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BY EMAIL ONLY

To Senior Planning Officer

Advice for development proposals with the potential to increase nutrient impacts to nationally and internationally important wildlife sites within the Stour Valley catchment¹.

Introduction

As you may be aware there are impacts on nationally and internationally important wildlife sites in the Stour Valley, arising from excessive nutrients from waste water discharges. These sites comprise:

- Stodmarsh Special Area of Conservation (SAC)
- Stodmarsh Special Protection Area (SPA)
- Stodmarsh Ramsar site
- Stodmarsh Site of Special Scientific Interest (SSSI)
- Stodmarsh National Nature Reserve (NNR)

Stodmarsh is important principally for wetland habitats and the rare and special wildlife they support. As an NNR, Stodmarsh is also special for people and their access to nature. These wetlands rely on a high quality of water and stable water levels; in particular the lake habitats. Some of the lakes are currently impacted by an excess of both Nitrogen (N) and Phosphorus (P) and are not achieving the required standard to support their favourable condition. This is because both Nitrogen and Phosphorous can have a range of negative impacts, including promoting algae growth, which can lead to reduced light and oxygen available for aquatic plants and animals and affect those birds that feed on them. Increased nutrients can also promote changes in structure which make it unsuitable for wetland species, including the main SAC feature.

Natural England's role and advice

Natural England is the government's adviser for the natural environment in England. As part of our role as a statutory consultee we provide advice to planning authorities to support them in achieving their duties to protect and enhance wildlife, public access and protected landscapes.

¹ The area captured by this advice is described in figure 1 and appendix 1 of the attached advice.

In this role Natural England draws your attention to the case law² with regards to determination of plans or projects that add to an existing impact on European sites' conservation objectives and recommends that your authority takes its own advice on this matter. Natural England's advice is that a likely significant effect on the Stodmarsh designated sites from development that increases these nutrients cannot be ruled out, on objective evidence, at this stage. In the absence of evidence to the contrary, our advice is that all new housing development proposals, will need to consider, via an appropriate assessment, the impact of adding to the existing water quality target failures in the Stodmarsh European sites.

Updated Methodology and webinar

To help competent authorities take proper account of these issues and aid cooperation by local planning authorities and others to develop strategic solutions, Natural England issued a document of our advice on nutrient neutrality for new development in the Stour Catchment in relation to Stodmarsh designated sites in December 2019.

Attached is an updated version of our advice on nutrient neutrality for the Stour Catchment. This document explains the environmental context, the concept of nutrient neutrality, and how it can be used to assess if development requires mitigation for additional nutrients. The document also makes suggestions for mitigation options, and how to calculate if mitigation is sufficient if land use change is being proposed to offset development-derived nutrients.

To help planning authorities and key stakeholders understand the new methodology Natural England is holding a one-off webinar on 23 July 2020 from 11:30 – 13:00. If you are interested in participating please email PlanConsAreaTeamSussexandKent@defra.gov.uk with relevant contact details of the participant and the webinar details will be sent to you as appropriate.

Natural England are not able to engage with individual applications that come forward beyond our existing statutory duties, and we will therefore not be providing bespoke detailed advice on individual application's mitigation proposals. Where appropriate, for large scale developments, we may offer to engage on a cost recovery basis through our [Discretionary Advice Service](#).

Should you have any other questions concerning this advice or our upcoming webinar please contact consultations@naturalengland.org.uk marked for the attention of Area Team 14.

Yours faithfully,

Patrick McKernan

Manager
Sussex and Kent team

² E.g. *Cooperatie Mobilisation for the Environment UA and College van gedeputeerde staten van Noord-Brabant* (Case C-293/17 and C294/17) and *People over wind* (Case C323/17)