

HAVANT BOROUGH COUNCIL

At a meeting of the Planning Policy Committee held on 4 July 2023

Present

Councillor Patel (Chairman)

Councillors Paul Gray, Kennett, Linger, Redsull, Scannell, Tindall and Bowdell
(Cabinet Lead)

Other Councillors Present:

Councillor(s): Philippa Gray, Rason and Bowerman

10 Apologies for Absence

Apologies for absence were received from Councillor Milne.

11 Declarations of Interests

There were no declarations of interests relating to matters on the agenda.

12 Legal Agreement for Warnford Park Estate Nutrient Mitigation Scheme

(Councillor Scannell joined the meeting when the presentation was well underway, and therefore did not take part in the vote but was allowed to take part in question and debate sessions.)

The Committee considered a report that would recommend to Cabinet to delegate authority to the Executive Head of Place (in consultation with the Monitoring Officer and Section 151 officer) to enter into a legal agreement for the Warnford Park Estate nutrient mitigation scheme to ensure a continuing supply of nutrient mitigation and efficient way of monitoring and enforcing that mitigation scheme. This would enable developers for large scale developments in Havant Borough to access nutrient mitigation from a third party mitigation scheme, reflecting that the Council's strategic mitigation scheme at Warblington Farm would be reserved for use by smaller scale developments. The report also sought to delegate authority to the Executive Head of Place in consultation with the Cabinet Lead for Planning, Environment and Water Quality to enter into further legal agreements with appropriate third party mitigation schemes following agreement of them from Natural England.

The Committee received supplementary information, circulated prior to the meeting, which included written deputations submitted by:

1. Mr Budden
2. Councillor Rason
3. Mr Hunnibal

4. Ms Brooks, on behalf of the Havant Climate Alliance and Friends of the Earth

The Committee was addressed by:

1. Mr Hunnibal, who reiterated the issues set out in the written deputation submitted.
2. Councillor Rason, who reiterated the issues set out in the written deputation submitted. Councillor Rason added that there were no mention of phosphates in the mitigation scheme.

The Officers commented on the issues raised in the written deputation as follows:

1. The Council were not seeking to block purchase or reserve any mitigation from a third party mitigation scheme. There would not be any direct financial implications to the Council from the recommendations.
2. The proposal would primarily facilitate and benefit brownfield land. Some greenfield sites in agricultural use would not generally require mitigation, with nutrient neutrality being achieved on site.
3. Natural England considered the timescales for passage of nutrients from the land to the surface water network would likely to be very short, with the benefits of mitigation likely to be felt in advance of the occupation of development relying on the scheme for nutrient offsetting.
4. Any legal agreements for future strategic mitigation schemes would only be entered into after they were signed off by Natural England.
5. Warnford Park is a private sector scheme and is not within Council's power to limit eligibility.
6. Natural England hold the Council and developers to account, and they would not be actively facilitating the mitigation scheme.
7. In relation to water usage of new developments, the specific figures for water efficiency within the Natural England methodology for nutrient neutrality are based on those in the building regulations.
8. The Borough was not currently facing any water quality issues in relation to phosphates. Though elsewhere within the sub-region development draining to the mid and upper Itchen is having to address this issue.

In response to questions from members of the Committee, officers stated that:

1. Developers can reserve capacity for their development in a particular mitigation scheme. A "deed of allocation" would identify a part of mitigation scheme and link it with the amount of mitigation required by the development to avoid double counting.
2. The recommendations were not to earmark or reserve any credits. It would instead ensure a robust enforcement and monitoring process for Warnford Park.
3. The issue of housing growth should not be conflated with the issue of allowing the Council to meet its legal obligations under Habitat Regulations.

4. By requiring information at validation stage, there would be a means of residents to comment on mitigation schemes put forward on individual planning applications.
5. Delegation in consultation with the Cabinet Lead would mean that future items similar to Warnford Park Scheme would not go to the Committee. Nonetheless, updates on the natural environment, including nutrient neutrality would be brought to the Committee on a regular basis.
6. The best available scientific evidence as set out by the Government consultation body indicated that the mitigation at Warnford Park would be suitable for development draining to Budds Farm Wastewater Treatment Works.
7. If on-going monitoring showed that there are issues with the effectiveness of the mitigation scheme, the Council as competent authority would not approve further development schemes using this mitigation.
8. The officers would update the Committee on the efficacy of the Warnford Park scheme in the future.

The Committee discussed the application in detail together with the views raised by deputees.

The Committee considered its role and recognised that it was not in the Committee's responsibility to scrutinise Natural England. The Committee also acknowledged that there would be ongoing monitoring of the Warnford Park scheme. Furthermore, the Committee also considered that if a legal agreement for the scheme was not in place, then brownfield sites could not come forward for development, whilst greenfield sites could continue.

RESOLVED that Members recommend to Cabinet to enter into a nutrient neutrality mitigation agreement and delegate authority:

1. To the Executive Head of Place in consultation with the Monitoring Officer and Section 151 officer to enter into a legal agreement with the South Downs National Park Authority and the mitigation land owner at Warnford Park, Warnford, Hampshire;
2. To the Executive Head of Place in consultation with Cabinet Lead for Planning, Environment and Water Quality to enter into other legal agreements for third party strategic nutrient neutrality mitigation schemes, following agreement of them from Natural England.

Members have also agreed that officers:

1. Update the Planning Policy Committee annually, or sooner if requested by the Chair, on the planning based measures being put in

place to preserve and enhance the Borough's natural environment.
This would include, but not be limited to, nutrient neutrality.

The meeting commenced at 5.00 pm and concluded at 6.34 pm

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Chairman