

Item 6: Deputation from Councillor Richard Kennett

I apologise that I am not able to attend this important meeting. I have a number of issues and concerns about what we are being asked to approve.

At a time when we hear more and more about the need for food security to be prioritised, I question the notion of nutrient neutrality that results in taking prime agricultural land out of production. This will result in a loss of local food sources, increasing the carbon footprint as food will need to be transported further. Rather than taking a strategic, long-term approach, this seems to me at best to be tactical.

As a local authority, we should be lobbying with neighbouring authorities to challenge the wider premise of nutrient neutrality. While I respect that these are 'the regulations', it seems utterly bizarre that Havant is buying land (or at least the developers will be paying for it) in an area 15 miles away from the Borough to enable us to apparently continue to build houses here.

I am also concerned about Paragraph 3.f.

However, there are other nutrient mitigation schemes which are emerging which are expected to launch later this year. As such, this report also asks for delegated authority for the Council to enter into further similar legal agreements.

I urge my fellow councillors to strongly reject the proposal for delegated authority around further/future legal agreements. I do not need to labour the point that our residents are increasingly mindful of our environment, and they deserve decisions like this to be properly and independently scrutinised by their elected representatives. I also hope that this paragraph does not allow sites to be approved without independent scrutiny. For example, Ricardo provided an independent review of Land & Partners' proposals for Long Copse Lane at Stansted Park and identified a number of issues. If a site is being proposed for mitigation at Thornham, I would hope there is a mechanism for councillors and residents to be aware of this before (I hope) it goes to Planning Policy Committee for approval.

Furthermore I also note under Paragraph 10:

No public consultation is proposed on entering into the legal agreement. This is not required under the regulations pertaining to Local Plan preparation nor under the Council's Statement of Community Involvement.

Again, I make the point about public interest and the need for communication and transparency on these matters. We may not be *legally required* to consult with residents, but it would send a strong and positive signal to elicit their views on these proposals to avoid a decision potentially being taken in isolation, with far-reaching long-term consequences.

Residents and I hope my fellow councillors, recognise that nutrient mitigation is a very complex area and it is likely that there will be no discernible reduction in the nutrients entering the sea as a result of the measures. This was borne out by the conclusions in the Ricardo report on the Land and Partners proposals (ref. Long Copse Lane) at Stansted Estates where there is a lack of evidence, outlined on pages 2 and 3 of this submission.

It was thought that a much more precautionary approach should be taken, including the proposals for Warnford Park. Where is the evidence it will work?

Approving mitigation sites that would unlock development at inappropriate and environmentally sensitive sites like Long Copse Lane would not serve residents, causing frustration and resentment.

Has any analysis of the Council mitigation scheme at Warblington Farm been undertaken to prove that it is working? If it has, we should be provided with this evidence, and if not, as Chair of Overview and Scrutiny Committee I believe this should be scrutinised.

Ricardo Report

3. CONCLUSIONS

- *Is the documentation in line with the HRA principles?*

Ricardo finds that the sHRA was not in line with HRA principles. Specifically, the Stage 1 Screening Assessment did not provide enough detail regarding the qualifying features of the European sites or how likely significant effects were screened for each impact pathway. The Chichester and Langstone Harbours SPA and the Chichester and Langstone Harbours Ramsar site must be assessed as individual European sites. At present they are treated as one entity. This does not follow HRA guidelines.

Additionally, the Stage 2 AA did not provide the necessary detail to conduct a robust integrity test of the proposed mitigation strategies. The nutrient balancing assessment is in line with HRA principles. As highlighted above to comply with Natural England guidelines, evidence of discussion regarding the off-site mitigation land location with Natural England is required. We understand that this has been confirmed via the DAS process but have not seen the details.

The Section 106 is in line with the HRA guidelines, although clarification on how the mitigation land will be secured in perpetuity is required. Given the uncertainty surrounding the assumptions provided in the hydrogeological appraisal, a localised assessment and associated reports should be presented to validate said assumptions. If assumptions cannot be validated, additional monitoring measures and alternative mitigation strategies are required.

- *Is all of the documentation required (re. WQ) provided?*

Documentation showing qualifying features of designated sites (i.e., citations or reference to citations) is required to complete a sHRA. Qualifying features include the habitats or species for which a site is designated.

A summary table providing which European sites have been screened in or out and the reasoning behind the screening decision is recommended. Ricardo understands that there has been consultation with Natural England and Havant Borough Council to agree on the location of the off-site mitigation land but have not seen the details via the DAS process. It is key that evidence of discussion with Natural England is provided, however Havant Borough Council as the competent authority is permitted to reject Natural England's advice, if desired.

- *Does further work need to be done in any area: provision or more documents, further modelling, etc?*

The Stage 1 Screening Assessment of the sHRA should include a summary table showing all of the European sites being considered, their qualifying features and which impact pathway may lead to likely significant effects.

A map showing the location of the European sites in relation to the proposed development is recommended.

The AA needs more detail in order to complete the integrity test and evidence that no adverse effect

will occur on the Chichester and Langstone Harbour SPA and the Chichester and Langstone Ramsar site. Further information and assessment are required to validate assumptions made in the hydrogeological appraisal. If this cannot be completed, additional monitoring and mitigation plans are required.

I completely appreciate that none of the issues in this deputation are straightforward and cited the Ricardo report as evidence of this. It should not be a binary decision between supply of food and housing, but the principles around nutrient neutrality, while laudable in theory, make it so. I urge my colleagues to ensure that we remain a continuing part of the ongoing discussions and any future agreements of this type and do not accede to delegated decision-making. We also have a responsibility to ensure that we engage with our residents and ensure independent scrutiny of these proposals, both now and in the future. Finally, we should be taking an evidence-based approach, hence the need for analysis of Warblington Farm as an existing example of nutrient mitigation.