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BY EMAIL ONLY

Dear Inspectors,

Folkestone & Hythe District Council (FHDC) Core Strategy Review Examination – Matters, Issues and Questions

Thank you for consulting Natural England on the Matters, Issues and Questions as part of the FHDC's Core Strategy Review (CSR) Examination, in your email dated 22 May 2020.

In this letter we wish to draw to your attention a new issue which has arisen since Natural England's response to the CSR Reg 19 submission (our letter dated 11 March 2019, ref 271589), with regard to potential water quality impacts on European designated sites.

We also refer you to our outstanding comments at the Reg 19 stage with particular regard to the garden settlement scheme (Otterpool Park) and green infrastructure policy (CSD4).

New matter arising – water quality impacts on European designated sites/ CSR Habitats Regulations Assessment

We wish to bring to your attention a new matter arising, since Natural England's response to the Reg 19 submission. New information has arisen regarding potential adverse effects resulting from the Core Strategy Review on European sites as a result of water quality impacts, which need to be addressed in the HRA and allocation policies, in particular for the garden town settlement, in line with the Conservation of Habitats and Species Regulations 2017 as amended (the 'Habitats Regulations').

This relates to excessive nutrient levels (nitrogen and phosphorous) which are impacting on the Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. The site is also designated as a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). The site is currently failing its Conservation Objectives as a result of high nutrient levels, the vast majority of which come from discharge from wastewater treatment works (WwTWs) in the Stour catchment.

Natural England has produced detailed advice on the issue, along with a methodology to enable nutrient budgets to be calculated for proposed development schemes, in the Stodmarsh Nutrient Neutral Methodology in December 2019. This was shared with FHDC at the time. Natural England has very recently updated this guidance (July 2020), which is

attached with this letter, and will be shared with affected local authorities shortly including FHDC.

In April 2020, Natural England received information from Southern Water regarding their Water Industry National Environment Programme (WINEP) which will investigate the nutrients discharge into the Stodmarsh designated sites. This included identification of WwTWs to be examined due to their known contribution to the phosphorous and nitrogen loading in the River Stour at Stodmarsh. These include the Sellindge WwTW which are now a named works in the investigation. As such, there is an impact pathway with Otterpool Park and possibly other allocations in the FHDC Core Strategy Review, if wastewater is to be discharged into the Stour catchment such as via the Sellindge works, which may ultimately reach the Stodmarsh sites.

Natural England wrote to FHDC on 21 May 2020 to advise on the implications of this for the Core Strategy Review Examination, and also the Otterpool Park garden town application. This letter is also attached, for your information.

We have since engaged with the Council and stakeholders, including the Environment Agency, Kent County Council and the water companies, to discuss the matter further at a meeting held on 19 June 2020.

We are very aware of the complexity of this new issue, which will need addressing with urgency to support the Examination process. To support this, Natural England is currently working with FHDC to agree a Statement of Common Ground for future collaboration to support a robust Habitats Regulations Assessment for the Core Strategy Review which fits with the Examination timeframe, and the Otterpool Park planning application.

In particular we are strongly advising FHDC to ensure proposed allocations, including the Otterpool Park garden settlement, will be nutrient neutral, and outline a range of mitigation measures such that the Council can be satisfied there is sufficient certainty that these will avoid an adverse effect on integrity of the designated sites. Key to this, Natural England is strongly encouraging FHDC to adopt a collaborative approach with key stakeholders to establish these measures, including the Environment Agency, the water companies, Kent County Council and other affected local authorities, and Natural England.

We understand FHDC will share with you the Statement of Common Ground as soon as it is finalised and agreed with us.

Garden town settlement (Otterpool Park)

We refer you to Natural England's Reg 19 submission response, where we highlighted a number of concerns regarding the strategic policies for the garden settlement (SS6-9). In particular, we raised significant concerns around the potential significant impacts on the Kent Downs Area of Outstanding Natural Beauty (AONB). The development presents a significant, new and dramatic insertion of built environment in the setting of the AONB, which is currently an expanse of semi-natural landscape as viewed from the escarpment. The settlement is likely to be clearly visible along a substantial distance of the Downs, a much visited stretch especially along the North Downs Way National Trail.

Natural England has suggested improvements to the CSR policy wording including (but not exclusively):

- require a high quality and detailed Landscape and Visual Impact Assessment (LVIA) as part of the application
- strengthen wording around need for considerable detailed assessment of mitigation options, including quantum, location, density, height and design of buildings, and measures which go beyond planting and landscaping
- require an overarching Green Infrastructure (GI) strategy for the garden settlement which includes a functional assessment of existing GI assets and apply consideration of the needs of the new community, ie what function is needed and where, and what type of GI is needed to deliver it, and how this will be managed in the longterm
- provide an all-year pollinators network throughout the settlement as part of the GI strategy, with connection to the wider countryside, given the criticality of pollination as a key provisioning ecosystem service, and bearing in mind the dramatic decline in insects more widely

Also, for further information, in Natural England's response to the proposed Otterpool Park application last year (application Y19/0257/FH, our response ref 277270, 03 June 2019), a key part of our advice to FHDC was for the overall quantum of housing (up to 8,500 homes) to be reduced in order to sufficiently mitigate impacts on the AONB, for instance to be in line with the proposed housing level proposed in the CSR (6,375 homes which would make up the majority of the Council's housing need for the Local Plan period to 2036/37). This response is also enclosed for your information.

To date, Natural England has not received any further communication from FHDC in response to our Reg 19 response on this matter, to provide further reassurance on minimising the impacts on the AONB in response to our advice.

Other matters

In our Reg 19 response, we also advised FHDC on the need for strengthened wording in particular regarding green infrastructure and biodiversity net gain (policy CSD4), including:

- requirement to 'secure' net gains in biodiversity and emphasise mitigation hierarchy
- give fuller description of green infrastructure and its environmental, social and economic benefits

We have also suggested strengthened wording for the policy for Lydd Airport.

As for the garden settlement, we have not yet received any further communication from FHDC in response to our advice.

I hope you find this letter helpful. We would be happy to answer any further questions. Please contact [REDACTED], marked for the attention of Area Team 14.

Yours faithfully,

[REDACTED]

Senior Advisor, Sustainable Development network

Area Team 14 - Sussex & Kent