



The Rt Hon Robert Jenrick MP  
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18<sup>th</sup> November 2019

Dear Minister

### **Nitrate neutrality**

I am writing to you as the Cabinet Member for Built Environment and Wellbeing at Winchester City Council. I know you are aware of the current situation regarding delays in the planning system and the potential impact that could have on housing delivery as a result of nitrates.

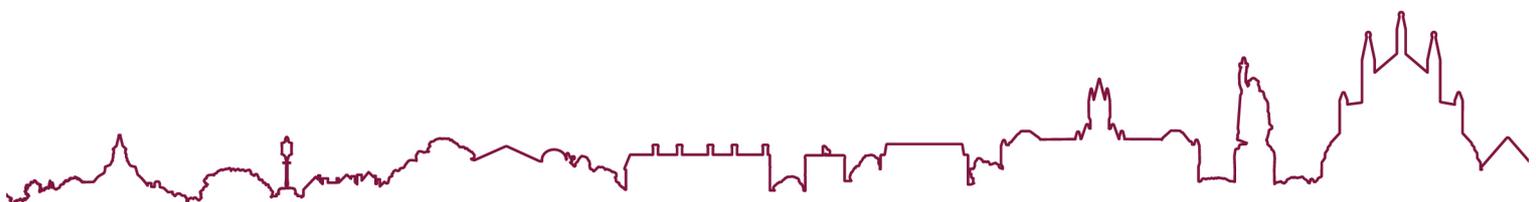
The City Council are working with the Partnership for South Hampshire, however at present there is no solution and no national position in terms of guiding Local Planning Authorities on dealing with this matter.

This is a major issue that is now preventing housing development in Winchester and the surrounding area from being permitted in accordance with the development plan. You will know that the advice from Natural England requiring proposals to demonstrate that they will be “nitrate neutral” is a significant material planning consideration. The Conservation of Habitat and Species Regulations (2017 as amended) requires the local planning authority to undertake a Habitats Regulation Assessment (HRA) in order to assess whether there is a “likely significant effect”. This includes undertaking an Appropriate Assessment.

It is an established principle under law that an appropriate assessment must use the “precautionary principle”, planning permission can only be granted if the competent authority have made certain there will be no adverse effect on the integrity of the site and where no reasonable scientific doubt remains.

Natural England have advised that any development proposed through planning applications providing overnight accommodation which would discharge into the Solent would be likely to cause a significant effect.

There is clearly a conflict on this issue between Natural England, The Environment Agency and Water Authority.



There is also a concern from our local planning agents about the development industry. Fears that SME's would not be able to continue trading is a real concern. The resultant impact on the local economy cannot be underestimated.

Winchester City Council has declared a Climate Emergency and are developing a number of strategies to deal with this. Longer term this may provide opportunities for reducing nitrate pollution, however this will not deal with the short term.

This issue is having a negative impact on housing supply and if not resolved will result in unplanned developments being granted contrary to the development plan where they can demonstrate nitrate neutrality. This would undermine the plan led system and lead to a lack of confidence in the planning system.

I am seeking your assurances that this matter is being discussed at the highest levels of government to resolve the conflict between the statutory bodies.

I look forward to hearing from you.

Yours sincerely

Cllr Jackie Porter  
Cabinet Member Built Environment and Wellbeing