

FAREHAM

BOROUGH COUNCIL

2020/21
Decision No.
2195

Record of Officer Delegated Decision

Friday, 17 July 2020

Portfolio:	Planning and Development
Subject:	Nitrate Mitigation - Legal Agreement with Hampshire and Isle of Wight Wildlife Trust & Isle of Wight Council
Report of:	Director of Planning and Regeneration
Corporate Priority:	Protect and enhance the environment

Purpose:

This report seeks authority from the Director of Planning and Regeneration for the Council to enter into a legal agreement with Hampshire and Isle of Wight Wildlife Trust (HLOWWT) and the Isle of Wight Council (IOWC) in respect of land at Little Duxmore Farm on the Isle of Wight.

In February last year, Natural England updated its advice to local councils to reflect recent European case law and now recommends an Appropriate Assessment is undertaken within the Borough of Fareham for every application for new dwellings.

Natural England has highlighted that increased levels of nitrates entering the Solent (because of increased amounts of wastewater from new dwellings) is likely to have a significant effect upon European Protected Sites (EPS).

Where developers are not able to demonstrate that their proposals maintain or reduce the levels of nitrates leaving their site, mitigation measures need to be identified. The majority of residential planning applications will need to mitigate for increased levels of nitrates entering The Solent; in most instances' developers are unable to provide this mitigation on their development site.

HLOWWT are bringing forward land at Little Duxmore Farm on the Isle of Wight for the purposes of wildlife enhancements. The opportunity also exists to use the same land as mitigation for nitrates arising from new residential development within the catchment area.

Authority is sought from the Director of Planning and Regeneration for the Council to enter into a legal agreement with HLOWWT and IOWC, to secure nitrate mitigation at Duxmore Farm in connection with residential planning permissions granted within the Borough of Fareham.

Options Considered:

The Director of Planning and Regeneration considered the report and was advised of 16 emails of representation that were received by the Head of Democratic Services. The content of the emails was to register their opposition to an Officer making the decision under delegated powers rather than being considered by Members via a Committee. Verbal representations from Councillors, R Price and S Cunningham were also received in support of the view that the decision be made by Members rather under delegated Officer powers.

The Head of Democratic Services confirmed that the Scheme of Delegation to Officers as set out in the Council's Constitution, permitted the Director of Regeneration to make the decision under delegated powers.

Decision:

RESOLVED that the Director of Planning and Regeneration enter the Council into a legal agreement with Hampshire and Isle of Wight Wildlife Trust and Isle of Wight Council to secure nitrate mitigation at Little Duxmore Farm in connection with residential planning permissions granted within the Borough of Fareham.

Reason:

Securing nitrate mitigation at Little Duxmore Farm will enable Fareham Borough Council to grant planning permission for a number of residential schemes within the Borough, many of which have been stalled for a considerable period of time following the European Court rulings and Natural England's advice. This in turn will ensure that residential planning permissions are granted and housing can be built which will contribute towards meeting the Council's housing need.

Confirmed as a true record:

Richard Jolley (Director of Planning and Regeneration)
Friday, 17 July 2020

