill has necessitated these interim measures being put on hold. Dorset Council considers it is of utmost importance to re-establish the certainty for developers, but this would rely upon confirmation of the upgrade of the additional wastewater treatment works.

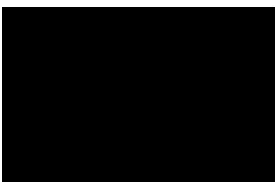
Dorset Council therefore request that you use the powers within the proposed amendment to the Levelling Up and Regeneration Bill, to lower the threshold in the Poole Harbour catchment above

² At one works the water company has informed the Council it intends to bring forward phosphorus removal to the standard required by the Bill (as the works will exceed 2000 population equivalent with predicted development growth) and at 3 other works phosphorus removal exists or is being installed but with Environment Agency permits that are less stringent than required by the Bill. The two other works have no phosphorus removal or plans for phosphorus removal.

which the upgrade to wastewater treatment works is required to 1,000 population equivalents. I believe there is a justification for your intervention in this specific location due to the benefits this would have in both unlocking significant amounts of housing development and delivering against other environmental priorities. These significant benefits can be realised with a targeted and proportionate approach. This would aid in reducing phosphorus deposition to a level that enables favourable status to be achieved, help meet other government targets on the environment, and the delivery of new homes to restart.

Thank you for giving this matter your consideration, and I look forward to your response. In the meantime, please do not hesitate to let me know if you require any further information from me.

Yours sincerely



Cllr Spencer Flower
Leader of Council

cc: Richard Drax MP
Michael Tomlinson MP
Councillor David Walsh – Cabinet Member for Planning