



Partnership for Urban South Hampshire

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The Rt Hon Michael Gove MP
Secretary of State for Environment, Food and Rural Affairs
2 Marsham Street
London
SW1P 4DF

By email and Post
28 June 2019

Dear Secretary of State

Re: Nitrate neutrality requirements and the impact on housebuilding across South Hampshire

I write on behalf of all the members of the Partnership for South Hampshire (PUSH), to express our collective frustration about the current impasse we are experiencing that is preventing, and in some cases completely halting, local planning authorities granting permission for new housing developments across the region. We are currently being told by MHCLG that we need to build new houses whilst Natural England are telling us that they will object to any planning consents that are not nitrogen neutral. This is putting us in an unacceptable position.

PUSH was formed in 2003 following a recognition by the Leaders of Eastleigh, Fareham, Gosport, Havant, Portsmouth, Southampton councils (the urban core of South Hampshire) and Hampshire County Council that South Hampshire was underperforming in economic terms in comparison with the remainder of South-East England. Subsequently PUSH invited the Leaders of East Hampshire, New Forest, Test Valley and Winchester councils to join in recognition that the natural economic area of South Hampshire included parts of these areas too. PUSH moved from an informal meeting of council leaders to a formally constituted Joint Committee with overview and scrutiny arrangements. As a group of councils, we work effectively together and are committed to encouraging sustainable development and growth across South Hampshire.

With our commitment to sustainable development and sustainable growth, we entirely understand the importance of protecting our valuable natural assets and the wider environment. However, we also know that our communities need new housing. As responsible local authorities, we work together and across boundaries

to build the houses that our communities need in line with the requirements of The National Planning Policy Framework. We also do all that we can to protect our important habitats. As an example of this, PUSH provides the governance for Bird Aware Solent the award-winning scheme that provides collective mitigation for recreational disturbance to our habitats from coastal development across South Hampshire.

The current position of Natural England with regard to nitrates has developed in response to the "Dutch" case. This sudden change in policy position where Natural England are now objecting to developments which are not nitrate neutral is causing problems for our local planning authorities. Whilst they are "only" a statutory consultee we are aware that if we ignore their advice we are laying ourselves open to challenge. On this basis a number of PUSH authorities have sought legal advice and been told that with the current Natural England position we should not consent to any developments.

Local Councils, as well as PUSH, are already working closely with Natural England to ensure that housing development includes the relevant environmental protections, in particular, the impact on the designated areas of special protection and conservation in the Solent area. We note that the majority of nitrogen deposition into the area is caused by agricultural practice, not from urban areas or new housing development - but it is the impact on new house building that is being immediately affected by the issue. We also note that Southern Water has recently been fined for their waste water treatment compliance and that this will almost certainly have led to additional nitrates flowing into the Solent.

The cumulative impact of this situation leaves us in the impossible situation of having to balance the need for new housing in line with government targets, with developments that are 'nutrient neutral' and which Councils consider as unrealistic and largely unachievable. This is particularly the case for the urban parts of South Hampshire who have limited opportunities to remove land out of agricultural use for example. Whilst we are working collectively to develop strategic mitigation to help the long-term development this is not dealing with the immediate problem. As the Chairman of PUSH I would like to request that you suspend the relevant NPPF Housing Delivery Test for PUSH authorities, whilst this problem is sorted. This would relate to the Autumn 2020 and Autumn 2021 tests which will be impacted by the current situation. I also request that you suspend the five-year housing land supply calculations. The current situation will be affecting adversely on the trajectory shown in five-year housing land supply calculations.

Whilst we are committed to protecting the natural environment and take our stewardship of this area very seriously, it would also be helpful if Government could put in place measures to ensure that issues of water quality could be considered in line with the policy that was in place up until November 2018. It will be necessary to ensure that any solution ensures that the UK continues to correctly implement the UK Habitats and Birds Directives. As highlighted above, there is no change in what is proposed in terms of housebuilding or a weakening of environmental safeguards through local plans, simply a change in how this is assessed since November 2018.

PUSH authorities are seriously concerned that unless this issue is addressed reasonably quickly, the issue of nitrogen neutrality could become the pre-eminent planning issue in the release of land for housing (given increasing housing delivery requirements). This will effectively override other important planning considerations embodied in the NPPF such as the priority to be placed on the re-use of previously developed land.

I look forward to hearing a response to my suggestion, which I am proposing on behalf of the PUSH authorities.

Yours sincerely

A handwritten signature in black ink that reads "Seán Woodward". The signature is written in a cursive, flowing style.

Councillor Seán Woodward
Chairman of the Partnership for Urban South Hampshire

Letter also sent to The Rt Hon James Brokenshire MP

cc Kit Malthouse MP
Thérèse Coffey MP