**Chichester Local Plan 2021 - 2039**

**Nutrient Budget**

**Background Paper**



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# **Introduction**

* 1. This paper sets out the background to the Local Plan nutrient budget detailed in the Habitats Regulations Assessment (HRA) (SD04) which has been undertaken for the Proposed Submission version of the Chichester Local Plan 2021-2039, and the 2024 HRA update. The nutrient budget has been updated since the Regulation 19 consultation and this latest version has been prepared using the latest Natural England Guidance, most recently updated in February 2024, which includes the Solent Nutrient Neutrality Calculator and Nutrient Neutrality Calculator Guidance.
	2. The background papers and related evidence are available on the council website at [www.chichester.gov.uk/localplanexaminationlibrary](https://www.chichester.gov.uk/localplanexaminationlibrary). This background paper may be reviewed and updates issued during the examination of the Local Plan.

# **Background**

* 1. In February 2018, the Chichester Harbour designated Site of Special Scientific Interest (SSSI) was downgraded from ‘Unfavourable – recovering’ to ‘Unfavourable – no change’. Further assessment during 2019/20 found that more than 3,000 hectares of the intertidal parts of Chichester Harbour were ‘Unfavourable – declining’.
	2. Water quality is a contributing factor to the build-up of excess nutrients in the Harbour causing eutrophication (algal growth) which impacts on the Harbour's ecology and conservation. Sewage from new development using wastewater treatment works or an on-site package treatment plant that discharges to Chichester Harbour contributes to the excess nutrients in the Harbour (albeit in smaller amounts relative to other sources). Surface water from the change in land use of a development site may also produce excess nutrients that discharge into the Harbour and both sources need to be considered in line with the Habitats Regulations.
	3. Natural England introduced a requirement of nutrient neutrality for new developments in the Solent catchment which includes Chichester and Langstone Harbours SPA/Ramsar and applies to residential development, tourist attractions and other development involving an overnight stay. As part of the information needed to determine planning applications within the Solent catchment, a nitrogen budget needs to be prepared and submitted with the planning application and where the budget shows that new development will produce nitrogen load, details of suitable mitigation must be identified to offset this nitrogen load and achieve nutrient neutrality.
	4. Natural England published detailed guidance on preparing nutrient budgets including nutrient neutrality calculators for each specific catchment designated as nutrient sensitive. The calculators include a set of worksheets which calculate nutrient load from the change in land use as well as the increase in nutrient loading that will come from the new development’s wastewater. The calculations depend on the data supplied for the development which includes soil drainage type; average annual rainfall, whether the development will be within a nitrate vulnerable zone and the development site’s current land use type.

# **National Policy Context**

* 1. The National Planning Policy Framework (NPPF) was updated on 19 December 2023, however, under paragraph 230, plans that reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage on or before the 19 March 2024 will be examined under the relevant previous section of the Framework. All references to the NPPF are therefore related to the 2021 version which should be used as the basis for the examination of the plan.
	2. The NPPF (2021) requires planning policies to contribute to and enhance the natural and local environment and development should wherever possible, help to improve local environmental conditions such as air and water quality (paragraph 174).
	3. The Water Supply, Wastewater and Water Quality Planning Practice Guidance sets out in Paragraph 16 that where water quality has the potential to be a significant planning concern, an applicant should be able to explain how the proposed development would affect a relevant water body in a river basin management plan or designated sites of importance for biodiversity, and how they propose to mitigate the impacts.
	4. The South Inshore and South Offshore Marine Plan July 2018 (RCC34) which covers inshore and offshore waters between Folkestone in Kent and the River Dart in Devon provides in policy S-WQ-I that proposals that may have significant adverse impacts upon habitats and species that can be of benefit to water quality must demonstrate that they will avoid, minimise and mitigate significant adverse impacts.

# **Local Policy Context - Chichester Local Plan 2021-2039: Proposed Submission Version Regulation 19**

* 1. As a result of the downgrading of the Chichester Harbour SSSI, the new Local Plan includes a specific nutrient neutrality policy (Policy NE19) for any development that involves an overnight stay that will discharge either surface water or wastewater into Chichester and Langstone Harbour SPA/Ramsar. The policy requires new development to demonstrate nutrient neutrality for its lifetime either by its own means or by means of agreed mitigation measures, such as contributing to an agreed nutrient mitigation scheme.

* 1. Policy NE16 Water Management and Water Quality requires more generally, that development has no adverse impact on the quality of water bodies and groundwater nor must it prevent future attainment of favourable conservation status, taking into account agreed mitigation measures where necessary.

# **Summary of Chichester Local Plan Proposed Submission Version Nutrient Budget for 2021-2039**

* 1. A number of sources for the supply of housing over the plan period 2021-2039, are located within the Solent nutrient catchment. These include new strategic or parish allocations in the new Local Plan, anticipated windfall housing as well as strategic allocations which are retained from the Chichester Local Plan: Key Policies 2014-2029 or allocations in the current Site Allocation DPD.
	2. The latest nutrient budget which was prepared prior to submission of the Local Plan and for the purposes of the Habitats Regulations Assessment update, appears at Appendix 1 and an explanation of the assumptions used to calculate the nutrient budget are set out below.
	3. There are marked differences between the latest nutrient budget and that prepared to support the Regulation 19 version of the Local Plan which are largely due to the changes that have occurred in the lapse of time between the first nutrient budget and the recent update.
	4. Some of the changes result from the use of the revised calculators produced by Natural England as well as the fact that the position on many of the sites included within the Regulation 19 budget has now changed. For instance, a strategic housing allocation of 300 dwellings within Chidham and Hambrook Parish which would have required a nutrient load of 141 kg/tn/yr to be mitigated, has now been met through a small number of permissions for major housing development that have nutrient mitigation secured via Section 106 Agreements, and this strategic location has accordingly been removed from the latest budget. In addition, the Southbourne Broad Location for Development has also been reduced by a permission for major housing development with nutrient mitigation secured, whilst Chichester City and Westbourne requirements have been reduced by permissions for smaller housing developments, again, with nutrient mitigation secured via Section 106 Agreements.
	5. Finally, the anticipated windfall for gypsy and traveller and travelling showpeople accommodation has fallen since the Regulation 19 nutrient budget. Nonetheless, whilst the overall nutrient budget for the plan period is reduced, there has been a slight increase of around 20 kg/tn/yr within the first part of the local plan period largely due to the increase in the anticipated windfall for general housing.

# **Nutrient Budget Methodology**

##  **Strategic and Parish Allocations**

***Overview of strategic and parish sites included in nutrient budget***

* 1. The joint Environment Agency and Southern Water Services Apuldram Position Statement (CC15) provides that new development outside of the settlement boundaries of Chichester, Fishbourne and Stockbridge will not drain to the Apuldram Wastewater Treatment Works. The provisions of the Position Statement are repeated within Policy NE16 Water Management and Water Quality of the new Local Plan.
	2. It is expected that larger scale development will be directed to alternative wastewater treatment works, notably Tangmere Wastewater Treatment Works via the new sewer pipeline connection. As such, the West of Chichester strategic allocation (Policy A6) which will flow to Tangmere Wastewater Treatment Works, only has a nutrient budget prepared in respect of the nitrogen load generation from its surface water which as identified by the [Environment Agency Catchment Explorer](https://environment.data.gov.uk/catchment-planning/ManagementCatchment/3004), will still flow into Chichester Harbour. In contrast, the Southern Gateway police field site (Policy A5) will only discharge its wastewater to Chichester Harbour as its surface water will drain to Pagham Harbour and its budget is therefore limited to the wastewater element of the planned development.
	3. As explained at 5.4 above, the number of dwellings that require nutrient mitigation in respect of the strategic locations/allocations and non-strategic parish housing requirements has been reduced due to housing developments that have since been permitted/completed and nutrient mitigation has been secured via section 106 agreements. However, in the case of the Bosham Highgrove Farm allocation (Policy A11), despite an appeal allowed in respect of 300 dwellings, the nutrient mitigation requirement is still included in the Local Plan budget as nutrient neutrality is confined to a Grampian condition on the appeal decision.

***Determination of Land Use Type and Area***

* 1. In some cases, development site areas for housing allocations are already specified in policy such as Southern Gateway or are detailed in the planning permission granted for the housing allocation as in the case of the West of Chichester and Bosham allocations. Where only the general area for future development is known in respect of a strategic or parish location such as Chichester City; Southbourne Broad Location for Development; Fishbourne and Westbourne parishes, the residential land required for the number of dwellings is based on a density of 35 dwellings per hectare as referred to in the Policy P3 Density pre-text in the new Local Plan. The housing number is divided by the minimum housing density requirement to achieve the potential area of land to be covered by residential housing.
	2. A greenspace allowance is calculated using a minimum open space standards requirement of 3.5 ha per 1000 population as detailed in the latest Open Space Study (2024). However, with the smaller parish requirements, a lower or no open space requirement is used where the number of dwellings is either less than 50 or less than 20 dwellings. This is in accordance with the threshold requirements for providing on-site open space as detailed in the Open Space section of the new Local Plan. Populations per household are assumed at 2.4 persons per dwelling in line with the Office for National Statistics average household size for the purposes of these calculations.
	3. In June 2020, it was agreed with Natural England that the Government Crop Map of England (CROME) would be used to determine current land use for sites requiring a nutrient budget. The land use information provided by the CROME dataset can be matched as closely as possible with the categories in Natural England’s nutrient budget calculator to generate the level of nitrogen load for the existing land area within the development site. For instance, the latest CROME dataset (Crop Map of England 2021) produced by DEFRA for West Sussex reveals that Chichester City is mostly non-vegetated land and hence, the classification used for the existing land for this allocation is “open urban land” whilst the Bus Station at Southern Gateway has been categorised as “commercial/industrial urban land”.
	4. Current land use for Southbourne BLD and the parish strategic locations and non-strategic housing requirements is presumed to be agricultural due to the CROME dataset revealing an assortment of crop categories covering the allocation areas. The “mixed” land use category is therefore applied due to the fact that the actual sites have not yet been allocated and the specific land use types are therefore unknown. The “mixed” land use category is defined by the Natural England/DEFRA Calculator Guidance as "Agricultural areas.... where it is too difficult to select a single category to describe the farm type". Rainfall and soil types for an allocation which are required by the nutrient budget calculator to calculate the nitrogen load from the current land use are taken from the relevant website links within the Solent nutrient calculator at [LandIS - Land Information System - Soilscapes soil types viewer](https://www.landis.org.uk/soilscapes/) and the National River Flow Archive rainfall data link provided by Natural England at [Catchment Info for 42019 - Tanners Brook at Millbrook (ceh.ac.uk)](https://nrfa.ceh.ac.uk/data/station/spatial/42019).

## **Anticipated Windfall Housing**

***Brief Overview***

* 1. The nutrient budget for the overall plan period for anticipated windfall from parishes within the Solent catchment assumes a first occupancy of 1st April 2025, an average occupancy rate of 2.4 people per dwelling and 120 litres of water usage per person per day in relation to wastewater calculations. With the exception of Birdham and West Wittering parishes which discharge wastewater to Sidlesham Wastewater Treatment Works, the remaining parishes within the Solent catchment have a nutrient budget based on nutrient load from wastewater and land use change.

***Land Use Area and Type***

* 1. Since windfall is predominantly small sites and the threshold requirements for providing on-site open space detailed in the Open Space section of the Local Plan reveal that on-site open space is not usually required for less than 20 dwellings, residential land area is based solely on a density of 35 dwellings per hectare (see Density section of new Local Plan).
	2. With the exception of Chichester, as the current type of land use for a windfall site cannot be known at this stage, current land use for the windfall parishes is presumed to be agricultural due to the CROME dataset revealing an assortment of crop categories covering the parish areas. The “mixed” land use category is therefore applied which is as referred to above, defined by the Natural England/DEFRA Calculator Guidance as "Agricultural areas.... where it is too difficult to select a single category to describe the farm type".
	3. Average rainfall and soil types for a windfall parish have been determined by whichever average rainfall and soil type covers the majority of the parish as appearing on the relevant website links within the Solent nutrient calculator at [LandIS - Land Information System - Soilscapes soil types viewer](https://www.landis.org.uk/soilscapes/) and the National River Flow Archive rainfall data link provided by Natural England at [Catchment Info for 42019 - Tanners Brook at Millbrook (ceh.ac.uk)](https://nrfa.ceh.ac.uk/data/station/spatial/42019).

## **Gypsy and Traveller and Travelling Showpeople - Strategic Sites, Intensification Sites and Windfall**

***Overview***

* 1. On the basis that the gypsy and traveller and travelling showpeople allocations on the Southbourne Broad Location for Development will form part of a strategic allocation, it is assumed that the new plots and pitches will connect to the same mains sewerage as the strategic residential housing allocation.
	2. In relation to wastewater from gypsy and traveller and travelling showpeople intensification and windfall sites, whilst gypsy and traveller and travelling showpeople sites can where available, connect to mains sewerage, they also frequently use septic tank and package treatment plants (PTP). Therefore, in order to exercise a precautionary approach to the nutrient budget, a package treatment plant has been assumed for intensification and windfall sites. Since common septic tanks and PTPs can vary substantially, ie; past planning applications have included for instance, Kingspan Klargester 23mg/Biodigester T6 20 mg/Marsh Ensign PTP 8.4 mg, calculations have assumed a PTP with a precautionary 22 mg/l or 20 mg/l TN concentration in final effluent (after acceptable loading of 2 mg/l is deducted).
	3. For windfall calculations for gypsy and traveller and travelling showpeople, to exercise a precautionary approach, all windfall is presumed to come forward within a parish within the Solent catchment.

***Land Use Area and Type***

* 1. In respect of the land requirement for each plot/pitch, this is based on the 320 square metres mentioned in the Gypsy and Traveller and Travelling Showpeople Background Paper. Whilst a larger size plot for travelling showpeople might be sought, this is not usually intended for the entire residential component but is typically sought to provide an allowance for the large storage areas usually required by travelling showpeople sites.
	2. The nutrient budget for gypsy and traveller intensification sites assumes that there is no change in land use on the basis that the plot allocations are to sites which are already residential gypsy and traveller land. However, both the Southbourne BLD and anticipated windfall for gypsy and travellers and travelling showpeople assumes a land classification of “mixed” on the basis that the current land use cannot be known at this stage.
	3. Average rainfall and soil types have been determined by whichever average rainfall and soil type covers the majority of the Southbourne BLD, gypsy intensification sites or in the case of gypsy and traveller/travelling showpeople windfall, the majority of the Chichester nutrient catchment.

# **Review of nutrient budget and required mitigation**

* 1. As outlined above, the nutrient budget has been prepared with a precautionary approach and as such, the assumptions adopted for strategic locations or non-strategic parish housing requirements where the sites are unknown at this stage may provide exaggerated results. For instance, some sites within the Southbourne BLD that come forward may, in due course, include open space which is far greater than the minimum requirement applied in the budget. In this event, a significant reduction could result in the nitrogen load to be offset. In addition, it is assumed that all windfall forecast for gypsy and traveller and travelling showpeople is to come forward on sites within the Chichester nutrient catchment and that plots/pitches will use a package treatment plant. Potentially, however, some of the windfall will not fall within the Solent catchment and/or may discharge to mains sewerage and thus, the actual windfall nutrient budget may transpire to be significantly lower.
	2. The plan period nutrient budget (including a summary budget up to 2029) appears at Appendix 1. Whilst the mitigation requirement for the whole Local Plan period to 2039 is 1470.90 kg of nitrogen per year (including a 20% buffer), the nutrient budget for the first part of the Local Plan period up to 2029 indicates that a much lower figure of 250.48 kg/n/yr (including a 20% buffer) of mitigation will be needed. This is largely due to the majority of the planned housing coming forward in the latter part of the plan period.
	3. Sufficient mitigation will need to be provided to offset the initial 250.48 kg/n/yr although this should be achievable without particular difficulty. Privately led mitigation schemes at Chilgrove Farm and East Dean are already being used for mitigation purposes with overarching legal agreements already in place to manage the sale of credits or are currently being finalised. Additional strategic mitigation sites are also in the process of coming forward, subject to planning permission, and these schemes together with the wider Natural England Nutrient Mitigation Scheme, and schemes supported through the Local Nutrient Mitigation Fund are expected to provide sufficient mitigation as required in the future.

# **Appendix 1 - Nitrogen Budget for Local Plan Period 2021-2039**

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| **STRATEGIC AND PARISH ALLOCATIONS - LOCAL PLAN REVIEW PUBLICATION VERSION 2021-2039** |  |
| **NUTRIENT BUDGET FOR PROPOSED DEVELOPMENT DISCHARGING INTO CHICHESTER HARBOUR (CALCULATIONS BASED ON NE ADVICE (FEBRUARY 2024)**  |  |
| **Strategic Site:** |  | **Total No. of dwellings**  | Stage 1 - Wastewater | Stage 2 - Existing Land Use | Stage 3 - New Land Use  | Stage 4 - Annual Nutrient Budget | Annual Nutrient Budget with 20% Buffer |
|  | **Full Allocation** | Discharging Waste Water and Surface Water | Discharging solely Waste Water as outside Chichester Nutrients Catchment for surface water  | Discharging solely Surface Water (wastewater discharging to a WWTW that is not connected to Chichester Harbour) |  |  |  |  |  |
| Chichester City (Policy A2) | 270 although this is reduced to 260 as 10 dwellings already permitted as part of this parish allocation . | 260 |  |  | 172.30 | 76.52 | 106.91 | 202.69 | 243.23 |
| Southern Gateway (Policy A4 (Bus Station area)) | 110 | 110 |  |  | 72.90 | 8.65 | 16.21 | 80.46 | 96.55 |
| Southern Gateway (Policy A5 (Police Field area)) | 70 |  | 70 |  | 46.39 | 0 | 0 | 46.39 | 55.67 |
| West of Chichester (Policy A6) | 1600 although Phase 1 (750) is now permitted under reserved matters applications. Remaining 850 dwellings have "Defer for Section 106 then permit" and no mitigation required in nutrient budget. |  |  | 850 | N/A - Wastewater re-routed to Tangmere | 1120.17 | 618.60 | -501.57 | 0 |
| Westhampnett/ North East Chichester (Policy A9) | 500 all permitted, phase 2 for 200 dwellings reserved matters permitted in May 2021. |  |  | 0 | N/A - Wastewater discharges to Tangmere | 0 | 0 | 0 | 0 |
| Bosham Highgrove Farm (Policy A11)  | 248 although 300 dwellings now permitted (includes SADPD allocation of 50) - appeal allowed Nov 23 (ref: 21/00571/FUL) | 300 |  |  | 227.21 | 308.64 | 151.34 | 69.91 | 83.89 |
| Chidham & Hambrook (Policy A12) | Allocation of 300 in NP although allocation has now been met through several permissions | 0 |  |  | 0 | 0 | 0 | 0 | 0 |
| Southbourne BLD (Policy A13) | 1050 although 947 still require nutrient neutrality - Two applications totalling 124 dwellings and 823 left to allocate. | 947 |  |  | 717.24 | 818.37 | 389.42 | 288.29 | 345.95 |
| Southbourne BLD gypsy and traveller pitches and travelling showpeople (Policy A13) | Policy provides for 24 plots  | 24 |  |  | 18.18 | 17.99 | 10.40 | 10.59 | 12.71 |
| **Parish Allocation:** |   |
| Fishbourne |  | 30 |  |  | 19.88 | 17.75 | 12.01 | 14.14 | 16.97 |
| Westbourne | 30 although 12 permitted | 18 |  |  | 13.63 | 11.68 | 7.22 | 9.17 | 11.00 |
| **Gypsy intensification sites:**  |   |
| Tower View Nurseries, Funtington |  | 1 |  |  | 1.89 | 0.46 | 0.46 | 1.89 | 2.27 |
| Connors/Scant Road East |  | 1 |  |  | 1.89 | 0.46 | 0.46 | 1.89 | 2.27 |
| Sunrise, Southbourne |  | 1 |  |  | 1.89 | 0.43 | 0.43 | 1.89 | 2.27 |
| Greenacre, Cemetery Lane, Westbourne |  | 4 |  |  | 7.57 | 1.85 | 1.85 | 7.57 | 9.08 |
|  |  |
| Total no. of strategic dwellings planned to discharge into Chichester Harbour: | 1696 | 70 | 850 |  |  |  |  |   |
|  |  |  |  |  |  |  |  |  |   |
| **TOTAL Nutrient Budget for strategic and Parish Sites (Kg/N/Yr)** |  |  |  |  |  | **881.86** |
| **TOTAL Nutrient Budget for Anticipated Windfall (general housing)** |  |  |  |  |  | **401.89** |
| **TOTAL Nutrient Budget for Anticipated Windfall (gypsy and traveller and travelling showpeople)** |  |  |  |  | **187.15** |
|  |  |  |  |  |  |  |  | **TOTAL:** | **1470.90** |

# **Appendix 2 - Nitrogen Budget for Local Plan Period 2021-2029**

|  |  |
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| **STRATEGIC AND PARISH ALLOCATIONS - LOCAL PLAN REVIEW PUBLICATION VERSION PERIOD 2021-2029** |  |
| **NUTRIENT BUDGET FOR PROPOSED DEVELOPMENT DISCHARGING INTO CHICHESTER HARBOUR (CALCULATIONS BASED ON NE ADVICE (FEBRUARY 2024)**  |  |
| **Strategic Site:** | **Total No. of dwellings**  | **Stage 1 - Wastewater** | **Stage 2 - Existing Land Use** | **Stage 3 - New Land Use**  | **Stage 4 - Annual Nutrient Budget** | **Annual Nutrient Budget with 20% Buffer** |
|  | Discharging Waste Water and Surface Water | Discharging solely Waste Water as outside Chichester Nutrients Catchment for surface water | Discharging solely Surface Water (wastewater discharging to a WWTW that is not connected to Chichester Harbour) |  |  |  |  |  |
| Chichester City (Policy A2) | 0 |  |  | 0 | 0 | 0 | 0 | 0 |
| Southern Gateway (Policy A4 (Bus Station area)) | 0 |  |  | 0 | 0 | 0 | 0 | 0 |
| Southern Gateway (Policy A5 (Police Field area)) |  | 0 |  | 0 | 0 | 0 | 0 | 0 |
| West of Chichester (Policy A6) |  |  | 386 (45%) | N/A - Wastewater re-routed to Tangmere | 504.08 | 278.35 | -225.73 | 0 |
| Westhampnett (Policy A9) |  |  | 0 | N/A - Wastewater discharges to Tangmere | 0 | 0 | 0 | 0 |
| Bosham Highgrove Farm (Policy A11) | 175 (58%) |  |  | 131.78 | 179.01 | 87.78 | 40.55 | 48.66 |
| Chidham & Hambrook (Policy A12) | 0 |  |  | 0 | 0 | 0 | 0 | 0 |
| Southbourne BLD (Policy A13) | 0 |  |  | 0 | 0 | 0 | 0 | 0 |
| Southbourne BLD gypsy and traveller pitches and travelling showpeople (Policy A13) | 0 |  |  | 0 | 0 | 0 | 0 | 0 |
| **Parish Allocation:** |   |
| Fishbourne | 0 |  |  | 0 | 0 | 0 | 0 | 0 |
| Westbourne | 0 |  |  | 0 | 0 | 0 | 0 | 0 |
| **Gypsy intensification sites:**  |   |
| Tower View Nurseries, Funtington | 1 |  |  | 1.89 | 0.46 | 0.46 | 1.89 | 2.27 |
| Connors/Scant Road East | 1 |  |  | 1.89 | 0.456 | 0.46 | 1.894 | 2.27 |
| Sunrise, Southbourne | 1 |  |  | 1.89 | 0.43 | 0.43 | 1.89 | 2.27 |
| Greenacre, Cemetery Lane, Westbourne | 4 |  |  | 7.57 | 1.85 | 1.85 | 7.57 | 9.08 |
|  |  |  |  |  |  |  |  |   |
| Total no. of strategic dwellings planned to discharged into Chichester Harbour: | 183 |  | 786 |  |  |  |  |   |
|  |  |  |  |  |  |  |  |   |
| **TOTAL Nitrogen Budget (Kg/N/Yr)** |  |  |  |  |  |  |  | **64.55** |
| **Nutrient Budget for Anticipated Windfall (general housing)** |   |   |   |   |   |  | **64.27** |
| **TOTAL Nutrient Budget for Anticipated Windfall (gypsy and traveller and travelling showpeople)** |  |  |  |  |  | **121.66** |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  | **TOTAL:** | **250.48** |