

Dear Mr D Eaves,

Our ref: 388157

You Ref: APP/21/00678

Planning consultation: Application for Reserved Matters Approval pursuant to Outline Planning Permission APP/19/00007 for the layout, scale, appearance and landscaping of 70 dwellings and associated works. Request for approval of details pursuant to Conditions 5 (Arboriculture); 7 (landscaping); 8 (drainage); 10 (boundary treatments); 13 (levels); 15 (highways); 17,18 and 19 (archaeology); 21 and 32 (lighting).

Location: Camp Field (land to the west of Havant Crematorium), Bartons Road, Havant.

Thank you for consulting Natural England on this application. We have reviewed your supporting documents and have provided our formal 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 have written to your authority about the availability of an updated package of tools and guidance in relation to nutrient impacts. 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 16th 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.

We note that the nutrient budget for this application has been calculated using the Solent Nutrients Guidance, V5, June 2020. The following advice is provided in relation to the updated Nutrient

Neutrality Methodology. Your authority, as Competent Authority, should consider how this advice relates to the nutrient budget provided with this application, and any proposed mitigation.

A revised nitrogen budget has been produced using the renewed layout plans for the development site. Natural England recommends that Havant Borough Council in their role as competent authority needs to be satisfied with the assumptions made in the budget and that the nutrient budget is in line with your authorities agreed nutrient methodology. Natural England recommends that the HRA/AA produced at the outline phase of the proposal be updated to reflect the new figures provided to ensure that the HRA/AA is based upon the best evidence available in line with existing case law. Natural England does not need to be re-consulted on this aspect of the application if the HRA/AA is modified, as based on the information provided, we can advise that the AA could conclude no likely significant effects.

If you have any further queries, please don't hesitate to reach out.

Many warm regards,

Joshua Smith (BSc, MRes)
Sustainable Development Adviser
Hampshire Downs and Coast
Thames Solent Area Team

Natural England
Area 1A Nobel House,
17 Smith Square,
London SW1P 3JR
Mob: 07500 059618