

**From:** Andrew, Mary <Mary.Andrew@naturalengland.org.uk>  
**Sent:** 16 May 2022 16:37:27  
**To:** Wright, Richard  
**Cc:** Wyatt, Louise; 'Dyson, Alison'; 'Andrew Munton'; Karl Goodbun (karl.goodbun@ecologysolutions.co.uk); Smith, Lee; Tim Burden  
**Subject:** NE Response: APP/A1720/W/21/3283643 and APP/A1720/W/21/3284532 Our Ref: 391968  
**Attachments:** RE\_APP\_A1720\_W\_21\_3283643 & 3284532 - NE response.msg

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Dear Richard,

APP/A1720/W/21/3283643 & APP/A1720/W/21/3284532 HRA Appeal - P/20/1168/OA Outline Application To Provide Up To 125 One, Two, Three And Four-Bedroom Dwellings Including 6 Self Or Custom Build Plots, Community Building Or Local Shop (Use Class E & F.2) With Associated Infrastructure, New Community Park, Landscaping And Access, Following Demolition Of Existing Buildings, & P/20/1166/CU - Change of use of land from equestrian/paddock to community park following demolition of existing buildings - Land South Of Funtley Road, Fareham  
Our Ref: 391968

Thank you for consulting Natural England on the latest nutrients budget for the above development (dated 12<sup>th</sup> May 2022). Please find our comments below.

#### Deterioration of the Water Environment

On 16 March 2022 we wrote to your authority about the availability of an updated package of tools and guidance in relation to nutrient impacts. An updated nutrient budget calculator for the Solent was released on 20 April 2022. We recommend that your authority moves to using the updated generic Nutrient Neutrality Methodology and the updated catchment calculators in preference to existing methodologies whether produced by Natural England or your own authority. Your authority will be best placed to consider how it transitions to the new tools and guidance. Natural England recognises that for some existing catchments where nutrient neutrality is being implemented and mitigation is being actively progressed, authorities may need to consider the associated practicalities of moving to the new guidance whilst recognising their role as Competent Authority.

Please note, at present some elements of the guidance (national methodology, nutrient budget calculators) issued by Natural England should be considered as provisional due to the outstanding appeal to the Court of Appeal in Wyatt v Fareham BC [2021] EWHC 1434 (Admin), which although not concerned with the national methodology issued on 16<sup>th</sup> March 2022, could impact on certain elements contained within the methodology because that case considers similar (but not identical) earlier guidance for the Solent region. Natural England intends to review the national methodology following judgment in the appeal in Wyatt which may require amendments to be made.

The latest nitrogen budget (12<sup>th</sup> May 2022) has been calculated in line with the latest version of the Solent nutrient budget calculator (ie it uses the latest calculator issued on the 20<sup>th</sup> April 2022). Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no concerns with regard to the nutrient budget. The budget should inform an updated Habitats Regulations Assessment.

Please note the calculation is based on all wastewater from the development being treated at Peel Common Wastewater Treatment Works. If this situation changes, a reassessment of the nutrient calculation will be required and a revised Habitats Regulations Assessment will be necessary.

#### Mitigation

It is understood that 3.72ha of the proposed community park, to the south of the development, will partially offset the nitrogen burden arising from the development proposals. The developer has confirmed that the amount of nitrogen offsetting to be provided by this 3.72ha of mitigation land has been calculated in line with the updated methodology. (This email correspondence is attached for reference). It is understood that the remainder of the nitrogen offsetting required will be mitigated through the purchasing of credits from the Warnford Estate nitrogen mitigation scheme. Provided the above measures can be secured, together with long term management and maintenance to ensure effective mitigation for the lifetime of the development, Natural England raises no further concerns.

It is noted that a further 3.06ha of the proposed mitigation land (the community park) has been allocated as nutrient mitigation land for a separate development (related applications P/19/0864/RM and P/18/0066/CU). It will be important to ensure the delivery of mitigation for application P/19/0864/RM prior to first occupation is not compromised.

#### Water Resources

It is advised that a suitable water consumption rate is appropriately secured with any granting of planning permission. In accordance with the Nutrient Neutrality Generic Methodology, we advise that the water consumption rate used within any nutrients budget(s) should be 10 litres/per person/per day higher than the rate secured. This is in line with the precautionary approach and accounts for potential changes to less water efficient fittings throughout the lifetime of the development. For example, where 100 litres/per person/day is appropriately secured, 110 litres/per person/day would be applicable within the nutrients budget calculations for the proposed development.

For our comments on other issues in relation to this site, please refer to our earlier correspondence.

I hope this provides you with the information required to progress with this appeal. Please get in touch if I can be of further assistance.

Kind regards,

Mary Andrew ACIEEM  
Sustainable Development, Thames Solent Team  
Natural England  
4<sup>th</sup> Floor, Eastleigh House, Upper Market St, Eastleigh, SO50 9YN  
Mobile: 07552 268094

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**From:** Karl Goodbun <Karl.Goodbun@ecologysolutions.co.uk>  
**Sent:** 16 May 2022 13:34:45  
**To:** Andrew, Mary  
**Cc:** Wyatt, Louise; Jodie Dixon  
**Subject:** RE: APP/A1720/W/21/3283643 & 3284532 - NE response

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Hi Mary

Thanks for the email – very happy to discuss but thought I should send the below for completeness.

I appreciate you have not been involved in all the details of this scheme so some things may not be abundantly clear. Just to confirm, the mitigation land in question is entirely contiguous with the 'development site' and is subject to a conjoined appeal to deliver the community park aspect of the application (via a change of use application – uncontested). It is within exactly the same soil type and rainfall categories as the development site – this was checked and double checked.

After the above, in terms of applying the 7kg/TN/yr per hectare nitrogen offsetting rate for the ('on-site') mitigation land, after using the look up tables etc, the check for me was seeing what the calculator used as the embedded value in our site specific workings, and that confirms the 7kg/TN/yr per hectare is correct.

Hope that helps.

Many thanks

Kind regards

**Karl Goodbun BSc (Hons) MCIEEM | Director**



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**From:** Andrew, Mary <Mary.Andrew@naturalengland.org.uk>  
**Sent:** 16 May 2022 12:30  
**To:** Karl Goodbun <Karl.Goodbun@ecologysolutions.co.uk>  
**Cc:** Wyatt, Louise <Louise.Wyatt@naturalengland.org.uk>  
**Subject:** RE: APP/A1720/W/21/3283643 & 3284532 - NE response

Dear Karl,

Many thanks for sending through this updated nutrients calculator for the appeal case at Funtley Road. I just left a message with your office, I'm heading to lunch now but will be back this afternoon if its easier to talk through my one point for clarification below. I thought I'd email too because of the tight deadline for this case.

I understand that some of the nitrogen offsetting for the development will be provided by taking 3.72ha of lowland grazing land out of production. The latest Nitrogen statement states the lowland grazing land currently leaches 7kg/TN/yr per hectare. In future, as greenspace, it will leach 3 kg/TN/yr per hectare, generating nitrogen offsetting of 4kg/TN/yr per ha, and therefore 14.88kg/TN/yr of nitrogen offsetting in total. This appears to have been calculated using the latest methodology (i.e, it matches the calculation used for the development site).

Please could you confirm that the 7kg/TN/yr per hectare nitrogen offsetting rate is appropriate for the soil type, rainfall rates etc at the proposed mitigation land? One way of doing this might be to fill out a separate version of the latest Solent nutrient calculator, with just Stages 2 and 3 filled out to show the details of the mitigation land.

My understanding is that the mitigation land is nearby to the development's red-line boundary, but not within it (as it doesn't appear within the nutrients budget for the development site). Therefore using the 7kg/TN/yr per hectare leaching rate for the mitigation land might possibly not be appropriate, as this is on a different area. Please do let me know if I have misunderstood this, thank you!

Thank you very much for this clarification.

Kind regards,

Mary Andrew ACIEEM  
Sustainable Development Team  
Mobile: 07552 268094

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**From:** Karl Goodbun <[Karl.Goodbun@ecologysolutions.co.uk](mailto:Karl.Goodbun@ecologysolutions.co.uk)>  
**Sent:** 16 May 2022 10:51  
**To:** Andrew, Mary <[Mary.Andrew@naturalengland.org.uk](mailto:Mary.Andrew@naturalengland.org.uk)>  
**Cc:** Jodie Dixon <[Jodie.Dixon@ecologysolutions.co.uk](mailto:Jodie.Dixon@ecologysolutions.co.uk)>  
**Subject:** FW: APP/A1720/W/21/3283643 & 3284532 - NE response

Hi Mary

You will hopefully have seen that Richard Wright of Fareham BC has sent you a copy of our Joint Statement, together with copies of the revised nutrient calculator and a Nitrogen Statement (which clarifies the situation regarding mitigation).

We are under some time pressure on this as we need to get responses back to PINS by tomorrow. As such I would be most grateful if you could email confirming your position today if at all possible. Obviously, we are looking for a positive response, so could I ask that if you have any questions at all (minor or otherwise) you contact me before issuing a response.

Thanks again for taking the time to look at this.

Many thanks

Kind regards

**Karl Goodbun BSc (Hons) MCIEEM | Director**



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**From:** Wright, Richard <[RWright@Fareham.Gov.UK](mailto:RWright@Fareham.Gov.UK)>  
**Sent:** 13 May 2022 11:12  
**To:** 'Andrew, Mary' <[Mary.Andrew@naturalengland.org.uk](mailto:Mary.Andrew@naturalengland.org.uk)>  
**Cc:** 'Dyson, Alison' <[ALISON.DYSON@planninginspectorate.gov.uk](mailto:ALISON.DYSON@planninginspectorate.gov.uk)>; 'Andrew Munton' <[amunton@residedevelopments.co.uk](mailto:amunton@residedevelopments.co.uk)>; Karl Goodbun

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**Subject:** RE: APP/A1720/W/21/3283643 & 3284532 - NE response

Dear Mary,

Further to Tim Burden's email below, I understand you have agreed to review the attached documents and confirm Natural England's position/advice for the Inspector.

Please find attached an agreed additional Habitat Sites joint statement, revised nitrogen statement and budget calculator for the development. The only missing piece of information is the revised agreement with the off-site nitrate mitigation provider at Warnford Estates which the Appellant expects to receive shortly.

Please contact either myself or Mr Burden if you should wish to discuss this further.

Kind regards,

Richard Wright  
Principal Planner (Development Management)  
Fareham Borough Council  
01329824758  
07554 415619

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**From:** Tim Burden <[tim.burden@turley.co.uk](mailto:tim.burden@turley.co.uk)>

**Sent:** 09 May 2022 10:11

**To:** Wright, Richard <[RWright@Fareham.Gov.UK](mailto:RWright@Fareham.Gov.UK)>

**Cc:** 'Andrew, Mary' <[Mary.Andrew@naturalengland.org.uk](mailto:Mary.Andrew@naturalengland.org.uk)>; 'louise.wyatt@naturalengland.org.uk' <[louise.wyatt@naturalengland.org.uk](mailto:louise.wyatt@naturalengland.org.uk)>;

'Dyson, Alison' <[ALISON.DYSON@planninginspectorate.gov.uk](mailto:ALISON.DYSON@planninginspectorate.gov.uk)>; 'Andrew Munton' <[amunton@residedevelopments.co.uk](mailto:amunton@residedevelopments.co.uk)>; Karl Goodbun  
([karl.goodbun@ecologysolutions.co.uk](mailto:karl.goodbun@ecologysolutions.co.uk)) <[karl.goodbun@ecologysolutions.co.uk](mailto:karl.goodbun@ecologysolutions.co.uk)>; Smith, Lee <[LSmith@Fareham.Gov.UK](mailto:LSmith@Fareham.Gov.UK)>

**Subject:** FW: APP/A1720/W/21/3283643 & 3284532 - NE response

**Importance:** High

Richard,

Hope you had a good weekend. Further to our discussions last week regarding the recent email from PINS, I am pleased to attach a note prepared by Ecology Solutions, written as a joint statement, for your review and input.

For completeness, also attached are the revised budget calculator (April 2022 v2 version) and nitrogen statement.

I understand that Karl has spoken to Mary Andrews at NE late last week, and she has helpfully advised that she is happy to review / provide comment on the document, and subsequently provide an email stating that NE is content with it in due course. However, such a request would need to come formally through you as before. I have copied her into this email for completeness, but I would be grateful if you could, as LPA, ask for this action to be undertaken by NE please.

If a meeting would assist, please do let me know, but I am hopeful that the attached can be swiftly counter signed and then confirmed by NE for onward formal submission to PINS.

Looking at the Inspector's timescales, we will need to revert back to PINS this week, so your urgent assistance would be most appreciated.

Many thanks.

Regards

Tim

**Tim Burden**  
Director

**Turley**

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**From:** Dyson, Alison <[ALISON.DYSON@planninginspectorate.gov.uk](mailto:ALISON.DYSON@planninginspectorate.gov.uk)>  
**Sent:** 03 May 2022 13:08  
**To:** Aaron Wright <[aaron.wright@turley.co.uk](mailto:aaron.wright@turley.co.uk)>; Development Management <[devcontrol@fareham.gov.uk](mailto:devcontrol@fareham.gov.uk)>; Tim Burden <[tim.burden@turley.co.uk](mailto:tim.burden@turley.co.uk)>; Richard Wright ([RWright@Fareham.Gov.UK](mailto:RWright@Fareham.Gov.UK)) <[rwright@fareham.gov.uk](mailto:rwright@fareham.gov.uk)>  
**Subject:** APP/A1720/W/21/3283643 & 3284532 - NE response

All

The Inspector seeks the main parties' views on the response from Natural England. In particular he would appreciate any views in respect of Natural England's comments on deterioration of the water environment and the basis on which nutrient neutrality budget has been calculated and also their comments on the recreational impacts on New Forest Sites with regard to the Council's Interim solution, confirmation of measures funds would deliver. As this was a matter upon which both the Council and appellant were in agreement, a joint response would be appropriate and acceptable. Please provide your response(s) within ten working days of this letter.

Kind Regards

Alison

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