

Hi David,

If the applicant is looking to purchase of phosphate credits, I strongly advised that it's from an approved credit scheme in Somerset – I assume if they are buying from Natural Capital, this is specifically pertaining to Woodrow Farm. Specifically, we can't accept the strategy is a nutrient bank hasn't been mentioned and it can't be dealt with as a post-permission matter. In this instance though, it does at least look like they have identified a facilitator specifically. Approved third party schemes can be found here: [Phosphate mitigation schemes in the Somerset Levels](#)

For planning applications seeking to use third-party P-credits as phosphate mitigation SES will require the following information to be submitted:

- A short summary of the development proposal.
- A short summary of the drainage strategy (i.e. if the development will connect to the mains sewerage system, use a PTP etc.)
- A location map showing the phosphate budget of the proposed development which can be done using the Somerset Phosphate Budget Calculator.
- A short summary of the mitigation proposed (i.e. the third-party P-credit scheme being used and the number of P-credits that need to be acquired as mitigation).
- Evidence of either the purchase of P-credits via the third-party provider, or intention to purchase via a pre-arrangement agreement between concerned parties.

In all cases, planning applications using third party P-credits as phosphate mitigation will be subject to an HRA. We recommend that applicants submit an sHRA using the Somerset Council sHRA template (this can be found on our website). This should be undertaken by a suitably qualified consultant. [Appendix G Project level Appropriate Assessment Template.pdf \(somerset.gov.uk\)](#)

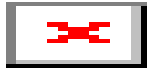
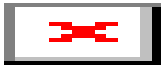
If there is an 'overarching' Section 106 Agreement in place between Somerset Council and the third-party P-credit provider, it is possible to secure the redemption of the P-credits via condition. Purchasing credits from an approved supplier is in planning terms a much more efficient option, so certainly one to encourage.

Hopefully the above helps, but if you need anything else please let me know.

Kind regards

James

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From: David Kenyon <david.kenyon@somerset.gov.uk>
Sent: Tuesday, March 19, 2024 4:42 PM
To: James Mansfield <james.mansfield@somerset.gov.uk>; Stobart, John <John.Stobart@naturalengland.org.uk>
Cc: Somerset Ecology Services <SES@somerset.gov.uk>; SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Subject: 20/01761/FUL - Land at The Old Forge, Limington

James / John

This email and the attached letter from the applicant is for information purposes only although I am requesting from you clarification as to what you consider his next actions should be in terms of moving the phosphate mitigation proposals forward.

This application in question relates to a proposal for the erection of 9 new dwellinghouses including 4 discounted local needs dwellings and the formation of vehicular access.

As a point of context the final email response from SES (James) was dated 15th March 2022 and states:
*I have included Rhona (Natural England) in this in case she has anything further to add.
SES have not encountered an app that have secured credits yet so our strategic approach is not yet.
However, I would imagine in summary SES would need to calculation showing the total phosphorous that requires mitigation; evidence showing that the necessary number of credits have been purchased relative to the kg/y the development is going to produce and a legal agreement regarding its implementation can be secured; SES are a little in the dark in terms of what would be required following the credits being secured, but I would imagine it would either be a generic AA or a full HRA; and finally, evidence showing that the credits secured are going to benefit land that is within the same sub-catchment as the application site.*
With regards to the land categorisation here, I agree with Rhona and believe this should be defined as urban, not open space/greenfield and it recommend this is amended.

The final email response from Natural England (Simon Stonehouse) was dated 29th April 2022 and states:

*We were talking to John Hammond about a similar situation for an Appeal case (Castle Cary?) which I presume where the SSDC guidelines you refer to come from.
It seems to me that this is an approach whereby SSDC can move paperwork on as far as possible prior to a HRA being 'signed-off' and an application being determined. As such NE has no problem with it and we understand that the 'normal' final checks and consultation will take place prior to an approval, just slightly further through your internal process than usual. Of course there is no cast iron guarantee at this*

stage that Entrade credits will be available to a specific project, i.e. it is not certain, which is why a HRA cannot yet be concluded favourably. For proposals that do secure credits through the Entrade scheme, this should ultimately be a fairly straightforward task provided the nutrient requirements have been verified (using the Somerset calculator) and the Entrade scheme is accredited and up and running.

The attached letter dated 19th March 2024 sets out what the applicant has been doing in the intervening period in terms of provision of credits. There is an issue raised about the provision of discount housing which I am taking up directly with the Council's Housing Specialist but any advice you can offer about moving the phosphates matter forward would be appreciated.

Regards

Dave