



## Report to the Partnership for South Hampshire Overview and Scrutiny Committee

**Date:** 13 July 2021

**Report of:** David Bibby, Principal Planning Officer (Strategy),  
Test Valley Borough Council

**Subject:** PfSH Nutrient Neutrality Update  
Summary of the report being presented to PfSH Joint  
Committee, 27 July 2021

### SUMMARY

The purpose of the report will be to update Joint Committee on progress towards the implementation of mitigation strategies that unlock the backlog of required housing consents caused by the requirement that all new housing to be nutrient neutral.

### RECOMMENDATION

It is RECOMMENDED that the Overview & Scrutiny Committee:-

- a) NOTE the contents of this report;
- b) NOTE that Joint Committee will be asked to note the content of the report outlining PfSH's activity towards unlocking the delivery of housing which has been on hold due to the nutrient neutrality issue; and
- c) pass any comments to the Joint Committee for consideration.

## BACKGROUND SUMMARY

1. There is evidence of high levels nitrogen and phosphorus in the Solent water environment, including evidence of eutrophication at some internationally designated sites. This must be addressed as required by the Habitats Regulations. The achievement of nutrient neutrality is a means of ensuring that new housing development does not add to existing nutrient burdens.
2. The report will provide an update on recent progress made on the work that PfSH is undertaking with partners to address the issue of achieving nutrient neutrality from development across the sub-region. In light of the advice from Natural England, the aim continues to be to develop a PfSH-wide strategic approach to mitigation in order to achieve nutrient neutral development - and deliver the planned housing development compliant with the Habitats Regulations. Action continues under a number of work streams as outlined in the report. The work undertaken by the PfSH Strategic Environmental Planning Officer (SEPO) will be covered in a separate report.
3. Since the last meeting of Joint Committee on 22 March the following activity has taken place:
  - The Environment Agency (EA) has appointed a dedicated official to lead its review of consents for Waste Water Treatment Works (WwTW) Nitrate (N) permits that will take place. The EA is currently scoping the breadth of the review which will target the area around the Solent.
  - Southern Water has completed its voluntary monitoring of nitrate levels in Waste Water Treatment Works (WwTW). The results show a wide variance in the figures for total nitrogen (TN) discharges recorded, but generally that the level for those WwTW without N removal is close to the catchment average of 27mg/l used in the Natural England advice and budget calculator. Natural England therefore confirmed that it does not consider it appropriate to amend their guidance or budget calculator for non-permitted WwTW.
  - Two judicial reviews of decisions to grant planning permission for two residential developments in Fareham Borough have were heard together by the High Court. These confirmed that the approach to addressing the nutrient neutrality issue and achieving nutrient neutral development in line with the advice of Natural England was legally sound.
  - The SEPO has been developing proposals for sub-regional mitigation in bringing together and building upon current and developing local mitigation schemes. This is the subject of a separate report to Joint Committee
  - PfSH continues to engage with central government, particularly DEFRA. The SEPO is liaising with colleagues at DEFRA regarding his work for the sub-region. Progress continues to be made in developing the DEFRA Solent Nutrient Trading Pilot Project. Research undertaken with end users has shown widespread interest from developers and landowners. DEFRA is keen to engage with PfSH on the legal requirements of implementing the scheme. The design element of the platform's development has gone out to tender. It is planned that the pilot will be implemented in early 2022.

## **CONCLUSION**

4. Action continues under a number of work streams in order to progress addressing the nutrient neutrality issue, working with key partners and stakeholders. A further update will be provided to the next meeting of the Joint Committee in October.

## **RECOMMENDATION**

It is RECOMMENDED that the Overview & Scrutiny Committee:-

- a) NOTE the contents of this report;
- b) NOTE that Joint Committee will be asked to note the content of the report outlining PfSH's activity towards unlocking the delivery of housing which has been on hold due to the nutrient neutrality issue; and
- c) pass any comments to the Joint Committee for consideration.

**Appendices: None**

**Background Papers: None**

**Reference Papers: None**

**Enquiries:** For further information on this report please contact:-

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