Building a Better Future Plan - Representation Form

Part A - Personal Details

Please indicate whether you are completing this form yourself or if you are an agent completing this on behalf of a client
I am completing this form myself

Part A - Personal Details (Completing form on own behalf)

Please provide the following personal details. Please note that these details are required for all representations and your information will be shared with the Planning Inspectorate. The personal data you provide will be used to ensure that representations comply with government guidance and that they can be used as part of the Local Plan examination process. More information on how we use your personal information can be found as part of the 'Planning Policy' privacy notice is available here.

Title	Dr.
First Name	David
Last Name	Mason
[redacted]	

Please provide the following details where applicable and/or relevant
No Response

Part A - Personal Details (Agent on client's behalf)

If an agent is appointed, please provide the following information: Please note that these details are required for all representations and your information will be shared with the Planning Inspectorate. The personal data you provide will be used to ensure that representations comply with government guidance and that they can be used as part of the Local Plan examination process. More information on how we use your personal information can be found as part of the 'Planning Policy' privacy notice is available here.
No Response

Please provide the following information about the client for whom you are completing this form on their behalf
No Response

Part B - Your representation(s)

Which part of the Building a Better Future Plan does your representation relate to?
Please provide as much detail as possible.
If you wish to make a change to the Policies Map, please comment on the corresponding p olicy, and explain what change you would wish to make. If you would be helpful if you could show this in visual form
A full list of policies and allocations can be found in the contents page(s) of the Publication Plan - you can access this document here.

Policy Number	-
Allocation Number	2
Paragraph Number	-
Page Number	95–97

Do you consider the Local Plan is ...
(Please select as appropriate)

	Yes	No
Legally compliant	X	
Sound		X

Please give details of why you consider the Building a Better Plan is not legally compliant o r is unsound. Please be as precise as possible.
If you wish to support the legal compliance or soundness of the Local Plan, please also use this box to set out your comments.

Allocation 2 accounts for 61.5% of the entire post-year-five nutrient demand in the Western Streams catchment — 376.92 of 612.43 Kg/TN/Yr on the Council's own nutrient budget at Appendix 3 to the Habitats Regulations Assessment. The whole of that load falls beyond year five. That is precisely the period for which the Assessment states, at paragraph 7.51, that nutrient mitigation "has not yet been identified", and that it is unknown when further mitigation sites will come forward or whether they will be suitable. The Council's own figures show credit supply in this catchment exhausting in 2032/33, while 91% of this allocation is programmed for delivery after that date.

The only nutrient mitigation scheme ever brought forward for this land, at Stansted Park, was reviewed for the Council by Ricardo Energy & Environment in 2023 and was not accepted, for a significant lack of site-specific baseline data, an unsaturated zone potentially exceeding twenty metres, and potential non-compliance with Natural England's five-metre depth-to-groundwater threshold.

Nor does the sewage undertaker's own plan support the Council's expectation of future improvement. Southern Water's Drainage and Wastewater Management Plan for the Thornham system records the nutrient neutrality risk as very significant in both 2020 and 2050; records that the works "was assessed to not have adequate capacity to cope with future growth in the wastewater system"; programmes the £34.9m capacity increase for planned new development in AMP10; states in terms that its investment schedule "is not a commitment to fund or deliver any option"; and records that no other treatment works within twenty kilometres has spare capacity. A permit review seeking 8,175 m³/day against the present 6,565 is proposed in the same document and would, if granted by the Environment Agency, create substantial additional headroom for volume; the Council should be asked what of this is now funded, obligated or determined.

The allocation is therefore not effective, because it depends on mitigation that does not exist and improvements that are not committed; and not justified, because a plan-period commitment has been made on that evidence. Allocation 2 should be deleted.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above.
You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

That Allocation 2 be deleted from the Plan, together with the consequential amendments to Policy 6, the sources of housing supply table, the housing trajectory at Appendix 1 and the Policies Map.
The Plan relies for this allocation on off-site nutrient mitigation which has not been identified, in a catchment the Council's own evidence shows exhausting in 2032/33, for a site of which 91% is programmed for delivery after that date. The only mitigation scheme ever brought forward for this land was reviewed by the Council's own consultant and not accepted. And the sewage undertaker's own published plan does not support the expectation the Council places on it.

If you wish to upload any documents to support your representation, please do so below. Please note that there is a maximum file size of 50MB and you can upload a maximum of 10 files to include with your form.

- File: Plan_26_nutneut_dcm_v2.pdf - Download

Examination Hearing Session Invitation

If your representation / representations are seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?
Please note that while this will provide an initial indication of your wish to participate in examination hearing session(s), you may be asked at a later point to confirm your request to participate.
No details on the examination hearing session(s) have yet been determined and will be made available upon the submission of the Building a Better Future Plan to the Planning Inspectorate.

Yes, I wish to participate in examination hearing session(s)

Examination Hearing Session Invitation (2)

You indicated that you wish to participate in the examination hearing session(s). Please outline why you consider this to be necessary.
Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in examination hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

This representation turns on the Council's own nutrient budget, on the published plan of the sewage undertaker serving the site, and on a mitigation scheme reviewed and not accepted by the Council's consultant. The interaction between those three is a matter I would wish to address orally and to answer questions on.

Future Notification

Do you wish to be notified of any of the following milestones in the Building a Better Future Plan process?
These milestones include:

The Local Plan has been submitted for examination
The publication on the Inspector's Report
The adoption of the Local Plan

If you indicate that you wish to be notified, the email address you provided in Part A of the f orm will be used by the Council to notify you of these milestones.

Yes, I wish to be notified

Comment – *Nutrient neutrality*

1. This allocation is the majority of the unmitigated demand in a catchment the Plan's own evidence shows exhausting before the site is built

Appendix 3 to the Habitats Regulations Assessment is the Council's nutrient budget for the plan period. It divides the Borough between two nutrient catchments. Allocation 2 falls within the Western Streams catchment, and is entered there at 310 dwellings and a nutrient load of 376.92 Kg/TN/Yr.

Three things follow from the Council's own figures.

(a) The whole of this allocation's nutrient demand falls beyond the first five years. The budget records nil against Allocation 2 in the 0–5 year column and the entire 376.92 Kg/TN/Yr in the 5+ year column. That is consistent with the Plan's own trajectory: Table 5, the sources of housing supply table at printed pages 61 to 62, records this allocation as 30 dwellings in Years 1–11 and 295 in Years 12–21, and the housing trajectory at printed page 358 shows no completions at all before 2032/33, then 30 dwellings in 2032/33, 50 in each of the five years following, and 45 in 2038/39.

(b) That is the period for which the Council states no mitigation has been identified. At paragraph 7.49 the HRA records that credit supply in the Western Streams catchment is not expected to run out until 2032/33, and its Figure 5 shows supply falling to nil at that point while demand continues to rise. At paragraph 7.51 it states that beyond five years a further 4,659 Kg/TN/Yr is required across all catchments, 13% of it in Western Streams, and that *"nutrient mitigation has not yet been identified to satisfy these years"*. It states that it is currently unknown when additional mitigation sites will come forward, and whether they will provide suitable mitigation for the allocations. The Council's expectation is that the current rate of schemes being brought forward will continue, supplemented by Natural England's Environmental Delivery Plans and by improvements at the wastewater treatment works. Section 3 below sets out what the undertaker's own plan says about those improvements.

(c) Allocation 2 is the majority of that gap. Total Western Streams demand beyond year five is 612.43 Kg/TN/Yr. Allocation 2's 376.92 is 61.5% of it. The site does not appear in the budget's schedule of allocations with permission and secured mitigation, in which seven other allocations are listed. Deleting this allocation would remove three-fifths of the unmitigated nutrient demand in the catchment.

2. The only nutrient mitigation scheme ever brought forward for this land was reviewed by the Council's own consultant and was not accepted

That scheme, at Stansted Park, was reviewed for the Council by Ricardo Energy & Environment in 2023 and was not accepted. The review recorded a significant lack of site-specific baseline data, an unsaturated zone that could exceed twenty metres, too many uncertainties to provide sufficient confidence in the scheme, and potential non-compliance with Natural England's Solent guidance on the five-metre depth-to-groundwater threshold.

3. The sewage undertaker's own plan does not support the expectation placed on it

Southern Water's Drainage and Wastewater Management Plan for the Thornham wastewater system — the works serving this allocation — is published in three parts. Its Problem Characterisation and Generic Options Assessment are dated August 2021 and its Investment Needs schedule May 2023 [1]. Six things in it bear on this allocation.

Southern Water assesses the nutrient neutrality risk at Thornham as very significant now and in 2050. In the Baseline Risk and Vulnerability Assessment at Table 1 of the Problem Characterisation, planning objective 11, Nutrient Neutrality, scores 2 — the "very significant" band — for both 2020 and 2050, with the driver recorded as "Unknown". The accompanying text states that *"the risk to internationally designated habitat sites from this wastewater system is very significant in 2020 and 2050. This is because Natural England have advised that there is a risk to condition for the habitat sites that are hydraulically linked to our wastewater system"*, and its Table 5 lists those sites as Chichester and Langstone Harbours, Solent and Dorset Coast, and Solent Maritime, each requiring a phosphate permit review. 2050 lies seven years beyond the end of this plan period.

The works is assessed as not having capacity for the growth the Plan proposes. Under planning objective 6, wastewater treatment works water quality compliance, the Problem Characterisation records that Thornham *"has no record of compliance failure during the last three years (2018-2020). However it was assessed to not have adequate capacity to cope with future growth in the wastewater system."*

The capacity increase for that growth is not programmed within the period this allocation is to be built. The Investment Needs schedule lists option THOR.PW02.1 at Thornham WTW — *"Increase treatment capacity to allow for planned new development"* — at an indicative cost of £34,900,000, with an indicative timescale of **AMP10**. A second option, THOR.PW02.2, *"increase capacity to allow for planned new development"*, is given at £16,500,000 in AMP8. AMP8 is the asset management period beginning in 2025; on the standard five-year periods AMP10 begins in 2035. The Council should confirm those dates. On the Plan's own trajectory, 180 of this allocation's dwellings are programmed for completion between 2032/33 and 2036/37.

The wetland appears in a schedule which commits the undertaker to nothing. The Investment Needs schedule lists option THOR.WINEP.PO2.1 at Thornham WTW, *"construct wetlands to reduce nitrate contributions"*, at £4,300,000 in AMP8, carrying the reference "WINEP OAR 08SO104809". It appears in the same schedule which states at its own note 3 that *"the table of Investment Need provides an indicative cost so we know what level of funding is needed to reduce the risks. It is not a commitment to fund or deliver any option"*, and at note 6 that the listed options *"will inform our future business plans as part of the Ofwat periodic review process to secure the finance to implement these options"*. Note 1 records that the options *"will need further refinement as we implement the DWMP to confirm the exact location and scope of action needed, and the cost"*.

I put the limits of that plainly. The schedule is dated May 2023 and it disclaims commitment as at that date. Ofwat's price review has since concluded and the current asset management period began in April 2025, so funding for any of these options may since have been secured, and the reference carried by the wetland option suggests it may form part of the Water Industry National Environment Programme, in which case it would be an obligation rather than a candidate. I am not in a position to establish either way, and I do not assert that these options are unfunded. What I say is that the underlying document commits the undertaker to nothing, and that if funding or a programme

obligation has since been confirmed for any of them, the Council should produce that evidence rather than rely on the expectation recorded at paragraph 7.51 of its own Habitats Regulations Assessment.

What is programmed for nutrients in the current period is a study, not a scheme. Option THOR.OT01.2, at £695,000 in AMP8, is a *"study and investigation to understand the potential impact of wastewater discharges on Habitats and identify measures to prevent deterioration from Natural England's revised Common Standards Monitoring Guidance (rCSMG) targets for Total Phosphorus and Total Nitrogen"*, with Natural England as potential partner.

The most significant thing in the document runs the other way, and I record it. In the Outline Options Appraisal, option THOR.PW02.2 is described as a *"Permit Review"* with a *"Proposed permit-8175m3"*. The present permitted dry weather flow at Thornham is 6,565 m³/day. If the Environment Agency were to grant a permit at 8,175 m³/day, that would be some 1,610 m³/day of additional permitted flow — on the 500 litres per household per day rate the Environment Agency and Southern Water use, of the order of 3,200 dwellings. That would change the capacity position materially, and I do not suggest otherwise.

Three matters qualify it, and the Council should be asked to address each. It is a proposal recorded in an options appraisal, not a determination: the increase would fall to the Environment Agency to grant, in a catchment where this same document records that Natural England has advised there is a risk to the condition of the habitat sites hydraulically linked to the works. Its scope has already changed, the Outline Appraisal costing the permit review at £2,205,000 and the later Investment Needs schedule entering the same reference at £16,500,000. And a permit for dry weather flow governs volume; it does not of itself resolve the nutrient loading with which this representation is concerned, which is the subject of the separate wetland and study options above.

There is no alternative works. The Outline Options Appraisal records that transferring wastewater elsewhere for treatment was not taken forward because *"no other WTWs are within a 20km radius of THORNHAM WTW with spare capacity to take DWF"*.

Taken together, the undertaker's own published assessment is that the works serving this allocation lacks adequate capacity for planned growth, that the nutrient risk to the designated sites it discharges into is very significant and remains so on its 2050 horizon, that its investment schedule commits it to nothing, and that there is nowhere else within twenty kilometres to send the flow. A permit review is proposed which, if granted, would create substantial additional headroom for volume. That is the evidence base on which the Council's expectation of future improvement rests, and the Council should be asked to state what of it is now funded, obligated or determined, and what remains expectation.

4. Natural England's advice on allocating in constrained catchments

Natural England's *Water Quality and Nutrient Neutrality Advice* of 16 March 2022 [2] recommends that competent authorities consider carefully whether it is possible to allocate development in catchments, or parts of catchments, where applying nutrient neutrality is likely to face significant constraints. On the evidence above this is such a catchment, and this allocation is the majority of its unmitigated demand.

Conclusion

The Plan is unsound in respect of this allocation. It is not effective, because the case rests on expectation rather than on identified mitigation: on the Council's own figures, mitigation in the Western Streams catchment is shown exhausting in 2032/33, yet 91% of Allocation 2 is programmed for delivery after that date; the only mitigation scheme yet brought forward for this land was one the Council's own consultant declined to accept; and the sewage undertaker's own plan neither commits to, nor funds, the improvements the Council anticipates. It is not justified, because a plan-period commitment of 310 dwellings' nutrient load has been made on that evidence.

References

1. Southern Water, *Drainage and Wastewater Management Plan — Thornham Wastewater System Plan*. Problem Characterisation and Generic Options Assessment, August 2021, Version 1; DWMP Investment Needs, May 2023, Version 1.0. https://www.southernwater.co.uk/media/h3rlztb4/l3_thor.pdf
2. Natural England, *Water Quality and Nutrient Neutrality Advice*, 16 March 2022 (NE785).