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Sent: 18 May 2026 16:55
To: Consultations
Subject: Regulation 19 Representation – Soundness objection to impact of developments to south and east of Canterbury

--Email From External Account--

Hydrological impacts on The Stour, Nailbourne, Little Stour and Lampen Stream and therefore on biodiversity, water quality, Stodmarsh and Preston Marshes

1. Introduction and summary

I object to the Regulation 19 Local Plan on the grounds that, taken together with the current Mountfield Park (South Canterbury) development, the proposed allocations at

- **The Hill, Littlebourne (Policy R 9)**
- **Land south of the A257 around Bokesbourne Lane (Policy C 15 and C 16)**

are **unsound, not legally compliant and incompatible with the NPPF 2024 ‘Habitats Regulations’** and the Council’s own **Draft Biodiversity Strategy (January 2026)**.

These sites lie within the **sensitive hydrological catchment of the Lampen Stream, the Nailbourne/Little Stour and the Great Stour**, all of which drain directly towards **Stodmarsh SAC/SPA/Ramsar/SSSI** and influence the condition of **Preston Marshes SSSI**.

The Council’s own Biodiversity Strategy acknowledges:

‘Nature is under increasing pressure... the areas of habitat which remain are often small and isolated... making them more vulnerable...’

and:

‘BNG became mandatory... but these system upgrades will not solve the problem and Stodmarsh will continue to be impacted by excess nutrients.’

Yet the latest Local Plan proposes **major growth in the most hydrologically constrained part of the district**, without demonstrating that nutrient, water and biodiversity impacts can be mitigated.

2. Policy conflict with NPPF 2024 and the mitigation hierarchy

2.1. NPPF requirements

The NPPF requires that:

- Development must **avoid harm** to biodiversity and protected sites.
- Plans must ensure **no deterioration** in water bodies.
- Mitigation must be **certain, deliverable and secured before consent**.
- Off-site compensation and credits must be a **last resort**.
- Plans must be **effective, justified** and **consistent with national policy**.

2.2. Where the Local Plan fails

The allocations at Littlebourne, Bekesbourne Lane and the current Mountfield Park development:

- Are located **upstream of the Stodmarsh site and its immediate hydrological surroundings**, within the **nutrient-sensitive Stour/ Little Stour catchment**.
- Discharge to the **Lampen Stream, Nailbourne/Little Stour** and, via proposed infrastructure, to the **Great Stour**, all of which are already failing for nutrients.
- Have **no demonstrated nutrient budget, no realistic hydrological assessment** and **no secured mitigation capacity**.
- Rely on **unproven nutrient credits, wetlands** and **future wastewater upgrades** that the Council's own evidence says are insufficient.

This is incompatible with the NPPF's requirement for **certainty** and **deliverability**.

3. Hydrological and ecological sensitivity of the development locations

3.1. The Hill, Littlebourne

The Hill site drains directly towards the **Nailbourne/Little Stour**. The Nailbourne is a **winterbourne chalk stream**, highly sensitive to:

- nutrient loading
- low flows
- abstraction pressure

- septic tank leakage
- surface water runoff from development.

The Biodiversity Strategy identifies chalk streams as **flagship habitats**, yet the Local Plan allocates housing adjacent to the very headwaters that sustain them.

3.2. Land south of the A257 (Bekesbourne Lane)

This area drains into the **Lampen Stream**, which joins the **Great Stour at Stodmarsh SSSI**. The A257 corridor is already a known source of:

- road runoff
- hydrocarbons
- heavy metals
- nutrient-laden surface water.

While the Lampen Stream itself is at risk from recent and ongoing illegal dumping and disturbance to toxic landfill sites adjacent to Swanton Lane, the Local Plan proposes **significant new impermeable surfaces** with little obvious consideration of:

- how runoff will be treated
- how phosphorus will be intercepted
- how flows will be attenuated to protect downstream wetlands.

3.3. Mountfield Park (South Canterbury)

Mountfield Park will be the **largest single contributor** of new wastewater loading in the Stour catchment. However, because it is already approved, its cumulative impact with the Littlebourne and Bekesbourne Lane sites is **not assessed in the current Local Plan**.

The Council's own nutrient evidence states that wastewater upgrades 'will not solve the problem and Stodmarsh will continue to be impacted by excess nutrients'. Yet, the Local Plan relies on these upgrades to justify growth.

4. Cumulative impacts on the Lampen Stream, Nailbourne/Little Stour and the Stour

4.1. Nutrient loading

The three allocations together will:

- increase wastewater discharges
- increase surface water nutrient runoff
- increase foul drainage loading on constrained systems.

The Nailbourne/Little Stour is already **nutrient-stressed**, as are the other watercourses converging as the **primary nutrient pathways to Stodmarsh**.

4.2. Hydrological impacts

The Nailbourne is prone to:

- **intermittent flow**
- **flooding** during wet years
- **complete drying** during drought years.

Development increases:

- peak flows
- pollutant pulses
- baseflow depletion
- abstraction pressure.

These impacts are **not assessed** in the Local Plan. In particular, the abstraction rate near Stourmouth (and Plucks Gutter) is likely to increase dramatically when the Broad Oak Reservoir is built and this will significantly affect the hydrological exchanges adjacent to Stodmarsh in these catchments.

5. Stodmarsh SAC/SPA/Ramsar and Preston Marshes SSSI – legal non-compliance

5.1. Habitats Regulations test

The Council must demonstrate **certainty of no adverse effect** on Stodmarsh and Preston Marshes. It has not done so.

5.2. Why the test is not met

- No nutrient budget for Littlebourne, Bekesbourne Lane, or Mountfield Park.
- No assessment of cumulative loading from the three sites.

- No demonstration that nutrient credits are available at the required scale.
- No hydrological modelling of the Lampen Stream or Nailbourne.
- No assessment of current and changing abstraction impacts on chalk streams or wetlands.
- No evidence that mitigation will be **operational before occupation**.

The Local Plan therefore **cannot lawfully be adopted**.

6. Nutrient considerations across the wider Canterbury district/Stour catchment

6.1. Adequacy of septic tank repair/replacement measures

The Council has suggested that repairing or replacing old septic tanks will help offset nutrient loading caused by major developments in the Stour catchment.

Technical assessment (as per Natural England's nutrient methodology and wastewater loading values used in East Kent HRA)

- The Stour catchment contains **~1,500–2,000 septic tanks** (EA estimate).
- Typical septic tank P removal efficiency: **0–20%**.
- Even full replacement with package treatment plants reduces P by only **30–50%**.
- Many tanks are **not mapped, not monitored and not maintained**.
- Repairs are **voluntary, piecemeal and unenforceable**.
- Replacing **100 tanks** would save only **1%** of the phosphorus load from the three allocations (based on standard calculations).

Septic tank repair programmes are therefore **negligible** compared to the nutrient load from new development. They cannot be relied on for Habitats Regulations compliance.

6.2. The 'agricultural baseline reduction' argument – technical rebuttal

Developers applying for planning permission in the Canterbury area have argued that building housing on agricultural land reduces nutrient runoff because use of fertiliser ceases.

Why this argument is flawed

6.3. Agricultural nitrogen export vs wastewater nitrogen export

- Arable land typically exports **20–30 kg N/ha/yr**.
- A single dwelling exports **10.6 kg N/yr** via wastewater.
- At 30 dwellings/ha, urban nitrogen export therefore becomes **10–15 times higher** than the agricultural baseline.

6.4. Phosphorus comparison

- Arable land exports **0.5–1.0 kg P/ha/yr**.

Urban wastewater export at 30 dph would be **30–50 times higher** than agricultural land.

6.5. Surface water pathways worsen under development

Urbanisation increases:

- impermeable area
- road runoff
- hydrocarbon and heavy metal pollution
- misconnections
- storm overflow frequency.

Since the Lampen and Nailbourne chalk streams are uniquely sensitive as they have low dilution capacity, intermittent flow, high ecological sensitivity and direct hydrological connectivity to Stodmarsh, the claim that housing here would reduce damaging nutrient runoff compared to agriculture is **scientifically incorrect** and contradicted by all available data.

7. Biodiversity strategy contradictions

The Biodiversity Strategy states:

‘The State of Nature report identified development as a source of pressure... the resulting increased population also creates demands for transport and other infrastructure... These all put further pressure on nature.’

Yet the Local Plan places **major growth** in the **most ecologically sensitive part of the district**, directly contradicting the Strategy's own principles of:

- **urgency**
- **interconnectedness**
- **being proactive**
- **responsiveness**

The Strategy's vision for the Stour Valley as a '**continuous corridor of riverine and riparian habitats**' is incompatible with the cumulative impacts of these allocations.

8. Soundness failures

Not justified

- No evidence that nutrient mitigation is deliverable for these sites.
- No hydrological assessment of the Lampen Stream, Nailbourne or Stour.

Not effective

- No monitoring framework or triggers for halting development.
- No secured mitigation land or nutrient credit capacity.

Not consistent with national policy

- Fails NPPF biodiversity, water and mitigation hierarchy requirements.
- Fails Habitats Regulations 'no adverse effect' test.

9. Required modifications

To become sound, the Local Plan should:

1. **Remove or defer** the allocations at The Hill, Littlebourne; Bekesbourne Lane; and Mountfield Park until nutrient and hydrological constraints are resolved.
2. Produce a **catchment-wide nutrient budget** including all three sites.
3. Provide a **Stodmarsh and Preston Marshes Mitigation Strategy** with secured, funded and operational measures.

4. Undertake a **hydrological and abstraction assessment** of the Lampen Stream, Nailbourne/Little Stour and Stour.
5. Demonstrate that mitigation is **deliverable before occupation**.
6. Embed the **mitigation hierarchy** explicitly in policy.
7. Introduce **monitoring triggers** requiring suspension of consents if protected site condition declines.

10. Conclusion

The Local Plan's allocations at Littlebourne and Bekesbourne Lane cannot proceed without causing further unacceptable and unlawful harm to the Lampen Stream, the Nailbourne/Little Stour, the Great Stour, Stodmarsh SAC/SPA/Ramsar/SSSI and Preston Marshes SSSI.

The Plan is therefore unsound and must be withdrawn or substantially modified to include full assessment of these impacts, and the requirement for implementation of realistic measures to address them in the light of actual local housing need in the wider Canterbury context.