

**Minutes of the
Planning and Development Scrutiny Panel
(to be confirmed at the next meeting)**

Date: Friday, 30 August 2019

Venue: Council Chamber - Civic Offices

PRESENT:

Councillor (Chairman)

Councillor P J Davies (Vice-Chairman)

Councillors: S Cunningham, N J Walker and J G Kelly (deputising for J S Forrest)

Also Present: Councillor Miss S M Bell, Executive Member for Leisure and Community



1. APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillors, T Davies, K A Barton, J E Butts and J S Forrest.

In the absence of the Chairman, the Vice-Chairman Councillor P J Davies chaired the meeting.

2. MINUTES

It was AGREED that the Minutes of the Planning and Development Scrutiny Panel held on the 10 May 2019 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman gave the following announcement –

Item 6 is giving us, the Panel, the opportunity to pre-scrutinise the Interim Nitrogen Mitigation Solution report. Any comments will be tabled at the Executive this coming Monday, the 02 September.

Officers will take Members through the report at Appendix A, summarising each heading in turn. Please avoid making any **comments** on specific development sites or existing planning applications as to do so may result in you being pre-determined and subsequently impact on your ability to vote or comment at future Planning Committee meetings.

4. DECLARATIONS OF INTEREST AND DISCLOSURES OF ADVICE OR DIRECTIONS

There were no declarations of interest received at this meeting.

5. DEPUTATIONS

There were no deputations made at this meeting.

6. INTERIM NITROGEN MITIGATION SOLUTION

The Panel considered a report on the Interim Nitrogen Mitigation Solution which is to be delivered to the Executive on 02 September 2019.

The Director of Planning and Regeneration directed members attention to an update on this report which was tabled at the meeting (and attached as Appendix A to these minutes)

The Principal Planner (Strategy and Regeneration) took Members through the Executive report at Appendix A and, together with the Head of Development Management took questions from Members as they went along.

Members discussed this item at length, in particular the proposed mitigation measures listed at point 15 a)-f) where the Panel raised concerns in relation to the effectiveness of the potential package of mitigation measures, and

expressed concern as to the Council's ability to grant the level of planning consents the housing numbers needed to meet future Housing Delivery Tests.

RESOLVED that the Panel recommends to the Executive the following comments, when it considers this item at its meeting on 2 September 2019:-

- (a) the Panel raised concerns as to whether the proposed mitigation measures set out in the report (and the table item) would effectively provide the level to nitrate mitigation to new development recommended by Natural England; and
- (b) the Panel also raised concerns as to the Council's ability to meet future Housing Delivery Test requirements in light of the continuing impact on the level of planning consents and hence housing completions.

7. EXECUTIVE BUSINESS

The Panel consider the Executive items of business which fall under the remit of the Planning and Development portfolio, including individual Executive Member decisions, that have taken place since the last meeting of the Panel on 10 May 2019.

The Panel considered the decision shown at items 7 (1) and 7 (2).

RESOLVED that the Planning and Development Scrutiny Panel considered the following item of Executive Business.

(1) Titchfield Neighbourhood Plan: Examiner's Report and Referendum

The Panel asked for an up date on the Outcome of the referendum.

The Panel were informed that the turnout for the referendum was 31%, with 363 voting no, and 241 voting yes.

(2) Warsash Neighbourhood Plan: Applications for Warsash Neighbourhood Forum and Warsash Neighbourhood Area

No comments received.

8. PLANNING AND DEVELOPMENT SCRUTINY PANEL PRIORITIES

Members considered the Panels Scrutiny Priorities it was agreed that an item on Portchester and Fareham Regeneration Projects would be brought to a future meeting when it is appropriate.

RESOLVED that the Planning and Development Scrutiny Panel considered the scrutiny priorities for the Panel.

(The meeting started at 3.00 pm
and ended at 4.14 pm).

Minute Item 6

Statement to be read out in relation to the report on Interim Nitrogen Mitigation Solution

In order to provide greater clarity on both the process for developing the nitrogen mitigation solution and the potential costs to the Council, the following amendments are tabled on the report.

A new recommendation to read;

(c) (It is recommended that the Executive) notes that the detail of the potential mitigation measures will be provided to the Executive where they have material resource implications to the Council, along with details of any developer contributions.

The 'costs of proposals' section of the report to be updated to read;

It is anticipated that the proposal will be cost neutral to the Council as developers will be required to make a financial contribution to fully cover any costs involved in the mitigation solutions.

Paragraph 16 to be amended to read;

Further discussions are required with third parties to advance many of these options. Early work suggests that a combination of measures would be sufficient to provide a solution for housing development going forward. The package of mitigation measures would be further developed as the nitrate mitigation solution available to those developers that cannot find their own mitigation solutions or demonstrate nutrient neutrality. The Executive would be further updated on the development of these package of measures and any upfront costs that may need to be borne by the Council. As the mitigation measures are being worked up, the Council would be able to issue permissions with Grampian conditions, subject to agreement with applicants, which would prevent occupation of the dwellings until such a time as the Council can be satisfied that sufficient mitigation is secured to be able to conclude that there would be no adverse effect on the European sites. For those developments that will depend upon the Council's mitigation solution, there will be a financial charge to the developer secured through a legal agreement or similar.

Paragraph 17 to be amended to read;

However, it is important to note that not all planning applications would need to utilise the Council's mitigation solution and each case will be dealt with on its merits. Alternative mitigation may be proposed or secured by applicants depending on the circumstances. For example, if the development can provide sufficient mitigation on or off-site to demonstrate nitrate neutrality, the planning application can be determined on that basis and Grampian conditions need not apply. The Council may be able to conclude no adverse effect on integrity of designated sites in a number of

ways.

Paragraph 20 to be amended to read;

It is anticipated that the mitigation solution will be cost neutral to the Council in overall terms as developments that need to utilise the Council's solution will be required to make a financial contribution equivalent to the cost of mitigation and any interim costs of implementing the arrangements.

Paragraph 21 to be amended to read;

The financial implications will be set out in greater detail as the package of measures is being developed, in a further report(s) to the Executive.