

Date: 05 September 2025
Our ref: DAS/A020376
Your ref: 521832



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BY EMAIL ONLY

Dear Mr Murdock,

Discretionary Advice Service (Charged Advice) A020379

Development proposal and location: Temporary fallowing of agricultural land for nutrient credits at Land at Hinxhill.

Thank you for your consultation on the above dated 04 August 2025, which was received on the same date.

This advice is being provided as part of Natural England's Discretionary Advice Service. RMA Environmental Limited has asked Natural England to provide a review of the nutrient mitigation statement to support the temporary fallowing of land.

This advice is provided in accordance with the Quotation and Agreement dated 20 August 2025.

The following advice is based upon the information within:

- **Hinxhill Mitigation Scheme – Fallowing Mitigation Statement (v1 7 August 2025)**
- **Hinxhill Mitigation Scheme – Fallowing Mitigation Statement (v2 29 August 2025)**
- **Hinxhill Mitigation Scheme – Fallowing Mitigation Statement (v3 3 September 2025)**

Summary of Advice

Having reviewed the documents listed above I am satisfied that;

- RMA Environmental Limited have provided calculations and evidence to support a reduction in nutrients totalling 9066.3kg TN/yr and 291.5kg TP/yr with a **high confidence level** from the proposed temporary fallowing of 427ha of land.
- RMA Environmental Limited have provided calculations to support a further reduction in nutrients totalling 974.5kg TN/yr and 5.3kg TP/yr with a **medium confidence level** from the proposed temporary fallowing of 34.6ha of land, which could be increase to a high confidence level with the submission of further evidence. Detail is provided on this below.

Further advice on the proposed nutrient mitigation scheme

Initial DAS meeting – 26 August 2025

In our initial DAS call, which was based upon Fallowing Mitigation Statement v1 I advised that, though I was broadly satisfied with the methodology used to calculate the nutrient reduction levels, the temporal principles outlined in the [Stodmarsh Nutrient Neutrality Methodology \(November 2020\)](#)

should be considered given that a large proportion of the scheme sat upon freely draining soils.

Due to this, I advised that a hydrogeological assessment be undertaken to evaluate the potential time lag between the implementation of mitigation measures and the nutrient reduction benefits reaching Stodmarsh.

It was agreed on the call that RMA Environmental Limited would undertake a revised Following Mitigation Statement to take a more precautionary approach to the freely draining soil types.

Follow-up DAS meeting – 02 September 2025

During our follow-up call on the 02 September 2025, which was based upon Following Mitigation Statement v2, we discussed the removal of land parcels 8, 9, 24 and 31 as well as partial removal of parcels 4 and 24. This significantly reduced the amount of freely draining land in the mitigation strategy, though some smaller areas remained in parcels 2, 4, 5, 15 and 18.

We agreed that as parcels 2, 4 and the northern part of 5 were located close to the watercourse and benefitted from an existing ditch network, there could be a higher confidence that the time taken for the nutrient reduction benefit to reach Stodmarsh would be less. I did however flag that the southern part of parcel 5 as well as parcels 15 and 18 would benefit from further evidence being submitted (i.e. assessment of groundwater levels, consideration of site-specific factors such as field drains and consideration of underlying geology) and asked that these areas be kept separate in calculations.

Following Mitigation Statement v3

Following the submission of the final Following Mitigation Statement (v3) I am satisfied that, in the absence of a hydrogeological assessment, a precautionary approach has been taken to calculating the number of credits generated on freely draining soils.

Further submission of evidence can be provided to increase the nutrient removal confidence level of the 34.6ha of land that is located on freely draining soils away from existing watercourses.

We note that the current proposal is for the temporary following of land (5-years) however it is our advice that the calculations provided would also be suitable to be used for a permanent mitigation scheme, should that be the applicant's intention. This may however require more extensive arrangements in terms of securing and managing the land than what is set out below.

Additional Advice

Securing Mitigation and Credit Sales Management

It is my advice that the following points will need to be considered by the Competent Authority when securing the mitigation:

- How the land will be managed so that the specified following nutrient leaching rate for total nitrogen and total phosphorus is maintained for the duration of the 5-year period.
- The extent of the monitoring effort/regime required to demonstrate that the mitigation land is functioning as intended (e.g. that there are no additional inputs and the management is appropriate).
- Provisions for any necessary enforcement. For example, how this would be effective in addressing and deterring potential breaches and how monitoring can support potential enforcement action.

The Competent Authority should be confident that measures will be in place to address the above, with assurance that they can be appropriately secured, and that the legal agreement addresses how such measures will be funded. I note that these credits could be relied on by a number of different Competent Authorities and advise that consideration is given to the mechanism by which each would ensure the above.

I recommend that an appropriately detailed method of tracking/recording the created mitigation is kept by yourselves. Securing mitigation against individual planning applications will require appropriate record keeping by the Competent Authority to ensure there is no double counting/over prescription of credits and that credits are only used to mitigate where they are upstream of the impact (as required by principle 3 in TIN186- see below). I would recommend a precautionary buffer of credits is kept as a reserve, in the event planning applications require additional credits than they originally anticipated.

Nutrient Mitigation Principles

All mitigation schemes should demonstrate how they meet the [Mitigation principles \(TIN186\)](#) issued as part of our advice to LPAs on 16 March 2022.

Nutrients from current and future land use

The Competent Authority should be confident that the appropriate land use has been selected; please see the [Nutrient Budget Calculator Guidance Document](#) for a detailed description of the land use types. Natural England advises that the applicant should provide evidence of the land use for the last 10 years. Examples of evidence could include land sale agreements, aerial photographs, basic farm payment information etc. The Competent Authority should be 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. The current/prior land use is an evidential matter for the Competent Authority.

Other Advice

Protected Species

The advice on this proposal, and the guidance contained within Natural England's standing advice relates to this case only and does not represent confirmation that a species licence (should one be sought) will be issued. Please find general advice on European Protected Species at Annex 1.

Nationally Designated Sites

As the development site is within the Kent Downs National Landscape, consideration should be given to the direct and indirect effects upon this designated landscape and in particular the effect upon its purpose for designation, as well as the content of the relevant management plan.

Final Comments

For clarification of any points in this letter, please contact me at sophie.moore@naturalengland.org.uk.

This letter concludes Natural England's Advice within the Quotation and Agreement dated 20 August 2025.

The advice provided in this letter has been through Natural England's Quality Assurance process

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision

which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours sincerely,

Sophie Moore

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Sussex & Kent Team

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Annex 1

European Protected Species

A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development. Further information can be found in Natural England's ['How to get a licence'](#) publication.

If the application requires planning permission, it is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice Natural England provides at formal consultation on the likely impacts on favourable conservation status and Natural England's [guidance](#) on how the three tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) are applied when considering licence applications.

Natural England's pre-submission Screening Service can screen application drafts prior to formal submission, whether or not the relevant planning permission is already in place. Screening will help applicants by making an assessment of whether the draft application is likely to meet licensing requirements, and, if necessary, provide specific guidance on how to address any shortfalls. The advice should help developers and ecological consultants to better manage the risks or costs they may face in having to wait until the formal submission stage after planning permission is secured, or in responding to requests for further information following an initial formal application.

The service will be available for new applications, resubmissions or modifications – depending on customer requirements. More information can be found on [Natural England's website](#).