Local Plan to 2040, Policy R7 - Issues Related to Habitats Regulations Assessment in Context of Existing application (CA/23/00484)

Summary

The paper also argues that the Little Stour must be considered as **functionally-linked** (as defined by Natural England) to Stodmarsh sites and that any increase in pollution risk must be taken into consideration under a Habitats Regulations Assessments.

In this regard, HRA assessments should also take account of **in-combination effects** from other large housing developments proposed upstream of Wingham River which is already suffering from extreme nutrient enrichment.

HRA

Consultants FPCR have presented a substantially revised iteration of the sHRA in which changes have been made to address the now recognised need to ensure that threats to Stodmarsh sites are averted. Of these threats, water pollution from flooding events in adjacent wetlands especially Preston Marshes, are said to be the only potential threat. However, other ecological impact pathways such as via **functionally linked land** (discussed below) have been screened out.

Water quality. FPCR proceed to provide an Appropriate Assessment on water quality. This flags the nutrient mitigation approach proposed by the applicant through Water Environment already discussed at length above. Their conclusion is that there would be no adverse effect on the integrity of either Preston Marshes SSSI or the Stodmarsh sites as "*a result of the proposed development alone or in combination with other plans or projects".* This conclusion is arguably incorrect not only because of the risk factors noted above in regard to questions related to the onsite WwTW performance and dependability over time, but also because in-combination effects have been ignored (below).

In-combination effects. Very substantial housing developments are either underway or proposed within the Wingham River catchment (under Dover CC jurisdiction; e.g. Cooting Farm). Wingham River is a tributary of the Little Stour upstream of Preston Marshes and is already suffering the consequences of high level nutrient pollution and eutrophication[1]. No account has been taken by the Applicant of in-combination effects when using *de minimis* thresholds, especially where, for example, nutrient levels are already high or excessive within the designated site (Stodmarsh). In such situations even the smallest levels of contaminants need to be considered. Indeed, the **Local Plan policy** (2017) mirrors this, highlighting *inter alia* the need to consider "in-combination" impacts of development on internationally designated sites and the need to protect water quality.

A closely related factor is the likely impacts on Preston Marshes Site of Special Scientific Interest (SSSI). This large wetland site is located directly adjacent to and hydrologically connected to the Little Stour. It contains the last significant area of fen vegetation in the Little Stour valley, mostly consisting of reed bed and scattered willow scrub. There is a diverse plant community here, and the habitat attracts many breeding and wintering birds. Water voles are present at a number of sites along the river, and brown hare, water shrew and harvest mouse are recorded in the area. Although not subject to NE's nutrient neutrality rules, NE's recent submission in response to CA/23/00484, calls for a detailed review of impacts on Preston Marshes SSSI together with necessary mitigation.

Functionally-linked land. The sHRA incorrectly only considers the Application Site in its examination of impacts to functionally-linked land. FPCR state that the "site does not constitute Functionally-linked land in the context of SPA/SAC" and that therefore there are "No likely significant effects on the species associated with the statutory sites". This argument is used to screen-out such effects. Yet the same document has already noted that deteriorating water

[1] Recent citizen science and EA data from WIMS.

quality is a problem within the Stodmarsh sites and surrounding environment, with potential **impacts on species assemblages as well as the wider food web**. Little Stour's floodplain including Preston Marshes, Seaton Pitts, Chislet Marshes, Sarre Penn and other wetlands directly adjacent to Stodmarsh, although not internationally designated, have similar if not identical ecosystem value with shared species assemblages and constitute an integral part of this "wider food web". In order to bolster this assertion, data received from Kent and Medway Biological Records Centre (KMBRC; April 2023) shows that approximately 73% of Stodmarsh sites' qualifying species have been recorded in the Little Stour catchment downstream of Littlebourne, e.g. in Preston Marshes SSSI which has strikingly similar configuration to the Stodmarsh Sites. It is therefore surprising that the Applicant's sHRA did not take these key wetland sites into consideration under the heading of functionally linked land. As acknowledged, flooding events can also create opportunities for hydrological links within the whole floodplain.

This omission is particularly striking given the report also notes that "*Functional linkage* refers to the potential for habitat away from the designation boundaries of a Natura 2000 site [such as Stodmarsh SPA/SAC etc), that is considered to have a "role" or "function" for a qualifying feature *beyond the boundary*." Whilst it is both logical and self-evident that the development site itself can be excluded as functionally linked land, the hugely important array of designated and non-designated downstream habitats cannot be ignored. Not only are these vulnerable to nutrient enrichment and eutrophication, but are also functionally-linked ecosystems (accepting the FPCR definition) that support qualifying species of the Stodmarsh designated sites.