

# Nutrient Neutrality

Stodmarsh SPA.

# What and where is Stodmarsh

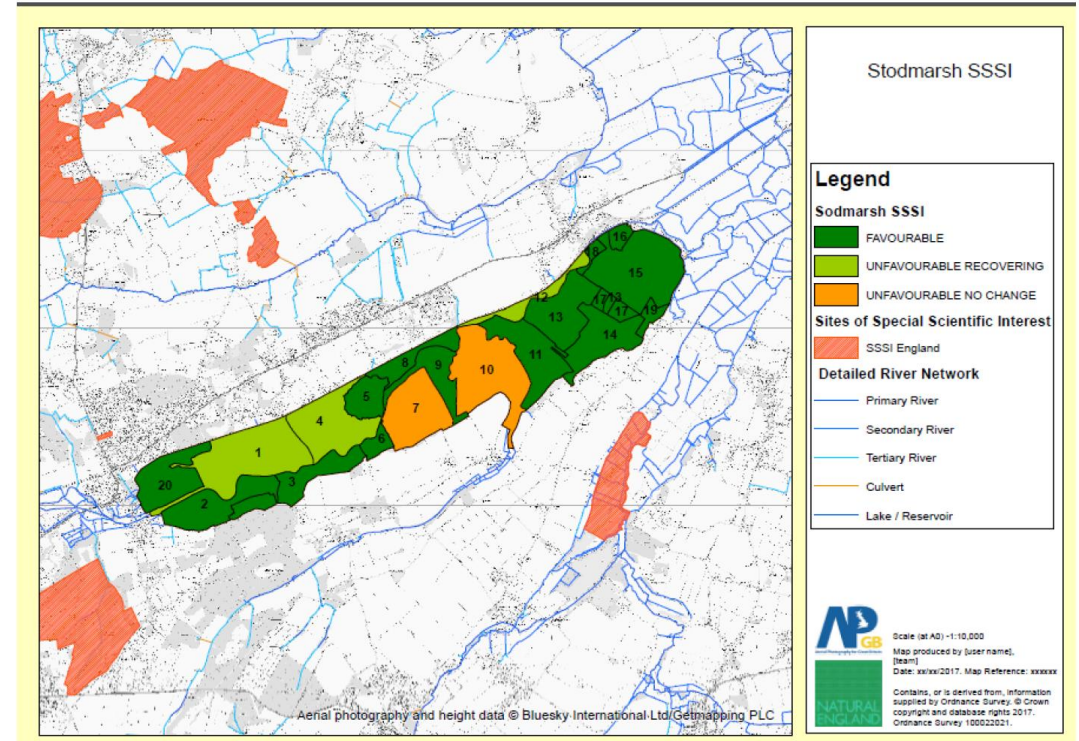


- Stodmarsh is a wetland nature reserve located outside of Canterbury and within the Stour water catchment zones.
- The water environment within the Stour catchment is one of the most important for water dependant wildlife in the United Kingdom.
- The Stodmarsh water environment is internationally important for its wildlife and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations as well as national protection for many parts of the floodplain catchment

# What is the problem?

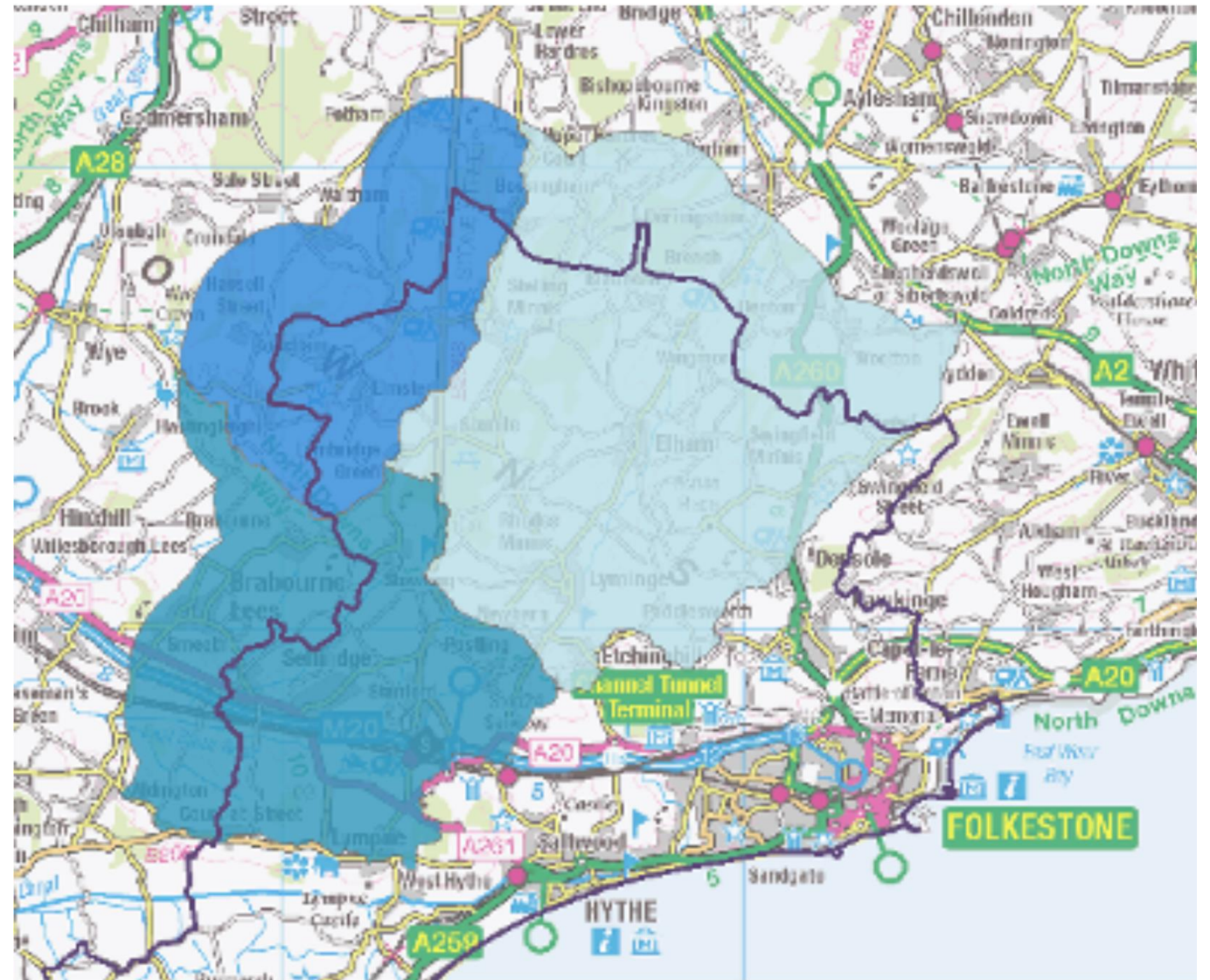
- There are high levels of nitrogen and phosphorus input to this water environment with evidence that these nutrients are causing eutrophication at part of these designated sites.
- This process makes it difficult for aquatic insects, invertebrates or fish to survive, in turn removing a food source from the food cycle.
- These nutrient inputs are currently thought to be caused mostly by
  - wastewater from existing housing
  - agricultural sources
  - Some industry
  - recycling of nutrients within the lake habitats cannot be ruled out.
- Natural England have advised us that we should avoid the potential for any further deterioration in the water quality of the Stodmarsh European designated site pending further investigations as to the cause of the eutrophication. This has direct consequences for some new development proposals within parts of Folkestone & Hythe District.

Figure A1.2 Stodmarsh SSSI unit condition



# How does this affect Folkestone and Hythe

- The NE Advice covers all areas within the Stour Operational Catchments, to include the Little Stour and Wingham, Lower Stour and Upper Stour sub-catchment areas.
- Specifically for our district the northern part of the district is affected as shown
- The Advice lists those wastewater Treatment works (WwTW) to which effluent is drained which are also the subject of the Advice. For Folkestone & Hythe District the implications are limited to Sellindge WWTW only.
- Within the district, development where wastewater would drain to the Sellindge Wastewater treatment works will also be subject to the scope of the Advice, whether the development is within the Stour catchment area or not.
- Where wastewater drains to watercourses or ditches within the catchment this is also affected



# How does this affect Folkestone and Hythe

## Type of Development

- The NE Advice applies to all types of development where a net additional population would be served by a wastewater system.
- In practice, this means proposals for all new residential development where a net increase in homes is proposed; as well as new student accommodation, tourist accommodation or tourist attractions.
- New commercial development that does not involve overnight accommodation will generally be exempt unless they raise other water quality issues but if in doubt please contact us to discuss the specific proposal



# Potential solutions

Not exhaustive:

- On-site Waste Water works
- Land off-setting
  - i.e. taking agricultural land out of active use to reduce the nutrients that wash off the land
- Water polishing – reed beds
- Upgrading of existing Waste Water Treatment Works
- Management of Stodmarsh SPA



# Process for planning applications

- The council can only approve plans or projects if there is no likelihood of a significant effect on any European designated nature conservation site.
- In order to assess whether planning applications would lead to a 'likely significant effect' a Habitats Regulations Assessment (HRA) is carried out. This generally includes an Appropriate Assessment (AA), which is the second, more detailed stage of an HRA.
- Natural England must be consulted on the findings of an HRA and there is a duty to consider their response.
- A potential effect would be considered 'likely' if it cannot be ruled out based on the information available as opposed to it merely being probable or possible. When then moving to the appropriate assessment stage, an established principle in case law is that AAs must use the 'precautionary principle'. An appropriate assessment must enable the local planning authority to apply the regulation 63(5) "integrity test" on a "precautionary basis".
- Therefore, for developments within the scope of the NE Advice, the council will need to carry out a HRA to establish the nature and scale of potential impact on the designated sites at Stodmarsh. This will include the need for an AA, which developers will be requested to draft and submit to us for approval if appropriate, taking into account the views of NE.
- As we currently understands the position, the only way that a new housing scheme (or other affected type of development proposal) could prevent this likely significant effect is for its submitted AA to demonstrate there to be no increase in nutrients into the Stour river catchment area, i.e. for it to be 'nutrient neutral'

# Further information

- <https://folkestone-hythe.gov.uk/planning/habitat-regulations>