

**Title of meeting:** Health, Wellbeing & Social Care Decision

**Date of meeting:** 26<sup>th</sup> March 2020

**Subject:** Allocation of Nutrient Neutrality Credits - Longdean and Edinburgh Sites

**Report by:** Angela Dryer - Director Adult Services

**Wards affected:** Cosham and Paulsgrove

**Key decision:** Yes

**Full Council decision:** No

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**1. Purpose of report**

- 1.1 To seek approval from the Health, Wellbeing & Social Care portfolio holder for the transfer of nutrient neutrality credits from the former Edinburgh House residential care home to a new development of 13 flats on the Longdean Lodge site to enable a planning permission be granted and the remainder of credits be transferred to the nutrient credit bank detailed in the Council's Interim Nutrient Neutrality Strategy (Cabinet decision dated 29 November 2019).

**2. Recommendation**

- 2.1 **That the Cabinet Member for Health, Wellbeing & Social Care delegates authority to the Director Adult Services to instruct the completion of a unilateral undertaking in accordance with section 106 of the Town & Country Planning Act 1990 relating to land at the former Longdean Lodge Site, Hillsley Road, Portsmouth, PO6 4NH and Edinburgh House, Sundridge Close, Portsmouth PO6 3JL.**

**3. Background**

- 3.1 The Edinburgh House and Longdean Lodge sites are both in the Health, Wellbeing & Social Care portfolio.
- 3.2 The Council have approved an interim nutrient neutral mitigation strategy for new dwellings (November 2019) to mitigate the impact of the adverse effects arising from the occupation of new developments in respect of nitrogen and phosphorous input into the Solent.
- 3.3 There is a capital programme approved scheme to develop 13 flats of supported accommodation for people with learning disabilities on the Longdean Lodge site and a planning permission can be granted, provided the issue of nutrient impact upon Special Protection Areas has been satisfactorily addressed.

- 3.4 By way of a unilateral undertaking by the Council, part of the previous water use of the Edinburgh House residential care home (demolished in December 2019 but still having a lawful planning use as a care home) can be apportioned to the Longdean development, which would result in the scheme becoming nutrient neutral because the undertaking to cease use of the Edinburgh House site weighed against the new proposed use at the Longdean House site would not result in a net increase in water use and associated nutrient discharge or "nitrate load"
- 3.5 This report also seeks authority from the Member for Health, Wellbeing & Social Care for the remaining nitrate load from the Edinburgh House site to be allocated to the nutrient credit bank detailed in the Council's Interim Nutrient Neutrality Strategy.
- 3.6 As the building/s at the Longdean site had been demolished in 2015, their impact in respect of Nitrate load had ceased, as advised by Natural England. If the remaining credits from the Edinburgh House site are not transferred to the nutrient credit bank, there is a risk that a similar view could be taken at the Edinburgh House site and any remaining credits (following transfer in part to Longdean) would be lost following the demolition process.
- 3.7 A unilateral undertaking has been drafted, which would obligate the Council and any successive owners of the Edinburgh House site not to develop the Edinburgh House site unless it can reasonably be demonstrated that the development will not have a likely significant effect upon special protection areas as described in the Interim Nutrient Neutrality Strategy or the prevailing policy of the Council at the time having regard to its legal obligations.

#### **4. Reasons for recommendations**

- 4.1 The new Longdean development will provide much needed homes for residents and support Portsmouth City Council's corporate priority 1: "Make Portsmouth a city that works together, enabling communities to thrive and people to live healthy, safe and independent lives".
- 4.2 The scheme will allow Adult Services to move adults into better quality and more suitable homes, designed to meet need and within the Portsmouth City Council boundary.
- 4.3 The unilateral undertaking to secure the 'nitrate load' off-setting is necessary to ensure that the Council accords with its obligations under the Conservation of Habitats and Species Regulations 2017 with regard to mitigation of the impact of the Longdean development.
- 4.4 Committing the remaining 'nitrate load' at Edinburgh House to the Council's nutrient credit bank allows the Council to facilitate mitigation for other development sites in the city, also in accordance with aforementioned corporate objective.

## **5. Integrated impact assessment**

- 5.1 An Integrated Impact Assessment has been completed with no adverse integrated implications identified.

## **6. Legal implications**

- 6.1 The recommendation is within the power of the Cabinet Member for Health, Wellbeing & Social Care to adopt and accords with the strategy envisaged by the Cabinet in approving the Interim Nutrient Neutrality Strategy (Cabinet decision dated 29 November 2019). The legal implications are two-fold: Firstly, the apportioning of an extant nitrate load from the Edinburgh House site to the benefit of the Longdean House site; secondly, to then commit the remaining 'nitrate load' at Edinburgh House to the Council's central nutrient credit bank, to operate in accordance with the Interim Nutrient Neutrality Strategy.

Control of the Edinburgh House site will remain within the Health, Wellbeing & Social Care portfolio but the portfolio is being asked to actively cede any control over the apportionment of 'nitrate load' as described in this report and specifically detailed in the draft unilateral undertaking. In practical terms, this means that any future development at Edinburgh House for a use within that portfolio is likely (on the assumption that it would entail overnight, residential stays) to need to overcome environmental nutrient neutrality objections in the same way as any other development in the city as detailed in the Interim Nutrient Neutrality Strategy.

## **7. Director of Finance's comments**

- 7.1 The proposals contained within this report seek approval for the transfer of nutrient neutrality credits from the former Edinburgh House residential care home to a new development of 13 flats on the Longdean Lodge site to enable a planning permission be granted and the remainder of credits be transferred to the nutrient credit bank detailed in the Council's Interim Nutrient Neutrality Strategy.
- 7.2 On the 25<sup>th</sup> February 2019, the Housing Cabinet approved the capital expenditure of £6.6m, to deliver 13 new properties housing 28 adults with Learning disabilities, comprising of five, 4 bed shared flats and eight, 1 bed flats to be held in the Supported Housing Portfolio within the Housing Revenue Account. As highlighted within that report, the General Fund is anticipated to benefit by c.£325,000 per annum from a reduction in the cost of care packages.
- 7.3 As highlighted above, any future development at Edinburgh House for a use within that portfolio is likely (on the assumption that it would entail overnight, residential stays) to need to overcome environmental nutrient neutrality objections in the same way as any other development in the city as detailed in the Interim Nutrient Neutrality Strategy.

- 7.4** Nutrient neutrality objections may lead to delays in the development of the Extra Care - Dementia accommodation on the former Edinburgh House site. Should delays occur, then there will impact on the ability of the service to realise anticipated reductions in care packages, in line with the Adult Social Care Medium Term Financial Strategy.

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Signed by:  
Angela Dryer - Director Adult Services

**Appendices:**

- A - Unilateral Undertaking  
B - Integrated Impact Assessment

**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

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

rejected by ..... on .....

.....Signed by: