

Date: 23 May 2024  
Our ref: 471890  
Your ref: CA/23/00484



Andrew Gambrill  
Planning at Canterbury City Council

Customer Services  
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**BY EMAIL ONLY**

Dear Mr. Gambrill,

**Planning consultation:** Outline planning for up to 300 residential dwellings, new community hub, surface water flood mitigation & attenuation.

**Location:** Land At The Hill, Bekesbourne Lane, E of Bekesbourne Hill, Bekesbourne, Canterbury, CT4 5EA

Thank you for your consultation on the above dated 04 April 2024 which was received by Natural England on the same date.

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**

**FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES**

As submitted, the application could have potential significant effects on Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Evidence is provided of the land use for the last 10 years
- Proof of purchase of nutrient credits from an accredited scheme

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

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

**Additional Information required**

**Habitats Regulations Assessment**

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the

HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

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 Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

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 any adverse effects, it is the advice of Natural England that **it is not possible** to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question.

Natural England advises that the assessment does not currently provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage.

Further assessment and consideration of mitigation options is required, and Natural England provides the following advice on the additional assessment work required;

#### Purchase of Nutrient Credits from Accredited Scheme

It is noted that a Nutrient Neutrality Assessment and Mitigation Strategy Report (March 2024) has been submitted by the applicant, outlining the proposed development's nitrogen budget and mitigation strategy. This document proposes the use of nutrient credits as a mitigation measure to achieve nutrient neutrality.

It is also Natural England's understanding from para. 3.6 of the Shadow HRA (March 2024) that a strategic mitigation scheme for the delivery of nutrient credits has been agreed and/or secured by your authority. The purchasing of nutrient credits is a viable mitigation option, provided the purchase of nutrient credits is from an approved, accredited scheme which has passed through Habitats Regulations Assessment. However, it is unclear to us as to which agreed nutrient credit scheme the applicant intends to utilise within the Stodmarsh catchment; it is our understanding that a nutrient credits scheme is yet to be secured and/or adopted by your authority.

Until such a nutrient credit scheme is accredited and approved, and you as the competent authority can clearly demonstrate how the implementation of such a scheme can be appropriately secured, monitored, managed, maintained and enforced in perpetuity, Natural England would advise that alternative mitigation will need to be considered.

#### Land Use

It is recommended that evidence is provided of the land use for the last 10 years and professional judgement is used as to what the land would revert to in the absence of a planning application. Examples of evidence could include land sale agreements, aerial photographs, basic farm payment information etc. Provided that your authority, as the competent authority, is assured and satisfied that the site areas used in the nutrient budget calculation are correct and that the existing and proposed land uses are appropriately precautionary, then Natural England raises no concerns with land use within the nutrient budget.

The current/prior land use is an evidential matter for the competent authority, and it is not something we are able to assess or provide detailed advice on.

#### **Final comments**

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.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me on [Hannah.Lee@naturalengland.org.uk](mailto:Hannah.Lee@naturalengland.org.uk).

Please consult us again once the information requested above, has been provided.

Yours sincerely

**Hannah Lee**  
**Sustainable Development**  
**Sussex and Kent Area Team - 14**