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Dear Federica,

Thank you for your letters of 23 July and 10 September about phosphates in the Somerset Levels. I apologise for the delay in responding. Defra is currently dealing with high volumes of correspondence.

I appreciate the difficulties that the ongoing Phosphate issue is causing in Somerset and recognise the significant progress the Somerset authorities have made to help identify solutions to this issue. I have made resolving this issue and allowing sustainable development to proceed, while safeguarding our protected sites, a top priority.

I have addressed below your concerns outlined in both your recent letter of 10 September and the previous letter from all the leaders of District and County Councils in Somerset to the Secretary of State on 23 July and have copied this response to Cllr Fothergill, Cllr Keitch, Cllr McGinty and Cllr Wyke as co-signatories to that letter. I have also copied Tony Juniper from Natural England (NE) and Emma Howard-Boyd from the Environment Agency (EA) who have also been working with you to enable development to continue.

My officials and I have had several meetings with each of the involved parties to discuss the issue and how to address it, including developers from my constituency. Action is required from all stakeholders, and so I hope it is useful for me to set out the actions that I understand each stakeholder has taken, and will be undertaking within an established timeframe, to unlock development as soon as possible. **I would appreciate it if you could respond confirming that my understanding is correct, or highlighting any areas of disagreement, so that we can ensure a joint understanding of the way forward.**

Actions for Natural England

Natural England has been working with authorities to support strategic mitigation in affected catchments and there are several examples where these schemes are beginning to unblock development. **NE has shared details of these solutions with colleagues in Somerset and will continue to be available to discuss these further with you to support the development of strategic solutions in Somerset.** By committing funds to bring forward early mitigation projects Councils can approve the commencement of housing schemes, provided the mitigation is in place prior to homes being occupied (further below).

Natural England is also working directly with developers in Somerset who are keen to develop their own mitigation solutions, and it is my understanding that a number of developments have now been approved. **NE will continue to investigate all available mitigation options to support your strategy, and provide advice for developers, to ensure that more choices become available.**

For instance, where detailed designs and calculations underpinned by evidence accompany a wetland proposal, NE can approve them in principle at the pre-application stage. **NE and Somerset authorities should agree a clear approach to wetland design to further enable this option to progress.**

NE, recognising that some permanent solutions like wetlands take time and resources to design and construct, have also agreed that temporary bridging measures can be used as part of package to enable development now, whether that be through the Entrade trading platform, developer-led mitigation or Local Authority led strategic mitigation. There are a range of these bridging measures that can be used including cover crops and buffer strips along water courses, which would provide mitigation while permanent solutions are designed. **NE will continue to work with the Somerset authorities to identify mitigation delivery projects at pace.**

Following the approval of the Somerset West and Taunton interim strategy in October (below), NE should agree an Appropriate Assessment with the Council to enable some of the delayed applications to begin as soon as possible.

Action for Local Authorities

I appreciate the work that has been done so far by local authorities in Somerset to arrive at solutions to this issue. The Somerset authorities published a calculator for establishing the nutrient mitigation requirement in February. This was based on NE guidance developed elsewhere and NE endorsed the Somerset version. Last autumn, the local authorities also worked together with NE to agree and adopt guidelines to screen small scale proposals that had insignificant effects on nutrient loading.

The Somerset authorities were also quick to commit to develop a strategy to ensure development they approve does not add to excessive nutrient loading in the catchment and commissioned Royal Haskoning consultancy last autumn to deliver that, with financial support from Homes England. **The Somerset authorities should continue to move forward with this contract which will design the mitigation strategy.** NE provided early input and has offered further support to help complete this work.

Ahead of this, I am pleased that Somerset West and Taunton Council has drafted an interim strategy which would commit funding for nutrient mitigation and put dedicated resource in place to deliver it. **This interim strategy should be approved by Council at the beginning of October**, which will quickly unlock priority development within this district. **The other authorities should consider taking this approach.**

The Somerset authorities had worked collaboratively and speedily to develop Entrade proposals with Wessex Water, NE and the EA, to enable the market to open in October at the earliest. South Somerset District is close to endorsing the catchment market as an agreed nutrient trading platform. However, since then discussions with Somerset West and Taunton have stalled due to the Council's conditions on the market. I would encourage **the Local Authorities to meet with Entrade to resolve issues as soon as possible, prior to the market opening.**

Actions for Defra/DLUHC/EA

Across the country we are working to tackle the sources of nutrient pollution. For instance, the EA, NE and Defra is working with the farming community to act beyond regulatory requirements to reduce water pollution. **The EA is increasing the number of agricultural inspections in Somerset** and other affected areas following a recent announcement that we are increasing the number of enforcement officers and inspectors on the ground. Other environmental policies such as Environmental Land Management (ELM) and Catchment Sensitive Farming will also further reduce the amount of Phosphate and other nutrients entering the system.

We have also set out, in our Strategic Policy Statement to Ofwat, our ambition for the water industry to take a leading role in reducing the amount of nutrient discharged to the environment and have made a number of key commitments in the Environment Bill to significantly reduce the number of storm sewage discharges. The Government is taking action to address national water quality issues as well as local issues such as those experienced in Somerset.

I am aware that developers have expressed a desire to contribute to wastewater treatment as a potential option for mitigation. As part of the work of the Nutrients Taskforce, **Defra is exploring ways for developers to contribute towards wastewater treatment upgrades and my officials are working with Ofwat on how this may be possible.** The water industry is highly regulated and this is a complex policy area, but I will be sure to keep you updated on these conversations.

Furthermore, as part of the cross-Government taskforce with the Department for Levelling Up, Housing and Communities, Government are working together on strategic solutions to these issues, both for the short-term objective of allowing sustainable development to proceed at sites like Somerset but also working on the longer-term objective of improving the condition of affected sites. This work will consider how best to integrate nature-based solutions that, through Defra's existing work. We have found have significant cross-benefits such as carbon sequestration and storage as well considering how best to address the challenges of nutrient pollution through innovative technologies such as Phosphate capture and reuse.

Regulatory Position Statement on Ferric Sulphate

You also asked for some clarity on the recent regulatory position statement on wastewater treatment which has been issued by the EA in relation to the potential for ferric sulphate shortages in wastewater treatment. This RPS may only be used by water companies unable to comply with permit conditions due to the recent lack of hauliers and must be used in agreement with the EA, which will be checking compliance, to ensure there is no risk of significant environmental damage.

These time-limited conditions apply to water and sewerage companies experiencing some delays in the delivery of the chemicals needed to treat wastewater. It is an unavoidable but short-term measure and there are strict conditions in place to reduce risk to the environment. The most sensitive and high-risk watercourses will not be affected, including Protected Areas such as the Somerset Levels and Moors. The Government continues to work closely with Water UK to understand the pressures on the sector and to reduce any future risk to the environment. More information can be found here: [Regulatory Position Statement on wastewater treatment](#).

Catchments where nutrient neutrality is required

Finally, you requested further detail on the affected local authority areas. There are several other catchments where nutrient enrichment is affecting water quality. Local Authorities in the Solent, Poole Harbour, River Avon, Stodmarsh, River Wye and the River Camel, in addition to the Somerset Levels, are all working on delivery of nutrient neutrality solutions.

As stated, tackling nutrient pollution and enabling sustainable development to continue as soon as possible is a personal priority for me, both in my ministerial capacity and as a constituency MP. Given the complexity of this matter, I hope the above has helped provide clarity on next steps, and I would be happy to discuss this with you in more detail.

Thank you once again for taking the time to contact me about this important issue. Please let me know if I can be of any further assistance with this or any other matters in the future.



REBECCA POW MP