

Date: 13 July 2026
Our ref: 552162
Your ref: 26/00532/FUL



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BY EMAIL ONLY

Dear Alex Jelley

Planning consultation: 26/00532/FUL - Erection of 4 custom build dwellings.
Location: The Manor, Wood Lane, Norton Juxta Twycross, Leicestershire.

Thank you for your consultation on the above dated 23 June 2026.

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.

Insufficient information provided

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and re-consult Natural England. Please note that you are required to provide a further 21 day consultation period, once this information is received by Natural England, for us to respond.

The application site lies within the catchment of the River Mease Special Area of Conservation and will, therefore, be required to demonstrate phosphorus and/or nitrogen neutrality.

Natural England notes that the application is not supported by an Appropriate Assessment undertaken in accordance with Regulation 63 of the Habitats Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process and will comment on the completed appropriate assessment for the application once received from your authority.

The following information is required to inform an Appropriate Assessment:

1. A completed Nutrient Budget for the scheme [Add link to either the NE calculators ([Using the nutrient neutrality calculators - GOV.UK \(www.gov.uk\)](#) or local calculator if preferred by the LPA]
2. A Nutrient Mitigation Strategy with details on the measure(s) that will be applied to secure phosphorus and/or nitrogen neutrality, or details of the strategic mitigation solution that the scheme will secure mitigation credits from.

Any other likely significant effects that could arise from the development, e.g., recreational disturbance, should also be assessed in your Habitats Regulations Assessment.

Please refer to Annex 1 for standing advice on nutrient neutrality calculations, Annex 2 for standing advice on nutrient mitigation options and Annex 3 for a checklist covering the advice set out Annexes 1 and 2 (information to inform an appropriate assessment).

Please note that we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.

On receipt of the information requested, we will aim to provide a full response within 21 days of receipt. Please be aware that if the information requested is not supplied, Natural England may need to consider objecting to the proposal on the basis of potential harm to the above designated site(s).

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

If the applicant would like to discuss the additional information needed and potential mitigation options, please refer them to our [Discretionary Advice Service](#). If we have the capacity, we will be happy to provide advice.

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

Yours sincerely

Claire Rutherford

Central Casework Team
Natural England

Annex 1: Standing advice on nutrient neutrality calculations

Please ensure the details outlined below have been considered and/or secured in order to inform your HRA.

1. Nutrient Budget Calculator

The relevant nutrient budget calculator¹ should be used to evaluate the impact of the proposal and define the amount of mitigation that will be required. LPAs should ensure that there is not a shortfall in the proposed mitigation. Your authority should be satisfied that the values inputted into each stage of the calculator are correct and accompanied by any relevant evidence.

It is essential for your authority to verify that the necessary supporting evidence has been submitted, as that forms the basis for the calculations.

1.1 Nutrients from wastewater

1.1.1 Occupancy Rates over the life of the development

The Natural England Nutrient Budget Calculator includes a default value of 2.4 residents per dwelling, based on the national average from Office of National Statistics (ONS) data. However, competent authorities may choose to adopt bespoke calculations for detailed planning applications, or locally specific average occupancy rates, if sound evidence is available. Please note that unless there is a clear justification for them to differ, such rates would need to be applied consistently in line with other policy requirements/approaches used in relation to the scheme (e.g. for calculating open space requirements).

Consideration should also be given to whether houses that are vacated by people moving to a new development within the same catchment may be occupied by persons from outside the catchment, and whether people will also work and use facilities within the catchment.

These are matters for each competent authority. Natural England's advice is to take a precautionary approach that recognises any uncertainty.

1.1.2 Water usage

Natural England advises that a standard water usage of 120 litres/person/day (Building Regulations higher standard of 110 litres/person/day + 10) is applied unless a lower water usage can be secured in perpetuity. If the applicant proposes a lower water usage, which is based on appliances and fittings that can be easily changed by the inhabitants, a precautionary figure should be used. In accordance with the Nutrient Neutrality Generic Methodology², we advise that the water consumption rate used within any nutrients budget(s) should be 10 litres/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 during the lifetime of the development. For example, where 105 litres/person/day is appropriately secured, 115 litres/person/day would be applicable within the nutrients budget calculations for the proposed development.

1.1.3 Wastewater Treatment Works

The wastewater treatment works that will serve the development should be selected. If future upgrades to the selected waste-water treatment works have been secured, then the calculator will generate multiple values (pre and post upgrade). This may necessitate the delivery of temporary

¹ [Using the nutrient neutrality calculators - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

² Using the nutrient neutrality calculators: Worksheet 2 Nutrients from current land use: [Using the nutrient neutrality calculators - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

mitigation for the period between first occupation of the development, and the upgrade of the wastewater treatment works.

1.1.4 Package Treatment Plant

If a Package Treatment Plant (PTP) is proposed for the development, the applicant should provide a performance certificate that includes the total nitrogen (TN) and/or total phosphorus (TP) discharge rate. Your authority should request a certificate, testing results from an accredited third-party independent testing facility working to British Standards (BS EN 12566), or robust real world monitoring data (minimum 12 months representing typical operation). This should be submitted alongside the nutrient budget calculator. If evidence of the performance of the PTP, through testing or monitoring, cannot be provided the 'default' value provided in the calculator should be used.

Small scale phosphorous discharges to ground from onsite PTPs

Where proposals meet the small scale discharge to ground criterion (i.e. less than 2m³ per day), and further criteria as set out in Annex F (page 21) of Natural England's advice letter issued on 16 March 2022, they present a low risk that phosphorus will have a significant effect on a designated site, and the issue of P can be screened out of an appropriate assessment.

PTPs with chemical dosing

Natural England advises against private wastewater treatment plants that utilise chemical dosing unless dosing and maintenance is managed by an appropriate company. It may be necessary for an applicant to put in place a service agreement with an approved or specialist management company, and for the LPA to secure it, along with validation and enforcement arrangements, through a S106 or Unilateral Undertaking (UU). Where chemical dosing is proposed and a means of securing long term maintenance has been agreed with a LPA, systems using ferric rather than aluminium salts must be used. Some forms of aluminium can be highly toxic, particularly to some freshwater species. Natural England's advice is that the use of aluminium should be avoided, particularly within the catchment of a Habitats Site, as it is not currently possible with any certainty to determine what levels would avoid adverse environmental impacts, making it difficult to conclude through an Appropriate Assessment that there would be no harm to the protected site(s).

Monitoring and maintenance of PTPs

The performance of a PTP is reliant on it being maintained in accordance with manufacturer specifications, therefore Natural England advises that a suitable long-term maintenance strategy is submitted to satisfy the competent authority that the system will be appropriately managed during its operational life, and that its eventual replacement with a new model of equal or greater efficiency in N and P removal will be ensured, and that this is enforceable. The details should be agreed and outlined in the Appropriate Assessment, and this should be appropriately secured in any planning permission. We advise that consideration is given to site compliance checks, monitoring, securing corrective measures and replacement facilities, as necessary.

Environment Agency Permitting

Please note Planning Practice Guidance³ and the Environment Agency⁴ have a presumption against private sewage treatment works in sewered areas and will always seek connection to the mains sewer where it is reasonable to do so.

The use of PTPs for new residential development is therefore normally only accepted by the EA where there is no option to connect to the mains sewerage.

It may be acceptable to not connect to the mains sewer in certain circumstances, e.g., where a new small scale private wastewater treatment facility will operate at a higher efficiency than the main wastewater treatment works (WwTW) and be managed by an OFWAT-appointed statutory sewerage undertaker. The permit limit for such facilities will need to be agreed with the EA and used

³ [Water supply, wastewater and water quality - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality)

⁴ [Discharges to surface water and groundwater: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits)

for calculating the nutrient budget for the development.

Please refer to the Environment Agency for comments on wider environmental consideration associated with PTPs and any advice in relation to permits.

2. Nutrients from current and future land use

Your authority should be confident that the appropriate land use has been selected. Natural England advises that the applicant should provide evidence of the land use for the last 10 years. Additionally, your authority should use professional judgement 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.

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. Please see the Nutrient Budget Calculator Guidance Document⁵ for a detailed description of the land use types.

We would advise that the total current and future land use areas of any nutrient budget should be equal, reflecting the red line boundary of the development.

3. Sustainable Drainage Systems (SuDS)

If SuDS are proposed as part of the Nutrient Mitigation Strategy, Natural England advises as follows.

Best practice SuDS should be designed and installed in accordance with the requirements in the CIRIA SuDS Manual (C753)⁶. Where applicable, it is advised details are provided with regards to the long-term (in perpetuity) maintenance/replacement and funding of SuDS, and which authority will have responsibility for this, for incorporation into your authority's appropriate assessment.

It is essential for your authority to verify that the necessary supporting evidence has been submitted, as that forms the basis for the SuDS calculations. Natural England advises that SuDS calculations should be undertaken in accordance with CIRIA guidance (C808 – Using SuDS to reduce phosphorus in surface water runoff (2022)⁷ and/or C815 – Using SuDS to reduce nitrogen in surface water runoff (2023)⁸).

In addition, the SuDS features require management in perpetuity. Your authority must ensure that a robust ongoing management plan is appropriately secured and enforceable in any planning permission given.

⁵ [Using the nutrient neutrality calculators - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/nutrient-budget-calculator-guidance)

⁶ The SuDS Manual (C753), CIRIA 2015:
https://www.ciria.org/CIRIA/CIRIA/Item_Detail.aspx?iProductcode=C753&Category=BOOK

⁷ Using SuDS to reduce phosphorus in surface water runoff
https://www.ciria.org/CIRIA/CIRIA/Item_Detail.aspx?iProductCode=C808F&Category=FREEPUBS

⁸ Using SuDS to reduce nitrogen in surface water runoff, CIRIA 2023:
https://www.ciria.org/CIRIA/Books/Free_publications/C815F.aspx

4. Final Nutrient Budgets

Competent authorities should be satisfied that any mitigation measures will fully offset any nutrient burden arising from the development, that mitigation is provided in line with Nutrient Neutrality Principles⁹ and that these measures can be secured in perpetuity.

A calculation for the red-line boundary of the development proposal should be provided. If a mitigation requirement is identified and the applicant wishes to make use of any bespoke offsite mitigation provision such as land use change, a second budget should be presented to demonstrate that these measures fully offset any nutrient burden arising from the development. Alternatively, a developer may wish to purchase credits from an agreed strategic nutrient mitigation scheme.

Offsite land-use change for mitigation

To calculate the nutrient outputs for any proposed off-site land for mitigation only, the following calculation should be used:

[Existing land use N and/or P out] – [New land use N and/or P out] = [total nutrients mitigated]

To avoid any shortfall in mitigation, total nutrients mitigated should equal or be greater than the development's total nutrient gain, including a precautionary 'buffer', that Natural England suggests should be 20%. A shortfall in mitigation can be rectified by increasing the land area for the off-site mitigation.

Further detailed advice on Nutrient Neutrality can be found on Natural England's Access to Information website¹⁰.

⁹ Nutrient Neutrality Principles - Technical Information Note TIN186, Natural England 2022: [Nutrient Neutrality Principles - TIN186 \(naturalengland.org.uk\)](https://publications.naturalengland.org.uk/publication/5143927928913920)

¹⁰ Natural England's Access to Information website:
<https://publications.naturalengland.org.uk/publication/5143927928913920>

Annex 2: Standing advice on nutrient mitigation options

Nutrient Mitigation Strategy

Planning applications that require nutrient mitigation should be supported by a nutrient mitigation strategy with information on the type(s) of mitigation to be provided, evidence of its efficacy, details on management and monitoring, and the legal/financial means by which the measures will be secured for the lifetime of the development.

Natural England's statutory role is to provide technical advice on nutrient mitigation strategies. It is for competent authorities to satisfy themselves that strategies are legally secure and that funded mechanisms are in place for management, monitoring and enforcement, in perpetuity.

It is therefore important that you, as competent authority, are satisfied beyond reasonable scientific doubt that the proposed mitigation strategy will remain effective for the lifetime of the development. This should include assurance that positive management of the site will be delivered over this period, that monitoring can demonstrate ongoing effectiveness, and enforcement measures can be effected where necessary.

There are risks in securing, monitoring and enforcing mitigation land in private ownership, including:

- Risk of deliberate reversion to commercial agricultural uses, e.g. ploughing of land, reseeding, fertilising, hay or silage making, livestock (e.g. sheep or horse paddocks), or allotments – all of which would increase the nitrogen loading. You may consider the risk of reversion to agriculture to be greater where a mitigation site is part of a wider landholding with commercial agriculture uses.
- Risk of any inadvertent mismanagement that increases nutrient loading.
- Increased risks associated with any future change in land ownership.
- Challenges for monitoring, including gathering sufficient data to demonstrate that the mitigation remains effective.
- Employing enforcement mechanisms in the event that the mitigation fails.

When considering mitigation proposals and how the above risks might be addressed, we suggest that the competent authority considers the following:

- How the land will be managed so that the nutrient leaching rate for total nitrogen and/or total phosphorus is maintained in perpetuity.
- 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). We are not currently aware of any agreed monitoring regimes that enable reliable readings of nitrogen due to the way this nutrient mobilises through soil.
- Provisions for any necessary enforcement. For example, how enforcement would be effective in addressing and deterring potential breaches, and how monitoring can support potential enforcement action. Step-in rights are likely to be required for the local authority to take over management and make any corrective changes to the management of the land in the event of failure/mismanagement.
- If residents' service charges are proposed to fund the ongoing management and maintenance, this will require robust legal financial arrangements in place to guarantee the provision of sufficient funds to ensure the full delivery of the agreed management and monitoring plan for the mitigation period, and to avoid any problems with claiming monies or shortfalls in payments etc. Funding to cover legal step-in rights for the local authority may also be required.

Mitigation proposals which, in our view, are more likely to meet the tests of the Habitats Regulations and which may provide suitable mitigation for this scheme include:

- contribution to a strategic mitigation scheme.
- permanent land use change to woodland, parkland or orchard (minimum 100 trees/Ha).
- designation as public open space, local nature reserve or local green space, where the primary purpose is nature conservation.

Natural England has published information on nature-based measures for nutrient mitigation, which can be found via the link below:

[Information on Nature Based Solutions as Nutrient Mitigation - NBS2024 \(naturalengland.org.uk\)](https://naturalengland.org.uk/information-on-nature-based-solutions-as-nutrient-mitigation-nbs2024)

Purchasing credits from an existing strategic mitigation scheme

Where offsite mitigation credits are purchased, you as the competent authority should be satisfied that the mitigation is located in a correct catchment or sub-catchment to offset the development.

In river catchments, mitigation should be provided upstream of the development site in order to ensure that no stretches of these sensitive river sites are impacted by increased nutrient loading.

Natural England's Nutrient Mitigation Scheme will develop nutrient mitigation sites, and further schemes may be developed. Further information can be found on GOV.UK¹¹.

Bespoke Nutrient Mitigation Schemes

Where bespoke mitigation schemes are proposed, Natural England may wish to provide comments based on the details provided for a particular site.

Natural England advises that opportunities to consider bespoke mitigation proposals in light of wider environmental strategies such as Local Nature Recovery Strategies (LNRS) could be taken to promote gains for nature at these secured sites.

Government guidance "Combining environmental payments: biodiversity net gain (BNG) and nutrient mitigation"¹² explains the circumstances in which a landowner or occupier may receive payment for works that generate nutrient mitigation and, additionally, lead to biodiversity net gain.

Nutrient Mitigation Schemes Remaining in Private Ownership

Woodland Planting

It is Natural England's view that woodland planting (minimum of 100 trees/Ha) on agricultural land is a means of securing permanent land use change without necessitating land purchase as it can be evidenced easily by aerial photography and site visits. In a relatively short time, woodland planting would require a felling licence and woodland removal would also be covered by the EIA Regulations, where woodland is planted as mitigation for internationally designated sites. The Forestry Commission is the determining authority for both of these elements. We would advise that consideration should be given to the most appropriate woodland specification to be planted (i.e., native species) to maximise local biodiversity enhancement.

¹¹ How to apply for nutrient mitigation credits from Natural England:
<https://www.gov.uk/government/publications/natural-englands-nutrient-mitigation-scheme-for-developers/how-to-apply-for-nutrient-mitigation-credits-from-natural-england#when-to-apply>

¹² <https://www.gov.uk/guidance/combining-environmental-payments-biodiversity-net-gain-bng-and-nutrient-mitigation>

Planted woodland requires management for at least the first decade in terms of protective fencing and maintenance until the canopy has reached above browsing height. Thereafter management is relatively minimal though some thinning is preferable to enable mature trees to develop, and any ongoing impacts from grazing should be considered. We advise that the appropriate assessment considers the management proposals for the woodland. Management proposals should consider appropriate funding, responsibilities and mechanisms to ensure compliance of the mitigation for the lifetime of the development. We advise that consideration is given to site checks, monitoring, and corrective measures, where necessary.

It would be appropriate for the monitoring of the mitigation scheme to cover an establishment phase of 10 years, which ensures the mitigation is delivered as planned. The establishment phase takes the scheme to the point where further mechanisms, including the felling licence and EIA regulations would be in place. Going forward, monitoring would need to secure the adopted measures and the long-term management for the in-perpetuity period (80-125 years). It is Natural England's view that any planning permission would need to secure appropriate monitoring for both these phases.

It would be appropriate for the continuation phase (10+ years) of the woodland mitigation to be monitored by remote measures and reliance on Forestry Commission felling licence and EIA Regulations. Remote measures could include a review of aerial photography, or satellite imagery data, which is able to produce land cover maps at 5m square resolution. The appropriate assessment should also detail who will be responsible for the establishment, management and monitoring of the land and how the works, and associated funding, will be appropriately secured.

The management and monitoring strategy should also detail proposed timings of the works to ensure that appropriate mitigation will be in place in advance of any potential effects from the development, i.e. in advance of dwelling occupation.

The monitoring should be completed by an independent party such as the Local Planning Authority, Forestry Commission, appropriate Non-Government Organisation, or independent ecological consultant. The management and monitoring plan should also detail how monitoring will be reported to the relevant Local Planning Authority and responded to with mechanisms in place to rectify any identified issues.

Non-Woodland Nutrient Mitigation Schemes

It is our view that grassland/meadow/riverside proposals may be more challenging for competent authorities to secure, monitor and enforce in perpetuity. Nevertheless, if the general comments above are properly addressed (i.e., management, monitoring, legal and financial considerations), non-woodland schemes are able to generate nutrient credits and have the potential for "stacking" biodiversity net gain.

Annex 3: Checklist - Information to inform an Appropriate Assessment

This checklist covers the advice set out in annexes 1 and 2.

Points to check from Annex 1: Standing advice on nutrient neutrality calculations

1. Nutrient Budget Calculator

- Has the correct/relevant nutrient budget calculator been used?

1.1 Nutrients from wastewater

- Has the default occupancy rate or agreed local bespoke occupancy rate been used?
- Has the standard water usage figure been used or if a bespoke figure, has it been evidenced?
- Has the correct Wastewater Treatment Works been selected?
- If a Package Treatment Plant (PTP) is proposed, has the applicant provided a performance certificate that includes the total nitrogen (TN) and/or total phosphorus (TP) discharge rate?
 - Have you checked whether the PTP meets the small-scale phosphorous discharges to ground from onsite PTPs criteria (only applicable to Phosphorus)?
 - If a PTP with chemical dosing is proposed, is dosing and maintenance managed by an appropriate company?
 - Have you secured a suitable monitoring and maintenance regime, outlined in the appropriate assessment?
 - Have you checked to ensure that the residential development has no option to connect to mains sewerage?

1.2. Nutrients from current and future land use

- Has the applicant provided evidence to give your authority confidence that the appropriate land use has been selected?
- Are the total current and future land use areas of the nutrient budget equal, reflecting the red line boundary of the development?

1.3. Sustainable Drainage Systems (SuDS)

- If SuDS are proposed, is their design and planned installation in accordance with the requirements set out in the CIRIA SuDS Manual (C753 for Phosphorus, or C808 for Nitrogen)?
- Has your authority secured a robust ongoing management plan that is enforceable in any planning permission given?

1.4. Final Nutrient Budgets

- Is your authority satisfied that any mitigation measures will fully offset any nutrient burden arising from the development, that mitigation is provided in line with Nutrient Neutrality Principles, and that these measures can be secured in perpetuity?

- If an applicant wishes to make use of any bespoke offsite mitigation provision such as land use change, has a budget been provided demonstrating that these measures fully offset any nutrient burden arising from the development?

Points to check from Annex 2: Standing advice on nutrient mitigation options

Nutrient Mitigation Strategy

- If nutrient mitigation is required, has the applicant provided a nutrient mitigation strategy, including details on management and monitoring, and the legal and financial means by which the measures will be secured for the lifetime of the development?

Purchasing credits from an existing strategic mitigation scheme

- If the applicant intends on purchasing offsite mitigation credits, is your authority satisfied that the mitigation is located in the correct catchment or sub-catchment?
- If the development is in a river catchment, has your authority checked that the mitigation is provided upstream of the development site?

Bespoke nutrient mitigation schemes

- The management proposals should consider appropriate funding, responsibilities and mechanisms to ensure compliance of the mitigation for the lifetime of the development.
- The monitoring of the scheme should cover an establishment phase and the following in perpetuity phase (80-125 years).
- The appropriate assessment should detail who will be responsible for the establishment, management and monitoring of the land and how the works, and associated funding, will be appropriately secured.
- The management and monitoring strategy should detail proposed timings of the works to ensure that appropriate mitigation will be in place in advance of any potential effects from the development (i.e., in advance of dwelling occupation).
- The strategy should detail which independent party (e.g., the Local Planning Authority, Forestry Commission, appropriate Non-Government Organisation, or independent ecological consultant), will be responsible for monitoring.
- The management and monitoring plan should detail how monitoring will be reported to the Local Planning Authority and responded to with mechanisms in place to rectify any identified issues.