

SUPPLEMENTARY AGENDA

CABINET

TUESDAY, 8 FEBRUARY 2022 AT 1.00 PM

COUNCIL CHAMBER - THE GUILDHALL

Telephone enquiries to 023 9283 4870 Email: Democratic@portsmouthcc.gov.uk

Membership

Councillor Gerald Vernon-Jackson CBE (Chair) Councillor Suzy Horton (Vice-Chair)

Councillor Chris Attwell Councillor Dave Ashmore Councillor Kimberly Barrett Councillor Ben Dowling Councillor Jason Fazackarley Councillor Hugh Mason Councillor Darren Sanders Councillor Lynne Stagg

(NB This supplementary agenda should be retained for future reference with the main agenda and minutes of this meeting).

SUPPLEMENTARY AGENDA

6 Updated Nutrient Neutral Mitigation Strategy (Pages 3 - 48)

The enclosed report originally marked on the agenda "to follow" was published on 3 February.

Purpose

 To seek approval from Cabinet Members on the proposed nitrogen mitigation scheme in partnership with the Hampshire and Isle of Wight Wildlife Trust (HIOWWT) to help enable minor third party and PCC housing development to come forward. There will be an upfront cost to Council intended to be recovered through developer contributions. The arrangements for the new mitigation scheme will require an update to Council's Interim Nutrient Neutral Mitigation Strategy for New Dwellings (Nov 2019), alongside other minor changes, for which this report seeks approval.

2. To update on the progress made with the Partnership for South Hampshire (PfSH) to develop wider strategic solution for the sub-region and the emerging 'nitrate trading' platform to be delivered jointly by the Department of Environmental, Food and Rural Affairs (DEFRA) and the Ministry of Housing, Communities and Local Government (MHCLG).

RECOMMENDED that the Cabinet

- 1. Approves the decision to enter into a proposed agreement with the *Hampshire and Isle of Wight Wildlife Trust* to provide nitrogen offsetting mitigation for minor third party and PCC development at up front expenditure of £3.75m.
- 2. Notes the details of the updates and approve the *Updated Interim Nutrient Neutral Mitigation Strategy* as guidance for applicants (See Appendix 1).
- 3. Notes the progress of the work of Partnership for South Hampshire (PfSH) and government bodies on a wider strategic solution to the nitrate pollution issue affecting house building in the Solent catchment.
- 4. Delegates authority to the Assistant Director of Planning and Economic Growth to make any necessary minor amendments to the Updated Interim Nutrient Neutral Mitigation Strategy following the finalisation of the agreement with the Hampshire and Isle of Wight Wildlife Trust, in consultation with the Cabinet Member for Planning Policy and City Development (if required).

Agenda Item 6 Portsmouth

Title of meeting:	Cabinet		
Date of meeting:	8 th February 2022		
Subject:	Nitrate Mitigation - Updated Nutrient Neutral Mitigation		
Report by:	Ian Maguire, Assistant Director for Planning and Economic Growth, Regeneration All		
Wards affected:			
Key decision:	Yes		
Full Council decision:	No		

1. Purpose of report

- 1.1 The purpose of this report is to seek approval from Cabinet Members on the proposed nitrogen mitigation scheme in partnership with the *Hampshire and Isle of Wight Wildlife Trust* (HIOWWT) to help enable minor third party and PCC housing development to come forward. There will be an upfront cost to Council intended to be recovered through developer contributions. The arrangements for the new mitigation scheme will require an update to Council's *Interim Nutrient Neutral Mitigation Strategy for New Dwellings* (Nov 2019), alongside other minor changes, for which this report seeks approval.
- 1.2 Additionally, the report gives an update on the progress made with the Partnership for South Hampshire (PfSH) to develop wider strategic solution for the sub-region and the emerging 'nitrate trading' platform to be delivered jointly by the Department of Environmental, Food and Rural Affairs (DEFRA) and the Ministry of Housing, Communities and Local Government (MHCLG).

2. Recommendations

Cabinet is recommend to:

- 2.1 To <u>approve</u> the decision to enter into a proposed agreement with the *Hampshire* and Isle of Wight Wildlife Trust to provide nitrogen offsetting mitigation for minor third party and PCC development at up front expenditure of £3.75m.
- 2.2 To <u>note</u> the details of the updates and <u>approve</u> the *Updated Interim Nutrient Neutral Mitigation Strategy* as guidance for applicants (See Appendix 1).
- 2.3 To <u>note</u> the progress of the work of Partnership for South Hampshire (PfSH) and government bodies on a wider strategic solution to the nitrate pollution issue affecting house building in the Solent catchment.



2.4 To <u>delegate authority</u> to the Assistant Director of Planning and Economic Growth to make any necessary minor amendments to *the Updated Interim Nutrient Neutral Mitigation Strategy* following the finalisation of the agreement with the *Hampshire and Isle of Wight Wildlife Trust,* in consultation with the Cabinet Member for Planning Policy and City Development (if required).

3. Background

- 3.1 The water environment within the Solent region is one of the most important for wildlife in the United Kingdom. It is recognised that high levels of nitrogen draining from the Solent catchment area have caused excessive growth of green algae (a process called eutrophication) which is having a detrimental impact upon protected habitats and bird species.
- 3.2 Following changes in European Case law, Natural England (the Government's advisor for the natural environment) began advising local planning authorities in the Solent catchment in 2019 that all new development involving, or generating additional, overnight stays should be 'nutrient neutral' to ensure it does not add to the existing nutrient burdens. Impacts on water quality from additional wastewater generated by new development must therefore be subject to an Appropriate Assessment¹ (under the Habitat Regulations) to conclude that there are no adverse effects on European protected habitats / sites and for the Council's decisions to be legally compliant.
- 3.3 With the need for a solution to address the temporary 'hold' that this advice placed on the granting of relevant planning permissions in Portsmouth in 2019, Cabinet approved the an *Interim Nutrient Neutral Mitigation Strategy for New Dwellings* in November 2019 which detailed three possible routes for proposals to achieve nutrient neutrality, agreed in principle with Natural England. Relevant permissions have since been granted and implemented in Portsmouth in accordance with this Strategy without legal challenge.
- 3.4 The Strategy to date has mostly relied on the use of 'mitigation credit', largely accumulated from water efficiency upgrades to the Council's housing stock, ensuring there is no net increase in nitrogen output from the city. This Council 'business as usual' generated source of mitigation was only envisioned to be able to provide 'credit' for a limited time (potentially 2-3 years), subject to monitoring of both the water efficiency upgrade works and demand for/ uptake of the accumulated 'credit bank' by the development industry. The projected capacity of this source is diminishing as the Council's programme of upgrades continue, though the actual accrual of water savings was limited in 2020/21 by Covid-19 pandemic restrictions limiting works to essential only.

¹An assessment required by the Habitats Directive (transposed by the Conservation of Habitats and Species Regulations 2017 (as amended)) to determine whether a plan or project is likely to have a significant impact on a Special Protection Areas (SPA) and Special Area of Conservations (SACs) which are collective known as the Natura 2000 network sites



- 3.5 Following Case Officer discussions with applicants and further revision of the Council's projected five-year land supply, it is considered that mitigation provision provided by the water efficiency upgrades will not be able to continue to provide for the anticipated scale of housing development that is expected to seek planning permission within the next 3-5 years. To continue to support the delivery of housing development in the city, an additional, legally compliant mean of securing nitrogen mitigation is required in order to provide sufficient certainty² for the grant of planning permission that suitable mitigation would be in place before the occupation of development.
- 3.6 PCC Officers have continued to engage with colleagues in other affected Local Authorities in the Solent through the PfSH Water Quality Working Group and sub group led by work with the PfSH Strategic Environmental Planning Officer who was appointed to co-ordinate work on this issue full-time.

Hampshire and Isle of Wight Wildlife Trust Scheme

- 3.7 The Hampshire and Isle of Wight Wildlife Trust (HIOWWT) has developed a 'nature-based solution' to provide nitrogen mitigation. The scheme works by acquiring intensively managed farmland that currently release high levels of nutrients (nitrogen) into the Solent and changing the way it is managed (i.e. grazed less intensively or left to 'rewild') to produce a much lower nitrogen output. The difference in nitrogen output will be used to offset the impact of new developments. There is also the potential for wider environmental benefits through biodiversity net gains. Natural England has approved the compliance of the Trust's scheme in principle with the requirements of the Habitat Regulations.
- 3.8 The Trust are acquiring a lease on the Nunwell Estate on the Isle of Wight, which is suitably located to provide mitigation for the East Hampshire catchment, including Portsmouth. PCC has had informal discussions with the Trust to reserve around 3,000kg of nitrogen mitigation credit for the anticipated development needs arising for the next three to five years. This would include the direct purchase by PCC of 750kg to 1,500kg³ of mitigation credit to help enable the delivery of minor third party and PCC development. The remaining 1500kg of credit would be provisionally reserved for major development proposals in Portsmouth, for which the applicant would be directed to HIOWWT to secure.
- 3.9 A purchase contract for minor/ PCC development mitigation credit has been agreed in principle by all parties at the Officer level. This is to be accompanied by legal agreement(s) to secure the enforceability of the scheme between Portsmouth City Council as the Local Planning Authority (LPA) for the proposed development, the Isle of Wight Council as the LPA for the mitigation land and the leaseholder (HIOWWT) / freehold owner. A separate legal agreement (as

² For the Appropriate Assessment of development under the Habitat Regulations and for the granting of planning permissions with appropriate conditions.

³ 1500kg is approximately equivalent to 1,875 units if based on a residential (C3) dwellings at an assumed 2.4 occupancy at 110 litres per person per day.



signed by other south Hampshire authorities) would secure similar arrangements for the applicants of major schemes who are purchasing mitigation credit directly from the HIOWWT.

3.10 The Council would still be able to utilise the remaining PCC mitigation credit being generated under the current Strategy to help enable development as appropriate on a case by case basis. Equally, applicants would still have the option to secure alternative mitigation solutions, in agreement with the Council and Natural England, as per the existing Strategy. All mitigation proposals will continue to be assessed on a case by case basis.

Costs and Cost Recovery (Developer Contributions)

- 3.11 It is proposed that the Council would purchase credits directly from the HIOWWT in three to six tranches, with an annual minimum of two tranches of 250kg credits per year (i.e. an annual minimum of 500kg Nitrate Credits). Each batch of 250kg credits would require an upfront cost to the Council of £625,000.
- 3.12 The use of mitigation credit (kgs) would be subject to cost recovery from the applicant (including PCC where PCC is the applicant). The indicative costs of the mitigation scheme, at a rate of £2,500 per kg, are indicated in Table 1 based on the current Natural England methodology calculations (version 5, 2020). PCC, though the direct bulk purchase of credit from the Trust, would absorb the associated legal and admin fees that would otherwise add to the cost of minor development (local small and medium sized house builders) per dwelling, thus helping to enable housebuilding in the city.

Number of net new dwellings	Average number of credits (kgs) required per unit	Indicative Cost
1	0.8	£2,000
2	1.6	£4,000
3	2.3	£5,750
4	3.1	£7,750
5	3.9	£9,750
6	4.7	£11,750
7	5.4	£13,500
8	6.2	£15,500
9	7.0	£17,500

Table 1: Indicative Mitigation Costs (based on a C3 dwelling at an assumed 2.	4
occupancy at 110 litres per person per day on brownfield land):	

3.13 As under the existing Interim Strategy, planning permission, with relevant conditions, would not be granted until the mitigation credit (or alternative solution) has been secured through a legal agreement.



3.14 Offsetting 'Credits' (kgs) purchased from this scheme would be added to the existing PCC 'credit bank' and subject to on-going monitoring of the uptake and trajectory, as outlined in Section 3 of the Updated Interim Nutrient Neutral Mitigation Strategy.

Risk Management

3.15 The approach to nitrate mitigation and supporting local house building is supported by the 27th July 2021 PfSH Joint Committee decision to endorse all of the PfSH Strategic Environmental Planning Officer's recommendations for a sub-regional joint approach to nitrate mitigation. This included a recommendation that local planning authorities consider the purchase of nitrogen mitigation credits from mitigation suppliers specifically to meet the needs of minor development based on an individual authority's assessment of need, and that a standard suite of template legal agreements is used across the sub region to reduce the legal costs to developers and to make the determination of application process more efficient. Moving toward a more consistent approach across the sub region will help provide certainty for applicants.

Cost recovery potential and impact on scheme viability

- 3.16 The HIOWWT solution, at £2,500 per kg/N (plus fees) is the most competitive scheme available on the market at this time. Other currently available mitigation schemes within the catchment include The Warnford Estate (£5000 per kg/N) and Eastleigh Borough Council (£4,500 per dwelling plus admin costs). Given the limits of the east Hampshire catchment area and the comparatively higher cost of land on the mainland, the options for schemes more competitive than the current HIOWWT option are likely to be limited. The Government has previously announced its intention to invest £3.9 million to establish an online 'nitrate trading' auction platform, to be delivered jointly with Department of Environment, Food and Rural Affairs (Defra), Natural England and the Environment Agency, where developers will be able to buy mitigation credits direct from landowners looking to change their land management for this propose, which would potentially bring a greater range of options on to the market. However, the trading platform is expected to be trialled in the Test and Itchen river catchment in summer 2022, which would indicate that a full roll out of the scheme is unlikely to be imminent.
- 3.17 The potential cost of such habitat mitigation requirements on the deliverability of development were included in the draft *Viability Assessment* of the new Local Plan (December 2020); the report suggests that development in Portsmouth should be capable of providing up to £5,000 per dwelling in s.106 Habitat Regulations mitigation costs (inc. recreation disturbance ('Bird Aware' scheme) and nitrate offsetting) in principle, without affecting the viability of the scheme and delivery of other requirements (such as affordable housing provision). The Viability Assessment does however acknowledge that case by case viability assessments may still be necessary. PCC could still reserve the right to elect to



provide mitigation credit, on a case by case basis, where there are demonstrated viability issues for key/ enabling schemes for regeneration projects or to ensure the costs of mitigation would not prejudice the delivery of Council objectives such as affordable housing provision for instance, at its own discretion.

Potential for regulatory change

- 3.18 In May 2021, the Environment Agency announced their intention to undertake a review of the current scope and level of Wastewater Treatment Works (WwTW) Nitrogen permits in the Solent area (Solent focused review of consents). PCC are working with the other PfSH authorities and the Environment Agency on timescales and the scope of this review. A review of the Budds Farm WwTW permit could potentially lessen or negate the number of credits required under the current NE methodology, but this is likely to take a couple of years to complete.
- 3.19 The *Environment Act 2021*, given royal ascent in November, seeks to improve air and water quality, tackle waste, increase recycling rates and protect biodiversity. In terms of water quality, the Act will deliver: effective collaboration between water companies through statutory water management plans; a statutory duty on drainage and sewerage management planning; and modernisation of the process for modifying water and sewerage company licence conditions. The Act is seen as a positive step towards addressing the sources of nitrate pollution. While the Environment Act is now part of UK law, many of its requirements do not commence immediately and will require the preparation and implementation of secondary legislation or regulations to take place.

Potential for alternative solutions

3.20 Alternatives solutions proposed for private development to reduce nitrate output, such as ultra-high water efficiency systems, have generally not been deemed to have sufficient certainty *in perpetuity* to meet the legal tests under the Habitat Regulations by Natural England to date, whilst proposals for package treatment plants also raise wider infrastructure concerns and are subject to Environment Agency permitting. Agricultural land management schemes to date have been rolled out across the area with Natural England's in-principle support.

Potential for legal challenge

3.21 In May 2021, Fareham Borough Council (FBC) was the first Council in south Hampshire to have its approach to safeguarding the protected environment of the Solent from the effects of nitrates tested in the Courts. Two judicial reviews which challenged the approach of Fareham Borough Council in granting permission for two small housing developments (Greenway Lane and Brook Avenue) under Natural England's Advice on Achieving Nutrient Neutrality for New Development in the Solent Region (5th ed. 2020). The High Court



concluded that the approach taken by Fareham Borough Council to mitigate the effects of nitrates on the Solent was legally sound, though it is expected that Natural England will amend their advice note in respect of when bespoke occupancy assessments are appropriate, as suggested within the judgement. The outcome of these legal challenges supports the on-going use of the Natural England methodology as a means of assessing the need for nitrate mitigation (which allows for agricultural land use management change) and sets a precedent for future legal challenges.

Contingency planning

3.22 In the event of any market or legislative changes, such as those outlined above, PCC could allocate any remaining mitigation credit to help enable future PCC schemes⁴ and/ or enact a proposed break notice in the draft purchase agreement after the third tranche of 250kg is purchased (currently due to be early-mid 2023). The inclusion of the break notice reduces the risk to the Council and allows the flexibility to either purchase more credit if still required, transition to sending all applicants direct to the HIOWWT under a PfSH-wide agreement, or cease the scheme.

Updates to the Interim Nutrient Neutral Strategy

- 3.23 The Interim Nutrient Neutral Strategy (2019) has been updated to capture any progress in addressing nitrate pollution as a wider strategic issue and amended to reflect the potential new source of mitigation credit within the framework of routes available to applicants. This includes an amended Mitigation Route 3 to include the HIOWWT mitigation scheme and options available for minor and major development.
- 3.24 Further minor amendments may be made ahead of finalising the scheme, following discussion with applicants and following any changes to Natural England's advice.

4. Reasons for recommendations

- 4.1 Cabinet is asked to approve the decision to enter into a proposed agreement with the Hampshire and Isle of Wight Wildlife Trust to provide nitrogen offsetting mitigation for minor and PCC development for a recoverable expenditure of up to £3,750,000 and to note and approve the updates to *Interim Nutrient Neutral Mitigation Strategy* guidance for applicants (see Appendix 1).
- 4.2 A significant increase for PCC's 'mitigation credit bank' is needed to provide adequate certainty for the Appropriate Assessment of all relevant proposals expected to seek planning permission over the next three years. The HIOWWT scheme is currently the most competitive scheme available and endorsed by

⁴ Except any scheme within a Natura 2000 site (the protected Solent harbour environments and their associated habitat) which is prohibited under the terms of the draft purchase agreement in-line with Trust's charitable objectives.



Natural England. The PCC bulk purchase of credit would help to support the small and medium house building industry in Portsmouth and the developer contributions for cost recovery has been found to be viable in principle. Any upcoming legal/ legislative/ market change is expected to take several years to fully implement and a solution to enable the granting of planning permissions for new homes in Portsmouth is required imminently. It is considered that there are sufficient risk management measures in place should wider circumstances change.

4.3 The HIOWWT mitigation scheme would therefore help to provide certainty for the local development industry and a legally sound framework to help enable the delivery of new homes in Portsmouth.

5. Integrated impact assessment

5.1 The recommendations of this report have no impact on the protected equalities groups.

6. Legal implications

- 6.1 Under the *Conservation of Habitats and Species Regulations 2017* ("the Habitat Regs") the Council cannot grant permission, consent or approval for development where a plan or project is likely to have a significant impact on a Natura 2000 site. PCC's credit bank provides developers with a mitigation option to overcome the impacts of additional wastewater outputs on the water environment of protected habitats in the Solent. It enables developers to achieve 'Nutrient Neutrality' which satisfies the legal requirements under the Habitat Regs.
- 6.2 Land agreements are excluded from the provision of the Public Contracts Regulations 2015.
- 6.3 To note, the Council may not use or allocate any of the agreed number of credits acquired under the proposed agreement as mitigation for any development located with any Natura 2000 sites (this means any land or property that is designated as a Natura 2000 site under the Habitats Directive (Council Directive 92/43/EEC) and the Wild Birds Directive (Directive 2009/147/EC) and/or pursuant to or referenced as being subject to the Conservation of Habitats and Species Regulations 2017 (as amended from time to time) and the European Site Conservation Objectives for Portsmouth Harbour SPA (UK9011051)).

7. Director of Finance's comments

7.1 The report asks for approval for the Council to incur expenditure up to £3.75m to purchase the nitrate mitigation offsetting credits. These will be funded by developer contributions as and when they are brought forward.



- 7.2 The amount of developer contribution costs have been calculated to cover the costs to the Council. The mitigation credits are not time bound but it is anticipated that the demand for these credits will be broadly in line with the amount of development that could come forward in the next 3-4 years.
- 7.3 The Council are required to pay £625,000 every 6 months with a break clause at £1.875 should the amount of forecast development not come forward.
- 7.4 The developer charge will apply to all developers of residential development including the Council, therefore we need to model the cost of this into any of our financial viability calculations when considering developing Social Housing.

Signed by:

Appendices:

Appendix 1: Updated Interim Nutrient Neutral Mitigation Strategy for New Dwellings' methodology

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Interim Nutrient Neutral Mitigation	https://www.portsmouth.gov.uk/wp-
Strategy for New Dwellings	content/uploads/2020/05/Interim-Nutrient-Neutral-
methodology (PCC, November	Mitigation-Strategy.pdf plus appendices from:
2019)	https://www.portsmouth.gov.uk/services/development-
/	and-planning/planning-policy/nitrate-mitigation-
	strategy/
Natural England's 'Advice on	https://www.portsmouth.gov.uk/wp-
Achieving Nutrient Neutrality for	content/uploads/2020/06/Solent-Nutrients-V5-
New Development in the Solent	June2020.pdf
Region' June 2020	
Draft Development Viability	https://www.portsmouth.gov.uk/wp-
Assessment (Oct 2020)	content/uploads/2021/09/PCC-Viability-26.10.20-
	Report-and-Appendicies_compressed.pdf
Report to the Partnership for South	https://www.push.gov.uk/wp-
Hampshire	content/uploads/2021/07/Item-13-Nutrient-
Joint Committee - Nitrate Mitigation	Mitigation-Recommendations-part-exempt.pdf
Recommendations	



The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

Signed by:

Portsmouth City Council

Updated Interim Nutrient Neutral Mitigation Strategy for New Dwellings

for the 2021- 2023/24 period

February 2022

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1. Introduction

- 1.1 High levels of nitrogen draining from the Solent catchment area have caused excessive growth of green algae (a process called eutrophication), which is having a recognised, detrimental impact upon the region's internationally protected habitats.
- 1.2 Following changes in European Case law, Natural England (the government's advisor for the natural environment) advised Local Planning Authorities (LPAs) that all new development involving, or generating additional, overnight stays should be 'nutrient neutral', as one means of ensuring that development does not add to the existing nutrient burdens. Impacts from additional wastewater generated by new development on water quality must be appropriately addressed in order for the Appropriate Assessments¹ of proposals to conclude that there are no adverse effects on habitat sites (and for the Council's decisions to be legally compliant).
- 1.3 Mitigation measures to become 'nutrient neutral'² are therefore required for additional dwellings (including the intensification of dwellings), tourism related development and any other development likely to generate an overnight stay, due to the additional wastewater generated.
- 1.4 The Council approved the first version of Interim Nutrient Neutral Mitigation Strategy for New Dwellings to address the need for mitigation in November 2019. The Strategy to date focused on the use of 'mitigation 'credit' largely accumulated from water efficiency upgrades to the Council's housing stock to ensure there is no net increase in nitrogen output from the city. This 'business as usual' generated source of mitigation was only envisioned to be able to provide 'credit' for a limited time (potentially 2-3 years), subject to monitoring of both the water efficiency upgrade works and demand for/ uptake of the accumulated 'credit bank' by the development industry. The projected capacity of this source is diminishing as the Council's programme of upgrades continue, though the actual accrual of water savings was limited in 2020/21 by Covid-19 pandemic restrictions limiting works to essential only.
- 1.5 The Hampshire and Isle of Wight Wildlife Trust (HIOWWT) has developed a 'nature-based solution' to provide nitrogen mitigation. The scheme works by acquiring intensively managed farmland that currently release high levels of nutrients (nitrogen) into the Solent and changing the way it is managed (i.e. grazed less intensively or left to 'rewild') to produce a much lower nitrogen output; the difference in nitrogen output would be used to offset the impact of new development. There is also the potential for wider environmental benefits through

¹ An assessment required by the Habitats Directive (transposed by the *Conservation of Habitats and Species Regulations 2017* (as amended)) to determine whether a plan or project is likely to have a significant impact on a Natura 2000 site.

² 'Nutrient neutrality' would be achieved where the wastewater output of a development (calculated by water use in litres per person per day) sent to Wastewater Treatment Works can be offset by other measures.

biodiversity net gains. Natural England has approved the compliance of the Trust's scheme in in principle with the requirements of the Habitat Regulations. Portsmouth City Council has bulk purchased 'mitigation credit' from a Trust acquired site (located on the Isle of Wight) in order to help enable minor and PCC development in the city.

- 1.6 The Strategy indicates the routes available to applicants to secure appropriate mitigation for proposals, including provisions for purchasing 'mitigation credit' from the Council or a third party.
- 1.7 While developers are still encouraged to put forward their own mitigation solutions, for either part or all of the impact of the proposal where possible, it is acknowledged that as the majority of proposals in the city are small scale and/ or within tightly constrained brownfield sites.
- 1.8 The aim of this Updated Interim Strategy is to help the Council meet the tests of the Habitat Regulations in perpetuity, avert the potential risk of legal challenge and to provide certainty for applicants. All applications, and the associated nitrate neutral mitigation proposals, will still be determined on a case by case basis in consultation with Natural England and other key consultees.
- 1.9 The Updated Interim Strategy is intended to provide a mitigation solution for the short term (three to four years) to ensure house building can continue in Portsmouth. The Council, together with the Partnership for South Hampshire (PfSH) authorities, will continue to develop a comprehensive, longer term strategic solution and lobby the Government to address the main sources of water pollution.
- 1.10 This Strategy does not deal with any other impacts from new dwellings on the Solent habitat sites (such as loss of habitat or increased noise) or the potential impact of other types of development (such as new employment sites). Separate mitigation may be required to address these additional impacts on the SPAs that arise from new development. The impact of in-combination recreational visits arising from housing is still addressed separately by the Solent SPAs by the Solent Recreation Mitigation Strategy (known as 'Bird Aware').3
- 1.11 This document sets out the background to the water quality issue affecting the Solent; the roles of different agencies; what types of development require mitigation; mitigation options, a schedule for developer contributions and the expected arrangements for implementation, monitoring and review of the Strategy.

³ Solent Recreation Mitigation Partnership (December 2017) *Solent Recreation Mitigation Strategy*. See <u>https://www.birdaware.org/</u>

2. Background

2.1. Why is Mitigation Needed?

- 2.1.1 The Solent's water environment is protected under the Water Environment Regulations⁴ and the Conservation of Habitats and Species Regulations⁵ and has national protection for parts of the coastline and seas⁶.
- 2.1.2 The best available up-to-date evidence identified that some areas of the internationally designated Solent habitat sites (Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are in an 'unfavourable' condition due to existing levels of nutrients (causing eutrophication) and therefore have an **unfavourable conservation status** under the Habitats Regulations⁷. Eutrophication also restricts the growth, distribution and variety of food available for wading birds also protected under the Habitat regulations.



Figure 1: Map of the Solent's Internationally Designated Habitat Sites

2.1.3 While the PfSH Water Quality Working Group was from 2018 in the process of preparing a long term strategy to address the impacts of anticipated growth in south Hampshire on the water environment beyond the year 2020, changes in European case law resulted in nutrient enrichment becoming an immediate planning issue for Local Authorities. A Court of Justice of the European Union (CJEU) decision, known as the 'Dutch Case'⁸ (in combination with the 'Sweetman' judgement⁹) has

⁴ The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

 ⁵ Conservation of Habitats and Species Regulations (England and Wales) Regulations 2017 (as amended)
 ⁶ Including Wildlife and Countryside Act 1981 (as amended), Countryside and Rights of Way Act 2000, Marine and Coastal Access Act 2009 and Natural Environment and Rural Communities Act 2006.

⁷ Natural England's Condition Assessments of the Solent habitat sites were undertaken in the summer of 2018 summarised in Natural England (June 2019) Advice to LPAs: Advice On Achieving Nutrient Neutrality For New Development In The Solent Region

⁸ Joined CJEU Cases C-293/17 and C-294/17 Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others issued on 07 November 2018.

⁹ CJEU Case C-323/17 People Over Wind, Peter Sweetman v Coillte Teoranta judgement issued in April 2018

implications for areas where the conservation status of a habitat type is already know to be "unfavourable" (as in the case in the Solent) and the authorisation of activities (i.e. new housing) which would add further nitrogen loading to that habitat (through additional sewage output). The judgement therefore applies to the decisions of LPAs within the Solent area.

- 2.1.4 Natural England advise that the uncertainty about the impact of new development on designated sites therefore must be to be recognised for <u>all</u> proposals that are subject to new planning permissions and have inevitable wastewater implications from additional overnight stays. Any increase is deemed significant, however small (e.g. one additional dwelling), due to the in-combination impacts. Natural England's stance is that the achievement of **nutrient neutrality**, with a calculated nitrogen budget, if scientifically and practically effective, is a means of ensuring that development does not add to existing nutrient burdens and will enable Appropriate Assessments to conclude no adverse effects on international sites.
- 2.1.5 At the time of writing this updated strategy, Natural England's fifth version of 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region' is the latest version which was published in June 2020¹⁰.

2.2. Sources of Nutrient Enrichment

- 2.2.1 Nutrient cycles are natural processes. However, these systems have been overloaded in a relatively short span of time (post-industrialisation), and this has been particularly attributed to application of synthetic fertilisers in agricultural practices.
- 2.2.2 An excessive richness of nutrients (including Nitrogen and Phosphorous) can cause a dense growth of plant life and algae (a process known as Eutrophication); this depletes the oxygen in the water body, which can result in reduced biodiversity. Reduced oxygen in drinking water can also be harmful to people¹¹. Nutrient pollution can also damage terrestrial habitats by altering plant growth rates, changing plant communities and disrupting the food chain for wildlife.
- 2.2.3 <u>Nitrogen</u> is converted into its multiple forms as it circulates among the atmospheric, terrestrial and marine ecosystems. There are two main forms of nitrogen organic and inorganic. Within certain levels, nitrogen is beneficial to animals, plants and the wider environment, but if highly concentrated (in oxidised form as <u>nitrates</u> (stable compound) or <u>nitrites</u> (unstable compound)) can have a damaging impact on ecosystems and the organisms that depend on them.
- 2.2.4 <u>Phosphorous</u> is an essential nutrient for plant growth'; in fertiliser it helps plants convert other nutrients into usable building blocks for growth. Phosphorous is not part of the nitrogen cycle but has similarities with nitrates as a pollutant; run-off from

 ¹⁰ Available from the PCC website at: <u>https://www.portsmouth.gov.uk/services/development-and-planning/planning-policy/nitrate-mitigation-strategy/</u>
 ¹¹ Water Supply (Water Quality) Regulations 2000 impose stringent standards for over 50 different parameters

¹¹ Water Supply (Water Quality) Regulations 2000 impose stringent standards for over 50 different parameters that are used to assess the quality of drinking water; 50 mg/l (milligrams per litre) of nitrate are allowed in drinking water. Portsmouth Water have install blending arrangements to meet these limits. For more information see: https://www.portsmouthwater.co.uk/about-us/water-quality/

agriculture use and sewage output can cause eutrophication and ecological deterioration of surface waters. Generally, phosphorous is considered to be more of a pollutant in rivers than other water bodies and groundwater sources, though this is depends upon the local geology.

- 2.2.5 Water quality is affected by a combination of different pollutants, including nitrogen and phosphorous. It is considered that the cycle of both nutrients, and their interaction with each other, need to be understood to improve the ecological status of water sources¹².
- 2.2.6 Notwithstanding the above, there is evidence that the principal nutrient that tends to drive eutrophication in the marine environment is nitrogen, and this is supported by modelling and research undertaken by the Environment Agency within the Solent estuaries. The best available evidence at this time therefore indicates that the focus within the Solent catchment should be on nitrogen reduction.
- 2.2.7 Overall it is thought that around 75% of nitrogen pollution arises from agriculture land uses and 25% from urban land uses. See Figure 2 and Table 1 for more information on the sources of excess nitrogen and its impacts. Nitrate enrichment is not an issue exclusive to the Solent catchment; about 55% of land in England was within a 'Nitrate Vulnerable Zone' (NVZ) in 2018, designated as at 'risk from agricultural nitrate'¹³.



Figure 2: Sources of Nutrients

¹² House of Commons Environmental Audit Committee: UK Progress on Reducing Nitrate Pollution, Eleventh Report of Session 2017–19

¹³ NVZ land is comprised of rivers breaching the 50 mg/l nitrate limit (47%); groundwater breaches the 50 mg/l limit (25%) and eutrophication in estuaries and lakes/reservoirs (6% (13 estuaries and 68 lakes/ reservoirs)).

Table 1: Source of Nitrogen Pollution and Impact Pathways¹⁴

Source of Nutrients	Pathway/ Impact	
Agricultural practices	Manufactured fertiliser (containing urea, ammonium and nitrate) increases agricultural production by replacing naturally occurring nitrogen in soil, but excess can run off and leach from crops and grasslands into water systems causing pollution. Animal wastes can also result in nitrate and phosphorous leaching into water systems if poorly managed.	
Sewage	Nutrient enrichment from treated and untreated domestic and industrial wastewater outputs. This can occur from permitted discharges from Wastewater Treatment Works (WwTs), unpermitted spills and other wastewater infrastructure failures (including urban runoff and overflows).	
Urban Runoff	Leaching of pollutants (e.g. atmospheric deposition, lawn fertiliser, pet waste) from urban areas carried by rain and stormwater from roads and other impermeable surfaces into sewers and watercourses.	
Atmospheric Deposition	The emission of pollutants from the energy (inc household heating), transport, agriculture and industrial sectors also form part of the wider nitrogen cycle. This includes nitrogen oxides ¹⁵ , as well as ammonia and particulate matter (PM10 and PM2.5) which can mix with other pollutants such as ozone and sulphur dioxide. Such emissions can lead to negative impacts on human health and ecosystems; for instance when nitrogen oxides dissolve in water and decompose, they forms nitric or nitrous acids which can lead to acidity and eutrophication.	
Natural Sources	The build-up and/ or run off of algal growth, organic decay and faecal matter.	
Past Agricultural and Industrial practices	The gradual leaching of nitrates into groundwater sources from high historic use, despite current controls and decreases in use over the last 35 years, due to the geology in some parts of the UK (particularly in chalk and thick saturated zones). It is estimated that pollution from such sources may not peak for another 60-100 years. ¹⁶	
Potential Future Sources/ Increases	 Increased effluent from population growth. Increased land pressures from increasing demand for food from population growth and the UK's potential departure from the EU. Changes to the stability of nitrate in soils from climate change increasing the frequency and intensity of rainfall and drought. 	

¹⁴ Table adapted from Annex 1 of the House of Commons Environmental Audit Committee UK Progress on Reducing Nitrate Pollution Eleventh Report of Session 2017–19.

¹⁵ Nitrogen oxides are the generic name for a range of gases, including nitrous oxide, nitrogen dioxide, nitric oxide and nitrous oxide. ¹⁶ House of Commons Environmental Audit Committee UK Progress on Reducing Nitrate Pollution Eleventh

Report of Session 2017-19, para. 35.

2.3. Regulatory Regimes and Government Agency's Positions

- 2.3.1 The regulation of the water industry and the agricultural sector are matters for the Government and its agencies and, as indicated in the previous section, the nitrogen output of new dwellings is relatively minor compared with other sources. Nevertheless, the planning system provides the comprehensive regulatory mechanism to address such impacts explicitly for each new consent. This is in contrast to the other contributing sources of nitrate pollution, which tend to operate within existing consent regimes or through voluntary agreements.
- 2.3.2 The roles of the relevant bodies are as follows:

The **Department for Environment Food and Rural Affairs (DEFRA)** issues guidance relating to the natural environment and the food and farming industries, and sets the overall water and sewerage policy framework in England. This includes limits on the maximum average amount of manufactured fertiliser and organic manure that can be applied to most crops in NVZs, and the conditions in which this can be done. Defra's Catchment Sensitive Farming (CSF) programme works with farmers to take voluntary actions to reduce diffuse water pollution fertiliser and slurry run-off. Natural England and the Environment Agency are executive non-departmental public bodies of Defra.

The **Environment Agency (EA)** is the water industry's environmental regulator and defines the environmental permits that water companies are required to meet. These permits set limits on the amount of certain pollutants that can be released. The EA works with water companies, including Southern Water, to develop the Water Industry National Environment Programme (WINEP) which includes schemes and investigations that protect and enhance the environment.

Natural England is the government's adviser on the natural environment with duties for protecting and enhancing biodiversity for the benefit of present and future generations.

Ofwat are the economic regulator of the water and sewerage sectors in England and Wales. They ensure that the water companies properly carry out their functions and protect the interests of consumers.

Southern Water is the relevant statutory undertaker for wastewater services in the PfSH area. It is regulated by a permit system set by the Environment Agency which limits the amounts of nitrates and phosphates which can enter water courses from Southern Water's infrastructure.

Portsmouth Water are the drinking water supplier to Portsmouth and the surrounding area. As part of Ofwat's 2024 price review (PR24), all water companies must submit a detailed business plan to Ofwat, outlining how they will meet the needs of their customers from 2025 to 2030 and beyond; covering investment proposals, how they will ensure the long-term resilience of their infrastructure and operations and fee proposals.

Ministry of Levelling Up, Houses and Communities (MLUHC) is the government department with responsibility for increasing the housing supply in England and boosting local economic growth. MHCLG sets out planning policy guidance for Local Authorities, including the Housing Delivery Test; if a Local Authority falls 5% below its set housing requirement, the government will introduce sanctions depending on the extent of the shortfall.

Local Planning Authorities (LPAs) are responsible for carrying out planning functions (plan-making and the determination of planning applications) for their authority area. As a public body, LPAs also have a duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006 as well as new duty to actively enhance biodiversity introduced by the Environment Act 2021 through requiring the development delivers net gains in biodiversity.

2.4 Catchment-wide work on Strategic Solution

- 2.4.1 The Council, through the *PfSH Water Quality Working Group* have engaged on the need for a joined up approach and the need to develop a comprehensive, long-term, funded mitigation strategy for the Solent area. The ongoing work of the Group included an update of the PfSH 2018 *Integrated Water Management Strategy* (IWMS) which will assess the sensitivity of the whole catchment and address water resource capacity, supply and quality issues as well as testing some of the underlying assumptions in the original 2018 IWMS.
- 2.4.2 A full-time Strategic Environmental Planning Officer (SEPO) was appointed in December 2020 to further the work of this group and ensure a consistent approach across the sub region where possible. The following recommendations from the SEPO for local planning authorities were endorsed PfSH Joint Committee on 27th July 2021:
 - consider the purchase of nitrogen mitigation credits from mitigation suppliers specifically to meet the needs of minor development based on an individual authority's assessment of need
 - purchase of credits is recommended on a combined catchment basis to ensure best market value is achieved
 - use a standard suite of template legal agreements to reduce the legal costs to developers and to make the determination of application process more efficient
- 2.4.3 In May 2021, Fareham Borough Council (FBC) was the first Council in South Hampshire to have its approach to safeguarding the environment of The Solent from the effects of nitrates tested in the Courts. Two judicial reviews which challenged the approach of Fareham Borough Council in granting permission for two small housing developments (Greenway Lane and Brook Avenue) to adopting the approach to avoiding adverse effect to the integrity of protected habitats (on the facts of the specific cases) of Natural England's Advice on Achieving Nutrient Neutrality for New Development in the Solent Region (5th ed. 2020). These legal challenges were important to all those using the Natural England methodology as the basis for planning decisions within the catchment The High Court concluded that the approach

taken by Fareham Borough Council to mitigate the effects of nitrates on The Solent was legally sound. However, as suggested within the judgement, it is expected that Natural England will amend their advice note in respect of when bespoke occupancy assessments will be needed. Once Natural England update their advice, this strategy may be revised as needed.

3. Mitigation Measures

3.1 The mitigation options in this Updated Strategy provide a possible framework for applicants to demonstrate and secure 'nutrient neutrality' in perpetuity for their proposals, whilst a longer term strategy/ solution for the Solent is being developed.

3.1 What type of development requires mitigation?

- 3.1.1 Mitigation is required for development which results in a net increase in population or draws additional visitors from beyond the catchment, due to the inevitable additional wastewater implications. This is expected to apply to planning applications, permissions in principle and prior approvals¹⁷ for the following:
 - New dwellings and residential accommodation, including changes of use (e.g. office to residential)
 - Homes in Multiple Occupation enlargements (Class C4 Use to Sui Generis Use)
 - Student accommodation
 - Dwellings to be used as holiday accommodation (e.g. caravans)
 - Hotels
 - Tourism attractions
- 3.1.2 Mitigation should <u>not</u> be required for wastewater arising from:
 - Household (Class C3 Use) extensions for extra bedrooms, or for conversions from a dwelling (Class C3 Use) to a House in Multiple Occupation (HMO) (C4 Use). This is because there is no upper limit on household (Class C3 Use) occupation within a single family and therefore such applications do not necessarily result in a net increase in population.
 - Other uses that do not involve overnight accommodation or generate overnight stays. E.g. Commercial development, employment uses or community facilities. This is because it is assumed, to avoid double counting of wastewater arising, that anyone living in the catchment also works and uses facilities within the catchment.
- 3.1.3 The need for mitigation for applications for temporary/ transit pitches and/ or permanent accommodation for gypsies and travellers would be assessed on a caseby-case basis by the Council in consultation with Natural England.
- 3.1.4 Early discussion with the Council on the need for mitigation, determining the impact of the proposal and potential mitigation options is strongly encouraged.

¹⁷ Under the provisions of Schedule 2 of *the Town and Country Planning (General Permitted Development) Order (England)* 2015 (as amended)

3.2 Mitigation Options

- 3.2.1 To address the impact of new development on designated habitat sites in the Solent, planning applications requiring mitigation must submit information on how the proposal would achieve Nutrient Neutrality, including a calculated **Nitrogen Budget of the proposal** based on Natural England's current Nutrient Neutral Methodology, and details of the options explored and discounted as applicable.
- 3.2.2 For advice on calculating a Nitrogen Budget see Natural England's Methodology for further details and the Nitrogen Budget Calculator and guidance notes available on the Council's website¹⁸.
- 3.2.3 The following approaches are currently considered to be acceptable, in principle, as means of achieving or contributing to nutrient neutrality:
 - Mitigation Option 1: Offsetting against the existing lawful land use on an application site, extant permissions or other land controlled by the applicant; and/ or
 - **Mitigation Option 2:** bespoke direct and in-direct mitigation measures, agreed in discussion with the Council and Natural England. For instance, Sustainable Urban Drainage Systems (SUDS), interception or wetland creation; and/ or
 - Mitigation Route 3: Purchasing of 'mitigation credit' from recognised source of nitrogen mitigation: Purchase of 'mitigation credit' from the Council or other landowner/ recognised source of 'mitigation credit', secured in perpetuity. See route 3a & 3b for minor and major development respectively.
- 3.2.4 A mix of Options can be applied. The purchase of the Council's mitigation credit (Option 3a) will be available to <u>minor development proposals (9 units and below) and</u> <u>Portsmouth City Council development as appropriate</u>. All mitigation proposals would be considered on a case by case basis and in consultation with Natural England.
- 3.2.5 Planning permission will not be granted until appropriate mitigation has been secured through a Section 106 legal agreement. All proposals will be subject to standard conditions and require high level of water efficiency (110 litres per person per day).
- 3.2.6 Agreed mitigation measures would need to be delivered prior to first occupation, which is when the harm would occur in this instance. A phasing of delivery and mitigation is possible for larger developments.

¹⁸ Nitrate Mitigation Strategy supporting documents available online at: <u>https://www.portsmouth.gov.uk/services/development-and-planning/planning-policy/nitrate-mitigation-strategy/</u>

Mitigation Option 1: Off-Setting Solutions

3.2.7 In some instances the existing lawful use (water output) or application history of a development site could be taken into account for the Nitrogen Budget of the proposal to help reduce or negate the impact of the proposed use. The following examples could be discussed as potential off-setting measures:

- Redevelopment to a lower or equal occupancy.
- Dwellings numbers/ estimated water use¹⁹ from extant planning permissions.²⁰
- Changes of use or change of land management on other land which drains into the same catchment and is controlled by the applicant (either directly or by agreement) in perpetuity. For example, the ceasing of a relevant wastewater generating use, or a change of use to land with a lower nitrogen loss (e.g. agricultural land to open space). Any changes of land use would need to be enforceable in perpetuity.
- Other significant water savings which can be sufficiently evidenced (e.g. ultra high water efficiencies).

3.2.8 All proposals will be expected to implement higher standards of water efficiency (no more than 110 litres per person per day), to be secured by condition.

- Changes of use on other land which drains into the same catchment and is controlled by the applicant (either directly or by agreement) in perpetuity. For example, the ceasing of a relevant wastewater generating use, or a change of use to land with a lower nitrogen loss (e.g. agricultural land to open space). Any changes of land use would need to be enforceable in perpetuity.
- Other significant water savings which can be sufficiently evidenced (e.g. ultra high water efficiencies).

3.2.9 All proposals will be expected to implement higher standards of water efficiency (no more than 110 litres per person per day), to be secured by condition.

3.2.10 See Appendix 1 for Case Study of Mitigation from Direct Off-setting.

Mitigation Option 2: Bespoke Mitigation Solutions

3.2.11 If direct off-setting is insufficient to result in nitrate neutrality other bespoke mitigation options should be explored to be incorporate in the design or delivery of the proposed relevant development. Examples of options supported in principle by Natural England include the following:

• Measures that will remove nitrogen draining directly from individual development sites, such as incorporating on-site wetland or reed beds designed as part of a sustainable urban drainage (SUDs) system. Wetlands receiving nitrogen-rich water

¹⁹ Best available evidence.

²⁰ The account to be taken of extant planning permissions will be determined on a case by case basis considering the status of the extant permission, the likelihood of implementation and with acknowledgement of the Council's discretionary power to revoke permissions under s97 of the Town and Country Planning Act when it is expedient to do so to support the general duty to take appropriate steps to avoid significant deterioration of habitats and disturbance of species in accordance with Article 6(2) of the Habitats Directive.

can remove a proportion of this nitrogen through processes such as denitrification and sedimentation.

- The creation of wetlands, SANG, woodlands, nature reserves and other Green Infrastructure (GI) from agricultural land, leading to a change in land use to a lower level of nitrogen input within the same catchment and securing this in perpetuity.
- The creation of agreements, either within the authorities and Southern Water or with third parties to provide and maintain an increase in nitrogen offsetting from catchment management measures. This could include interceptor wetlands or woodland planting schemes on a farm in the catchment.
- 3.1.12 See Appendix 2 for Case Study of Mitigation from Bespoke Solutions

Mitigation Route 3: Purchasing of 'mitigation credit' from recognised source of nitrogen mitigation in perpetuity

3.2.13 Once an applicant has fully considered and evidenced the opportunities for off-setting the proposed development's Nitrogen Budget by maximising any potential opportunities under Options 1 & 2 (i.e. offsetting against relevant previous on-site uses and potential alternative uses on other land that can be bought into the developers control, and design and delivery opportunities to mitigate any remaining excess nitrogen); then support from the Council's 'Nutrient Neutral' mitigation credit bank, or third party mitigation provision can be sought.

Land management change

- 3.2.14 Hampshire and Isle of Wight Wildlife Trust (HIOWWT) and other landowners within the East Hampshire catchment area are offering 'nitrogen mitigation credit' through the acquisition of farmland and/ or the change in management of existing land holdings, from intensively used agriculture releasing high levels of nutrients (nitrogen) into the Solent, to a use that produces a much lower nitrogen output (i.e. grazed less intensively or left to 'rewild'); the difference in nitrogen output is therefore used to offset the impact of new development. Natural England has endorsed the suitability of such schemes with the requirements of the Habitat Regulations in principle, and it is considered a legally compliant solution for development.
- 3.2.15 The Council has entered into an agreement with the Hampshire and Isle of Wight Wildlife Trust (HIOWWT) regarding a suitable site on the Isle of Wight that will help provide for the mitigation needs of the projected level of ('overnight stay') development expected to be seeking planning permission in Portsmouth within the next three years. The HIOWWT has thereby provisionally reserved an area of agricultural estate to meet the needs arising from Portsmouth (up to 3,00kg) including a bulk purchase by the Council of 750-1500kg of mitigation credit. The bulk purchase of credit by the Council is intended to help to enable housebuilding in the city by absorbing the associated legal and admin fees that would otherwise add to the cost of minor development (local small and medium sized house builders) per dwelling. The agreement with the HIOWWT will also includes a Nitrates Management Plan; an assessment of the nitrate levels using Natural England's methodology²¹ and

²¹ Natural England 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region'

how the land will be managed to reduce nitrate levels and deliver the HIOWWT's Charitable Objectives.

3.2.16 All proposals seeking mitigation credit from the Hampshire and Isle of Wight Wildlife Trust (HIOWWT), either through the Council or directly with the Trust, will be subject to appropriate legal agreements to secure the enforceability of the scheme between Portsmouth City Council as the Local Planning Authority (LPA) for the proposed development, the Isle of Wight Council as the LPA for the mitigation land and the leaseholder (HIOWWT) / freehold owner.

Reduction in water use from Council owned assets

- 3.2.17 The Council is able to use its influence [as landowner] to make permanent changes and decisions regarding its existing property holdings, and has the flexibility to consider other mitigation options. Portsmouth City Council owns and manages nearly 15,000 homes in Portsmouth and Havant, which all fall within the required wastewater catchment zone.
- 3.2.18 To date, accumulated water efficiency improvements, and other water savings from the control of the Council's own assets, have been used to provide wastewater 'headroom' (or 'credit') for new development. These savings, in combination with securing higher water efficiency standards for new development by condition, have ensured, in principle, that there are no net increase in wastewater from the city area to its Wastewater Treatment Works (WwTW). If less water is sent to the WwTW for processing, less treated wastewater can be released in the Solent under its permitted concentration limit for nitrogen which is measured in milligrams per litre. For further information on how water savings are calculated see Appendix 3.
- 3.2.19 While the water efficiency generated mitigation credit is diminishing as upgrades are progressively carried out, the remaining 'business as usual' generated mitigation credit from this source may continue to be utilised at the Council's discretion.
- 3.2.20 Other off-setting opportunities within the Council's residential ownership may also arise in future (such as the closure or consolidation of assets). The Council, as part of its role as a housing authority, has detailed records of the current water consumption with its stock and would be able to demonstrate that the water consumption in older PCC facilities are above that expected for typical residential accommodation. The reduction in waste water that would be created by vacating such units, and holding them vacant, would allow the direct water savings to be utilised as offsetting for new development²². An appropriate internal agreement(s) would be created to recognise that the water saving, and associated 'credit', has been made available to offset new development.
- 3.2.21 Mitigation credit, secured from either source(s), would provide certainty for applicants and will help enable the delivery of new homes in Portsmouth and would be monitored as part the Council's 'nitrate credit bank'.

²² The future redevelopment of sites which have been utilised for offsetting will need to identify further mitigation at the relevant time to satisfy the likely outcome of an Appropriate Assessment.

- 3.2.22 As Natural England expects any mitigation measures to be secured 'in perpetuity', it will accept such water saving measures (in principle) made by a public body about changes to its own assets to qualify. In general, Natural England do not accept such measures within the private sector at this time, due to uncertainties in whether such improvements can be secured over the long term.
- 3.2.23 Credit can be secured for minor (and Council development) and major development, as detailed in option 3a & 3b below.

Mitigation route 3a: Major Development (10 dwellings and above or equivalent)

Major development proposals will be referred to the Hampshire and Isle of Wight Wildlife Trust (HIOWWT), with whom the Council has provisionally reserved sufficient mitigation credit to meet the anticipated needs of major development, to directly purchase and secure mitigation credit.

Agreements with other landowners within the catchment to secure mitigation credit are also acceptable in principle. At the time of writing, the HIOWWT scheme is the most competitive option.

Mitigation Route 3b: Minor Development (9 dwelling and below equivalent)

The Council can provide mitigation credit, primarily from the HIOWWT mitigation scheme, for purchase for Portsmouth City Council development and minor development (9 units and below) to help enable house building in the city.

- 3.2.24 The Council may reserve the right to elect to provide mitigation credit on a case by case basis <u>where there are demonstrated viability issues</u> for schemes relating to key strategic objectives, at its own discretion.
- 3.2.25 The potential costs and expected legal requirements are outlined in the following section: *Chapter 4: Developer Contributions, Implementation & Monitoring.*

4 Developer Contributions, Implementation and Monitoring

Developer Contributions

- 4.1 The average indicative costs of the mitigation scheme per unit, at a rate of £2,500 per kg, are indicated in Table 1 based on the current Natural England methodology calculations (version 5, 2020). As mitigation is required to be place for the duration of the impact, the payment schedule is inclusive of the costs of maintaining the scheme 'in-perpetuity'.
 - **Major development:** Mitigation purchased directly from the landowner may be subject to additional fees.
 - Minor and PCC development: The Council, through the bulk purchase of credit has covered any additional legal and admin fees that would otherwise add to the costs of minor development per dwelling. Cost recovery from applicants from this scheme (as indicated in Table 4) is to be collected and pooled through S.106 agreements.

Table 3: Nitrate Mitigation Credit Bank Charging Schedule (Cost Recovery inPerpetuity) for Minor Development and Portsmouth City Council DevelopmentOnly.

Nitrate Credit	Cost per credit
1kg	£2,500

4.2 On the basis of Table 3 and using the current Natural England methodology (version 5), Table 4 below shows the indicative cost based on C3 Use Class dwelling at an assumed 2.4 occupancy at 110 litres per person per day

Number of net new dwellings	Number of credits (kg) needed (assuming development is on brownfield land)	Indicative cost ²³
1	0.8	£2,000
2	1.6	£4,000
3	2.3	£5,750
4	3.1	£7,750
5	3.9	£9,750
6	4.7	£11,750
7	5.4	£13,500
8	6.2	£15,500
9	7.0	£17,500

Table 4: Indicative Costs of Mitigation Credit

²³ Excludes any additional fees that may be charged by the landowner for major development schemes

Viability of Costs

- 4.3 The draft *Viability Assessment*²⁴ prepared for the new draft Local Plan (December 2020); suggests that development in Portsmouth should be capable of providing up to £5,000 per dwelling in s.106 Habitat Regulations mitigation costs (inc. recreation disturbance ('Bird Aware' scheme) and nitrate offsetting) in principle, without affecting the delivery of other requirements (such as affordable housing provision). The *Viability Assessment* does however acknowledge that case by case viability assessments may still be necessary.
- 4.4 Further guidance on calculating water use by type of planning application, and therefore the quantity (kgs) of mitigation required, is set out in Appendix 4.

Implementation

- 4.5 Implementation of *Mitigation Route 3: Purchasing of 'mitigation credit' from recognised source of nitrogen mitigation in perpetuity*, will be subject to purchase by the applicant and appropriate legal agreements to secure the enforceability of the scheme between Portsmouth City Council as the Local Planning Authority (LPA) for the proposed development, the Isle of Wight Council as the LPA for the mitigation land and the leaseholder / freehold owner. This will also ensure that once any part of the Mitigation Land has been secured as 'credits linked land' as part of a planning permission it will not able to become the subject of separate commitments by the owner to another local planning authority or developer, to avoid any 'double counting' of the mitigation land.
- 4.6 The credit purchased from the Council's nitrate neutral mitigation credit bank will need to be secured through s106 planning obligations prior to occupation of the development. Planning permission will not be granted until appropriate mitigation has been secured through S.106/S33 legal agreement.
- 4.7 Applicants for major schemes purchasing mitigation credit directly from the HIOWWT would be subject to a legal agreement to secure the enforceability of the scheme.
- 4.8 In addition to the payment required, new development will be granted with standard conditions to require higher levels of water efficiency (110 lpppd) and to prevent occupation until such time as the 'Nutrient Neutral' mitigation credit has been funded through the s.106 obligation. A template s.106 agreement is available for applicants and Standardised wording for the appropriate conditions can be found in Appendix 5.
- 4.9 Any such agreement will recognise that mitigation credits are non-transferable, and may only be used to mitigate development within the administrative area of Portsmouth City Council, unless explicitly authorised in writing by Portsmouth City Council as part of a formal Duty to Co-operate agreement.

²⁴ HDH Planning & Development Ltd for PCC (Oct 2020) Development Viability Assessment available from: <u>https://www.portsmouth.gov.uk/services/development-and-planning/planning-policy/new-local-plan-evidence/</u>

Monitoring

- 4.10 The Portsmouth's 'credit bank' will consist of credits purchased by the Council through the HIOWWT mitigation scheme, water efficiency improvements and any PCC assets that become vacant during the life of this Strategy.
- 4.11 Monitoring of the Updated Interim Strategy will be essential to determine the actual availability, demand and use of the mitigation credit, and to inform the on-going projected trajectory for the lifetime of the Strategy. The following will be monitored on a quarterly basis:
 - Dual monitoring of the actual and anticipated uptake of nitrate credit by applicants, both at the grant of planning permission (in principle use) and at the point of occupation of the proposal (credit implementation) for the strategy period. This will include the mitigation credit purchased by applicants for minor developments and PCC development and the credit secured by applications for major development with the HIOWWT (or other landowner).
 - The number of water efficiency upgrades undertaken on the PCC housing stock.
 - Information on expected planning applications during the strategy period (estimated no of dwellings and timescales).
 - Whether any further PCC controlled residential institutions, due for redevelopment, become available to be held vacant (by agreement) to be added to the mitigation credit bank.
- 4.12 The legal agreement securing the use of mitigation 'credit' arising from the change of agricultural land management includes an obligation upon the local planning authority for the mitigation land (the Isle of Wight Council in this instance) to monitor the site on behalf of the Owner to demonstrate how it has complied with its obligations with respect of its management and use of the credits linked land. A monitoring report is due to be send to PCC annually during the first 20 years of the agreement, then every five years until the end of the 'in perpetuity' contract period (130 years) with a final visit in the year of the end date.
- 4.13 Natural England has recommended that the monitoring of the Interim Strategy is also accompanied by a Water Consumption Monitoring Strategy to indicate whether the predicted water saving efficiencies from works to PCC stock are being realised, with provisions for adaptive management as necessary. This will be explored in conjunction with Natural England in due course.

Internal Governance

- 4.14 The Mitigation Credit Bank will be administered and monitored by the Planning Obligations Lead Officer. The Council's Mitigation Credit for individual applications will be allocated as appropriate through discussions with the relevant Case Officer.
- 4.15 Final decisions on the use of the mitigation credit for individual applications are at the discretion of the Head of Development Management and the Assistant Director of

Planning and Economic Growth, in agreement with the relevant Directorate Director and Cabinet Member(s) where PCC assets are concerned as necessary.

- 4.16 If mitigation credit is to be sourced from holding Council properties (residential institutions and significant residential blocks) due for redevelopment vacant, an appropriate internal agreement will be required for transparency, to avoid any unintentional 'double counting' of credit and to formally recognise the that sites utilised for off-setting are will not subsequently be brought back into use (occupied, redeveloped or disposed of); but any future redevelopment at the vacant/ previous site cannot rely upon its extant use for offsetting, would therefore need to secure its own nutrient neutral mitigation measures in accordance with this strategy. Such an agreement is likely to be in the form of resolution from the Council's Cabinet or the relevant Portfolio Members, as appropriate. The resolution would be noted with the property and GIS reports; if the assets was to the sold a s.111 agreement could be entered into with a prospective purchaser, appending a form of s.106 obligation to be entered into upon transfer.
- 4.17 If there is sufficient water efficiency works mitigation credit remaining, proposals led by development proposals by PCC Housing, Neighbourhood and Building Services directorate, would not incur a fee. Instead credit would be reserved and utilised by internal monitoring procedures and agreed by cabinet/ portfolio resolution.

Review of the Strategy

- 4.18 If the quarterly monitoring of the Updated Interim Strategy indicates that demand for 'nitrate credit' mitigation appears to be outstripping the anticipated supply, necessary revisions or additions to the Strategy may be considered.
- 4.19 The Council remains committed to developing and securing a wider, long term solution for 'nutrient neutral' development, beyond the life of this interim solution, in conjunction with the relevant government agencies, utilities providers and other LPAs within the Solent catchment.

Appendices

Appendix 1: Case Study of Mitigation from Direct Off-setting

Case Study of Mitigation from Direct Off-setting²⁵

Site: Longdean Lodge, Hilsea

Developer: Portsmouth City Council

Proposal: Development of 13 supported living flats

Mitigation: The site previously contained 48 bedspaces in a care home occupied with poor water efficiency, creating 7,584 litres of waste water per day. However this use was ceased and the building demolished more than three years ago such that the previous wastewater impacts cannot be 'credited' against the new development. The developer (Portsmouth City Council) has accepted a condition on the development f the site for 13 supported living flats, requiring higher water efficiency of 110 litres per person per day. This therefore requires direct mitigation for 1,430 litre of wastewater per day from the proposed new units. Edinburgh House previously contained 32 units/ bedspaces, meaning its permanent vacancy results in a wastewater reduction of 4,653 litres per day*, an improvement adequate to mitigate the development of Longdean (an estimated output of 3432 / 1430 lpppd), with the excess 'credit' being added to the Council's 'Nutrient Neutral' Mitigation Credit bank.

*Calculated at the average water consumption rate for Portsmouth of 145.4 lpppd.

²⁵ A resolution from Cabinet/ the relevant portfolio Member(s) would be needed ensure that Edinburgh House is not to be occupied or disposed of without securing its own nutrient mitigation measures in accordance with this strategy. The resolution would be noted with the property and GIS reports; if Edinburgh House was to the sold in future, a s.111 agreement could be entered into with a prospective purchaser, appending a form of s.106 obligation to be entered into upon transfer.

Appendix 2: Case Study of Mitigation from Bespoke Solutions

Case Study of Mitigation from Bespoke Solutions

Site: St James Hospital

Developer: Homes England and partners

Proposal: Development of 107 dwellings

Mitigation: To secure nitrate neutrality Homes England have offered to secure the change of use of an area of agricultural land within the relevant catchment to a use with significantly less nitrogen deposition. Using the standard methodology (summarised below), the reduction in total nitrogen has been identified as sufficient to mitigate the increased nitrate production from the redevelopment of land at St James Hospital, and further sites in Portsmouth as well as sites in the wider catchment outside of Portsmouth.

Methodology:

Total area of land to be used for mitigation = 4.13 ha

Current Nitrogen deposition from the land = 128.856 kg/

Proposed Nitrogen deposition from the land = 20.650 kg/ yr

(A)	Net Nitrogen reduction	= 108.206kg /yr
	Proposed dwellings at St James Hospital	= 107

Nitrogen production per dwelling (with water efficiency) = 1.0009kg/ yr

(B) Total Nitrogen production = 108.013kg/ yr

Net Nitrogen introduced to catchment (A-B) = -0.193 kg/ yr

Appendix 3: PCC Water Efficiency Data

The annual improvement works to the Council's housing stock by PCC Housing, Neighbourhood and Building Services lead to an average reduction in water consumption of 48 litres per person per day (lpppd)²⁶. For an average UK household (2.4 persons) this equates to a saving of 115 litres per day. On this basis, improvement works to two (2.29) homes could provide enough wastewater headroom (264 litres), in the form of 'mitigation credit', for one new dwelling. The addition of a precautionary buffer²⁷ to account for any uncertainties, as recommended by Natural England's methodology, this would equate to <u>one new dwelling for every 2.5 dwellings upgraded</u>.

The reactive upgrades over a four year period have seen the installation of an estimated annual average of 600 new over bath showers and 715 replacement dual flush WC cisterns each year. This is expected to be supplemented with a comprehensive upgrade of an additional 700 void properties, again based on a past average of the number of voids that become available within Portsmouth City Council stock

Based on four years of monitoring data by PCC Housing, Neighbourhood and Building Services, as set out in the separate Appendix B: PCC Water Efficiency Measures Data.

Appendix 4: Water Use Calculation advice note

The nitrogen budget and developer contribution (cost recovery) fees are both based on the expected water use (water output) of the development, and will therefore need to be calculated in relation to the below, and as agreed with the Case Officer for the proposal.

It is advised that the Council's Nitrogen Budget calculator, based on Natural England's methodology, is used to calculate the water output of the development.

Dwelling Houses (C3 uses)

An assumed occupancy of 2.4 persons per dwelling (at 110lppd) will be the basis for nitrogen budget unless the applicant is providing alternative average occupancy information.

Change of Use from a Dwelling House (C3 Use) or Home in Multiple Occupancy (C4 Use) to an Enlarged HMO (Sui Generis Use)

The Nitrogen Budget would be calculated on the increase in occupancy (at 110lpppd) on a case by case basis.

Student accommodation

For student accommodation there is in general more certainty regarding occupation: One unit (bedspace), equals one person (at 110 litres per person per day).

If occupation is limited to term time only, evidence for a lower average occupancy could be submitted for consideration, if applicants are also willing to limit occupancy by condition.

Residential Care Homes

The calculation for care homes and related types of development will depend on the nature of the proposed development (bedspaces / individual or shared units?). The basis of the calculation is likely to be 110pppd per person (bedspace / individually occupied unit), or 110lpppd by the number of units and times the maximum occupancy, or an average occupancy figure if the applicant can provide occupancy data for consideration.

Hotels

In view of the complexity around how rooms could be occupied (e.g. for business use or leisure on different days of the week), the Council consider it would be reasonable to calculate water use for hotels on a bedspace rather than per person basis. The Council has suggested the EA research report figure of 54.8 litres per bedspace per day* could be used as a starting point; applicants should still seek to provide alternative evidence on water use where possible.

*Water use benchmark for a 2-3 star hotel, no pool. Source: Environment Agency (2010) Energy and carbon implications of rainwater harvesting and greywater recycling, p41

Appendix 5: Water Efficiency standardised condition

Unless otherwise agreed in writing by the Local Planning Authority, the dwellings hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that each of the dwellings has: Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason: To ensure that the development as built will minimise its need for resources and be able to fully comply with Policy PCS15 of the Portsmouth Plan (2012)

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Integrated Impact Assessment (IIA)

Integrated impact assessment (IIA) form December 2019

www.portsmouth.gov.uk

The integrated impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies that could impact positively or negatively on the following areas:
 - Communities and safety
 - Regeneration and culture
 - Environment and public space
 - Equality & Diversity This can be found in Section A5

Directorate:

Regeneration

Service, function:

Planning Policy

Title of policy, service, function, project or strategy (new or old) :

Nitrate Mitigation - Updated Nutrient Neutral Mitigation Strategy for New Dwellings

Type of policy, service, function, project or strategy:

Existing

New / proposed

★ Changed

What is the aim of your policy, service, function, project or strategy?

To provide routes to secure appropriate mitigation for new development under the Habitats Regulations

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Has any consultation been undertaken for this proposal? What were the outcomes of the consultations? Has anything changed because of the consultation? Did this inform your proposal? No - it has been internally reviewed with Development Management who directly liaise with applicants on this matter and PCC legal. A - Communities and safety Yes No Is your policy/proposal relevant to the following guestions? A1-Crime - Will it make our city safer? In thinking about this question: How will it reduce crime, disorder, ASB and the fear of crime? • How will it prevent the misuse of drugs, alcohol and other substances? • How will it protect and support young people at risk of harm? How will it discourage re-offending? If you want more information contact Lisa.Wills@portsmouthcc.gov.uk or go to: https://www.portsmouth.gov.uk/ext/documents-external/cou-spp-plan-2018-20.pdf Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative

How will you measure/check the impact of your proposal?		
A - Communities and safety	Yes	Νο
Is your policy/proposal relevant to the following questions?		

A2-Housing - Will it provide good quality homes?

In thinking about this question:

impacts?

- How will it increase good quality affordable housing, including social housing?
- How will it reduce the number of poor quality homes and accommodation?
- How will it produce well-insulated and sustainable buildings?
- How will it provide a mix of housing for different groups and needs?

If you want more information contact <u>Daniel.Young@portsmouthcc.gov.uk</u> or go to:

https://www.portsmouth.gov.uk/ext/documents-external/psh-providing-affordable-housing-in-portsmouth-april-19. pdf

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

It will ensure water use is limited to 110 litres per person per day in new homes/ tourism related development Page 40

How are you going to measure/check the impact of your proposal?		
This will be secured by planning condition		
A - Communities and safety	Yes	No
Is your policy/proposal relevant to the following questions?		
A3-Health - Will this help promote healthy, safe and independent living?		*
In thinking about this question:		
 How will it improve physical and mental health? How will it improve quality of life? How will it encourage healthy lifestyle choices? How will it create healthy places? (Including workplaces) 		
If you want more information contact Dominique.Letouze@portsmouthcc.gov.uk or go to:		

https://www.portsmouth.gov.uk/ext/documents-external/cons-114.86-health-and-wellbeing-strategy-proof-2.pdf

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?			
A - Communities and safety	Yes	Νο	
Is your policy/proposal relevant to the following questions?			
A4-Income deprivation and poverty-Will it consider income deprivation and reduce poverty?		*	

In thinking about this question:

- How will it support those vulnerable to falling into poverty; e.g., single working age adults and lone parent households?
- How will it consider low-income communities, households and individuals?
- How will it support those unable to work?
- How will it support those with no educational qualifications?

If you want more information contact <u>Mark.Sage@portsmouthcc.gov.uk</u> or go to:

https://www.portsmouth.gov.uk/ext/documents-external/cou-homelessness-strategy-2018-to-2023.pdf https://www.portsmouth.gov.uk/ext/health-and-care/health/joint-strategic-needs-assessment

Please expand on the impact your policy/proposal will have, and how you p impacts?	ropose to mitigate	any negative
How are you going to measure/check the impact of your proposal?		
A - Communities and safety	Yes	Νο
Is your policy/proposal relevant to the following questions?		
A5-Equality & diversity - Will it have any positive/negative impacts on the protected characteristics?		*

In thinking about this question:

- How will it impact on the protected characteristics-Positive or negative impact (Protected characteristics under the Equality Act 2010, Age, disability, race/ethnicity, Sexual orientation, gender reassignment, sex, religion or belief, pregnancy and maternity, marriage and civil partnership, socio-economic)
- What mitigation has been put in place to lessen any impacts or barriers removed?
- How will it help promote equality for a specific protected characteristic?

If you want more information contact gina.perryman@portsmouthcc.gov.uk or go to:

https://www.portsmouth.gov.uk/ext/documents-external/cmu-equality-strategy-2019-22-final.pdf

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?



It will ensure water use is limited to 110 litres per person per day in new homes/ tourism related development

How are you going to measure/check the impact of your proposal? Secured by planning condition Page 43

B - Environment and climate change	Yes	No
Is your policy/proposal relevant to the following questions?		
B3 - Climate change mitigation and flooding- Will it proactively mitigate against a changing climate and flooding?		×
In thinking about this question:		
 How will it minimise flood risk from both coastal and surface flooding in How will it protect properties and buildings from flooding? How will it make local people aware of the risk from flooding? How will it mitigate for future changes in temperature and extreme weat 	n the future? ather events?	
If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or g	jo to:	
https://www.portsmouth.gov.uk/ext/documents-external/env-surface-water-ma https://www.portsmouth.gov.uk/ext/documents-external/cou-flood-risk-manage Please expand on the impact your policy/proposal will have, and how you pro impacts?	anagement-plan- ement-plan.pdf pose to mitigate	<u>2019.pdf</u> any negative
How are you going to measure/check the impact of your proposal?		
B - Environment and climate change	Vas	No
B - Environment and climate change	Yes	Νο
B - Environment and climate change Is your policy/proposal relevant to the following questions?	Yes	No
 B - Environment and climate change Is your policy/proposal relevant to the following questions? B4-Natural environment-Will it ensure public spaces are greener, more sustainable and well-maintained? 	Yes	No
 B - Environment and climate change Is your policy/proposal relevant to the following questions? B4-Natural environment-Will it ensure public spaces are greener, more sustainable and well-maintained? In thinking about this question: 	Yes	No
 B - Environment and climate change Is your policy/proposal relevant to the following questions? B4-Natural environment-Will it ensure public spaces are greener, more sustainable and well-maintained? In thinking about this question: How will it encourage biodiversity and protect habitats? How will it preserve natural sites? How will it conserve and enhance natural species? 	Yes	No
 B - Environment and climate change Is your policy/proposal relevant to the following questions? B4-Natural environment-Will it ensure public spaces are greener, more sustainable and well-maintained? In thinking about this question: How will it encourage biodiversity and protect habitats? How will it preserve natural sites? How will it conserve and enhance natural species? If you want more information contact Daniel.Young@portsmouthcc.gov.uk or set the set of the	Yes	No
 B - Environment and climate change Is your policy/proposal relevant to the following questions? B4-Natural environment-Will it ensure public spaces are greener, more sustainable and well-maintained? In thinking about this question: How will it encourage biodiversity and protect habitats? How will it preserve natural sites? How will it conserve and enhance natural species? If you want more information contact Daniel.Young@portsmouthcc.gov.uk or enhttps://www.portsmouth.gov.uk/ext/documents-external/pln-solent-recreation-https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-preserve 	Yes t t t t t t t t t t t t t t t t t t t	No
 B - Environment and climate change Is your policy/proposal relevant to the following questions? B4-Natural environment-Will it ensure public spaces are greener, more sustainable and well-maintained? In thinking about this question: How will it encourage biodiversity and protect habitats? How will it preserve natural sites? How will it conserve and enhance natural species? If you want more information contact Daniel.Young@portsmouthcc.gov.uk or phttps://www.portsmouth.gov.uk/ext/documents-external/pln-solent-recreation-https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-plan-planes? 	Yes interventional strateges intervention	No
 B - Environment and climate change Is your policy/proposal relevant to the following questions? B4-Natural environment-Will it ensure public spaces are greener, more sustainable and well-maintained? In thinking about this question: How will it encourage biodiversity and protect habitats? How will it preserve natural sites? How will it conserve and enhance natural species? If you want more information contact Daniel.Young@portsmouthcc.gov.uk or entry://www.portsmouth.gov.uk/ext/documents-external/pln-solent-recreation-https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-p Please expand on the impact your policy/proposal will have, and how you pro impacts? It will ensure there is no net additional wastewater output from the city and therefore no r Solent.	Yes go to: mitigation-strategoost-adoption.pd pose to mitigate het additional 'nitration	No
 B - Environment and climate change Is your policy/proposal relevant to the following questions? B4-Natural environment-Will it ensure public spaces are greener, more sustainable and well-maintained? In thinking about this question: How will it encourage biodiversity and protect habitats? How will it preserve natural sites? How will it conserve and enhance natural species? If you want more information contact Daniel.Young@portsmouthcc.gov.uk or entry://www.portsmouth.gov.uk/ext/documents-external/pln-solent-recreation-https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-p Please expand on the impact your policy/proposal will have, and how you pro impacts? It will ensure there is no net additional wastewater output from the city and therefore no r solent. How are you going to measure/check the impact of your proposal? Mitigation is secured by planning condition and legal agreements	Yes josto: mitigation-strategoost-adoption.pdf pose to mitigate het additional 'nitrat	No



In thinking about this question:

- How will it prioritise pedestrians, cyclists and public transport users over users of private vehicles?
- How will it allocate street space to ensure children and older people can walk and cycle safely in the area?
- How will it increase the proportion of journeys made using sustainable and active transport?
- How will it reduce the risk of traffic collisions, and near misses, with pedestrians and cyclists?

If you want more information contact Pam.Turton@portsmouthcc.gov.uk or go to:

https://www.portsmouth.gov.uk/ext/travel/local-transport-plan-3

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

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How are you going to measure/check the impact of your proposal?

B - Environment and climate change	Yes	No
Is your policy/proposal relevant to the following questions?		
B7-Waste management - Will it increase recycling and reduce the production of waste?		*
 In thinking about this question: How will it reduce household waste and consumption? How will it increase recycling? How will it reduce industrial and construction waste? 		
If you want more information contact <u>Steven.Russell@portsmouthcc.gov.u</u>	<u>k</u> or go to:	

https://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?



• How will it make Portsmouth a city people want to live in?

If you want more information contact <u>Claire.Looney@portsmouthcc.gov.uk</u> or go to:

https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?		
C - Regeneration of our city	Yes	No
Is your policy/proposal relevant to the following questions?		
C2-Employment and opportunities - Will it promote the development of a skilled workforce?		*
 In thinking about this question: How will it improve qualifications and skills for local people? How will it reduce unemployment? How will it create high quality jobs? How will it improve earnings? 		
If you want more information contact Mark.Pembleton@portsmouthcc.c	<u>gov.uk</u> or go to:	
https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration	<u>on-strategy.pdf</u>	
Please expand on the impact your policy/proposal will have, and how y impacts?	ou propose to mit	igate any negative

How are you going to measure/check the impact of your proposal? Page 47

C - Regeneration of our city	Yes	No
Is your policy/proposal relevant to the following questions?		
C3 - Economy - Will it encourage businesses to invest in the city, support sustainable growth and regeneration?	*	
In thinking about this question:		
How will it encourage the development of key industries?How will it improve the local economy?		

- How will it create valuable employment opportunities for local people?
- How will it promote employment and growth in the city?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The updated Strategy will help support house building in the city by enabling planning permissions to be granted in-line with the Habitat Regulations and without the risk of legal challenge.

How are you going to measure/check the impact of your proposal? Number of planning permissions granted for new dwellings annually.

Q8 - Who was involved in the Integrated impact assessment?

Laura Archer	
This IIA has been approved by:	Rachel Cutler
Contact number:	

Date:

27/01/22
21/01/22