

BACKGROUND PAPERS

RIVER MEASE WATER QUALITY MANAGEMENT PLAN DEVELOPER CONTRIBUTIONS SCHEME 2

OVERVIEW OF RESPONSES TO CONSULTATIONS

Four written responses have been received in relation to the consultation exercise for DCS2. In addition, South Derbyshire District Council has confirmed that they have not received any consultation responses.

Ashby de la Zouch Town Council wishes to express concern at the proposals to introduce DCS2 when the success or failure of DCS1 is still not known.

The Town Council is also concerned that DCS1 has not resulted in any reduction in phosphate levels within Ashby de la Zouch with recent reductions being linked to improvement to the sewage treatment works implemented by Severn Trent Water. No environmental improvement schemes related to DCS1 have been implemented so the effectiveness of the planned mitigation measures is not known. With house building in the town increasing significantly phosphate levels are likely to increase further.

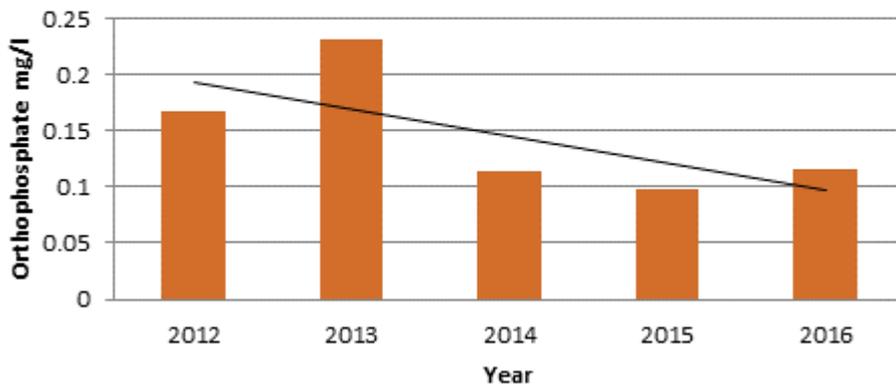
The DCS should not be extended to permit additional housing until there is evidence that the mitigation measures agreed in the original scheme have been effective in reducing phosphate levels.

Comment

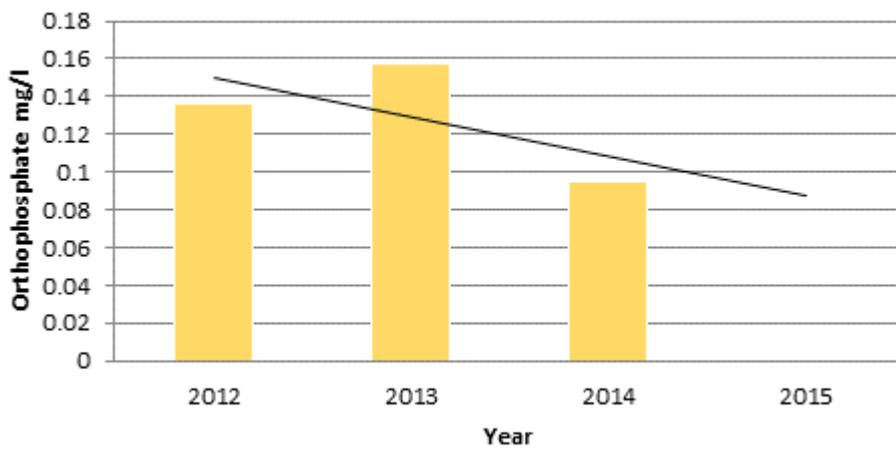
The projects and actions can only be delivered at the rate the S106 funds are collected so the works are in line with the rate at which development is taking place. Measures need to be effective before development is occupied so delivery is linked to completion rather than approval. In addition the DCS is designed for new development to mitigate for its own impact, so in essence to maintain the status quo and prevent a further deterioration to the river. It is not intended to improve the river as this will be secured by other actions in the Water Quality Management Plan. With regard to on site works, schemes delivered include a culvert removal and consultants are currently working to deliver 3 further projects this year including river restoration schemes and a new agricultural bridge on the Alton Brook. An alternative silt trap has been identified (pools to be de-silted at Netherseal) and is awaiting funding income. Therefore, mitigation measures will be carried out with funding from DCS1

While concerns were expressed by the Town Council that new housing in the River Mease catchment will result in phosphate levels increasing further, the graphs below provided by the Environment Agency suggest that phosphate levels in the river have been gradually falling since DCS1 was adopted in 2012 and that there is clearly a downward trend in P levels across the river as a whole which is positive.

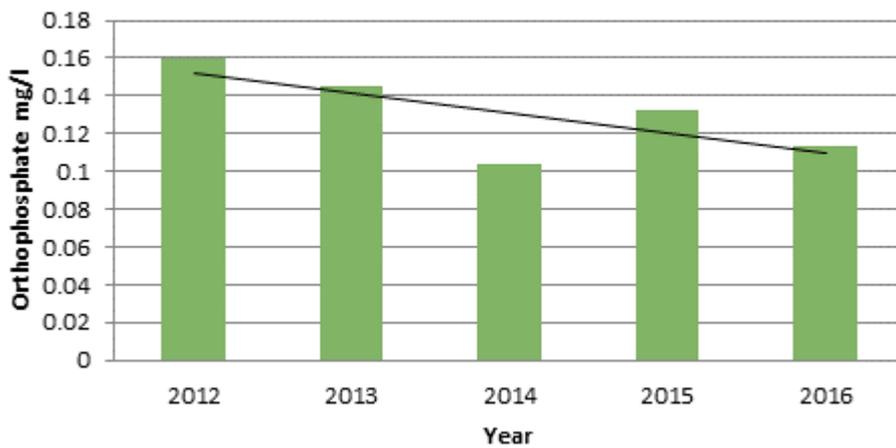
Gilwiskaw Brook Measham Fields Farm (SAC)

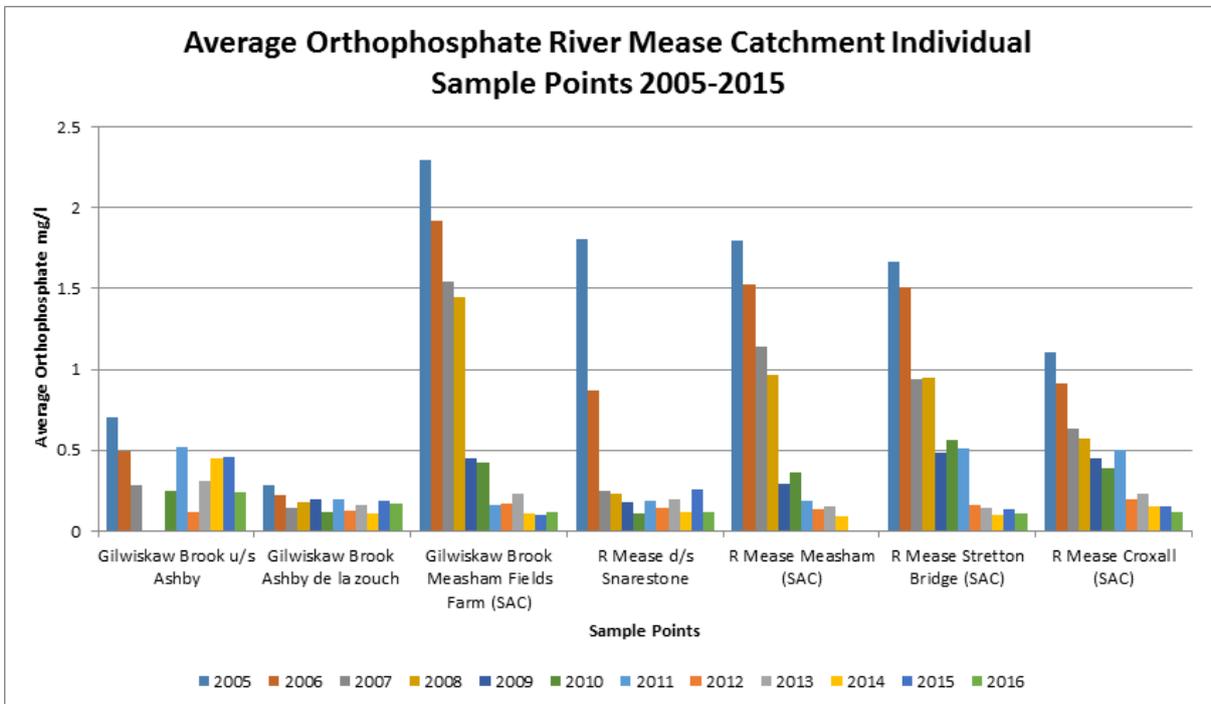
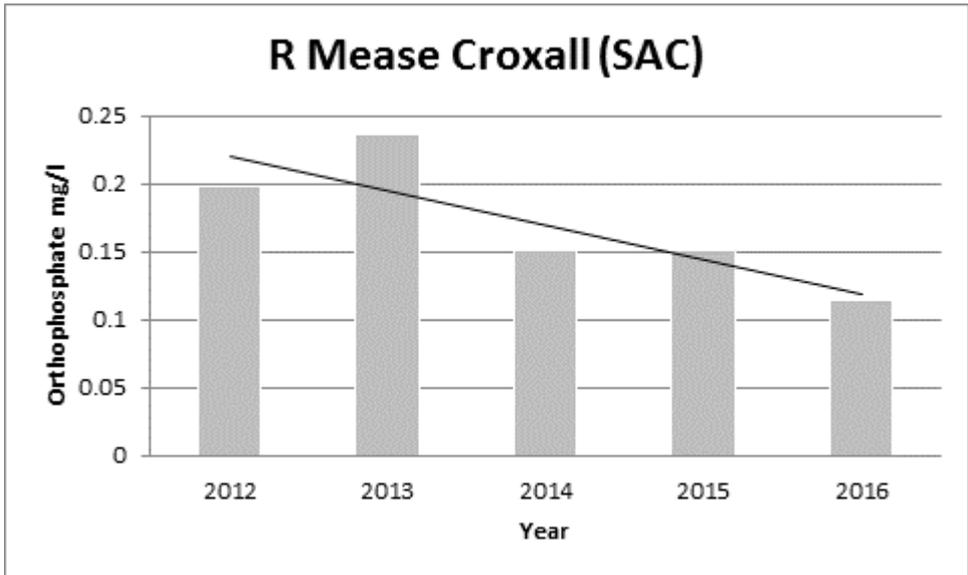


R Mease Measham (SAC)



R Mease Stretton Bridge (SAC)





Ashby de la Zouch Civic Society has raised a number of detailed concerns about the effectiveness of DCS1 and has stated that the adoption of DCS1 has led to a serious degradation of phosphate levels in the River Mease. The Civic Society considers that DCS2 policy is unsound and needs to be revisited.

In summary, the Civic Society has made the following comments in relation to DCS1:

- Monies so far collected has been not been spent on mitigation measures such as silt traps and flood plain restoration required by Section E1 and the monies spent are not

authorised by the policy. Funds spent have been on investigative non-mitigation items.

- Funding from the policy has not achieved to forecast levels.
- Despite 2500 houses in the plan, no mitigation has been undertaken.
- The closure of Arla reduced the load on Packington STW by 30%. Despite this positive windfall in P reduction the average P concentration in the Mease deteriorated between 2012 and 2015 despite only a third of the houses being built.

In summary, the Civic Society has made the following comments in relation to DCS2 (original version):

- Not enough actions in the policy to allow for an additional 1600 dwellings.
- DCS2 should provide for 2 silt traps and 9 river restoration projects and this has not been set out in DCS2 policy.
- The DCS uses 1.05mg/l to calculate contributions. This is a 5X overstatement of the actual present value. The Mease phosphate concentrations need to be revised to correct financial and technical calculations.
- The goal failure of DCS1 and the lack of actions being completed and no achievement of funding targets need to be rolled into DCS2.
- The adoption of DCS1 has led to serious degradation of phosphate levels in the River Mease.

In summary, the Civic Society has made the following comments in relation to DCS2 (revised version):

- No timetable of actions proposed apart from the diversion of sewerage out of the District by 2025 although this is conditioned by the need to approve funding in 2019.
- DCS fails to mitigate the negative effects of development. Funding is proposed which is not directly associated with mitigation.
- No commitment made to mitigation and past performance suggests this mitigation will not even be started.
- New basis of calculation in DCS2 is flawed for a number of reasons.
- As DCS1 has failed to achieve the mitigation required despite all funding being used up, then DCS2 is required to be designed to meet both the DCS1 target mitigation plus the DCS2 requirements.
- As DCS1 failed to achieve the mitigation targets despite all funding being used up, then DCS is required to be redesigned to meet both DCS1 target mitigation plus the DCS2 requirements.
- As none of the actions have been implemented the whole DCS scheme needs reworking based on sound data for 4426 houses (2400 DCS1 and 1826 DCS2). Until this is done, DCS2 should not be approved.

Comment

The claim that the funds have not been spent in accordance with the policy are erroneous as in Appendix 1 of the DCS, £20K has been allocated to the project officers implementation budget (septic tank leaflet, website, pop up information panels for local shows), project officer/management (£50K), silt trap (£45K) and long term river restoration measures (max £245K). Consultants have been appointed to design the three river restoration measures

scheduled for this year as this is a specialist function with hydrological modelling required to determine the effects of restoration proposals on the river. Extensive design and modelling are required to gain consent from the EA to undertake the works. Monitoring is also required to determine the efficacy of the restoration measures undertaken. An alternative silt trap has been identified (pools to be de-silted at Netherseal) and is awaiting funding income. Therefore, mitigation measures will be carried out with funding from DCS1

The DCS1 window is not closed in terms of collecting payment of contributions, planning permissions and associated S106/UUs have been signed up to the amount of 700g/P allocated to this window. This does not mean however that all these funds have been collected, S106 funds are only collected once the development begins which is why to date around £159K has been collected from a potential of circa £608K of S106s signed (for example approximately £150K has not yet been secured alone from the Money Hill development of 605 dwellings). The impact on the river does not begin until these dwellings are occupied so until that point the mitigation does not need to have been delivered. Funds from DCS1 will continue to be collected once development begins and mitigation measures will be delivered in line with the rate of development.

The DCS forms part of a wider partnership which is delivering river restoration measures in order to meet Water Framework Directive targets and the SAC Conservation Objectives. The DCS is to mitigate for development within the catchment, ensuring it does not have a detrimental effect on the SAC. The DCS is not intended to improve the river, this is the role of the wider partnership and the Water Quality Management Plan. As noted above, S106 can only be collected after the development has begun as the harm does not occur until the houses are occupied. If no funds are collected, no development has taken place and therefore no mitigation is required.

With regards to the phosphate levels, there appears to be some confusion between total phosphate and orthophosphate (soluble reactive), The Ashby Civic Society state 'that the DCS uses 1.05mg/l to calculate contributions. This is a 5X overstatement'. It is considered that the Ashby Civic Society have not fully understood the difference (between total and reactive) and have used a mixture of total phosphate (as stated within the DCS (1.05mg/l)) and orthophosphate in their response. The annual orthophosphate average for the SAC during 2015 was 0.25mg/l and the annual average from all monitoring points (inside and outside of the SAC) was 0.22mg/l (which is roughly 5X less than the figure stated in the DCS). The current P load was calculated on actual levels from data provided by the Environment Agency; modelled/estimated levels of the current phosphate loading were not used.

The graphs above provided by the Environment Agency confirm that phosphate levels in the River have dropped contrary to the concerns raised by the Civic Society.

With regard to the concerns raised by the Civic Society about phosphate levels increasing despite the closure of the Arla Dairy, Severn Trent water has confirmed that final effluent quality from Packington WWTW in 2015 was better than it was in 2012 and the flows discharged are lower.

Therefore, it cannot be claimed that DCS1 has failed because the mitigation has not had to be delivered to its full extent as yet, as the housing for which permission has been granted

has not come forward and as such harm is not being caused to the river. With regard to P levels in the river, the DCS only needs to mitigate for the impact from new development within the catchment, only needing to ensure no deterioration in the water quality of the river. The aim of the DCS is therefore to ensure no impact on water quality.

The DCS does not work in isolation, it forms part of a wider partnership approach which is working towards delivering the WQMP and the WFD which needs to achieve improvements to the water quality. The level of phosphate levels within the Mease has improved over the last 5 years and as such it can be seen that this joint approach is having a positive impact on water quality (based on the WQMP) therefore based on incorrect information regarding P levels in the Mease, it is erroneous to claim that the DCS is failing.

Packington Parish Council makes the following summarised objections to the proposed policy:

- Section E1 states that actions funded through the DCS must be linked to the negative effects associated with new developments with the primary objective being to mitigate against them.
- Large proportions of the DCS funding are in fact being used for non mitigating circumstances such as interpretation panel, design and installation. Septic tank leaflets, website, pop up sign, culvert removal, project management and appointment of specialists. These are not authorised by the policy.
- Concern that phosphate levels will not be mitigated but in fact will deteriorate.
- Unsure how DCS funds correlate the necessary actions to maintain the maximum phosphate level.
- DCS funding not always realised and often challenged by developer for viability reasons.
- DCS funding can be reduced to support those proposed by developers so how can appropriated funding levels for mitigation actions be achieved.
- Policy does not take account of extensions or single plots.
- DCS2 policy is unsound, impractical and needs to be revisited.

Comment

The first three bullet points have been addressed and covered in the comments on Ashby Civic Society's objection above.

With respect to viability issues, in order for the Council to meet its obligations under the Habitats Regulations, the full DCS contribution would always need to be paid and other Section 106 contributions may need to be reduced.

DCS does take into account single plots for which contributions are sought in the normal way. There is agreement from the River Mease Programme Board that householder extensions usually result in the provision of more water efficient facilities in the extended dwelling leading to a likely decrease in foul discharge from these sites and as such, no adverse impact on the River Mease SAC.

Measham Parish Council has no comments or objections to make

Conclusions

The comments of all the consultees, and in particular, Ashby de la Zouch Town Council, Ashby de la Zouch Civic Society and Packington Parish Council have been fully taken into account and reviewed by DTA Ecology, Natural England, the Environment Agency, Severn Trent Water and the River Mease SAC Project Officer. In light of the comments made above to each of the consultation responses, there are no changes to DCS2 and no further action to take.