**winchester city council** - **NITRATES MITIGATION – Draft 106 heads of terms**

1. Developer to provide a nitrate mitigation plan for approval by the Council prior to commencement of the Development confirming proposed onsite nitrate mitigation measures or offsite mitigation measures or offsetting.
2. Developer to provide approved nitrate mitigation measures on-site to satisfaction of the Council prior to occupation of the development and maintain for duration of use of development; or
3. Developer to provide approved offsite mitigation measures to satisfaction of the Council prior to occupation of the development and ensure maintenance for duration of use of development; or
4. Developer to pay contribution for nitrate offset credits to Council prior to commencement of the development.
5. Nitrate offset credits contribution to be calculated based on methodology approved by Natural England at a rate of £3,500 per 1kg for number of units in development for duration of use of development (128 years)
6. Bond to be provided by developer to Council prior to occupation to cover cost of maintenance of onsite or offsite mitigation measures for duration of use of development.
7. Offsite mitigation measures to be provided at or offsetting contribution to be expended on purchasing credits from land secured by Council or third party within the Solent area that provides appropriate and sufficient nitrate mitigation to cover nitrogen load of development for duration of use.
8. No occupation of development until sufficient nitrate mitigation or credits have been secured/purchased to satisfaction of Council to offset nitrogen load of development for duration of use.
9. Developer to provide prior notification of intended first occupation of development units.