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Please ask for:

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Dear Mr Martin

Thank you for your letter dated 12 August. I have consulted with the Planning team at Swale Borough Council and can respond as follows.

Natural England have advised that the Stodmarsh Special Area of Conservation (SAC) and Ramsar site is in unfavourable condition due to excessive nutrients (nitrogen and phosphorus) and that nutrient neutrality is a potential mitigation.

A small area of Swale, in the Dunkirk/Perry Wood area, is within the catchment of the Stodmarsh SAC/Ramsar. The relevant area in Swale is shown on the map on our website: [Planning and Planning Policy - Planning in Dunkirk and Perry Woods \(swale.gov.uk\)](http://www.swale.gov.uk/Planning-and-Planning-Policy-Planning-in-Dunkirk-and-Perry-Woods).

Within this area of Swale nutrient neutrality will be required to allow development to proceed and the process for doing this is set out on our website. Swale Borough Council is currently working with Kent County Council, Natural England, neighbouring authorities and others to refine agreed approaches to nutrient neutrality in the Stodmarsh catchment and our website will be updated in due course. This work will be informed by government whose departments have been working with Natural England, local and county councils, the Environment Agency and water companies to find a solution to this issue. Please see the following statement regarding proposed solutions: [Written statements - Written questions, answers and statements - UK Parliament](#)

As you have identified, nutrients entering our watercourses, estuaries and coastal waters and their designated sites is an issue in Swale. However, within Swale only the Stodmarsh catchment has been defined by Natural England as requiring a nutrient neutral approach.



The [Habitats Regulation Assessment](#) of the 2021 Regulation 19 Local Plan discusses why the Swale is different from other sites which are impacted by nutrient neutrality advice. It states:

4.18 In estuaries like The Swale and Medway where the sediment loading is higher (reducing light penetration and thus restricting rates of growth) in addition to temperatures being cooler and wave action stronger (leading to winter break up of mats and considerable annual variation in algal cover) the sediments are able to remain well oxidised despite high nutrient loadings and hence the benthic invertebrate community is unaffected by macroalgal mats. If the benthic invertebrate community is unaffected then the site would continue to maintain its prey productivity for birds.

4.19 Previous discussions with the Environment Agency and the Review of Consent reports for the various marine/intertidal Special Protection Areas and Ramsar sites around the greater Thames Estuary have confirmed that while nutrient levels are high within the various estuaries around the greater Thames Estuary, this does not result in the smothering macro-algal growth that is having an adverse effect upon other European marine sites (such as The Solent). The prevailing expert opinion is that the dominant control on phytoplankton growth in these estuaries is not nutrient availability but light availability which is controlled by the high loading of suspended sediment.

4.20 As such, with regards to the Swale and Medway designated sites, this impact pathway can be screened out from resulting in a Likely Significant Effect as a result of the Plan, either in isolation or combination.

Out of interest a map of the catchments impacted nationally can be found on the Planning Advisory Service website here: [Nutrient Neutrality \(NN\) and the planning system | Local Government Association](#). The PAS website also includes lots of useful information on the issue of nutrient neutrality.

I hope this is of some help. Please do get in touch again if you have any further questions.

Yours sincerely



Cllr Mike Baldock
Chair Western Area Committee, Swale Borough Council