

Site:	Land at Long Copse Lane, Emsworth, Havant
Client:	Land and Partners Ltd.
Job Number:	A115290
Report Type(s):	Nutrient Balancing Assessment
File Location:	\\LDS-DC-VM-002\Group Ecology\Projects\Projects A115000 on\A115290 Land at Longcopse Lane Emsworth\REPORTS

INTRODUCTION

WYG were appointed by Land and Partners Ltd. in October 2019 to calculate the change in nutrient outputs from existing to future use associated with the proposed development at Long Copse Lane, Emsworth, Havant in Hampshire (National Grid Ref. SU 74998 08115).

At present assessments are being undertaken to support an outline planning application for development comprising the masterplan as shown in Appendix B. This includes:

- 210 residential dwellings;
- The new urban area would comprise 8.1 hectares; and
- The provision of 6.5 hectares of Public Open Space.

The calculations are required in response to recent consultation with Natural England on residential projects in the vicinity of the Solent following the findings of the Integrated Water Management Study for South Hampshire, published by the Partnership for Urban South Hampshire (PUSH, 2018)¹.

Due to the uncertainty over whether new development can be accommodated by existing wastewater treatment infrastructure without causing harm to coastal European sites, Natural England advise that all residential development should achieve nitrogen neutrality (Natural England, 2020)².

Following the original issue of this assessment, updated advice has been issued by Natural England which has been taken into account for this updated assessment (Natural England 2022a³; 2022b⁴). The Natural England advice sets out the full background to the effect pathway and rationale.

METHODOLOGY

To make the assessment, the following advice was used:

- [Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites \(Natural England, 16th March 2022\)](#);
- [Nutrient Neutrality Generic Methodology Issue 1 \(Natural England and Ricardo Energy and Environment, February 2022\)](#);
- [Nutrient Budget Calculator Guidance Document \(Natural England and Ricardo Energy and Environment, March 2022\)](#);

¹ PUSH, (2018), [Integrated Water Management Study](#).

² Natural England, (2020), [Advice on Achieving Nutrient Neutrality for New Development in the Solent Region](#).

³ Natural England, (2022a), [Nutrient Pollution: reducing the impact on protected sites – Policy Paper](#).

⁴ Natural England, (2022b), [Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites](#).

- [Nutrient Neutrality Budget Calculator Solent \(Natural England and Ricardo Energy and Environment, April 2022\)](#); and
- [Havant Occupancy Calculator](#) (Havant Borough Council).

Additional supporting information is available in:

- [Position Statement and Mitigation Plan for Nutrient Neutral Development](#) (Havant Borough Council, May 2022);
- [Process for new applications which cannot achieve nutrient neutrality \(NN\) on site](#);
- [Process for applications stalled by nutrient neutrality \(NN\)](#);
- [Nutrient Neutrality Solent Map](#);
- [Nutrient Neutrality: A Summary Guide](#);
- [Nutrient neutrality principles and use of Diffuse Water Pollution Plans \(DWPPs\) and Nutrient Management Plans \(NMPs\) \(Natural England, February 2022\)](#);
- [Review of the Need for Nutrient Neutral Development in the Budds Farm Wastewater Treatment Works catchment \(Ricardo Energy and Environment, 2020\)](#);
- [Review of the Warblington Farm Mitigation Option for Nutrient Neutral Development in the Havant Borough \(Ricardo Energy and Environment, 2020\)](#); and
- [Addendum to 'Review of the Warblington Farm Mitigation Option for Nutrient Neutral Development in the Havant Borough' \(Ricardo Energy and Environment, 2022\)](#);

ASSUMPTIONS

The assumptions relevant to this project in addition to those included in the Natural England methodology are provided in Table 1.

The inputs and assumptions for the nutrient neutrality calculation in Natural England's guidance are based on the best available scientific evidence currently available. For example, Appendix 2 of the Natural England Generic Methodology sets out the scientific basis by which nitrogen and phosphorous leachate rates are derived. The 20% precautionary buffer built into the calculation takes account of the inevitable uncertainty, as recommended by Natural England.

Table 1: Project Assumptions

Number of proposed units:	210
Average occupancy rate:	2.23 (using Havant Borough Council occupancy rates calculator)
The total site area:	14.6 ha
The current land uses are:	12.2 ha lowland grazing; 2.4 ha greenspace ¹ .
The future land uses will be:	8.1 ha urban; 6.5 ha greenspace ²
The waste water from the site will be treated at this wastewater treatment works (WwTW):	Thornham
The consent limit for the WwWT is:	10 mg/l
Surface water catchment:	Arun and Western Streams
Standard annual average rainfall:	750.1 – 800 mm
Soilscape category:	Impeded drainage (Slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soils)

Nitrate Vulnerable Zone:

Yes

¹Evidence for existing land uses is provided in Appendix E. The majority of the site has been used for Lowland Grazing for the past 10 years. In accordance with Natural England guidance, where 2/3 of a site is used for one farm output type, that use should be used for the total area. In order to apply a precautionary approach, although in overall lowland grazing use, 2.4ha of the site is classified as having an existing land use category of greenspace, given some areas of the site are not cultivated and therefore do not have associated nitrogen inputs.

²Areas taken from Open Space and Green Infrastructure Parameters Plan (A141 LA05).

RESULTS

The results using the method for determining the TN budget for the proposals are provided in Table 2. The full workings are provided in the attached Nutrient Budget Calculator.

Table 2: Summary of the results

Calculating Total Load From Development Wastewater	Calculating Load From Current Land Use	Calculating Load From Future Land Uses	Calculating Net Change in From the Development	Apply 20% Buffer
147.78 Kg/TN/yr	71.98 Kg/TN/yr	136.51 Kg/TN/yr	192.74 Kg/TN/yr	254.78 Kg/TN/yr

The calculations show that taking into account the existing accommodation on site, the development would result in a net increase in TN of 254.78 Kg/TN/yr.

The Solent Catchment Area (Figure 1 p7 of Natural England, 2020) shows the site falls within the Chichester Harbour fluvial catchment. Figures 2 – 7 of the same guidance show the catchment area at a larger scale. The Chichester Harbour fluvial catchment drains to the Chichester and Langstone Harbours SPA, as does Thornham WwTW. Therefore, the site, and the receiving WwTW both lie within the same fluvial catchment and, in the absence of mitigation, there is the potential for the development proposals to result in an adverse effect on the integrity of the Chichester and Langstone Harbours SPA through an increase in total nitrogen.

MITIGATION

Mitigation measures should be designed to address the specific effect. For the proposed development, the effect pathway is clear. There is an increase in nitrogen outputs to Chichester and Langstone Harbours SPA via wastewater (Thornham WwTW) and surface water (conveyed via surface water drains and the River Ems). In the absence of mitigation this represents an adverse effect on the integrity of the SPA by hindering the site from meeting its conservation objectives (due to elevated nutrient concentrations).

To address the effect of the increased nitrogen load, it is intended that the development achieves nutrient neutrality such that the result is a net decrease in nitrogen output (thus supporting the conservation objectives).

It is proposed that the required offsetting is partly achieved through the conversion of cereal crop land to woodland planting within the Stansted Estate, to the north of the site. The agreement for this offset land is included in Appendix D, covering an area of 8.0 ha.

This is in accordance with the Natural England (2020) guidance which states:

Another option is to acquire, or support others in acquiring, agricultural land elsewhere within an appropriate river catchment area. By changing the land use in perpetuity (e.g. to woodland, heathland, saltmarsh, wetland or conservation grassland), this reduces the nitrogen loss from this source.

Although the land is located some way to the north of the site, it lies within the surface water catchment for the River Lavant (as defined on the Environment Agency Catchment Data Explorer), the mouth of which is located to the south-east of Langstone, where Chichester and Langstone Harbours meet. As set out by Natural England (2020) and Ricardo Energy and Environment (2021) there is a known transfer of water between the two harbours, with them considered to act as a single hydrographic unit. The proposed mitigation will therefore impact the same European site as both foul and surface water flows. This is confirmed within the Natural England guidance whereby Chichester and Langstone Harbours are included within the same Chichester Harbour Fluvial Catchment.

According to Natural England (2020):

It is Natural England's view that mitigation land within the same catchment as the development location is appropriate.

Therefore, the location of the mitigation site within the Chichester Harbour Fluvial Catchment is appropriate.

Although the mitigation site is not in close proximity to the harbours, the local geography is suitable for providing mitigation, with a clear hydrological link. According to Natural England (2020):

It is our preference that mitigation sites are prioritised within the lower fluvial catchment and in close proximity to water courses that drain into the Solent estuaries and harbours. Sites that are located on tertiary geology or clay are preferred or sites that are located on the break of slope onto chalk bedrock. These sites reduce the time lag between the nutrient benefits of changes to land use within the catchment and the benefits to the designated sites.

Although the site is not located within the lower fluvial catchment, it is in close proximity to water courses that drain to the harbours (100m south and 115m west of the areas shown in Appendix D) and on steeply sloping land. These routes for surface water flows are illustrated in Appendix G. From a review of online information from Soilscape, the proposed mitigation site comprises a combination of Soilscape 18 (Slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soils which have impeded drainage and drain to stream network) and Soilscape 6 (Freely draining slightly acidic loamy soils which drain to local groundwater and rivers). It does not contain (for example) Soilscape 3 (Shallow lime-rich soils over chalk or limestone which drain to chalk or limestone groundwater). There is therefore no potential risk of a significant temporal lag between mitigation and the effects of development.

Additional nutrient balancing calculations have been undertaken in accordance with the Natural England guidance to determine the capacity of the mitigation site. The mitigation area covers a mix of soil drainage types and catchments as set out in Table 3 below, with the associated leachate rates. The existing land use at Stansted Park is cereal cropping (see evidence in Appendix F).

Table 3: Mitigation Area Calculations

Land Use	Catchment	Soil Drainage Type	Leachate Rate (kg/TN/ha/yr)	Leachate Rate for Mitigation (kg/TN/ha/yr)	Area (ha)	Total Mitigation (kg/TN/yr)
Cereal crops	East Hampshire Rivers	Freely draining	27.90	3.0	4.16	103.58
Cereal crops	East Hampshire Rivers	Impeded drainage	20.12	3.0	3.84	65.74

As set out in Table 3, the mitigation area secured at Stansted Park provides a total capacity of 169.32 kg/TN/yr. The application of this mitigation results in a residual net shortfall of 85.46 kg/TN/yr. There are several nitrogen mitigation schemes available and more are emerging that can provide these additional nitrogen credits. Any scheme can be used provided that it is technically suitable. The additional nitrogen credits are to be purchased from one of these alternative mitigation schemes.

The mitigation scheme at Chilgrove Farm is suitable and has already been used successfully to provide mitigation, with the support of Natural England. Further details are provided within Appendix H. The additional mitigation to serve the proposed development comprises approximately 3.49 ha of cereal crop land that sits within the Chichester Harbour fluvial catchment. Appendix I sets out a consultation response from Natural England for a proposed development in Chichester District, which is provided by way of example to demonstrate the suitability of Chilgrove Farm for mitigation.

In addition to the above mitigation package, a further area of c.1.6 ha of cereal crop land at Stansted Park will be planted with woodland by way of mitigation for Bechstein's bats. As a result of this a further nitrogen reduction of 27.39 kg/TN/yr (currently cereal crop land) will be achieved and although this additional sum is not counted in the overall balancing it ensures the overall mitigation package is robust.

This mitigation results in a net decrease in nitrogen. This net decrease supports the conservation objectives of Chichester and Langstone Harbours SPA and avoids any potential for an adverse effect on the integrity of the SPA.

The proposed offset at Stansted Park will be secured in perpetuity by a planning obligation which will include a requirement to submit and have approved a planting specification for the proposed woodland planting. The use of woodland planting as habitat creation and security is in line with Natural England (2020) which states:

Woodland planting on agricultural land is a means of securing permanent land use change without necessitating land purchase. It can be evidenced easily by aerial photography and site visits. The level of woodland planting required to achieve nutrient neutrality is 20% canopy cover at maturity. In very broad terms, this equates to 100 trees per hectare, although this is dependent on the type of trees planted and there are also options that this can be achieved by natural regeneration, especially if adjacent to existing native woodland. It is our preference that native broadleaf species are selected where possible, to secure wider biodiversity gains. A nitrogen leaching rate from woodland planting is likely to equate to 5 kg/ha/yr.

It should also be noted that the proposed mitigation has been devised in extensive consultation with Natural England through their Discretionary Advice Service and who have agreed that the proposed

location is acceptable. The proposed mitigation at Chilgrove Farm is secured by a similar mechanism and has likewise been approved by Natural England.

Mitigation Summary

Both the application site, and proposed offsetting land at Stansted Park and Chilgrove Farm lie within the Chichester Harbour Fluvial Catchment as defined by Natural England. The receiving WwTW at Thornham also discharges to Chichester Harbour. Therefore, all sources of nitrogen and proposed mitigation are within the same catchment and there is a clear scientific link between effect and mitigation.

With mitigation, the development will achieve a net reduction in total nitrogen and avoid an adverse effect on the integrity of Chichester and Langstone Harbours SPA.

Document Control			
Version:	10	Status:	Final
Date:	9 th June 2022		
Prepared by: Emma Taylor		Checked and Approved by David West CEnv MCIEEM	

APPENDIX A: REPORT CONDITIONS

This Report has been prepared using reasonable skill and care for the sole benefit of [Land and Partners] (“the Client”) for the proposed uses stated in the report by [Tetra Tech Environment Planning Transport Limited] (“Tetra Tech”). Tetra Tech exclude all liability for any other uses and to any other party. The report must not be relied on or reproduced in whole or in part by any other party without the copyright holder’s permission.

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The report refers, within the limitations stated, to the environment of the site in the context of the surrounding area at the time of the inspections. Environmental conditions can vary, and no warranty is given as to the possibility of changes in the environment of the site and surrounding area at differing times. No investigative method can eliminate the possibility of obtaining partially imprecise, incomplete or not fully representative information. Any monitoring or survey work undertaken as part of the commission will have been subject to limitations, including for example timescale, seasonal and weather-related conditions. Actual environmental conditions are typically more complex and variable than the investigative, predictive and modelling approaches indicate in practice, and the output of such approaches cannot be relied upon as a comprehensive or accurate indicator of future conditions. The “shelf life” of the Report will be determined by a number of factors including its original purpose, the Client’s instructions, passage of time, advances in technology and techniques, changes in legislation etc. and therefore may require future re-assessment.

The whole of the report must be read as other sections of the report may contain information which puts into context the findings in any executive summary.

The performance of environmental protection measures and of buildings and other structures in relation to acoustics, vibration, noise mitigation and other environmental issues is influenced to a large extent by the degree to which the relevant environmental considerations are incorporated into the final design and specifications and the quality of workmanship and compliance with the specifications on site during construction. Tetra Tech accept no liability for issues with performance arising from such factors.

APPENDIX B: MASTERPLAN



Drawn by: Checked by:

Key: Date: Drawn: Checked:

LAND & PARTNERS
design partnership

Project: LAND NORTH OF LONG CORSE LANE
Embworth

Drawn by: SWETCHMASTERMAN

Scale: 1:1000
Date: 13/11/2013
Sheet: 1

APPENDIX C: NUTRIENT BALANCING CALCULATIONS

See attached calculator.

APPENDIX D: STANSTED ESTATE MITIGATION



STANSTED PARK FOUNDATION

STANSTED PARK, ROWLANDS CASTLE, HAMPSHIRE, PO9 6DX

Tel: 023 9241 2265 E-mail: enquiry@stanstedpark.co.uk Website: www.stanstedpark.co.uk

To whom it may concern

Development at Long Copse Lane Emsworth : Nitrogen Neutrality and Beckstein Bat Habitat

On behalf of the Stansted Park Foundation, we are pleased to support the proposal by Land & Partners to fund and deliver nitrogen neutrality and provide new bat habitat within our charitable estate, relating to their development north of Long Copse Lane in Emsworth.

As a charity with deep links within the community, we rely on revenue generated from activities on the estate as well as private donations and gifts. We receive no public subsidy or outside funding. One of our key goals is to carry out extensive tree planting and restore habitats. The funding generated from the Long Copse Lane development will provide a significant uplift to achieving this ambition.

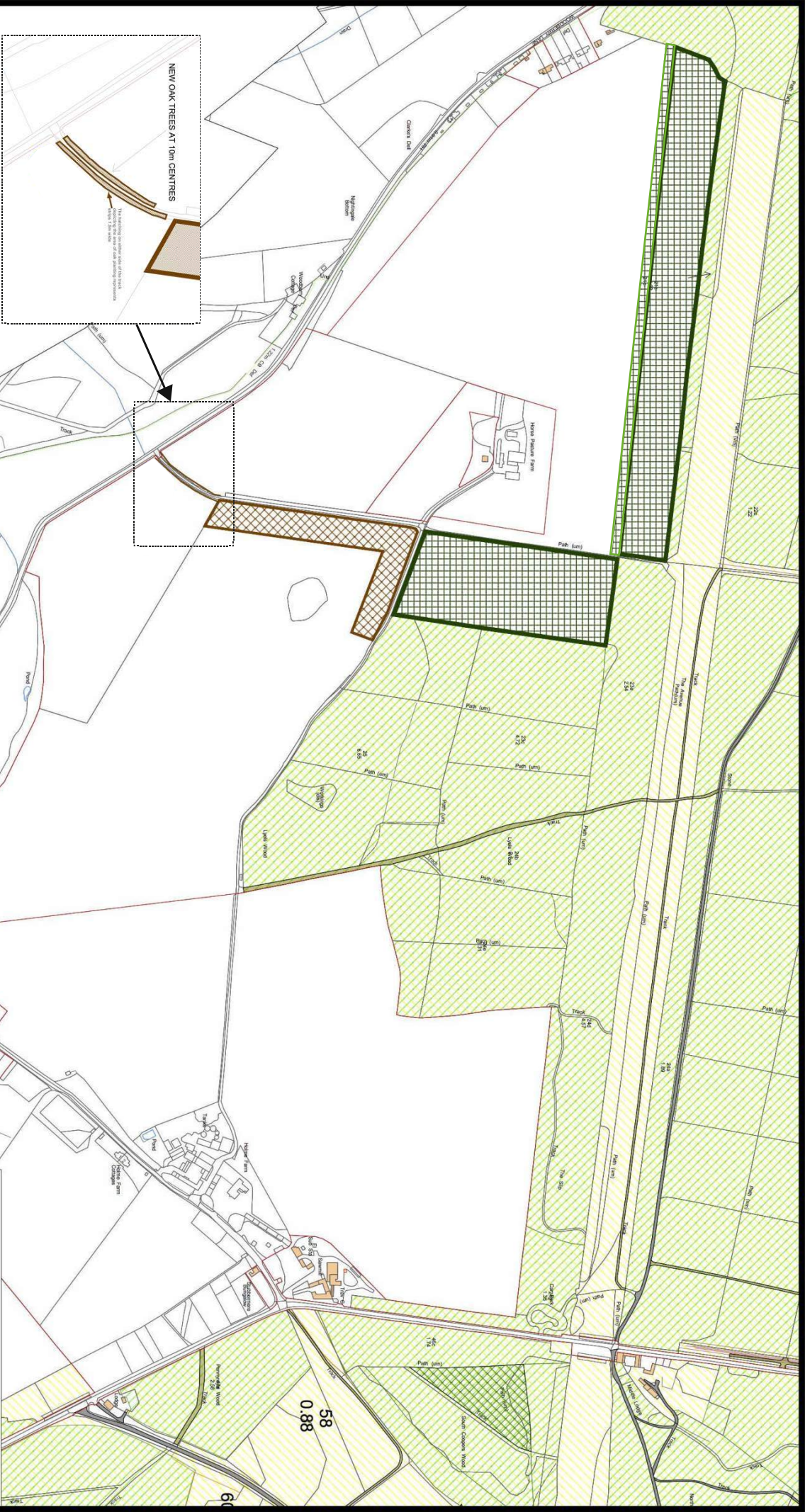
The land to be planted with trees as part of our agreed arrangement to provide mitigation for the development will provide direct ecological benefits, but also wider positive benefits.

Our Charitable Objects mandate the Foundation to preserve the buildings and their grounds and surrounding parkland, farmland and forest for the benefit of the public. The funding that this programme will generate will allow the Foundation to improve the recreational and educational facilities for the general public as well as assist in the necessary preservation of the fabric of an historic Estate.

D M Bennett
Director of the Foundation

Trustees: The Earl of Bessborough (Chairman); Mr M Davies; Viscount Duncannon;
Mr C D Nickolds; Mr Y Petsopoulos; Mr R G M Tassell; Mrs C Villiers; Mr R Wates;
Director of the Foundation: Mr David Bennett

Registered Charity No 1101251 Company No 4907189 VAT No 397 5954 78



- BAT HABITAT
- NITRATE MITIGATION AREAS
- HEDGEROW OAK TREES
- ESTATE BOUNDARY

NEW OAK TREES AT 10m CENTRES

The following are shown on the map at the scale of 1:5000. The scale of the map is 1:5000. The scale of the map is 1:5000.

Stansted Estate
Rowlands Castle, Hampshire, PO9 6DX
Tel: 02392 412265

PLAN 1

SCALE : 1:5000
DATE : 13/01/2021

MAP FILENAME : 2016 MasterMap v2 Stansted.mxd

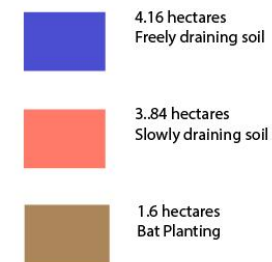
Map data shown may contain Ordnance Survey, @ products supplied by
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Stansted Park Estate

Soil Drainage Type



APPENDIX E: EXISTING LAND USE EVIDENCE

LAND NORTH OF LONG COPSE LANE, EMSWORTH, HAVANT

LAND USE SUMMARY

SUPPORTING EVIDENCE

DECEMBER 2021



LAND & PARTNERS

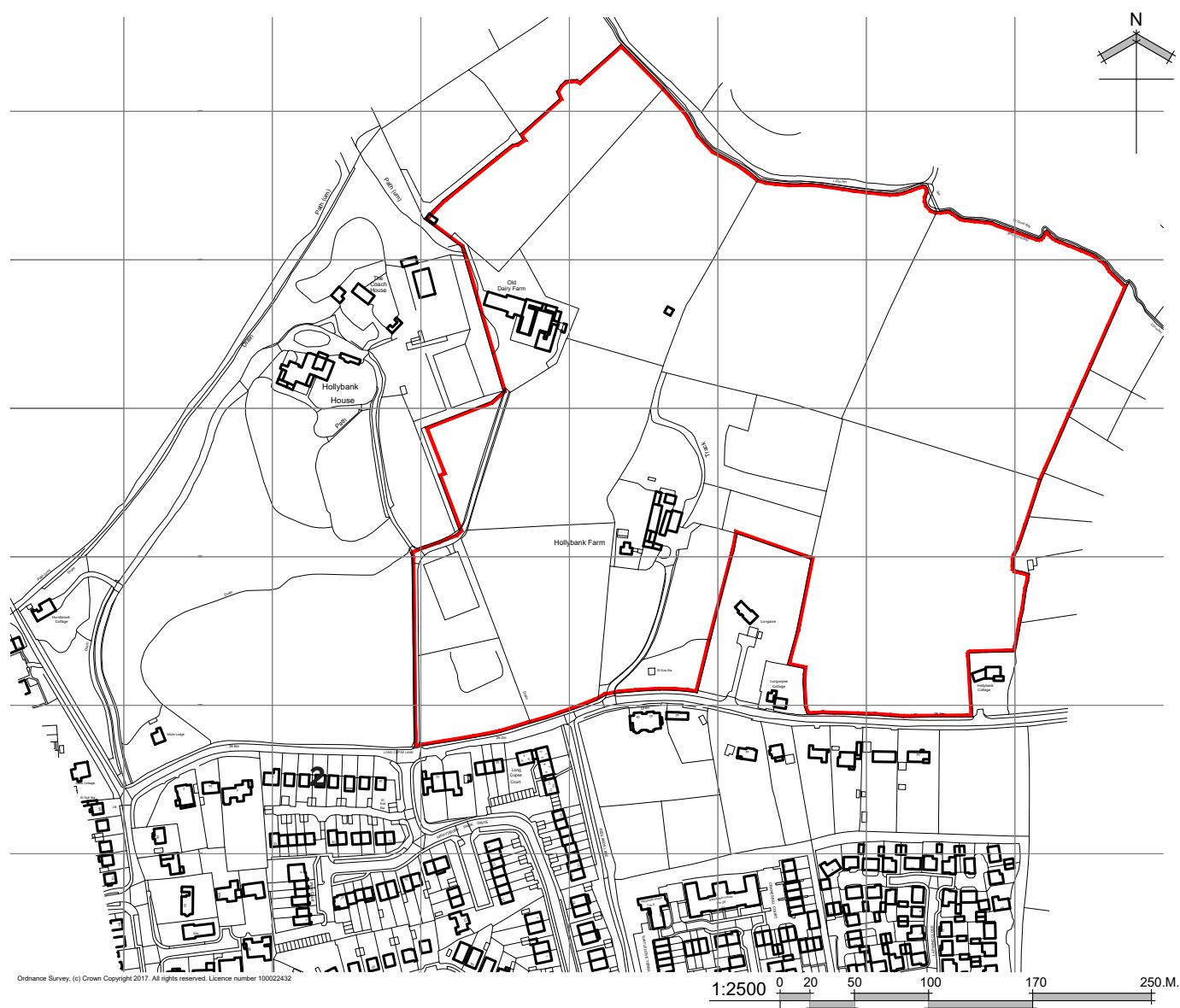
SUMMARY

The current land uses are: 12.2 ha lowland grazing; 2.4 ha no current use.

Between 2011 and 2021, the application site has been used as pasture and managed through horse grazing. This land use accounts for well over two thirds of the holdings Standard Output (SO).

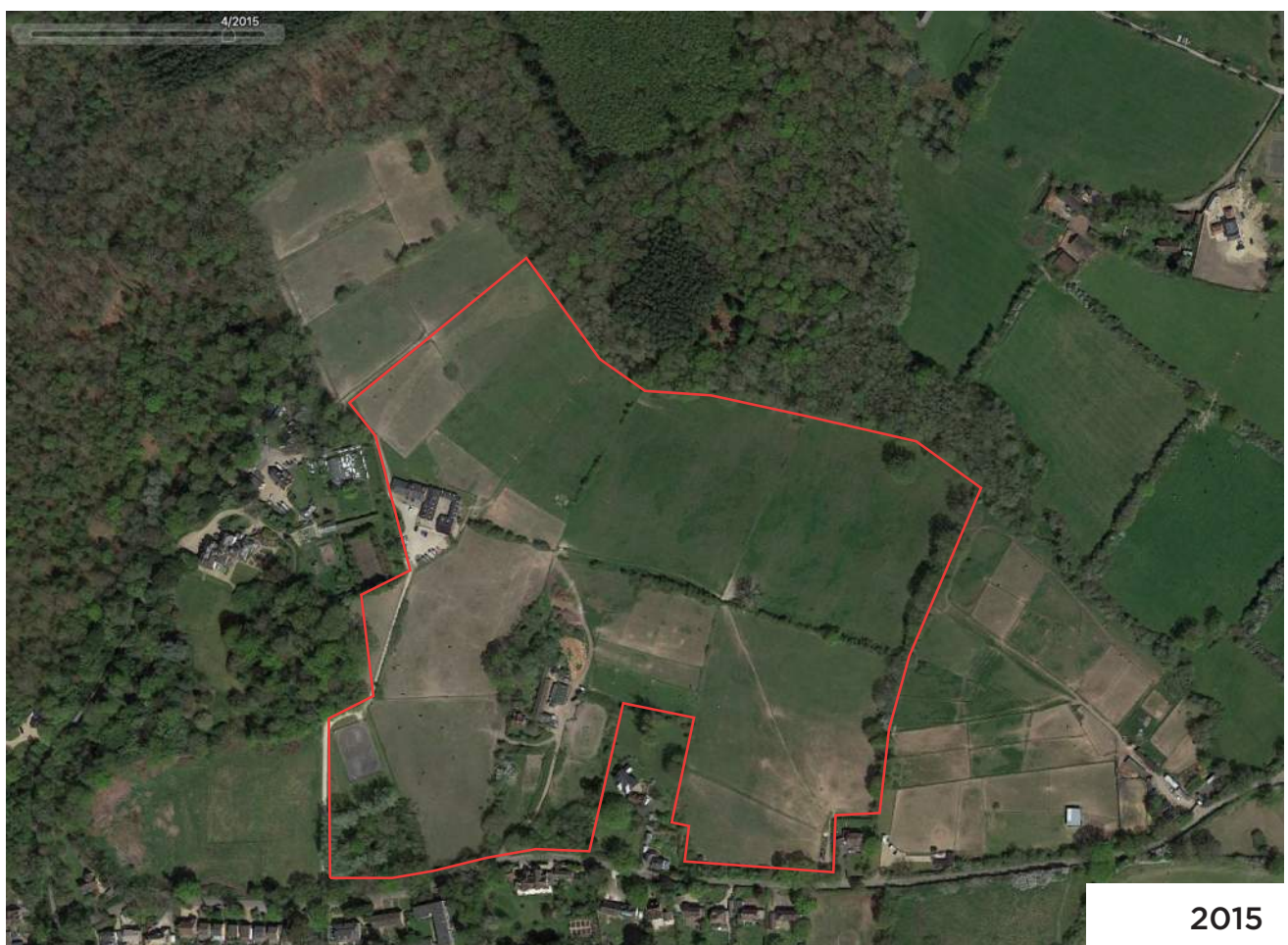
This supporting note presents evidence of the sites land use over the last ten years, though aerial images, on-site photographs, grazing licences and signed statements from the landowners.

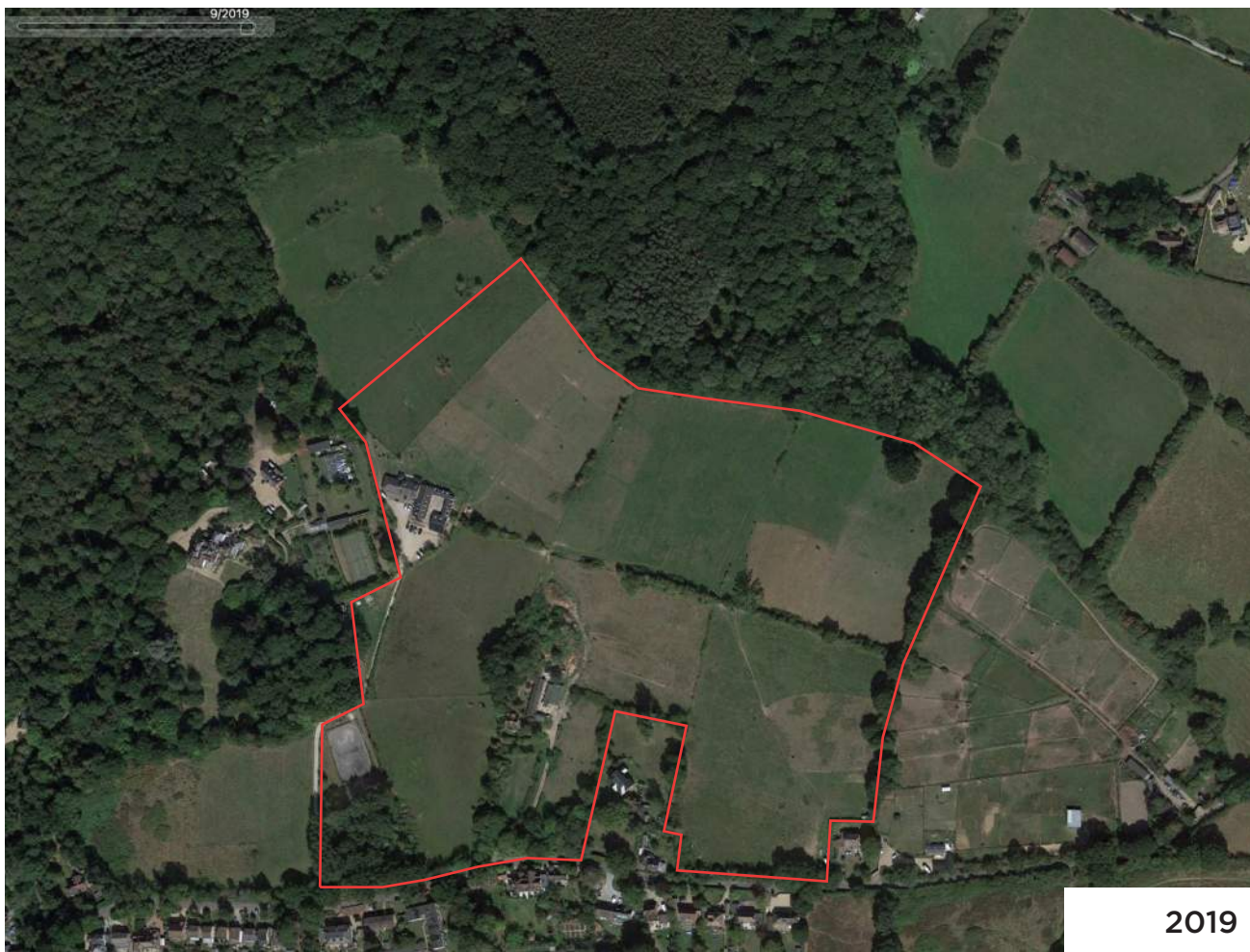
Overall, the evidence provided justifies the “lowland grazing” land use classification for the site.



Google Earth Aerial Images: 2011 - 2021

Images confirm sub-divided paddocks for use as pasture





Site Photographs: 2011 - 2021

Images confirm the land use as pasture for grazing horses





2016



2019



2019



2019



2021



2021

Signed Statements

Signed statement below from the landowner confirming the historic land use of the application site within their control from 2011 to 2021.

1st December 2021

Adrian Ellis
Planning & Development
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

Dear Mr Ellis,

Re: Land north of Long Copse Lane, Emsworth (APP/21/00893) - Historic Land Use Evidence - Landowner's Statement of Truth

I am one of the owners of the land north of Long Copse Lane, Emsworth which is the subject of an outline planning application (APP/21/00893) for the demolition of existing buildings and the erection of a new residential scheme (C3 use of approximately 210 dwellings to include affordable housing) and associated landscaping, access and supporting infrastructure, all other matters reserved.

I am writing to confirm the historic land use of the site between 2011 and 2021.

My family has rented, then owned and managed the land since the late 1940s, selling on part of it to the other landowners in the mid 1980s.

The site is predominantly open fields in use as pasture with various hedgerows dividing the site. Over the last ten years, and for many years before that, the land has been used as pasture for grazing horses.

We have had customers using the land to graze their horses for more than 30 years.

Hopefully this statement, along with the other information provided (including recent and historic photographs of the site) is sufficient evidence to show that the land should be categorised as "lowland grazing".

Yours sincerely,



Mrs J.M Soloway
Joint Landowner, Hollybank Farm

Adrian Ellis
Planning & Development
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

Email Paul.wickenden@cushwake.com
Direct 020 3296 4035
Mobile 07702 759 031

Your Ref

01/12/2021

Dear Mr Ellis

**Re: Land north of Long Copse Lane, Emsworth (APP/21/00893) – Historic Land Use Evidence –
Landowner's Statement of Truth**

I write on behalf of my clients, Mr and Mrs Williams, as one of owners of the land north of Long Copse Lane, Emsworth. The land is the subject of an outline planning application (APP/21/00893) for the demolition of existing buildings and the erection of a new residential scheme (C3 use of approximately 210 dwellings to include affordable housing) and associated landscaping, access and supporting infrastructure, all other matters reserved.

Our clients have owned and managed their property since 15 July 2004 and I am writing to confirm that the historic land use of the fields, between that time and now, has been as pasture for grazing horses and/or as fields for camping/glamping.

Kind Regards

Yours sincerely,



Paul Wickenden
Associate

Signed statement above from the landowner's agent (writing for an on behalf of the landowner) confirming the historic land use of the application site from 2011 to 2021.

Grazing Licence

This licence is dated June 2021 and relates to two of the southern parcels within the application site as shown on Page 13. Replicate annual licences are available if required dating back to 2011.

Sent to Mr P R Smith

A LICENCE allowed by Colman Investment Ltd the owner of 1 Vine Street, High Street, Harborne, Birmingham, B17 9PU (hereinafter called the "Licensor") for Mr P R Smith of Forestside Farm, Rowlands Castle, Hampshire, PO9 6EE (hereinafter called the Licensee") to have access only for the purposes of grazing or mowing and removing grass and for no other purpose to the Land at Long Copse Lane, Emsworth for identification purposes only edged green on the attached plan (hereinafter called "the Land") and agreed this the
18 JUNE 2021

WHEREBY it is agreed as follows:-

1. a) The Licensor gives the Licensee the personal right of access to the Land for grazing and the mowing and removal of grass from the Land and for no other purpose for the Licence Period in consideration of a Licence fee of £400 (Four hundred pounds) payable upon signing this agreement.
 - b) The "Licence Period" means the period from and including the date of this Agreement until the first of the following occurs:
 - (i) 28th February 2022; or
 - (ii) the Licensor gives the Licensee 14 days' written notice to terminate this licence pursuant to clause 3 c); or
 - (iii) the Licensor gives the Licensee 2 months' written notice to terminate this licence for any reason (pursuant to the provisions of the First Schedule).
 - c) The Licensee will pay interest on any Licence fee arrears or other money due under this Agreement at the prescribed rate (that is the Barclays Bank plc Base Rate for the time being plus 4 per cent) from the date when any instalment of the payment should have been made until the date when that instalment of the payment is actually made.
2. THE LICENSEE agrees -
- a) TO pay the Licence fee hereby reserved on the date agreed together with such VAT as may be due in respect of the fee
 - b) NOT to assign the benefit of this Licence to any other natural or legal person
 - c) As to the use of the access given to the Land by the Licensor to the Licensee:
 - i) THAT the Licensee is and will remain the keeper of the livestock grazing on the Land with daily responsibility for the livestock and the Licensor has no such obligations to the Licensee's livestock.
 - ii) TO carry out no other activities on the Land than grazing or mowing and removing the grass and those required of the Licensee being the keeper of the animals he has brought onto the Land
 - iii) NOT to apply any fertilisers or manure to the Land nor to apply any lime pesticides herbicides or other chemical treatment
 - iv) NOT to plough or re-seed any part of the Land
 - v) NOT to erect or alter any building nor make any other alteration to the Land

- vi) THAT in all respects he will comply with the requirements of the Health and Safety at Work Act 1974 (as amended)
- d) As to the livestock allowed to be brought onto the Land:
 - i) TO keep an appropriate number of his own cattle and/or sheep and/or ponies and no other stock on the Land
 - ii) NOT to bring onto the Land any stock other than his own
 - iii) TO manage his animals on the Land in accordance with the Welfare of Farmed Animals (England) Regulations 2007 (as amended) as appropriate and in accordance with Statutory Management Requirement 13 (animal welfare) under the Cross Compliance rules
 - iv) NOT to introduce any dangerous unfit or diseased stock onto the Land or any disease affecting the Land
 - v) TO use all reasonable efforts to prevent the stock from straying from the Land and to notify the Licensor of any damage or defect to boundaries or enclosures by which stock can stray from the Land
- e) As to the regulations governing livestock identification and movements and animal welfare
 - i) TO be solely responsible as keeper of the animals for all compliance with the law on animal identification animal passports and movement recording and reporting for the animals and animal welfare and adhere to the requirements of Statutory Management Requirement 6 (Pig identification and registration) Statutory Management Requirement 7 (Cattle identification and registration) and Statutory Management Requirement 8 (Sheep and goats identification) and to promptly provide the Licensor with any livestock identification and movement records whenever required and adhere to the requirements of Statutory Management Requirement 13 (Animal welfare)
 - ii) THAT as the keeper of the animals he will record all relevant movements of animals onto and off the Land in his appropriate register and as necessary report those movements to the British Cattle Movement Service with accompanying documents to be given or returned as required
 - iii) THAT as the keeper of the animals he will comply with all necessary bovine TB pre-movement and post-movement testing requirements
 - iv) THAT should he cease to be the keeper of the animals he has brought onto the Land he will provide all such documentation and other assistance as the Licensor may require to comply with such regulations
- f) As to payment schemes under the Common Agricultural Policy
 - i) NOT to claim the Basic Payment Scheme or any Rural Development Regulation Scheme on the basis of the Land

- ii) NOT to breach any Cross Compliance requirements on the Land in relation to the Basic Payment Scheme or any Rural Development Scheme
 - iii) TO indemnify the Licensor against any reductions or penalties applied to any payment claimed by the Licensor under the Basic Payment Scheme or under any Rural Development Regulation scheme arising from any action or omission by the Licensee including any breach of the Cross Compliance requirements in relation to the Basic Payment Scheme or any Rural Development Regulation scheme including the Statutory Management Requirements and Good Agricultural and Environmental Condition requirements
- g) And generally in regard to this Licence the Licensee shall:
- i) TAKE out and maintain appropriate public liability insurance for his business and any damage arising from the animals he may bring onto the Land
 - ii) NOT cause a nuisance to the Licensor or any other person
 - iii) NOT obstruct any public or private right of way on the Land or any access by any other party to any other Land belonging to the Licensor
 - iv) NOT damage any items of fixed equipment on the Land belonging to the Licensor to include inter alia gate posts gates back fencing hedges ditches culverts bridges deadstock fruit or other trees and will not damage the surface of the Land
 - v) NOTIFY the Licensor on becoming aware of any trespass on the Land
 - vi) INDEMNIFY the Licensor in respect of any damage on the Land and all liabilities and costs including legal costs and expenses incurred by or as a result of the actions or negligence of the Licensee or arising from his animals

3. BOTH PARTIES agree

- a) THAT this Licence does not create any right of exclusive occupation of the Land by the Licensee nor any interest in the Land
- b) THAT for the avoidance of any doubt the Licensor has at all times the Land at his disposal for the purposes of the Basic Payment Scheme and has management control of the Land for the purposes of any Rural Development Programme scheme agreement
- c) THAT the Licensor is entitled to determine this Agreement on fourteen days written notice in the event of the grant of any planning permission in respect of the Land or any part thereof or upon the death of the Licensee or upon any breach by the Licensee of any of his obligations under this Agreement whereupon the Licensor shall refund the Licensee a proportionate part of the Licence fee paid for the period from that early termination date to the expiry date having deducted any costs arising from such breach
- d) THAT where any dispute arises under this Agreement either party may in writing ask the President of the Central Association of Agricultural Valuers to appoint an independent expert to determine the dispute in which his decision shall be final and binding save where a dispute is referable to arbitration under statute and where the arbitrator is to be appointed by that President at the request of either party and the fees

and expenses of that appointed expert or arbitrator are to be paid as he shall direct in his decision

e) THAT any reference to:

- i. any directive regulation statute or statutory instrument in this agreement includes a reference to that provision as amended or replaced from time to time and to any subordinate legislation or bylaw made under it
- ii. any natural person includes any legal person and vice versa
- iii. the masculine gender is also to the female gender and vice versa
- iv. the singular includes the plural and vice versa

f) THAT the Special Conditions contained in the First Schedule form an integral part of this Agreement

FIRST SCHEDULE

The Licensor may terminate this agreement giving the Licensee 2 months' written notice to vacate the property. The Licensor will refund the proportion of the licence fee of the outstanding term.

On termination of this agreement the licensee will remove all buildings and structures which they have erected on the land.

Signed by or on behalf of
the Licensor acting by:

Susan Skye
A Director

de la
N. HUGHES
1 VINE TERRACE
HIGH STREET.
HARBOUR
BIRMINGHAM.
B17 9PU.

APPENDIX F: STANSTED PARK LAND USE EVIDENCE

LAND NORTH OF LONG COPSE LANE, EMSWORTH, HAVANT

OFF-SITE NITRATE MITIGATION AT STANSTED PARK ESTATE

LAND USE SUMMARY

SUPPORTING EVIDENCE

DECEMBER 2021



LAND & PARTNERS

SUMMARY

The current land use of the mitigation site is 8 ha Cereals and is shown hatched green on Plan 1. The nitrates mitigation area is known as “Castle Fields and Lyels Wood”.

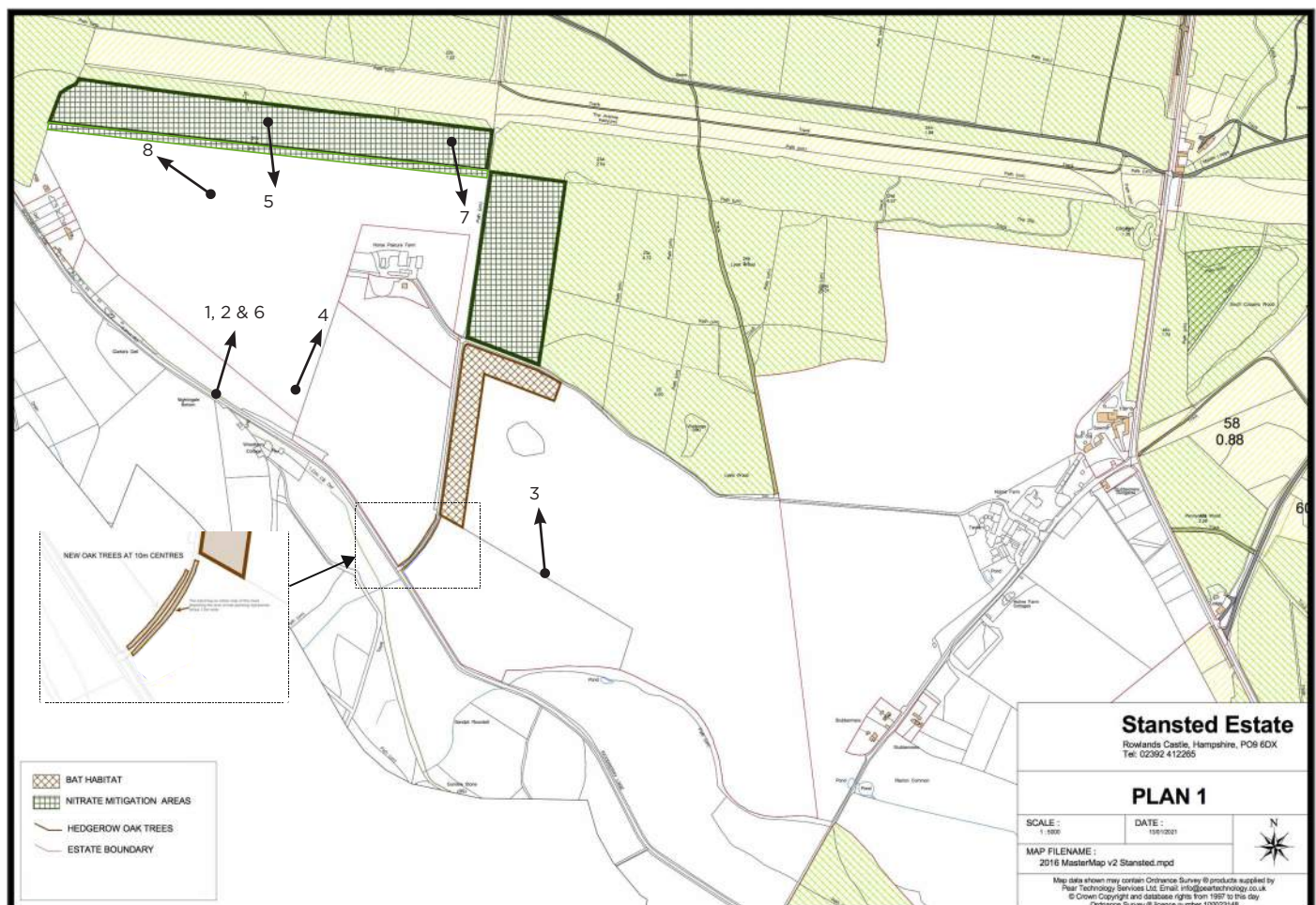
Between 2011 and 2021, the mitigation site has been used for cereal production for a series of different crops:

2020 - Barley
2019 - Wheat
2018 - Rape
2017 - Barley
2016 - Wheat
2015 - Barley
2014 - Rape
2013 - Barley
2012 - Wheat
2011 - Wheat

This land use accounts for 100% of the holdings Standard Output (SO).

This supporting note presents evidence of the mitigation sites land use over the last ten years, though aerial images, on-site photographs and nitrates applications supplied by the tenant farmer. These have been verified by the Head Forester at Stansted Estate.

Overall, the evidence provided justifies the “cereals” land use classification for the mitigation site.



ON-SITE PHOTOGRAPHIC EVIDENCE

Photo 1 is dated 2009 and shows Castle Field in the distance under a rape crop.

Photo 2 is dated 2011 and shows Castle Field in the distance under a wheat crop.

Photo 3 is dated 2015 and show Castle Field in the extreme distance against the wood under a grain crop.

Photos 4 and 5 are dated 2016 and show Castle Field post-harvest with stubble remaining in the field from its last wheat crop.

Photo 6 is dated 2017 and shows Castle Field in the distance under a Barley crop.

Photos 7 and 8 are dated 2021 and show Castle Field against wood all under winter wheat.



4



5



6



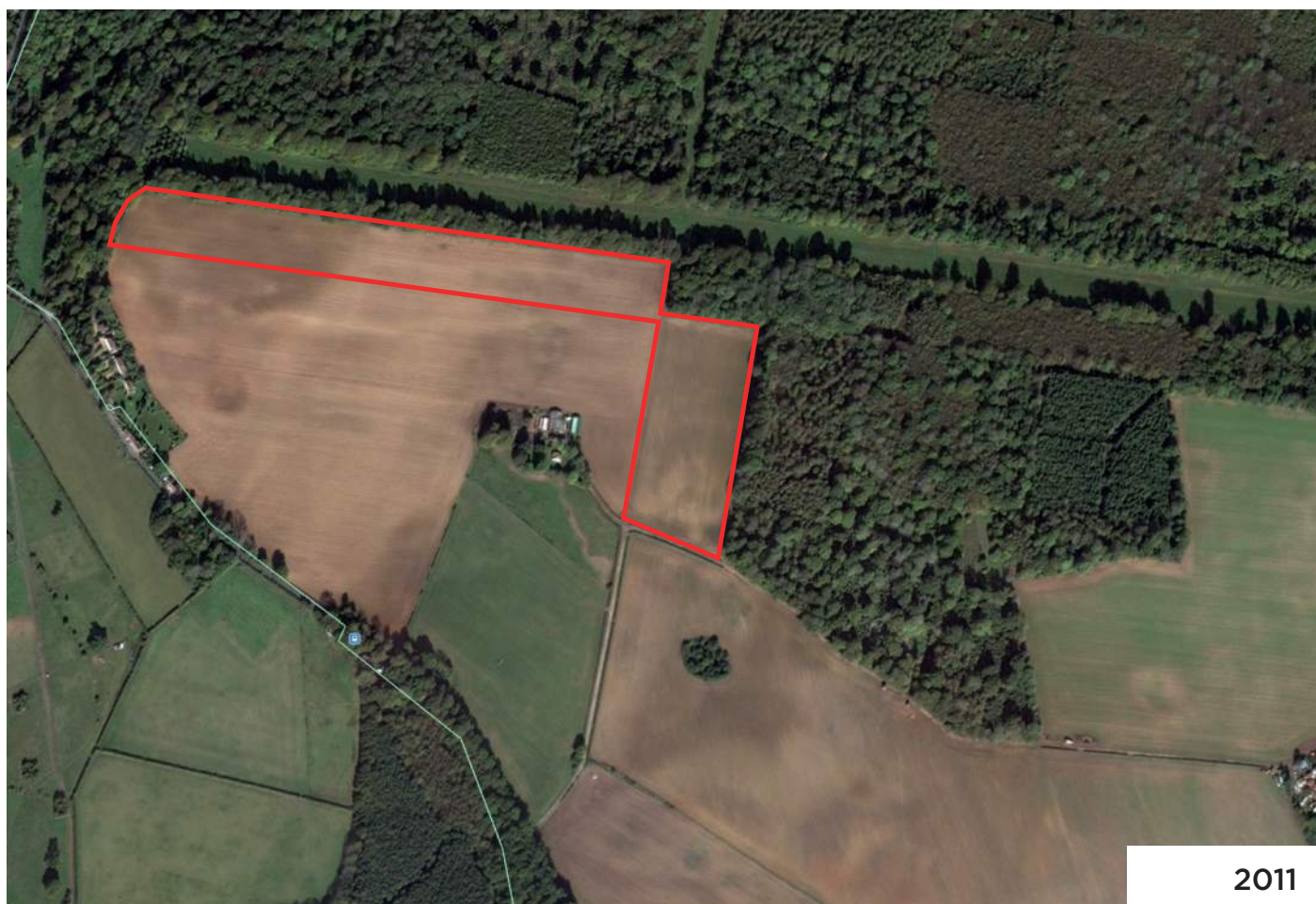
7

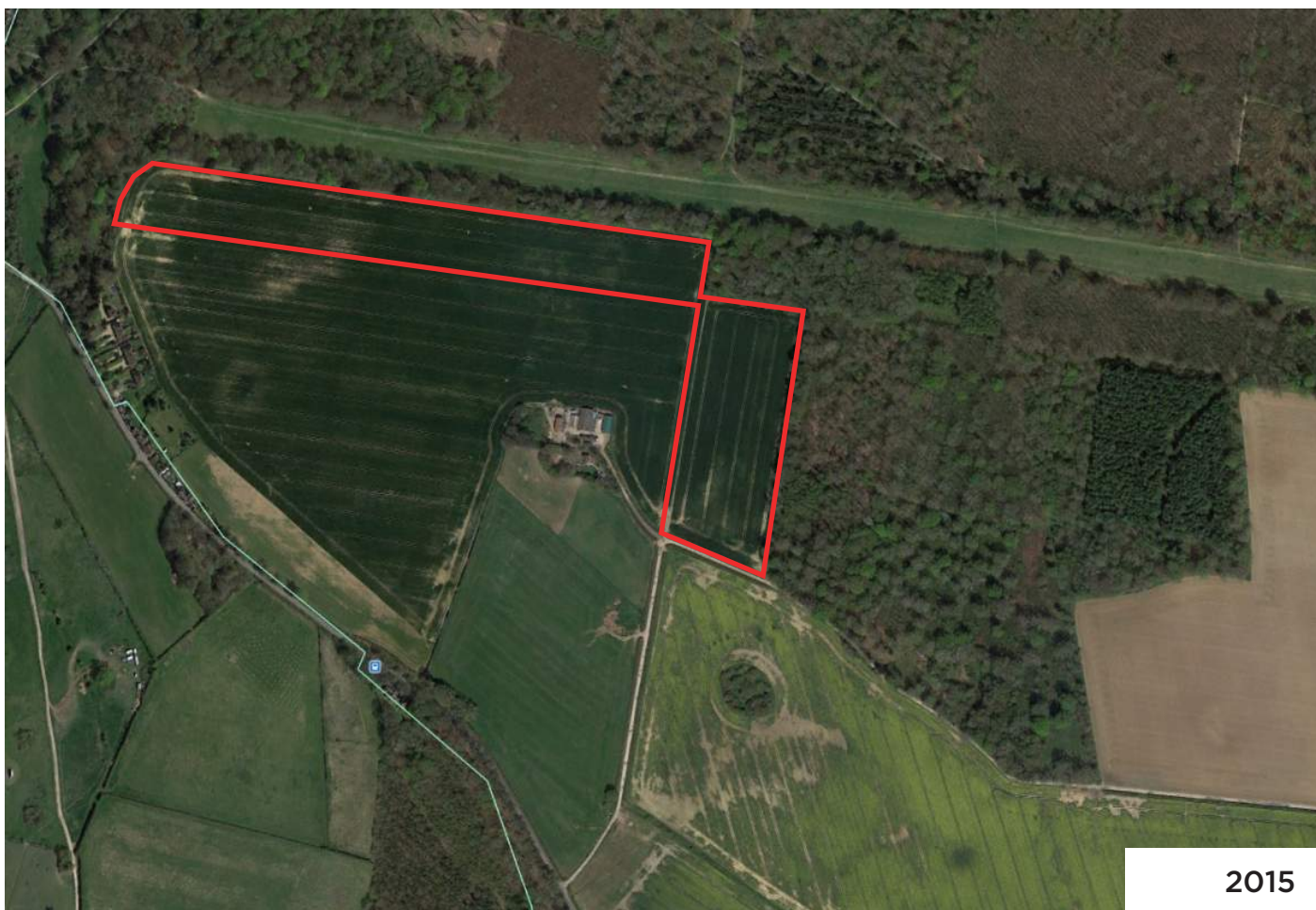


8

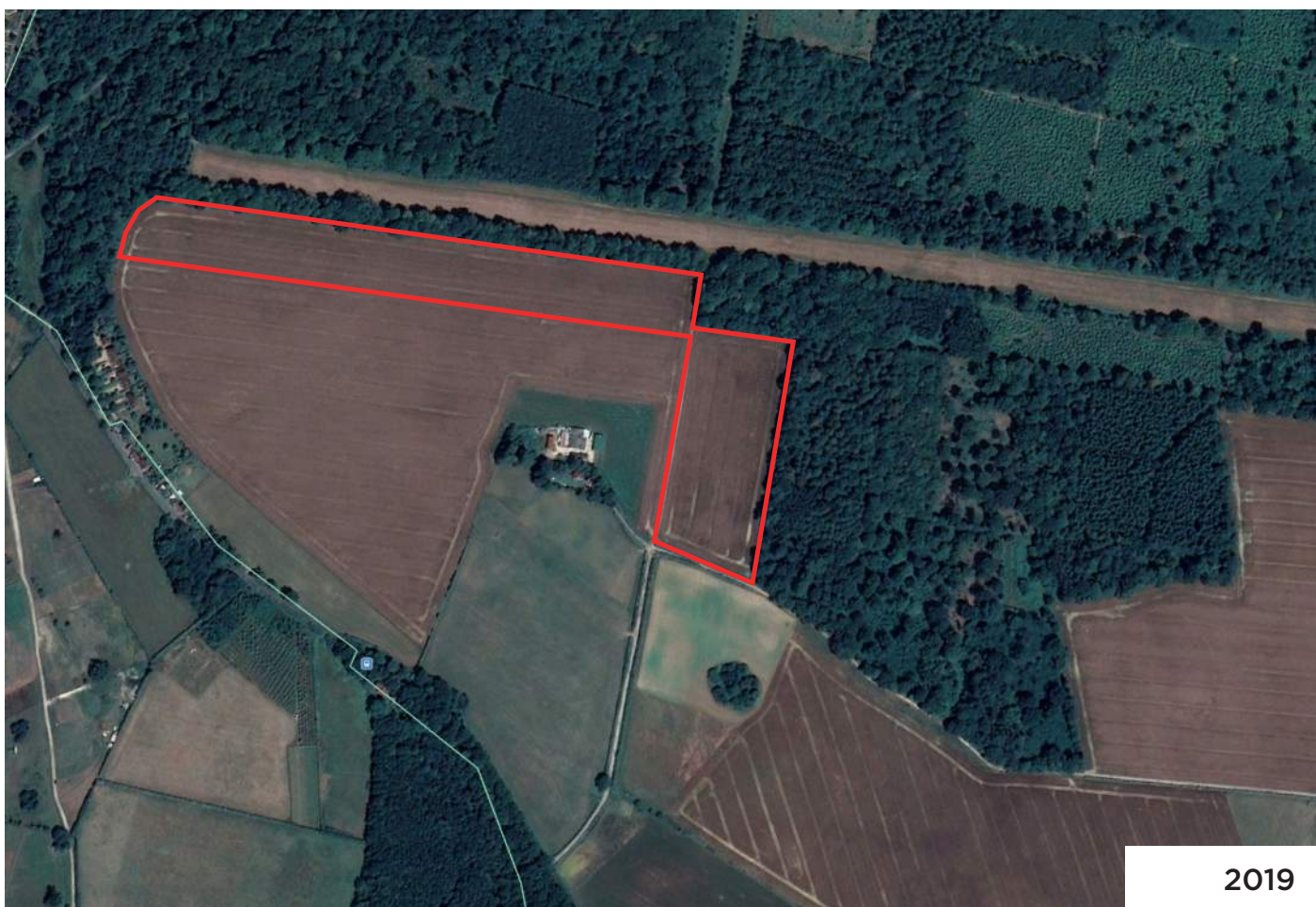


Aerial Images confirming cereal crop production.





2015



2019

NITRATE APPLICATIONS

See below nitrate applications on the mitigation site between 2015 and 2020. Records prior to 2015 are unavailable.

CASTLE FIELD + LYALS WOOD.

2015

CROP SPRING BARLEY.

26N 33-5S 180 KGS/HA END FEB 2015

A.N. 33-5 $\frac{1}{2}$ N 190 KGS/HA END MARCH.

A.N. 33-5 $\frac{1}{2}$ N 195 KGS/HA MID APRIL.

2016

CROP W WHEAT.

26N 33-5 $\frac{1}{2}$ S 200 KGS/HA EARLY MARCH.

A.N. 33-5 $\frac{1}{2}$ N 200 KGS/HA END MARCH

A.N. 33-5 $\frac{1}{2}$ N 200 KGS/HA MID APRIL

A.N. 33-5 $\frac{1}{2}$ N 100 KGS/HA MID MAY.

2017

CROP W BARLEY.

26N 33-5 $\frac{1}{2}$ S 200 KGS/HA MID FEB.

A.N. 34-5 $\frac{1}{2}$ N 170 KGS/HA END MARCH

A.N. 34-5 $\frac{1}{2}$ N 170 KGS/HA MID APRIL

2018

WINTER RAPE.

A.N. 34-5% N 140 KGS/HA SEP 2017

26 N 37 S 220 KGS/HA MID FEB.

A.N. 34-5% N 166 KGS/HA MID MARCH

A.N. 34-5% N 166 KGS/HA MID APRIL.

2019

W WHEAT

21 N 60 S 123 KGS/HA EARLY MARCH.

A.N. 34-5% N 75 KGS/HA EARLY MARCH.

A.N. 34-5% N 200 KGS/HA END MARCH.

A.N. 34-5% N 243 KGS/HA MID APRIL

A.N. 34-5% N 130 KGS/HA MID MAY.

LIQUID UREA 20% N 200 LITRES/HA
MID JUNE.

CASTLE FIELDS + LYALS WOOD.

2020 - CROP. - BARLEY.

21N 60S 123 KGS/HA INTO SEED BOX
END OF FEB 20

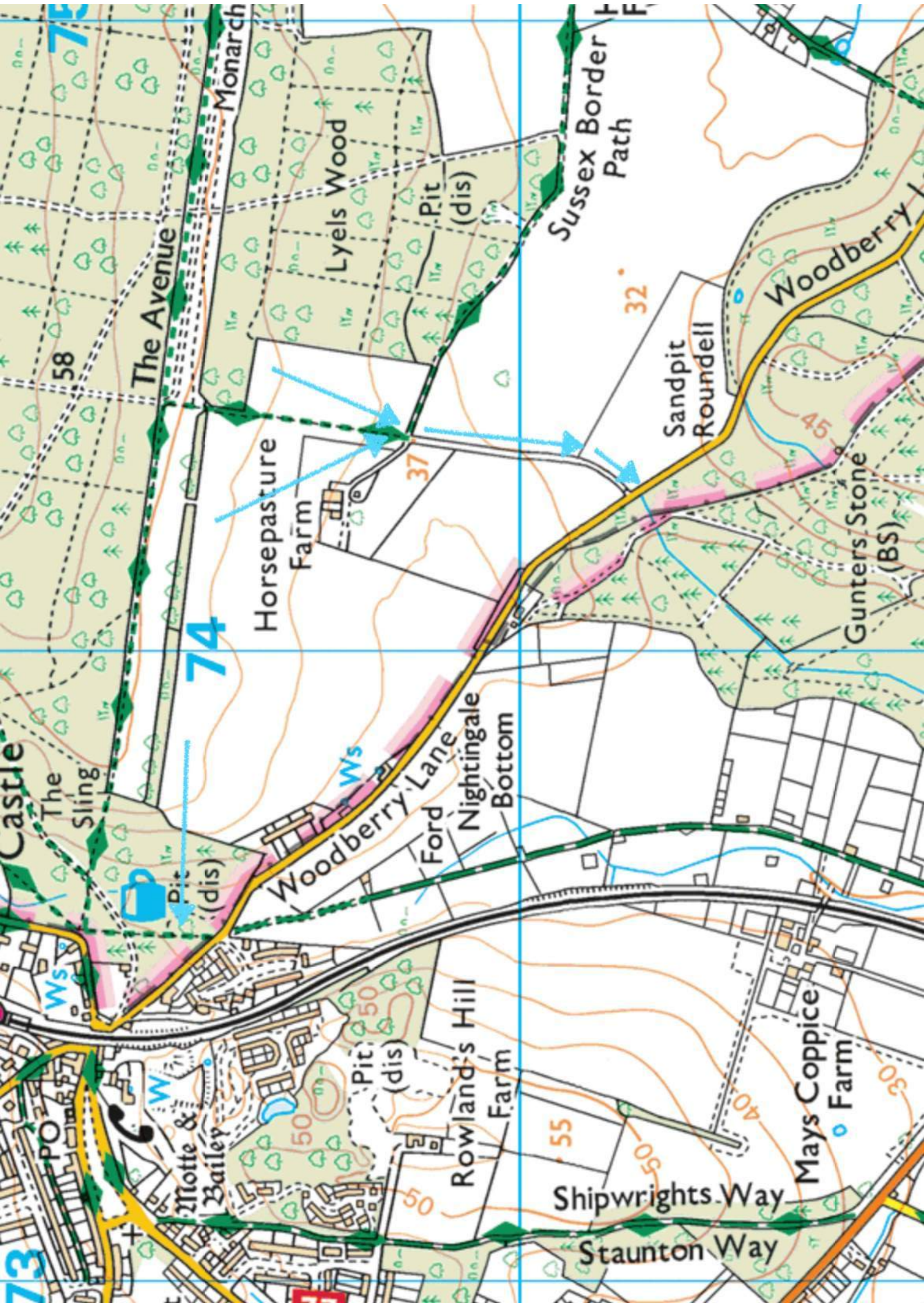
34-5% N 75 KGS/HA PRE EMERGENCE
EARLY MARCH 20.

34-5% N ~~to~~ 180 KGS/HA
END OF MARCH 20.

34-5% N 180 KGS/HA
EARLY APRIL 20.

APPENDIX G: PLANS SHOWING MITIGATION SURFACE WATER ROUTES





APPENDIX H: CHILGROVE FARM MITIGATION PROPOSAL

Nitrate Mitigation Proposal

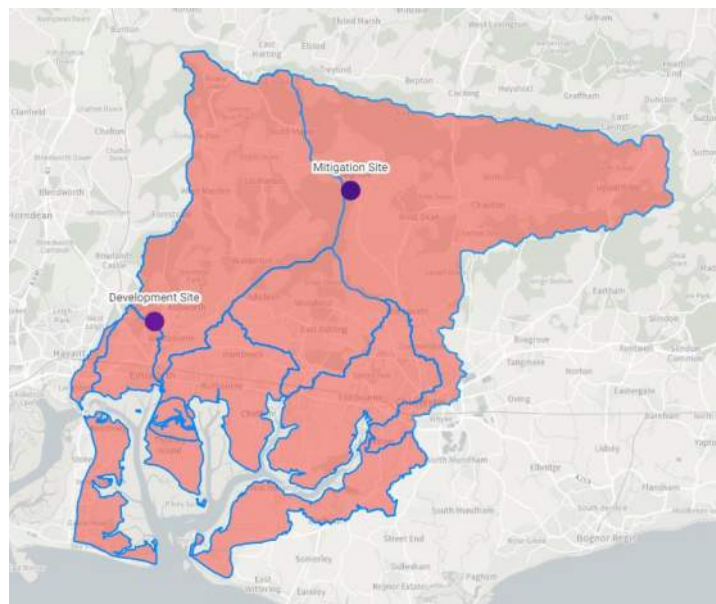
In relation to a development at Hollybank Fields, Land to the north of Long Copse Lane

Prepared By:

Andrew Thomas MRICS
Rural & Farming
Henry Adams LLP
Rowan House, Baffins Lane
Chichester
West Sussex PO19 1UA

1. **Purpose** This report is a detailed proposal for using Chilgrove Farm to mitigate nitrates associated with a new development scheme at Hollybank Fields, Land to the north of Long Copse Lane.
2. **Scheme** The proposed development falls under reference number APP/21/00893 with Havant District Council.

It is titled "Outline planning application for demolition of the existing buildings and the erection of a new residential scheme (C3 use of approximately 210 dwellings to include affordable housing) and associated landscaping, access and supporting infrastructure, all other matters reserved. Land north of Long Copse Lane, Emsworth, PO10 7UN"
3. **Nitrogen Budget** The proposals contained within this report aim to mitigate 88kg of nitrogen associated with the above scheme.
4. **Relevant Catchments** The development site and mitigation site are located within the Chichester Harbour Fluvial Catchment (shaded red):



5. **Mitigation Site** The mitigation site is:

Chilgrove Farm
Chilgrove
Chichester
West Sussex
PO18 9HU

Ordnance Survey Grid Reference: **SU 832 135**

6. Location & Land Use

The mitigation will be provided within the fields outlined in red below, but specifically within the cultivated areas shaded Blue:



The areas shaded Blue have been farmed continuously, with conventional arable crops, for every year since 2010. The area outside of the Blue land is uncropped and used as field margins, set-aside and/or pollen and nectar mix under the Countryside Stewardship Scheme. For the avoidance of doubt, these areas outside of the Blue shaded area, shall not contribute towards the nitrogen calculation.

7. Nitrogen Load

In calculating the offsetting requirement we refer to the “Advice on achieving nutrient neutrality for new development in the Solent region” as amended March 2022 and have used the following variables:

- Annual average rainfall (mm): 950.1-1,000
- Soil drainage type: Freely draining
- Catchment: Western Streams
- Within Nitrate Vulnerable Zone: Yes

The net result is that the arable land produces an annual nitrogen export rate of 29.5kg and woodland at 3kg, therefore 26.5kg per hectare is the appropriate figure for mitigation purposes.

We therefore calculate that the land area required to achieve 88kg of nitrate neutrality is as follows:

Mitigation requirement / (cereal loss – woodland loss)

88kg / (29.5 - 3) = **3.32 hectares**

In order to achieve a net overall reduction in nitrates, the landowner shall voluntarily increase the mitigation area 5%. The proposal is therefore to provide **3.49 hectares** of mitigation. This should reduce the quantity of nitrates entering the Solent by 4.4kg above neutrality.

8. Management Plan:

The landowner shall covenant to plant woodland comprised of mix of native oak, beech and hazel species over the whole area. The guidance (para 5.12) states:

“Woodland planting.... Can be evidenced easily by aerial photography and site visits. The level of woodland planting required to achieve nutrient neutrality is 20% canopy cover at maturity. In very broad terms, this equates to 100 trees per hectare”.

Sequence

The landowner is engaging with multiple developers with the objective of assigning the entire area shaded Blue as a nitrate mitigation site. Those developers are all at different stages of the planning process and have different timescales for completing their developments. As a consequence, the land shaded Blue may be converted into mitigation land over a several years. In order to maintain flexibility in this process, it is important to finalise the precise area of mitigation allocated to this particular development later in the process (at the point the s106 is being drafted). We therefore seek approval to mitigate within the Blue area, but the final area and precise boundaries shall be confirmed with Havant Borough Council to ensure no overlap between multiple mitigation sites.

9. Timescales & commitment:

The landowner shall cease farming and will undertake the required mitigation works in the winter season (15 December to 15 March) prior to the first occupation of the development.

As agents acting on behalf of the landowner, we can confirm that subject to finalising Heads of Terms and payments, the landowner is willing to enter into this mitigation scheme.

10. Further Information:

Please direct any queries to:

Andrew Thomas MRICS
Rural & Farming
Henry Adams LLP
Rowan House
Baffins Lane
Chichester
PO19 1UA

andrew.thomas@henryadams.co.uk

t: 01243 215839

APPENDIX I: NATURAL ENGLAND CORRESPONDENCE

Date: 24 August 2021
Our ref: 363413
Your ref: 20/02530/FUL



William Price
Case Officer
Chichester District Council

dcplanning@chichester.gov.uk

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear William Price,

Planning consultation: Updated Appropriate Assessment - Construction of 5x1-bedroom elderly persons flats together with reconfigured car parking & installation of replacement doors etc.

Location: Land at Royal Close, Chichester, West Sussex

Thank you for your consultation on the above dated 06 August 2021 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, and Solent Maritime Special Area of Conservation (SAC).
- damage or destroy the interest features for which Chichester Harbour Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Nutrient neutrality mitigation measures need to be secured as set out in the applicant's Nitrate Mitigation Proposal and the competent authority's Appropriate Assessment.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Habitats Regulations Assessment (HRA)

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the Appropriate Assessment stage of the HRA process.

Your Appropriate Assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Nutrient Neutrality

As submitted, the applicant's 'Nutrient Balancing Assessment' (15 November 2020), concludes that the proposed development will result in a nitrogen budget of 1.763kg/N/yr, which will require offsetting in order to achieve nutrient neutrality and to mitigate any potentially harmful impacts to the designated sites. Natural England can confirm that it has reviewed the assessment and agrees with the calculations.

A 0.16ha area of land within the same fluvial catchment as the development site has been identified as being suitable for securing mitigation via conversion from active arable land use to woodland planting. In accordance with the advice provided within 'Advice on Achieving Nutrient Neutrality in the Solent Region' (Version 5 – June 2020), Natural England advises that suitable mitigation can include measures such as is proposed for this development i.e. the planting of broadleaved tree species, at a density of 100 trees per hectare.

Therefore, having reviewed the calculations provided by the applicant, Natural England can confirm that it is satisfied with the proposed method of mitigation and that due diligence has been given to our advice on calculating nutrient assessments. This is on the assumption that the 0.16ha of land currently under cereal land use is converted to woodland and managed in perpetuity through a S106 agreement, as per the submitted Nitrate Mitigation Proposal and Appropriate Assessment.

Recreational Disturbance

Since this application will result in a net increase in residential accommodation, impacts on the designated sites may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution, which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s), as assessed within your HRA.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

If you have any queries relating to the advice in this letter, please contact me at ruby.musgrove-ward@naturalengland.org.uk. We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission. Should the proposal change, please consult us again.

Yours sincerely
Ruby Musgrove-Ward
Sustainable Development Adviser - Sussex and Kent