

## Kent

The Stodmarsh SPA has been assessed by Natural England as being vulnerable to further deterioration from both nitrogen and phosphate pollution. Consequently, Natural England has written to several Kent local authorities reminding them of their duties under the Habitats Regulations. The local authorities of Canterbury and Ashford are most affected, but so is Dover, Folkestone & Hythe and Maidstone. It is understood that Dover Council is attempting to demonstrate that waste-water from development within its administrative area does not flow into the Stodmarsh SPA and therefore it is unnecessary to assess applications under the Habitats Regulations. In Folkestone & Hythe, the construction of a new treatment works to address the nitrate and phosphate pollution generated by the Otterpool Park development has been judged by the Council and acceptable solution.

The local authorities affected in Kent are beginning to work collectively to try and resolve the issue. It is understood that there is an agreement among them that the most effective course of action is to treat the pollution at waste-water treatments works. This will require a major programme of investment to upgrade these facilities. It is unfeasible to resolve this problem through nature-based projects: the volume of land that would be required to be 'retired' from production (providing for agriculture and development needs) is too great. The Kent authorities also recognise that nature-based schemes tend to penalise SME housebuilders, imposing much greater costs on them, compared to national companies. Therefore, the Kent authorities are also considering the creation of an independent water company, controlled by OfWat, operating smaller water treatment works.

## Somerset

Work by the four local authorities in Somerset to introduce a strategic programme of nature-based projects to provide mitigation for phosphate pollution affecting the Somerset Levels and Broads SPA is progressing extremely slowly. It is unlikely that anything will be operational before mid-2022. Consequently, HBF has been working with Wessex Water's commercial subsidiary EnTrade to help it develop its 'catchment market' scheme. This is a model that allows landowners to auction their land to provide nature-based solutions. The first market round is expected to launch in May. So far, expressions of interest from landowners suggest that the scheme will initially provide projects able to absorb some 600kg of phosphate by the end of 2022 (including Brue and Axe in NE of the Somerset Levels). This is sufficient to provide mitigation for an estimated 1,000-2,400 homes. To put this into context, the backlog is 11,000 homes and in addition to this the local authorities collectively need to provide for 2,000 homes a year, each year, from now on, to meet planned housing requirements. It is hoped that the EnTrade scheme will attract more interest but it is apparent from this that relying on nature-based projects in general as a solution will fail to address this issue.

The EnTrade scheme has been approved by Natural England and the Environment Agency. EnTrade is in the process of writing to the four local authorities to be recognised as a nutrient trading broker. This will allow schemes operated by EnTrade to be accepted by the local authorities as providing appropriate and effective mitigation.

In the meantime, the Secretary of State replied in February to an earlier letter sent by the four local authorities where they sought relief from the five-year land supply discipline. The Secretary of State has replied telling them that they must maintain housing delivery. This is a welcome response, as it will maintain pressure on the local authorities to find solutions to the current impasse.

## Cornwall

Following a letter from Natural England sent on 15 April Cornwall Council has announced a halt to the determination of planning applications in the River Camel Special Area of Conservation (SAC). The halt is to abate the flow of phosphates from new development and conversions into the SAC. The SAC covers 69km and includes headwaters of the Camel and De Lank rivers and their joining with the River Allen. The Council has clarified that the area extends from:

- between Camelford and Tintagel in the north
- following close to the A30 from Bolventor to Bodmin
- and just south of the A30 from Bodmin to Roche
- to parts of St Breock downs and between Wadebridge and Egloshayle in the west of the area.