

Date: 05 August 2025
Our ref: UDS-A018728 / 507071
Your ref: Stodmarsh Stream Enhancement Scheme at Wye (and other sites)



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BY EMAIL ONLY

Dear Gabriel Connor-Streich,

Discretionary Advice Service (Charged Advice)

UDS - A018728

Development proposal and location: Stodmarsh Stream Enhancement Scheme at Wye (and other sites) Ashford TN25 6DL

Thank you for your consultation on the above dated 21 March 2025, which was received on the same date.

This advice is being provided as part of Natural England's Discretionary Advice Service. Greenshank Environmental Limited has asked Natural England to provide advice upon:

- Drainage Ditch Nutrient Mitigation Scheme proposal, including long term management for nutrient reduction
- Nutrient Budget Calculations
- Information to inform Habitats Regulations Assessments

This advice is provided in accordance with the Quotation and Agreement dated 08 April 2025.

The following advice is based upon the information within:

1. Greenshank ODG Stodmarsh Stream Enhancement Scheme Main Report – GSL14 V1 (21/03/25)
2. Greenshank ODG Stodmarsh Stream Enhancement Scheme Technical Appendices – GSL14 V1 (21/03/25)
3. Greenshank ODG Stodmarsh Stream Enhancement Scheme Main Report – GSL14 V2 (01/07/25)
4. Greenshank ODG Stodmarsh Stream Enhancement Scheme Technical Appendices – GSL14 V2 (01/07/25)
5. Greenshank ODG Stodmarsh Stream Enhancement Scheme Main Report – GSL14 V3 (18/07/25)
6. Greenshank ODG Stodmarsh Stream Enhancement Scheme Technical Appendices – GSL14 V3 (18/07/25)

Summary Advice

Having reviewed the seven proposed ditch enhancements schemes in accordance with the Enhanced Drainage Ditch Management Framework and Annex A (NECR590 & NECR591) I am satisfied that:

- Greenshank Environmental have provided calculations and evidence to support a reduction in Total Nitrogen of 6426.55 kg TN/yr and 303.73 kg TP/yr from the proposed seven drainage ditches (Hinxhill_DD1, Hinxhill_DD2, Wilmington_DD1, Wye_DD1, South_hill_DD1, Bilby_wood_DD1 and Bilby_wood_DD2).
- The reduction in Total Nitrogen AND Total Phosphorous is achieved by managing existing sections of heavily managed small watercourses as enhanced drainage ditches (in accordance with enhanced ditch management guidance) to remove nitrogen and phosphorous from the surface water runoff.
- The seven proposed ditches identified for enhanced ditch management all connect to the River Stour upstream of the Stodmarsh Special Area of Conservation, Special Protection Area and Ramsar site. The implementation of the drainage ditch proposals will provide appropriate mitigation for new development proposals that are required to demonstrate nutrient neutrality in the Stodmarsh catchment.
- A Conservation Covenant is an acceptable mechanism to secure the required management, monitoring and enforcement for the proposed nutrient mitigation scheme, and provided that the Responsible Body is secured/agreed and who will take on the legal responsibility for ensuring these are adhered to.

Additional Advice

- **Provision of Information to Competent Authorities**
I recommend that Greenshank Environmental provides Competent Authorities with a clear overview of how the proposed nutrient mitigation scheme meets the requirements of a Habitats Regulations Assessment, including the requirement for the appropriate management, monitoring and enforcement to be secured in perpetuity. Thought should also be given to how the scheme will be transparent and accountable to Competent Authorities, who may wish to confirm that mitigation has only been allocated to one development.

Further advice on the proposed nutrient mitigation scheme

Site visit meeting – 19 May 2025

Prior to our site visit I undertook an initial review of the submitted documents (Version 1 of Main Report and Appendices) against the Enhanced Drainage Ditch Management framework guidance document (NECR590). These comments were emailed prior our site visit (See Annex 2) and formed a number of the discussion points on the site visit on the 19 May 2025, before feeding into version 2 of the main report and appendices.

On the site visit we walked over 3 of the proposed ditch enhancement locations (Hinxhill_DD1 & 2, and Wye_DD1) which helped demonstrate the suitability of these ditches for the development of nutrient mitigation schemes. No clear major constraints could be identified on the site visit, and it was agreed that the main report and appendices would be updated to reflect and address the comments made on and prior to the site visit.

Follow-up call and review of version 2 of main report and appendices – 17 July 2025

Version 2 of the main report and appendices was provided to me on the 01 July 2025. I reviewed the relevant amendments against my previous comments, and we discussed any outstanding comments in a follow-up call held on the 16 July 2025. Following our call, I emailed over my outstanding and additional comments (See Annex 3) on the 17 July 2025. Version 2 of the main report and appendices also include two new proposed ditch enhancement locations (Bilby_Wood_DD1 and DD2) which I reviewed against the Enhanced Drainage Ditch Management framework guidance document (NECR590).

The outstanding comments related to details that will need to be carefully considered by the Competent Authority when undertaking their Appropriate Assessment(s).

Review of version 3 of main report and appendices

Version 3 of the main report and appendices was provided to me on the 18 July 2025, with the relevant amendments made to address my comments made on the 17 July 2025 (See Annex 3). Following review of version 3 of the main report and appendices, I have no other further comments to make aside from the subjects detailed below.

Protected sites

I am currently of the view that, based on the objective information provided on the proposed development, a likely significant effect on the Stodmarsh SAC, SPA and Ramsar cannot be excluded, either individually or in combination with other plans or projects. This likely significant effect relates to the construction phase of the scheme, specifically the associated impacts from soil and sediment mobilisation during the construction phase. In order to mitigate these risks, suitable pollution control measures will be proposed and assessed in the development of the detailed design of the scheme. These additional details and pollution control measures should be included in a shadow appropriate assessment in order to ascertain that the proposed development will not adversely affect the integrity of the Stodmarsh designated sites.

Protected species

The advice on this proposal, and the guidance contained within Natural England's standing advice relates to this case only and does not represent confirmation that a species licence (should one be sought) will be issued. Please find general advice on European Protected Species at Annex 1.

Nationally Designated Landscapes

As the development site is within/adjacent to Kent Downs National Landscape, consideration should be given to the direct and indirect effects upon this designated landscape and in particular the effect upon its purpose for designation, as well as the content of the relevant management plan for Kent Downs National Landscape.

For clarification of any points in this letter, please contact Thomas.scott-heagerty@naturalengland.org.uk.

The advice provided in this letter has been through Natural England's Quality Assurance process

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours sincerely,

Thomas Scott-Heagerty
Sussex & Kent Area Team

Cc commercialservices@naturalengland.org.uk

Annex 1

European Protected Species

A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development. Further information can be found in Natural England's ['How to get a licence'](#) publication.

If the application requires planning permission, it is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice Natural England provides at formal consultation on the likely impacts on favourable conservation status and Natural England's [guidance](#) on how the three tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) are applied when considering licence applications.

Natural England's pre-submission Screening Service can screen application drafts prior to formal submission, whether or not the relevant planning permission is already in place. Screening will help applicants by making an assessment of whether the draft application is likely to meet licensing requirements, and, if necessary, provide specific guidance on how to address any shortfalls. The advice should help developers and ecological consultants to better manage the risks or costs they may face in having to wait until the formal submission stage after planning permission is secured, or in responding to requests for further information following an initial formal application.

The service will be available for new applications, resubmissions or modifications – depending on customer requirements. More information can be found on [Natural England's website](#).

Annex 2

Detailed Comments Following Review of Version 1 of Main Report and Associated Appendices – Dated 15 May 2025

From: Tom Scott-Heagerty

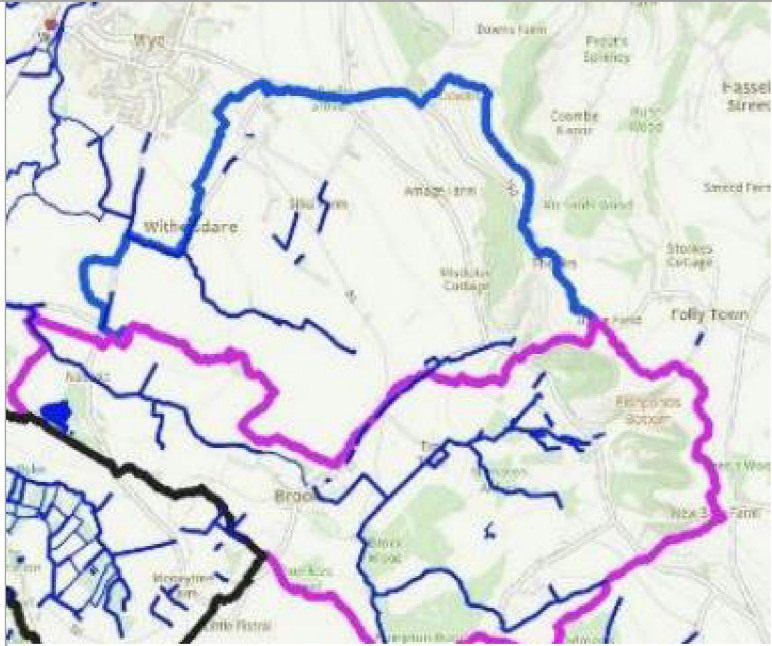
Sent: 15 May 2025 16:28

To: Gabriel Connor-Streich <[REDACTED]>


Subject: RE: Questions ahead of Monday site visit

Hi Connor,

Here's a list of our initial thoughts/queries from reviewing the report. Perhaps we could run through most of these on Monday.

No	Location	Comment	Additional Info	Resolved?
1	Wye_DD1 / Hinxhill_DD1	Surface water catchment needs updating - ditch which feeds Hinxhill_DD1 is partly within Wye_DD1 catchment		
2	All	In-combination with current and future NN mitigation	I'm not sure if there are any other NN schemes in these catchments, but probably a good exercise to undertake.	

No	Location	Comment	Additional Info	Resolved?
		LUC/EDM schemes in same catchments – is there consideration of any other schemes in the ditch catchments.		
3	All	Upgrades to septic tanks/PTPs which discharges to water courses in the catchment	Interested to know if these discharges are calculated in the nutrients runoff baseline. My understanding is that only nutrient run-off from land use has been modelled in the baselines.	
4	All	INNS	Himalayan balsam is quite widespread in the catchment - are proposed sites free? Also, how will the sites be actively managed/maintained to prevent and removed INNS	
5	All	Surface water catchment	<p>What if there are unmarked field ditch networks that transport surface water into a neighbouring surface water catchment. i.e. Wilmington_DD1 has a road which intersects the catchment - could road drainage transport some of the water outside of the catchment (guess it all depends on bathymetry) .</p> <p>Could some drainage ditches feed into wetlands/pond structures, which might provide some treatment prior to water passing through enhanced drainage ditch?</p>	

No	Location	Comment	Additional Info	Resolved?
				
6	Hinxhill_DD1	Brook WwTW discharges into ditch upstream of mitigation	Currently not included in baseline calculations - Any plans to consider this in the baseline? Current proposal does not propose additional monitoring to claim additional mitigation credits.	
7	All	Evidence should be provided to show that there are no	This info hasn't been provided – could be checked on site visit	

No	Location	Comment	Additional Info	Resolved?
		existing artificial structures within the drainage ditch that may perform a similar impounding function		
8	Wye_DD1	Does culvert cause any impounding function? I imagine this is unlikely, and could be checked on site visit.		
9	All	All ditches stated to flow perennially – supporting evidence could be provided to support this claim	Want to make sure that ditches aren't currently acting as retention basins/wetland habitat, and providing some existing nutrient management.	
10	All	Note to self	Would we want to see the raw Farmscoper Create & Evaluate files? I assume we didn't go into this much detail when assessing the proposal in the Tees catchment?	
11	All	Note to self	28% TN & TP removal rate is a precautionary calculation. So no buffer needs to be applied to the nutrient credits generated, in-case of poor performance of the mitigation. I.e. can all the credits generated be sold, or should 10% credits be left in reserve (as a buffer) in case of unexpected events/poor performance?	
12	Flood Zone 3 ditches (Wye and Hinxhill 1&2)	Note to self	Would large flooding events lead to large mobilisation of nutrients bound up in the enhanced ditches. To prevent/reduce this, I assume that regular dredging of ditches (+good dredge material management) is required.	
13	Flood Zone 3 ditches	Ditches located in Flood Zone 3 to be inspected anytime in winter after flood event.	Is it possible to define the flood event threshold for a site visit? What if there's a large flooding event outside winter?	
14	All	Any thought as what to do if beavers modify the structures?	Bit of an unknown, but I imagine adaptive management may need to be considered based on if anything happens. Though may have to get protected species consent.	
15	All	Based off INNS Map , INNS risk assessment will be required	Not sure if INNS risk assessment needs to be submitted now, or just done at a latter date prior to construction.	
16	All	It is possible to overlay the LNRS map with the proposed	Kent and Medway LNRS is in draft at the moment, so maybe too premature to complete this request. The draft LNRS mapping tool is however available	

No	Location	Comment	Additional Info	Resolved?
		ditches, to check the scheme is in keeping with the LNRS	(Kent and Medway Local Nature Recovery Strategy Let's talk Kent)	
17	All	Landowner consent hasn't necessarily been submitted. Though document states that ODG has an 80 year lease option with the land owners.	Probably something which can be submitted to LPA during the HRA AA process.	
18	All	Feasibility assessment-constraints and options	Constraints and options assessment hasn't necessarily been completed, though there is a feasibility summary section which covers the main points. I don't think many constraints (if any) have been identified.	
19	All	Vegetated margin	Guidance states that ' <i>vegetation margin should have two zones: a grass zone at the upslope edge of the margin, transitioning to a tree zone bordering the ditch channel.</i> '. However, proposal has mosaic of riparian woodland and open areas of grass. Double check riparian buffer guidance, as mosaic of grassland and woodland clumps may be suitable	
20	All	Organisation/individuals responsible for managing and maintaining the scheme	This info has not been detailed. Imagine this will be provided at the HRA AA stage.	
21	All	A topographic map of whole catchment with 5 ditches highlighted would be beneficial visual tool. Would be good to identify any other water bodies (ponds, basins, lakes) in the catchment which could partially treat water before it flows to the enhanced ditches.		
22	All	Do we require visual evidence documenting event-driven flow or the visual characteristics of nutrient transport across all locations?	"Visual evidence should be provided showing that the proposed ditch location flows following rainfall events and transports water and nutrients to downstream receiving environments" Ditches are specified as perennial and backed by photo evidence of ditches,	

Many thanks,
Tom

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Annex 3

Detailed Comments Following Review of Version 2 of Main Report and Associated Appendices – Dated 01 July 2025

From: Tom Scott-Heagerty
Sent: 17 July 2025 16:19
To: Gabriel Connor-Streich [REDACTED]
Subject: Kent Ditch Enhancement Scheme - 2nd batch of detailed comments

Hi Gabriel,

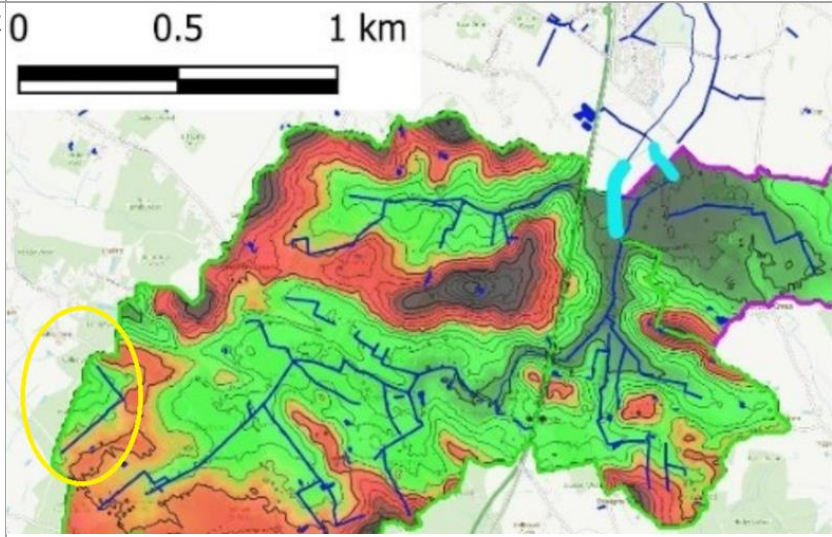
Thanks for the call yesterday. I've summarised my comments below. The outstanding comments are really only matters to resolve between DACE, the landowners, the responsible body and the LPAs, so I don't have much to add.

The new comments are all ones that were discussed on the call yesterday.

Outstanding Comments:

No	Location	Comment	Additional Info	Resolved?
2	All	In-combination with current and future NN mitigation LUC/EDM schemes in same catchments – is there consideration of any other schemes in the ditch catchments.	I'm not sure if there are any other NN schemes in these catchments, but probably a good exercise to undertake.	Yes – discussed in call. Good to provide some narrative that this has been checked, and that perhaps this should be considered at overarching AA stage by LPA as the scheme moves into the delivery phase.
21	All	Landowner consent hasn't necessarily been submitted. Though document states that ODG has an 80 year lease option with the land owners.	Probably something which can be submitted to LPA during the HRA AA process.	Discussed on site visit and in call. DACE have lease agreement with landowners. This detail will need to be provided to LPAs when they do their AAs.
25	All	Organisation/individuals responsible for managing and maintaining the scheme	This info has not been detailed. Imagine this will be provided at the HRA AA stage.	Discussed on site visit and follow-up call. DACE have lease agreement with landowners who will manage the ditches. This detail will need to be provided to LPAs when they do their AAs. Legal workings are still in development.

New Comments:

No	Location	Comment	Additional Info	Resolved?
Comments on revised documents (July 25)				
28	General comment	Stodmarsh NN catchment needs updating, as no longer includes Little Stour & Wingham downstream catchment	Nutrient Neutrality Catchments (England) Natural England Open Data Geoportal	
29	All	Vegetation clearance work will be preceded by a check in INNS – Veg clearance is stated as occurring in Winter. INNS check should occur in growing season, otherwise they may be missed.		
30	South_hill_DD1	At top of one tributary, ditch feeds into pond before flowing into subsequent ditch. This pond could be acting as a sediment trap, and may be providing some pre-treatment of the water prior to it flowing through to the enhanced ditch.	How can structures like this be taken into account within the catchment nutrient load calculations? There may be other examples in the other ditch catchments (though I can't see any obvious ones).	Yes – details provided in Tech appendices V2 (A1.5.3)
31	Bilby_Wood	Surface water catchment includes land that appears to drain into different catchment. It's a small area compared with whole catchment, but still should not be considered when calculating the nutrient load.		
32	All/General	Are there any planned large scale land use	Good exercise to undertake for the catchments (i.e. checking	

	comment (though mainly aimed at Bilby Wood catchments	changes within the catchments (i.e. new housing developments? I don't think there is for the original 5 catchments, however I know there's large developments south of Ashford, though not sure if they quite reach to Bilby_Wood catchment.	existing local plan allocations, and websites which contain details of upcoming/live/determined planning applications).	
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Many thanks,
Tom

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