

Phosphate Credits FAQs

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Phosphate credits FAQs

FAQs will be updated as queries are received. If you are unable to find the information you require on our website, supportive packs, guidance, or FAQs then you may email your query to phosphates@herefordshire.gov.uk.

Please be aware we are unable to answer queries individually.

Planning

Who should I expect to call about progressing credits?

Planning officers will be contacting agents/applicants shortly with an update which will explain the next stage of the process.

Will the S106 for the wetlands scheme contain commencement deadlines different to those of the normal statutory timetables?

No – the normal statutory timescales will apply.

What credit scheme will apply to PD/Class Qs? Is there to be a Regulation 77 credit allocation system?

Yes. Applications will need to be made and the allocation of credits will be made on the basis of the credit allocation policy in place at the time.

Can payments be conditioned until closer to the time of scheme implementation? If an applicant turns down the first offer of credits will that mean they can't get credits later?

The purchase of credits is required prior to issuing the decision notice in order to achieve a positive HRA. In some circumstances for major applications we may be able to negotiate a phased approach which will be delivered through a separate legal agreement, however this is subject to continued discussions with statutory partners. If a developer turns down the first offer of credits they will then need to re-apply.

Ecology

Why has the average occupancy and water usage on the Natural England calculator in Stage one increased in comparison to the Herefordshire Council calculator?

As set out in [Natural England's Ricardo guidance](#), the default setting for residential dwellings is the national occupancy rate of 2.4 people per dwelling and the average daily water use per person is determined in accordance with water efficiency standards. However, as the Local Planning Authority Herefordshire Council is able to set the appropriate occupancy rate and water use for our authority area, which is 2.3 people per dwelling, and water usage as 110 litres/person/day.

Who will check my calculation? What happens if there are areas of disagreement/interpretation?

An officer within the planning service will assess the calculations provided accuracy and to ensure against fraud. Clarification will be sought from applicants in the event that queries arise from that assessment. It is expected that applicants will follow the guidance associated with the calculation tool and provide robust, evidence based justification where the methodology deviates from the standards.

Ecology reports are likely to need revising but the ecology team are under resourced resulting in delays. Can there be a way to prioritise the backlog?

Ecology responses will be prioritised in date order and assessed either by in-house ecologists or ecology consultants. The council is also committed to growing the ecology team.

Why has the council chosen to go with the Natural England calculator?

Natural England has provided Herefordshire Council with the current version of the phosphate calculator this includes recently updated Farmscoper modelling, which may result in minor changes to outcomes.

Why does the calculator not recognise the small amount of Phosphate coming from housing compared to other sectors and the existing housing stock?

The Habitats Directive requires this approach to nutrients where they have the potential to cause harm to the ecology of higher level designated sites. The calculator is developed to assess the nutrient budget of new housing, as a consequence of the Dutch judgement, all development must demonstrate nutrient neutrality.

Will the first three wetlands reduce enough Phosphate to meet the NMB target?

Natural England have set targets for restoring river quality. The Integrated Wetlands are funded to support economic growth and create development headroom. Restoration of the river is the responsibility of the present causers of poor water quality, however the council has committed to giving over a small percentage of phosphate reduction to river betterment

Why aren't other types of development required to show neutrality?

All development within the Lugg catchment is required to demonstrate nutrient neutrality, the council are currently working with consultants to develop a methodology for agricultural development to assess its nutrient budget.

Will the credits be available in advance of the wetlands being established (functional)?

Credits will be available for sale soon after cabinet give final approval to the scheme. As waste water moves through a wetland Phosphate is deposited in the soil before plants take it up for storage giving certainty from day 1.

If you are purchasing a large number of credits, is there scope to include some sort of metric for the biodiversity net gain?

Credits cannot count towards Biodiversity Net Gain (BNG) as they cannot be double counted. BNG in the first instance should be delivered on site wherever possible.

Legal

When will the draft S106 document be available? Will it be transferable to private delivery betterment projects?

The s106 template will be published to the website shortly, to enable developers to draft the agreement for their development. S106 agreements will need to be tailored to meet the needs of each development proposal.

Other

When will credits become available?

Credits will become available once cabinet approval is in place. Planning officers will contact applicants in tranches when they are eligible to apply. In the meantime applicants can check the website for guidance and updates.

Who is the supplier of credits? Are there multiple suppliers?

Under this scheme Herefordshire Council will be the sole provider of credits. However, planning applicants can develop their own mitigation to offset the phosphate load of their development proposal.

Which type of developments can apply for credits in Herefordshire Council's wetland scheme?

Under this scheme only housing developments have access to credits. However other types of development proposals are still able to provide their own mitigation to demonstrate nutrient neutrality.

How have the wetlands been funded? How will the grants from the New Homes Bonus and LEP be used?

The grants have been invested to develop the wetlands schemes and funds recouped through credits will be reinvested into the development of further wetlands schemes across the county.

What are the costs of credits? Will there be changes to costs in the future?

The price of a credit includes the whole life cost of design, build and maintenance for at least 80 years. Prices for new credits will be reviewed every year to ensure the whole life cost is recovered and the council does not make a profit. Currently credits are priced at £14,000 + VAT per kilogram.

How are credits allocated?

Currently, credits are allocated in date order. Consultants in collaboration with stakeholders are developing a policy that can be used to allocate credits in the future.

On sites that already have PTPs how will credits be allocated? Can a new PTP unit be installed?

Where a PTP is in existence already, there is the opportunity to replace this with a more environmentally sound model which will reduce the phosphate load that will be required to be mitigated.

Why were wetlands chosen as a form of mitigation by Hereford Council? Were any other schemes considered?

All options were considered by our consultants as part of stage 2 of our Interim Phosphate Delivery Plan which is published on our website. They confirmed that integrated wetlands were the most efficient way of taking phosphate out of the river. This has been independently verified by a number of experts. However this does not preclude developers from considering other options for mitigation for the phosphate budget of their development.

Do we have enough credits to meet the requirement of Core Strategy or emerging local plan?

The estimated mid-yield of our first 3 wetlands sites including Luston is 348 kg, with the expectation that more will be released in time. We are currently progressing a number of other sites in order to address both the existing backlog and the housing need for the remainder of the plan period.

How long until credits can be used to release approvals? Can approvals be granted ASAP on the basis that occupation will be 12-24 months away?

Credits will be released shortly, a condition will be attached to the permission which sets out that wetlands must be in operation prior to first occupation.

What is the scale of each of the schemes identified as coming forward? How many credits will be available?

Wetlands are scaled according to the size of the waste water treatment works (WWTW) and the level of phosphate the effluent contains, that come from the works and can be taken up by the wetlands, therefore the number of credits available will vary from site to site.

Why is mitigation needed?

To deliver nutrient neutral development, see [Natural England's letter dated July 2019](#).

Is mitigation a way to solve the nutrient issues in Herefordshire? How are they related to the Nutrient Management Plan?

Mitigation is a means of facilitating economic growth, The council has committed to giving 20% phosphate uptake towards river betterment, The long term solution is a strategic one developed through the nutrient management plan which tackles all sources of nutrients.

Why are private delivery projects not being sought and supported?

Herefordshire council welcomes applicants seeking to engage in the pre-application process to discuss how developers can mitigate their Phosphate load.

Are credits a form of fine for the housing industry?

Credits are a form of mitigation to facilitate economic growth in the county, the credits enable developers to mitigate their phosphate load and receive a positive Habitat Regulations Assessment.