



Minutes of the Partnership for Urban South Hampshire (PUSH) Joint Committee

*Minutes of a meeting held on 04 June 2019
in the Council Chamber, Civic Offices, Fareham*

Members:

Councillors

Seán Woodward
Gerald Vernon-Jackson
Judith Grajewski
Neil Cutler
Nick Adams-King
Stephen Philpott
Michael Wilson
Edward Heron
Paul Bicknell
Steve Leggett

Authority Represented:

Fareham BC
Portsmouth CC
Hampshire CC
Winchester CC
Test Valley BC
Gosport BC
Havant BC
New Forest DC
Eastleigh BC
Southampton CC

Officers:

Peter Grimwood
Roger Tetstall
Laura Taylor
Sandy Hopkins
Stuart Jarvis
Claire Upton-Brown
Simon Jenkins
Nick Tustian
David Williams

Authority Represented:

Fareham BC
Test Valley BC
Winchester CC
Southampton CC
Hampshire CC
New Forest DC
Havant BC & East Hampshire DC
Eastleigh BC
Portsmouth CC & Gosport BC

Co-opted Members:

Paddy May
Stuart Baker

PUSH
Solent LEP

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1. ELECTION OF A CHAIRMAN

Having been proposed and seconded, it was RESOLVED that Councillor Woodard from Fareham Borough Council be elected as Chairman for the 2019/20 municipal year.

2. APPOINTMENT OF VICE CHAIRMAN

Having been proposed, that Councillor Vernon-Jackson should remain as the Vice-Chairman, Councillor Vernon-Jackson declined the nomination before it was seconded.

The Chairman sought nominations for a Vice-Chairman and it was proposed by Councillor Vernon-Jackson that Councillor Hammond be Vice-Chairman. Having been duly seconded, it was RESOLVED that Councillor Hammond from Southampton City Council be elected as Vice-Chairman for the 2019/20 municipal year.

3. APOLOGIES FOR ABSENCE AND CHANGES IN JOINT COMMITTEE MEMBERSHIP

Apologies for absence were received from:
Councillor Keith House (Eastleigh Borough Council) with Councillor Paul Bicknell deputising; Councillor Ken Moon (East Hants District Council); John Metcalfe (Isle of Wight Council); Councillor Chris Hammond (Southampton City Council) with Councillor Steve Leggett deputising; Bruce Voss (Homes England); James Humphrys (Environment Agency); Gill Kneller (Havant BC and East Hants DC) with Simon Jenkins deputising; Councillor David Stewart (Isle of Wight Council) and Councillor Lucille Thompson (Winchester City Council) with Councillor Neil Cutler deputising.

4. MINUTES

RESOLVED that the minutes of the PUSH Joint Committee meeting held on 05 February 2019 be confirmed and signed as a correct record.

5. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that he had received a letter from the Leader of the Isle of Wight Council stating the Isle of Wight Council no longer wished to be a member of PUSH with immediate effect. The Chairman explained to the meeting that technically six months' notice to leave PUSH is required however it was felt there was little merit in imposing the notice period on the Isle of Wight and therefore, having been proposed by Councillor Woodward and duly seconded, it was AGREED unanimously that the Isle of Wight leave PUSH with immediate effect and that the Chairman will write to the Leader of the Isle of Wight Council accordingly

6. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

7. DEPUTATIONS

There were no deputations made at this meeting.

8. PUSH CO-ORDINATOR'S REPORT

Before this report was presented, the Chairman advised the Joint Committee that the report contained an update in respect of water management following the recent Court ruling in respect of nitrates. The Chairman welcomed Graham Horton from Natural England and Philip James from Southern Water to the meeting who had been invited to give updates to Members in respect of this matter. The Chairman advised Members that if they wished to seek legal opinion, the meeting would move into private session.

The Joint Committee received a report written by the PUSH co-ordinator, presented by Paddy May, that covered issues which are significant, but do not justify a full report to be brought to the attention of the Joint Committee for decision or for information.

In terms of Part A Matters - there was a proposal that Bird Aware Solent enter into a 5-year service level agreement with Hampshire County Council to provide a rangers' service. Portsmouth City Council procurement had supported the process and felt that the agreement offered good value for money. Joint Committee agreed with this proposal.

In respect of the update on water management, the Chairman advised that due to the nitrate issue, developers have been unable to obtain planning consent and where planning has been granted it is not possible at this time to issue the planning consents. The Chairman invited Graham Horton of Natural England to comment on this matter.

Graham Horton explained in 2018 PUSH, with support from Natural England and the Environment Agency, had produced the Integrated Water Management Strategy. This had brought an interim period of time to deal with the consents around the nitrate issues in the short term and a Position Statement had been agreed that PUSH would work with Natural England, the Environment Agency and Water Companies to develop a longer-term strategy to unlock the issue around house growth in the medium and long term. Since that Position Statement had been agreed there had been a Court of Justice of the European Union (CJEU) ruling in Holland which has meant that when Natural England is advising on Appropriate Assessments and the impact on nitrates on protected areas in the Solent, they have had to take a more cautionary approach and have sought their own legal advice. The change in the legal interpretation of the Habitats Directive and new nitrogen omissions is causing the issues and they are

working to resolve issues and reach a strategic solution to move forward with Authorities.

Philip James from Southern Water was invited by the Chairman to comment and he stated that Southern Water was committed to contributing to the solution but could not work in isolation. The solution needed to meet the intention of the ruling and resolve the housing issue. The solution would need to be acceptable to the Environment Agency who are Southern Water's regulator.

During discussion on this item, Graham Horton explained that Natural England's position was it was difficult to permit additional nitrates into an already failing system. He further explained that work was ongoing with farmers but that nitrates also derive from residential waste and the Local Planning Authorities (LPAs) must satisfy themselves there is no impact from new houses and it is up to those Local Planning Authorities to decide the level of risk from permitting development.

In discussing whether certain areas were affected more than others, Graham Horton agreed to provide the Joint Committee with a map of affected areas together with more information about the Dutch ruling.

Members of the Joint Committee discussed how Government may assist in this matter and a proposal was put to the meeting by Councillor Philpott that the Chairman, on behalf of PUSH, writes to the Secretary of State for Housing, Communities and Local Government (MHCLG) and the Department for Environment, Food and Rural Affairs expressing the Committee's concerns and outlining the assistance it feels is needed from Government, particularly whether there could be respite from the Housing Delivery Tests whilst work is ongoing to look for a strategic solution.

As discussion continued, Members sought views from Graham Horton whether there is a short-term solution which might mitigate risk but allow housing to be built. Members were advised that an option could be that Natural England prepares a form of words which, whilst it would not remove the risk of challenge, may give reassurance to legal advisers to support Local Planning Authorities deliver housing.

The suggestion was put to the meeting that a possibility could include Local Planning Authorities granting permission with conditions of no occupation until this matter is resolved and Graham Horton was asked whether if this approach was taken whether Natural England would challenge LPAs.

The Committee was advised that if Natural England agree and sign up to this then there would not be a challenge, but they will reserve judgment at this time until a joint position is developed and agreed which allows the issue to be resolved. This will not eliminate the risk but should give Local Planning Authorities some comfort and allow them to determine their planning consents.

At the conclusion of the discussion on this item, the Chairman summarised that it was a matter for individual Local Authorities whether they started to issue planning consents, that the best approach was to collectively work on a form of wording and it was agreed this would form joint working and that the PUSH

Planning Officers' Group would take the lead on the preparation of this Assessment as a matter of priority.

RESOLVED that the Joint Committee:

- a) NOTES and ENDORSES the Bird Aware Partnership's proposal to enter into a 5-year SLA with Hampshire County Council (HCC) for the continued provision of Rangers to support the work of the Partnership and the delivery of the Strategy;
- b) NOTES the matters for information outlined in Part B of this report; and
- c) AGREES that the Chairman writes on behalf of PUSH to the Ministry of Housing, Communities and Local Government and the Department for Environment, Food and Rural Affairs to outline how we balance the need for housing and the need to protect the environment and to request consideration of respite from the Housing Delivery Test until this is resolved.

9. CAPITAL AND REVENUE BUDGET MONITORING 2018/19 AND REVENUE BUDGET 2019/20

The Joint Committee received a report from John Harrison the Finance Service Director at Southampton City Council summarising the outturn against the budget for the financial year 2018/19. The report also updated Members on the proposed capital and revenue budgets for 2019/20 on the basis of anticipated level of resources available and the priorities for PUSH. Appendix 1 was tabled at the meeting.

RESOLVED that the Joint Committee:

- a) NOTES the outturn for the financial year 2018/19 as outlined at table 2;
- b) APPROVES the Statement of Accounts for the 2018/19 financial year and the Annual Governance Statement at Appendix 1; and
- c) APPROVES the proposed capital and revenue budgets for 2019/20 as set out in the report at tables 4 and 5.

10. REVIEW OF PUSH AND BUSINESS PLAN 2019/20

The Joint Committee received a report from David Williams, Chief Executive of Portsmouth City Council and Gosport Borough Council which identified several issues for consideration by the Joint Committee and seeks approval to a Business Plan for 2019/20.

Members were asked their views on the several considerations presented in the report before further work is undertaken to finalise the Governance review for PUSH. Members discussed each section of the report in turn and their comments are as follows: -

General – Purpose, Geography and Membership

Consideration: *“Should PUSH continue with its key objectives, being a clear*

focus on planning, housing delivery, infrastructure and the contribution to sustainable growth on the area of South Hampshire and the Isle of Wight?"

Members were satisfied with this section of the report and suggested no changes.

Business Plan and Commissioning

Considerations:

1. *"To maintain a membership of PUSH which reflects South Hampshire local authority geography"*
2. *"To invite the two National Parks to join"*
3. *"To consider the draft Business Plan set out within this report"*

Councillor Edward Heron addressed the Committee to advise that initial conversations had taken place at New Forest and it had been agreed that the entire New Forest District be included within the PUSH geography.

It was also suggested that the word 'Urban' be removed from the Partnership's title as this no longer reflected the make-up of the authorities within PUSH. It was agreed that the name should be changed to the 'Partnership for South Hampshire'.

Councillor Adams-King referred to the draft Business Plan at section 29 and stated that he felt it would be helpful to add in the Ministry of Housing, Communities and Local Government (MHCLG) methodology so that each Authority knows the future minimum requirement as there is a role there for all Authorities to work together.

Councillor Adams-King further requested that an addition is made that in respect of section 36, it might be helpful to include the New Forest Mitigation work that is currently underway which involves the western end of the area.

Cllr Leggett from Southampton City Council asked that the issue of Climate Change be addressed in the business plan

Funding and Subscription

Consideration:

"For future years to implement subscriptions that cover administrative costs only with Business Plan project work funded according to organisation participation."

Members were satisfied with this section of the report and suggested no changes.

Joint Committee Meetings

Consideration: *"Reduce the number of Joint Committee meetings to 4 per annum"*

Members suggested that, as historically there had only been one PUSH Joint Committee meeting cancelled each year, that the number of meetings be reduced to 5 not 4.

Use of Veto

Consideration: *“Remove the right of veto of any authority.”*

With the exception of Hampshire County Council, all authorities were content for the veto to be removed. Hampshire County Council explained that since they represent all districts, including those outside the PfSH area, they would need to have a veto to protect the 'northern' districts from unintended consequences.

Scrutiny

Consideration: *“To implement option 3”*

Members suggested that the PUSH Overview and Scrutiny Committee be consulted before option 3 be implemented.

Relationship to Solent LEP Leaders’ Forum

Consideration:

“No action.”

Members were satisfied with this section of the report and suggested no changes.

RESOLVED that the Joint Committee:

- a) NOTES the report and provided preliminary guidance on the responses to consultation and the summary of benefits of PUSH membership issues highlighted for consideration with a view to their adoption through a Governance Review; and
- b) APPROVES the Business Plan for 2019/20 at section 2 of the report, subject to the following amendments –
 - i. addition of the Ministry of Housing, Communities and Local Government (MHCLG) methodology within paragraph 29
 - ii. addition is made in respect of paragraph 36, to include the New Forest Mitigation work
 - iii. reference to Climate Change

with a view to developing a 5-year Business Plan, taking account of the outcome of the Governance Review, for the period 2020/21 – 2024/25.

11. SOUTH HAMPSHIRE GREEN INFRASTRUCTURE IMPLEMENTATION PLAN 2019

The Joint Committee received a report from Garry King summarising the preparation of the South Hampshire Green Infrastructure Implementation Plan 2019 which will deliver the Green Infrastructure Strategy. This Strategy provides the vision, policy framework, drivers and evidence for strategic Green Infrastructure planning for the South Hampshire part of the PUSH sub-region.

Councillor Vernon-Jackson left the meeting during this item.

Councillor Grajewski asked for it to be placed on record her thanks to all Officers who had worked on producing this really good updated Plan.

RESOLVED that the Joint Committee ADOPTS the South Hampshire Green Infrastructure Implementation Plan 2019.

(The meeting started at 6:00pm and ended at 7:45pm).

(NB: The next meeting of the Partnership for Urban South Hampshire (PUSH) Joint Committee will be held on 31 July 2019).