



Report to the Partnership for South Hampshire Joint Committee

Date: 14 October 2019

Report of: David Bibby, Principal Planning Officer (Strategy), Test Valley Borough Council – on behalf of PfSH Water Quality Working Group (WQWG)

Subject: PFSH NUTRIENT NEUTRALITY UPDATE

SUMMARY

This report provides a further update on progress made to date on work that PfSH is undertaking with partners to address the issues of achieving nutrient neutrality from development across the region. In light of advice from Natural England the aim continues to be to achieve a PfSH wide strategic approach to mitigation in order to achieve nutrient neutral development and deliver the planned housing compliant with the Habitats Regulations.

There is evidence of high levels of nitrogen and phosphorus in the Solent water environment with evidence of eutrophication at some designated sites. This must be addressed as required by the Habitats Regulations. The achievement of nutrient neutrality, if scientifically and practically effective, is a means of ensuring the development does not add to existing nutrient burdens.

Officers have continued to work with colleagues from Natural England, the Environment Agency, Southern Water and other partners to investigate the potential mitigation options. A meeting has been held with officials from the Ministry of Housing, Communities and Local Government (MHCLG). Whilst positive progress is being made and some of the identified potential mitigation options look favourable, no firm mitigation solutions have yet been found that would enable a PfSH wide strategic approach to be put in place. Best endeavours to achieve this continues.

RECOMMENDATION

It is RECOMMENDED that the Joint Committee:

- a) REQUESTS to MHCLG that the period for the end of the transitional arrangement for the Housing Delivery Test (as specified in the National Planning Policy Framework) be extended beyond 2020, so that completions in 2022/23 can be counted;
- b) CONTINUES to work closely with MHCLG to find both short and medium/long term mitigation solutions and to SEEK support to assist us in achieving these;
- c) CONTINUES to work closely with Natural England and the Environment Agency, including focusing on efforts to SEEK a resolution of the difference in approach to the nutrient issue with within DEFRA achieve an agreed position;
- d) CONTINUES to ENGAGE with Ofwat as opportunities arise through consultations on their regulatory functions, with regard to Southern Water's future infrastructure investment, including the potential for wastewater treatment upgrades to order to reduce nutrient discharges and increase capacity to accommodate development;
- e) AUTHORISES that a PfSH wide assessment of nitrate budgets and a package of potential mitigation measures be undertaken;
- f) AUTHORISES that the Integrated Water Management Study be updated in the form of an addendum, including a review of Appendix E Main Water Quality baseline and modelled data;
- g) CONTINUES to SEEK potential options for funding to support potential mitigation measures; and
- h) AUTHORISES the continued investigation of potential medium/long term mitigation solutions to provide a strategic PfSH wide approach, including with wider local authority partners beyond PfSH members.

INTRODUCTION

1. The South Hampshire Integrated Water Management Study (IWMS) was considered by the Joint Committee at meetings in March and June 2018. At that time, it was recognised that there remained uncertainties over the potential need for mitigation of the impact of development after 2020 on water quality, water resources and in order to satisfy the Conservation of Habitats and Species Regulations (2017, as amended) (hereafter referred to as the Habitats Regulations)¹. This included the known potential need to achieve nutrient neutral development in the future.
2. However, a subsequent Court of Justice of the European Union (CJEU) judgement, generally known as the Dutch Case², and consequent revisions to Natural England's (NE) advice on planning applications, has meant that achieving nutrient neutral development became an immediate and critical issue for PfSH local authorities early this year. The background to this issue, together with implications of the current position was considered by the Joint Committee on 31 July 2019. This also included discussion of the consequent investigation of potential mitigation options in order to provide a solution to enable development to proceed in a nutrient neutral manner. Work on assessing such measures has been ongoing since that time.
3. How to achieve nutrient neutral development and the science behind it is a complex issue. The position is evolving and there continues to be a significant degree of uncertainty over how best it is addressed. The way the waterbodies within the Solent interact are unique, adding to the complexity. Given the sensitivity of the Solent to water quality and the recent case law means that there is still effectively no best practice to refer back to and learn from.
4. The Water Quality Working Group (WQWG) was established to take forward the IWMS Action Plan. It comprises all PfSH local authorities, together with Natural England (NE), the Environment Agency (EA), Southern Water and Portsmouth Water. It has continued to work on potential options to address the issue, in the light of the resolutions of the 31 July 2019 Joint Committee. Chichester District Council and the South Downs National Park Authority have also been participating. A meeting has been held with MHCLG officials, in light of correspondence to government from PfSH and member authorities. Despite positive progress being made and significant priority and urgency being given to the issue, and whilst some of the identified potential mitigation options look favourable as possible ways forward, no firm mitigation solutions have yet been found that would enable a PfSH wide strategic approach to be put in place, and best endeavours to achieve this continue.
5. This report (on behalf of PfSH WQWG and PfSH POG) sets out an update on progress made to date, in light of officers' best knowledge and understanding of the position, which continues to evolve. In informing this position, there continues to be a reliance on the technical expertise and experience of statutory bodies and water quality specialists.

BACKGROUND

¹ Available at www.legislation.gov.uk/ukxi/2017/1012/contents/made

² Full reference is *Coöperatie Mobilisatie for the Environment UA and College van gedeputeerde staten van Noord-Brabant* (Case C-293/17 and C294/17) available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62017CA0293>.

6. Excessive nutrients (principally nitrogen and phosphates) in the Solent's international sites is causing eutrophication, leading to an increase in algae growth. This has an adverse impact on the habitats and species within these sites³ in and around the Solent, to which the Habitat Regulations apply. The impact on the condition of the sites is relevant in the context of their conservation objectives and achieving favourable conservation status.
7. Excess nutrients come from a number of sources including agriculture (faeces and fertiliser), and waste water from development and other background sources. The largest source, potentially 70-80%, comes from agriculture. It can take decades for nitrogen in the upper reaches of river catchments to reach the sea. However, as the Habitats Regulations apply to planning decisions, a new focus has been placed on the impact of new residential development in order to avoid exacerbating an existing issue- notwithstanding that the impact on this is relatively minor overall. Achieving nutrient neutral development will not address an existing problem, but in order to satisfy the Habitats Regulations it needs to be established that planning decisions will not make it worse. Any increase is deemed significant however small (due to the in-combination impact), therefore small sites cannot be screened out.

Natural England's Position and Draft Methodology

8. NE has advised that that there is a likely significant effect on the Solent's sites due to the increase in wastewater from new housing, (and any new overnight accommodation such as hotel and student accommodation, and major tourist facilities). This applies where the development would discharge into the Solent, whether directly, or indirectly via one of its river catchments. Taking a precautionary approach, there is uncertainty as to whether the increase in such wastewater will have an adverse effect on the Solent's international sites, and which therefore requires mitigation.
9. NE advice is that there is existing evidence of high levels of nitrogen and phosphorous in the Solent water environment with evidence of eutrophication at some designated sites. It recommends that where development will have inevitable wastewater implications, these and all other matters capable of having a significant effect on the Solent's international sites, must be addressed in the ways required by the Habitats Regulations.
10. It recommends that the wastewater issue is examined within the Appropriate Assessment process and that the existing nutrient and conservation status of the receiving water be taken into account. The achievement of nutrient neutrality, if scientifically and practically effective, is a means of ensuring that development does not add to existing nutrient burdens.
11. NE has prepared an advice note (Appendix 1 to Joint Committee 31 July 2019, Item 7) which includes a draft methodology providing a detailed calculation of the nitrogen load derived from new residential development. This draft methodology has not been further developed.

³ This would comprise as a minimum, the Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar, Portsmouth Harbour SPA and Ramsar, Solent and Southampton Water SPA and Ramsar, Solent and Isle of Wight Lagoons SAC, Solent Maritime Special Area of Conservation (SAC) and the Solent and Dorset Coast Potential Special Protection Area (pSAC).

PROGRESS IN INVESTIGATING THE ISSUE AND WORKING WITH PARTNERS ON POSITIVE WAYS FORWARD

12. The full WQWG has met twice since July. In addition, there has been an intense level of engagement with key partners on an ongoing basis. This has been in order to continue to increase our understanding of the issue and to lobby for both support and joint working to deliver a solution. As part of this process a number of specific meetings have been held with key organisations, including MHCLG. Further analysis has also been undertaken on quantifying the scale of the issue and its implications, together with continuing consideration and assessment of potential options for mitigation. Chichester DC has expressed a desire to participate in any future PfSH wide mitigation strategy.

Scale of the Issue

13. In order to quantify the scale of the issue, analysis has been undertaken across PfSH authorities, to put a figure on the number of undetermined planning applications that are currently awaiting decision either solely, or principally due to the nutrient issue. That analysis indicates that 4,542 dwellings are currently in a backlog awaiting consent both solely and/or principally (the nitrate neutrality requirement is a significant barrier) because of this ongoing issue. This figure does not include those applications expected in the next six to twelve months. However, the figure can be considered representative of the scale of the current problem and will increase the longer the issue remains live. .

Calculating nutrient budgets at scale

14. Fareham and Gosport Borough Councils have jointly commissioned a study looking to understanding the total nitrate budget of their Local Plans and advise on potential mitigation solutions. The study involves the development of a tool to be used to compare mitigation solutions for both individual applications and at a broader scale. While the study is not yet completed, the intention is to share the report and the Excel tool with PfSH colleagues. In addition, there is the potential to expand the work to a PfSH wide assessment to calculate a nitrate budget for the whole area to address any concerns about cumulative impacts.

Implications for HDT and 5-year HLS

15. The Housing Delivery Test (HDT) is a new measurement tool to understand how Local Authorities are delivering housing against their stated need figure. It considers housing delivery rates over a rolling three-year period and was introduced in 2018 with a pass rate of 25% of the housing need for the financial years of 2016/17, 2017/18 and 2018/19. The transition arrangements associated with the HDT's introduction mean that the pass rate increases to 45% in 2019 and 75% in 2020.

16. Given that there is a severely reduced number of permissions being granted in the PfSH in the financial year 2019/20, it is not unnecessary to assume that the delivery of homes will be suppressed in the years 2020/21 and 2021/22.

As HDT works on a three-year rolling period, this period of reduced delivery coincides with the rise to a pass rate of 75%. PfSH is advised to request an extension to the transition arrangements so that the pass rate remained at 45% for a further three years to allow the PfSH authorities to get back to a position of permitting sufficient applications to meet our respective housing need. Granting such an extension would be an important signal from Government that it recognises that PfSH authorities are doing all they can to deal with the nutrient issue. Such an agreement would be akin to the relaxation of the normal five-year housing land supply to just a three-year supply for authorities in Oxfordshire, agreed in March 2018, in order for them to control speculative development whilst they were preparing a joint spatial plan under the growth deal.

Ministry of Housing, Communities and Local Government (MHCLG)

17. Officers have an ongoing dialogue with MHCLG. Government support is needed to find a solution. A meeting was held between the PfSH POG and MHCLG officials on 20 August 2019, which was also attended by representatives of NE, EA, Solent LEP and Homes England. It was confirmed that ministers are fully aware of the issue. and cross-departmental discussions with DEFRA are being undertaken. A note of this meeting, including details of MHCLG's current position on the issue and what actions were agreed, is attached as **Appendix 1** to this report.
18. Following this meeting further information on the scale of the issue, its implications and the current position regarding potential mitigation solutions considered was provided to MHCLG to further inform their understanding. PfSH also advised them that neighbouring authorities will also have an interest in the outcome of the cross-Governmental discussions, notably Chichester DC and the South Downs NPA.
19. MHCLG have subsequently advised that they are working closely with NE, EA and DEFRA to understand potential resolutions to the issue. Technical discussions are taking place regarding nitrate permitting. They are also continuing to look at the implications of recent CJEU judgements and working with NE towards some revisions to the method for calculating nitrate neutrality. Further details are expected in due course, once these are agreed and Government is satisfied that are European Regulations compliant.

Natural England (NE), Environment Agency (EA) and Department for Environment, Food and Rural Affairs (DEFRA)

20. The differing positions within DEFRA between NE and EA on the fundamental approach to the issue, regarding the condition of the international sites and interpretation of the impact of recent case law, remains unresolved. However, it is understood that a meeting was scheduled for 18 September 2019.
21. Officers are continuing to work with EA to better understand their role and the regulatory process undertaken in relation to setting permits limits for WwTW and the appropriate assessment (AA) process undertaken as part of this regime.
22. DEFRA has a significant role to play as the sponsoring government department for both NE and EA and its responsibilities for agriculture, by far

the largest contributor by sector of nutrients entering the Solent. PfSH members may look to lobby DEFRA to try to get the department to resolve its internal conflicts.

23. A response is being drafted on behalf of PfSH to the DEFRA consultation on water efficiency 'measures to reduce personal water use'. This would support efforts to reduce consumption and therefore be of benefit in increasing potential future headroom at wastewater treatment works (WwTW) to accommodate further development and relieve pressures on water resources.

Public Sector Landowners

24. Meetings have been held with both Hampshire County Council (HCC) and the Eastern Solent Coastal Partnership (ESCP) to investigate whether, in addition to the potential of local planning authority's own landholdings, there is any possible further public sector land which could be considered from other sources to support off-site mitigation. For the ESCP, there is a need to create additional habitats along the coastline. Additional land could be brought into this scheme, funded by developer contributions, to create additional coastal habitats and offset development.

OFWAT (water services regulation authority) and Southern Water

25. Ofwat is another DEFRA agency. PfSH provided a response to consultation on the 'Notice of Ofwat's proposal to impose a financial penalty on Southern Water Services' July 2019. PfSH also responded to Ofwat's 'PR19 draft determination for Southern Water' which sets the levels of infrastructure investment programme for the company, together with its price controls, service and performance standards, for the period 2020-2025. In both cases, the issue of Southern Water's past under performance and misreporting in the context of WwTW in and around the Solent was raised, together with the role which future investment in WwTW infrastructure could contribute towards addressing the nutrient issue specifically, alongside higher environmental standards more generally.
26. The outcome of both these consultations is awaited. The timescale for responding and the next stages are unknown, but may it take some time due to negotiations between Ofwat and the water companies over the proposed level of efficiencies and costs to customers.
27. Southern Water has been fully participating as a member of the WQWG and making a positive contribution towards its work, giving the PfSH local authorities a much better understanding of the regulatory framework and performance standards within which it operates.

Review of Integrated Water Management Study (IWMS)

28. The assumptions within the IWMS were very precautionary, including five-person occupancy rates per dwelling and that all new dwellings would be occupied by new residents to the sub-region. The WQWG has concluded that reviewing the IWMS (with more up to date housing figures and more realistic population projections and occupancy rates) is an important measure to understand accurately the likely impact from housing developments on the European sites in the Solent. The process of commissioning the update of the

IWMS is underway and the intention is to bring a verbal update to the Joint Committee.

Funding

29. There is currently no MHCLG funding to deal with this issue. As a result, PfSH will be putting a programme bid in to the Solent LEP Prosperity Fund to help provide mitigation at scale. PfSH has a strong track record in such schemes through Bird Aware Solent. The PfSH is able to use the existing South Hampshire Green Infrastructure Implementation Plan (June 2019) as a basis to make a business case. A bid submitted in November should allow time for the preparation to include the results and feedback from ongoing consideration of the issue by MHCLG. Grants valued between £550k and £5m are available from the fund. The deadlines for submitting an application is 29 November.
30. The prosperity fund exists to support large capital projects and programmes that have the potential to transform the Solent economy. Successful applications must demonstrate that the result, or output, meets any one or more of their ten specific criteria. Of those, three in particular are most relevant to an application for the above:
- Enabling/unlocking housing delivery
 - Strengthened natural capital infrastructure
 - Responding to key environmental challenges

ACHIEVING NUTRIENT NEUTRALITY

31. Some greenfield development can achieve neutrality through the change in land use from agriculture which emits nutrients into the environment. However, the extent to which neutrality can be achieved on greenfield sites is dependent upon the type of agricultural use (as this affects the existing level of nutrients), and whether wastewater from development will discharge to a WwTW with a nitrogen (N) permit limit. In the absence of such, a permit limit becomes unlikely for most agriculture types. For development on non-agricultural (particularly brownfield) land, it is generally not possible to provide mitigation as part of the proposed development. As a result, off-site specific or strategic mitigation solutions will be required.
32. Given the complexity of the issue and the ability of some solutions to come forward more quickly than others, it is likely that a suite of measures will be needed to deliver nutrient neutrality and that these will be split between short term and medium/long term solutions. The former to allow planning permissions to continue be granted, and the latter to form part of a strategic approach to mitigation.

SHORT TERM POTENTIAL MITIGATION OPTIONS

33. In order to provide mitigation as an interim measure for current planning applications, particularly where developments cannot provide on site mitigation, it is necessary to find solutions to meet obligations both in terms of meeting housing need and ensuring compliance with the requirements of the Habitats Regulations. A number of potential mitigation options are being explored by individual PfSH local authorities. In some cases, these have reached the stage of formal Council approval, and also the approval of NE.

34. The table below sets out for each authority what potential short-term options are currently being investigated (including their present status).

Table 1 Short Term Potential Mitigation Options

Local Authority	Mitigation Measure(s)	(Council) Status	NE Approval
East Hampshire	<ul style="list-style-type: none"> • Use of Grampian conditions 	In accordance with the council's nutrient neutrality position statement	
Eastleigh	<ul style="list-style-type: none"> • Council owned land taken out of agricultural use 	Approved by Management Liaison Group	NE consulted
Fareham	<ul style="list-style-type: none"> • Use of Grampian conditions • Water efficiency measures for council housing stock 	Executive meeting 2nd September	NE consulted
Gosport	<ul style="list-style-type: none"> • Water efficiency measures for council housing stock 	Report currently being prepared	Not yet sought
Havant	<ul style="list-style-type: none"> • Use of Grampian conditions 	Council agreed position statement (June 2019)	NE consulted
New Forest	<ul style="list-style-type: none"> • Use of Grampian conditions 		
Portsmouth	<ul style="list-style-type: none"> • Trading existing nitrate 'credits' (council developments) • Water efficiency measures applied to existing council owned dwellings to offset new development 	Approved by Cabinet	Currently In consultation with NE
Southampton	<ul style="list-style-type: none"> • None • No developments currently 'backlogged' 	N/A	N/A
Test Valley	<ul style="list-style-type: none"> • SANG • Council owned land • Solar farms 	Under consideration	Not yet sought
Winchester	<ul style="list-style-type: none"> • None • Ad hoc as necessary 	N/A	Not yet sought

MEDIUM/LONG TERM POTENTIAL MITIGATION OPTIONS

35. The potential medium/long term mitigation options remain limited given the constraints of the precautionary approach. In order to be AA compliant and achieve NE support, solutions will need to be permanent/in perpetuity (at least 80 years), as well as legally enforceable that they are implemented and maintained and monitored on a long-term basis. Whilst other options might be achievable in the future, the strategic mitigation solutions which are considered to have realistic potential at present are limited. Given the scale of potential mitigation land required, it is questionable whether the amount of land required is readily accessible for use for this purpose.

Land purchase/taking land out of agricultural production

36. This would concern the creation of SANG, nature conservation sites and other Green Infrastructure (GI) from existing agricultural land, leading to a change in land use to a lower nutrient input within the same catchment as the development to be offset. The provision of GI would have wider environmental and recreational benefits and nutrient reduction could be an indirect consequence of new provision for these primary benefits. Such sites could also provide multiple mitigation benefits for different purposes.

Wetlands

37. These would reduce nutrient release and would be of particular benefit downstream of WwTW to reduce discharge flows post treatment. Inception wetlands can also remove nutrients from agricultural land higher up in river catchments. This has the potential to generate other environmental and recreational benefits.
38. Wetlands could also be created as part of Sustainable Drainage Systems (SuDS) associated with new development. Such environments would act as a nutrient sink and can effectively remove a significant amount from surface water.

Woodland planting grant scheme

39. A scheme to fund tree planting and the creation of new woodlands could complement existing government schemes. Tree planting would take land out of agricultural production, reducing nutrient inputs, and as the tree mature there would be a reduction in nutrient load and other positive environmental benefits. The Government has aspirations for a significant increase in tree cover as part of its wider strategy for carbon reduction and this option would align with this approach.

Waste Water Treatment Works (WwTW)

40. The future review of WwTW permit limits remains a possible option if it could be implemented, although the current position of the EA means that it is not currently feasible. However, in theory new N permit limits could be introduced on those WwTW which don't currently have one (those which discharge into rivers). Subject to technical, scientific and financial viability constraints lower permit limits could also be investigated for those that currently have N permit limits in place.

41. Further consideration could also be given to whether developer contributions pay for WwTW upgrades beyond EA permit limit requirements. However, there are significant potential issues over whether this would be a financially viable solution, and whether it would be legally and procedurally possible for Southern Water to accept such contributions. At present this seems difficult to overcome.

CONCLUSION

42. An intense level of engagement is ongoing, to increase our understanding of the issue, including further analysis to quantify the scale of the issue and its implications, and to lobby for support and joint working to investigate potential mitigation options to delivery a solution.

43. Whilst positive progress is being made and some of the identified potential mitigation options look favourable as possible ways forward, no firm mitigation solutions have yet been found that would enable a PfSH wide strategic approach to be put in place, and best endeavours to achieve this continues.

RECOMMENDATION

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- d) CONTINUES to ENGAGE with Ofwat as opportunities arise through consultations on their regulatory functions, with regard to Southern Water's future infrastructure investment, including the potential for wastewater treatment upgrades to order to reduce nutrient discharges and increase capacity to accommodate development;
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- h) AUTHORISES the continued investigation of potential medium/long term mitigation solutions to provide a strategic PfSH wide approach, including with wider local authority partners beyond PfSH members.

Appendices - Appendix 1: Note of Meeting with MHCLG, 20 August 2019

Background Papers:

Item 7: PfSH Nitrate Neutrality Update, 31 July 2019 Joint Committee

Item 10: South Hampshire Integrated Water Management Study, 5 June 2018 Joint Committee

Item 10: South Hampshire Integrated Water Management Study, 28 March 2018 Joint Committee

Reference Papers: None

Enquiries:

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Partnership for South Hampshire
Nitrate neutrality requirements and the impact on housebuilding across
South Hampshire

13.30 - 15.30 Tuesday 20 August 2019
 Council Chamber, Fareham Borough Council Civic Offices

Note of Meeting

Welcome and introductions

- The PfSH provided a short appraisal, for the benefit of MHCLG colleagues, of the impact the issue is having on housing development in the south Hampshire region. Havant, Portsmouth, Test Valley, Gosport, East Hampshire, Eastleigh, Southampton, Fareham, New Forest, Natural England and Environment Agency contributed their individual positions. It is clear that the ability of local authorities to issue consents to developers for new housing is stalling significantly, the impact of the problem varies across the region, and there is a real risk to small and medium sized housing developers.
- The PfSH advised that unless measures are taken to address the situation quickly, the problems will escalate even further. A key frustration for members is the lack of parity between the approaches and guidance offered by Natural England and the Environment Agency to address the situation.
- Local authorities are looking at short-term solutions to mitigate nitrate pollution and that will result in resuming business as usual. A medium/long term strategy is required with central government buy-in and leadership.
- The PfSH considers that housing development and local planning authorities are being expected to provide a disproportionate level of responsibility for providing solutions to pollution caused largely by other industries.

MHCLG position

- MHCLG is aware that the issue is causing real problems and confirmed that it is on Secretary of States 'radar'
- Penny Mordaunt MP (Portsmouth North) met with Robert Jenrick MP (SoS MHCLG) 19 August at which the issue was discussed. The outcomes of that discussion not offered by MHCLG
- The issue is *not* one of the Government's making and confirmed that, post brexit, ECJ judgements and EU Directives will continue to be enforced in the UK
- In the short-term MHCLG felt that local authorities need to consider their appetite for risk to legal challenge when considering whether to issue any planning consent
- Collectively and individually, local authorities need to make a decision on how the outcome of the 'dutch case' is interpreted
- MHCLG understands that the housing development sector is taking an unfair 'hit' in terms of having to address the issue and that the balance needs to be redressed. MHCLG is keen to explore what other action can be taken so that new development can continue

- The MHCLG preference is for a strategic medium/long term approach and believed that offsetting (purchase of agricultural land/taking it out of use) is not necessarily the answer and does not work in cities
- MHCLG is also keen to explore options around the benefits of biodiversity net gain as a solution to the problem
- MHCLG appreciated that cross-departmental (MHCLG and DEFRA) discussions are required to form a medium to long term solution - but could only confirm that those discussions would happen 'in coming weeks'
- MHCLG cannot commit at this time to any funding for projects to look into mitigation measures

It was agreed that:

- Michael Bingham (MHCLG, Director of Policy) should be PfSH's main point of contact for ongoing discussions
- MHCLG will initiate cross-departmental discussions to look at ways of finding a medium to long-term solution to the problem. Since the meeting (email from Michael Bingham 21 August) the MHCLG has confirmed that it *will* be looking at possible short-term solutions
- Following enquiries from Fareham Borough Council, MHCLG agreed to provide advice on the process for invoking Imperative Reasons of Overriding Public Interest (IROPI)
- PfSH should provide MHCLG with an 'appraisal' of the current and future (6 to 12 months) impact of the problem and activity being undertaken to mitigate nitrate pollution. This should include:
 - clarity around expected housing need in line with expected population growth in the region
 - detail of what approaches local authorities were currently taking to address the situation
 - what are the barriers are to producing a medium to long-term mitigation strategy
 - Whether/which local authorities are currently issuing consents
 - Likely housing trajectory (what's in the pipeline) for the next 6-12 months - by local authority
 - Whether/which local authorities are developing a strategy of mitigations and if so, what those headline mitigations are.
 - Clarity around whether mitigation measures have been approved by Natural England, Cabinet or are simply being investigated
 - If strategies have been approved, when it is expected that individual local authorities will begin issuing consents again.
 - Clarity around the whether individual local authorities have assessed the amount of land required for mitigation (offsetting)
 - Confirmation of the quantity of land required to relieve a) the immediate backlog; and b) for the life of your local plan
- PfSH undertook to present the above to MHCLG on or just after 2 September (the occasion of the next PfSH Water Quality Working Group). Once MHCLG has sufficient background on the current 'state of play' it will be in a better position to inform further discussions internally and across government with a view to developing medium to long-terms solutions.

ENDS