

Agenda Item No:

Report To: Cabinet

Date of Meeting: 30 March 2023

Report Title: Update on the Council's strategic nutrient mitigation and proposed pathway for Nutrient Neutrality Supplementary Planning Document

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Job Title:

Portfolio Holder: Cllr. Neil Bell

Portfolio Holder for: Planning & Development



Summary:

Since July 2020, certain planning applications (those providing overnight accommodation, including new housing) located within the Stour catchment and/or which discharge foul water into the catchment, have been put 'on hold' until they can achieve nutrient neutrality.

In response to this issue, the Council is working proactively to deliver strategic nutrient mitigation. This is in the form of identifying suitable land in the borough for strategic wetlands, which can generate off-site nutrient mitigation that can then be secured by developments, allowing them to be granted planning permission.

This work has progressed and now warrants an update at Cabinet.

In addition, this report outlines what a future Nutrient Neutrality Supplementary Planning Document (SPD) is likely to cover and seeks delegated authority to publish and consult on a draft document when appropriate.

Key Decision: No

Significantly Affected Wards: Wards affected (though not significantly) include those located wholly or partially in the Stour catchment: Aylesford & East Stour, Beaver, Bircholt, Bockhanger, Bybrook, Charing, Conningbrook & Little Burton Farm, Downs North, Downs West, Furley, Goat Lees, Godinton, Highfield, Kennington, Kingsnorth Village & Bridgefield, Mersham, Sevington with Finberry, Norman, Park Farm North, Park Farm South, Repton, Roman, Saxon Shore, Singleton East, Singleton West, Stanhope, Upper Weald, Victoria, Washford, Weald Central, Weald North, Weald South, Willesborough, Wye with Hinxhill

Recommendations: The Cabinet is recommended to:-

- I. Continue to support the acquisition of sites for, and delivery of, strategic wetlands in the borough as a means of providing off-site nutrient mitigation, subject to planning permission being sought and obtained for them in due course,
- II. Agree with the proposed contents and broad scope of a future Nutrient Neutrality Supplementary Planning Document (SPD), and
- III. Delegate authority to the Director of Place, Space & Leisure and the Assistant Director of Planning & Development, in consultation with the Portfolio Holder for Planning & Development, to determine the final contents and scope and finalise the wording of the draft Nutrient Neutrality SPD, to determine the timing, length and methods of consultation, and to publish the draft SPD for consultation at the appropriate time.

Policy Overview: The Conservation of Habitats and Species Regulations 2017 (as amended) and recent case law provide the legal framework for granting planning permissions for development that may have a significant impact on the internationally-protected habitats at Stodmarsh.

Legal advice sought by the Council has confirmed that this issue is a significant material consideration in determining planning applications.

Many housing applications in the Stour catchment have been unable to be determined. This 'hold' on granting permissions on affected sites will continue until a solution is found.

The Local Plan 2030 does not contain a specific policy for nutrient neutrality, as Natural England did not raise this as an issue during the Local Plan preparation. However, Local Plan Policy ENV1 (*Biodiversity*) is relevant to the wider issue of biodiversity and conserving the environment. This reinforces the importance of protecting the environment from the impacts of development.

Financial Implications:

It is expected that the cost of providing a wetland to allow residential planning permissions to be granted will be recovered from the developers affected, through the making of the necessary and proportionate payments for their developments' nutrient mitigation.

Therefore over the longer term this should be cost neutral to the council and should not be borne by the local tax payer.

The long term costs of maintaining the wetlands will be

recovered through annual charges levied against the properties built on developments that are given planning permission resulting from the provision of the wetlands. An initial amount will be charged to the developers to fund the cost of maintenance over an initial period to cover shortfalls from the annual charge arising while sites are built out.

Legal Implications:

*Text agreed by
Principal Solicitor –
Strategic
Development on 22
March 2023*

Under Retained EU Law in the U.K., all development proposals which could have a likely significant effect on the integrity of the Stodmarsh Lakes must demonstrate nutrient neutrality through mitigation measures which are legally secured. A strategic-level mitigation solution in the form of strategic wetlands will, together with appropriate Section 106 Obligations, enable this to be demonstrated by those developments which cannot achieve nutrient neutrality onsite, thus enabling the Council to adopt Appropriate Assessments and grant planning permissions for those developments.

The Council has power to enter into property and commercial arrangements with landowners, and to provide and maintain strategic wetlands. On 27 October 2022, the Cabinet among other decisions: (a) recognised the urgency and importance of the strategic wetlands project (subject to planning permission and permitting approval); (b) delegated authority to the Chief Executive, in consultation with the Portfolio Holders for Planning and Development and Finance, IT and Digital, to negotiate and agree the details of the commercial structure associated with the provision of new strategic wetlands in the Borough and their delivery, management and maintenance; and (c) authorised the Solicitor to the Council, in consultation with the Chief Executive, the Assistant Director of Planning and Development and the Head of Strategic Projects, to negotiate, finalise and enter into any funding, commercial or other legal agreements and documentation to implement this. Subject to sufficient funding being available (as to which see “Financial Implications”, above) these delegations enable the proposed acquisitions to be negotiated, settled, contracted and completed, therefore no further authority for the acquisition/delivery/maintenance of strategic wetlands is required or sought in this report.

An SPD is a planning policy document junior to a local plan, but is still a material consideration in planning decisions. Adoption of an SPD by the Council is subject to mandatory legal provisions regarding public consultation, scope and effect, but it is not a legal requirement that a draft SPD be approved by Members prior to consultation.

**Equalities Impact
Assessment:**

Not required as no policy changes proposed.

Data Protection Impact Assessment:	None
Risk Assessment (Risk Appetite Statement):	<p>The risk of not promoting strategic wetlands is that a number of allocated Local Plan housing sites (which are unable to provide on-site mitigation) may be unable to obtain planning permission, which undermines the delivery of the Local Plan 2030.</p> <p>In turn, this exposes the non-catchment parts of the borough to predatory housing proposals in far less sustainable locations, due to the impact on the 5 year housing land supply that this delay has caused.</p> <p>There is also a risk that Government act and change the regulatory framework, or the law is changed by Parliament or the Courts, eliminating the need for these measures.</p>
Sustainability Implications:	Nature based solutions, such as the creation of managed strategic wetlands, will provide the opportunity to provide multi-functional benefits – which in turn could help contribute to wider ‘green’ goals of the Council.
Other Material Implications:	<p>The wider Stodmarsh ‘issue’ is a significant one for the Council and not something which the Council has faced before. Nor was it an issue raised by Natural England as part of the Council’s Local Plan formulation, meaning no plan-led solution was or could be progressed.</p> <p>As it stands, many planning permissions for new housing in large parts of the borough have been on hold for nearly three years – including several areas which are earmarked for significant new development up to 2030 in the Local Plan.</p>
Exempt from Publication:	NO
Background Papers:	<p>July 2021 Cabinet report titled ‘A Nutrient Mitigation Strategy for the Stour Catchment in Ashford Borough’ [pdf] 342KB</p> <p>March 2022 Cabinet Report titled ‘Adoption of Stodmarsh Operational Statement’ [pdf] 1MB</p> <p>October 2022 Cabinet Report titled ‘Stodmarsh Update’ [pdf] 279KB</p>
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Report Title: Nutrient Neutrality Update

Introduction and Background

1. Since July 2020, certain planning applications, including those providing overnight accommodation are required to achieve nutrient neutrality, following advice from Natural England. The impact of the Advice, has meant that a number of housing proposals have been put 'on hold' pending the delivery of nutrient mitigation. [Further background and context on nutrient neutrality is available on the Council's nutrient neutrality webpages.](#)
2. As part of a strategic response to nutrient neutrality, the Council has been proactively working to deliver a Borough Mitigation Strategy which will provide strategic nutrient mitigation for development within the borough.
3. Progress on the Council's strategic response was previously presented to Members through Cabinet Reports in July 2021, March 2022 and October 2022. This Report reflects the latest update.

Strategic Wetland update

4. As set out in previous Cabinet reports, a core component of the Council's strategy is the creation of strategic wetlands within the borough as a means of providing off-site nutrient mitigation. There are two projects currently ongoing.
5. With regards to the first project, pre-application discussions are being held. The Council's project team includes specialist engineers and officers from Natural England, the Environment Agency and Southern Water. Commercial arrangements are being finalised. A planning application is expected to be submitted in the summer of 2023.
6. With regards to the second project, the Council are actively engaged with the landowner to secure a commercial agreement on land that is the subject of an active planning application for a wetland (reference PA/2023/0393). Discussions are ongoing, yet both parties have agreed an approach and in principle, the financial sum that would be involved in acquiring the wetland. It is also agreed that the wetland can only be considered acceptable, in principle, if it formally forms part of the Council's Borough Mitigation Strategy and this will be reflected in the application material prior to determination.
7. Whilst details of both projects are commercially sensitive (and subject to commercial agreements and gaining the relevant permissions and permits), it should be noted that they would yield significant levels of nutrient mitigation. A precise figure cannot be given at present, but these solutions will mean that the nutrient neutrality impediment has the ability to be removed for all those housing sites allocated in the Local Plan 2030, accepting that a reasonable

assumption has been made about how many of these sites could mitigate, some or part, of their nutrient 'load' on-site.

Proposed Nutrient Neutrality Supplementary Planning Document (SPD)

8. The Council intends to produce a Nutrient Neutrality Supplementary Planning Document (SPD). This report highlights the key issues that will be addressed by the SPD and the current intended approaches. It also includes answers to some key questions, to provide clarity to the market.
9. Once the SPD is prepared it will follow the requisite process, including a period of formal public consultation. The SPD will also pass through Cabinet and Council for adoption following the consultation period and an assessment of any representations made. When adopted, the SPD will become a significant material consideration in the decision-making process for planning applications.

Nutrient Neutrality Statements

10. The draft SPD will set out that applicants will be required to submit a Nutrient Neutrality Statement (NNS) with any relevant planning application. The NNS, submitted with the planning application, will include information about the development and its proposed approach to nutrient neutrality in a concise and clear manner (similar to an 'executive summary' type format).
11. As part of the NNS, the applicant will need to submit 'nutrient load calculations', based on the [Natural England guidance on nutrient neutrality](#), and details of any on-site mitigation solutions. Where the development proposal is unable to fully mitigate its nutrient load through on-site solutions, then details of off-site mitigation solutions will be required.

On-site mitigation

12. The Council's Mitigation Strategy is predicated on the principle that proposals shall, wherever possible, seek to achieve nutrient neutrality in whole or in part through on-site mitigation solutions.
13. The draft SPD shall provide details around what on-site solutions might be appropriate, accepting that not every on-site mitigation solution will work for all sites. Factors such as the site location, size, geology, soil characteristics and landscape issues will all be relevant considerations. As part of this, the draft SPD will pick up on matters, such as:
 - How to incorporate on-site mitigation into well-designed places, in terms of layout and landscaping,
 - Balancing the need to deliver nutrient mitigation and other on-site policy requirements, such as open space, play areas, etc.,
 - The specific technical details required within the NNS for common types of mitigation, and

- Any engagement required as part of the planning application process with stakeholders such as Natural England or the Environment Agency.
14. The draft SPD will also provide decision makers with guidance on how to evaluate proposed on-site mitigation solutions to ensure that development affected by nutrient neutrality requirements continues to deliver high quality places.
 15. Experience and work undertaken to-date indicates that the ability to achieve nutrient neutrality often requires large swathes of land. Larger sites are therefore more likely to be able to accommodate on-site mitigation solutions to achieve nutrient neutrality. Within this context, the draft SPD will expect large sites (300 or more dwellings) to achieve nutrient neutrality through on-site mitigation solutions.
 16. However, the draft SPD will also establish that some exceptions to this requirement exist, such as for brownfield sites in urban areas where it will not be realistic or practically feasible to deliver mitigation on-site, on account of land availability.

The Council's Strategic Nutrient Budget and the issuing of 'credits'

17. As set out in previous Cabinet reports, a core component of the Council's strategy surrounds the creation of strategic wetlands within the borough as a means of providing off-site nutrient mitigation.
18. In simple terms, the strategic wetlands will generate nutrient mitigation capable of offsetting nutrient 'loads' generated by developments. The mitigation generated shall be expressed as part of the Council's 'Strategic Nutrient Budget'. This is likely to be in the form of kilograms of nitrogen and phosphorus mitigation. The budget will be updated regularly.
19. Where it is justified for a development proposal to utilise the Strategic Nutrient Budget through a 'credit', the draft SPD will set out the process by which this can happen. Current thinking is that a credit will be a legal agreement, consisting of two stages:

Stage 1 – Provisional Credit Issued

20. Contact is made between the applicant and the Council/Credit Issuing Company to ensure that an agreed amount of 'issuable' mitigation is reserved for the applicant's development, should planning permission be granted.
21. If confirmed, a contract shall be signed between the two parties that confirms:
 - The issuable mitigation is 'provisionally' ring-fenced and temporarily allocated from the Council's Strategic Nutrient Budget,
 - An agreed expiry date for the temporary allocation of mitigation from the Strategic Nutrient Budget. This is to ensure that the nutrient mitigation is not secured forever for an application that doesn't progress in a timely manner,
 - The payment of a non-refundable reservation fee,

- Binding legal obligations will be put in place to pay for the nutrient mitigation required, either upfront or in phases, subject to planning permission being granted in principle, and
 - Binding legal agreements will be put in place for an agreed annual maintenance charge regime for future occupiers (see below), to pay for ongoing management and maintenance of the wetland area producing the quantum of strategic nutrient budget released, subject to planning permission being granted in principle.
22. The provisional credit process is required to be undertaken and completed by the applicant to allow the Local Planning Authority to undertake the necessary Appropriate Assessment under the Habitat Regulations, without which planning permission cannot be granted.

Stage 2 – Final Credit Issued

23. Stage 2 of the 'credit' is engaged following the grant of planning permission. This stage essentially finalises the ongoing legal commitments made above, linked to and/or as part of the S106 agreement that will be signed at the point when planning permission is actually granted.
24. Once planning permission has been granted, the development will have a two year timeframe to commence construction, unless otherwise agreed with the Local Planning Authority. If the development does not commence within this timeframe, the planning permission will be effectively terminated and the nutrient mitigation that was reserved for it will be returned to the Strategic Nutrient Budget for use elsewhere.
25. To avoid potential 'mitigation credit hoarding', the issuance of the 'credit' may have additional restrictions included by the 'issuer' to incentivise developments to be actually built out in a reasonable timeframe.
26. In such circumstances, the Council and/or the Credit Issuing Company will seek to recover its administration costs from the applicant where there have been unnecessary delays.

What is a Credit, Nutrient Load, and a 'unit' of Nutrient Mitigation?

27. As stipulated above, a 'credit' is a legal commitment that relates to the provision of the amount of nutrient mitigation that is needed to mitigate a specific proposal, including how that mitigation will be allocated, issued, paid for and delivered.
28. Nutrient 'load' is different. The total nutrient load of a development is the amount of nutrient that is generated by the development that needs to be mitigated.
29. To mitigate the nutrient load of a development, 'units' of mitigation from the Strategic Nutrient Budget will need to be secured. The exact amount of nutrient mitigation which makes up a 'unit' will be established in the draft SPD. However current evidence is suggesting that the smallest amount for a single unit of mitigation will be 0.01 KG of Total Phosphorus.

30. Accordingly, there is no one standard cost for a 'credit'. The amount of nutrient load that a proposal produces will determine the total costs, and that will vary on a case by case basis as different schemes will require different amounts of strategic mitigation from the Strategic Nutrient Budget.

What will be the costs?

31. The Council have been clear from the outset that the strategic nutrient mitigation solutions generated will be delivered on a cost recovery basis so that the Council, as 'forward funder', is paid back over time by the developments that need and utilise the mitigation.
32. The total costs associated with the Council's strategic mitigation solutions include:
- Securing land to deliver new strategic wetlands,
 - Progressing the required planning application / permitting processes for the strategic wetlands,
 - The assumed construction costs of the strategic wetlands, and
 - A proportion of the future management and maintenance costs of the strategic wetlands.
33. In addition, the Council have applied a reasonable assumption about 'risk', using industry standard approaches. Any residual savings in costs derived from the 'risk' contingency will be ring-fenced towards the ongoing management, maintenance and repairs of the strategic wetlands to make sure the mitigation solutions remain fit for purpose.
34. The strategic mitigation solutions are inherently complex and therefore the Council must make sure that it is not unreasonably exposed financially, given the amount of forward funded investment that has been secured to make this provision.
35. In addition to the above, the Council recognise the potential burden on developers regarding the need to ensure that any off-site strategic nutrient mitigation-generating site is managed and maintained, particularly given that it needs to be secured 'in perpetuity' as per the relevant Regulations.
36. Accordingly, the Council intends to adopt a balanced approach towards the longer term management and maintenance of the mitigation, whilst recognising that the Council need to be paid back for its investment and cannot be expected to shoulder this burden.
37. The intention is that an annual management and maintenance charge will be secured through an appropriate mechanism for each dwelling, charged to the occupiers. This money shall be 'ring-fenced' to go towards the ongoing management and maintenance of the strategic mitigation solutions.

When will the Strategic Nutrient Budget be 'active'?

38. As soon as the strategic mitigation solution is significantly advanced (which might vary, depending upon the type of solution promoted), the Council will publish/activate the Strategic Nutrient Budget. At this point, the mitigation would become 'issuable'. This is likely to be around the summer of 2023, but is partly based on when any strategic wetland is granted planning permission,

and the relevant permits secured from the Environment Agency and other bodies. It will not require any strategic wetland to have been constructed or 'in operation'.

When can planning permissions that require 'credits' be approved?

39. As soon as the strategic Nutrient Budget is 'active'.

What about occupation restrictions?

40. The legal position is very clear in that any mitigation should be suitably established before any occupations of dwellings can be allowed.
41. However, the Council are actively working on temporary mitigation solutions which could 'bridge the gap' and provide suitable, short term, mitigation so that occupation restrictions would become unnecessary at the point of granting planning permissions. Such solutions may include changing current farming practices, managing existing land differently, retrofitting of water fixtures in existing Council housing stock, and/or utilising tankering for a period.
42. These solutions would need to be progressed sufficiently for an Appropriate Assessment to rely on them as temporary solutions. However, this could remove the need to have occupation restrictions on individual planning permissions to allow time for a wetland's construction.

What about development viability?

43. The need for relevant developments in the Stour catchment to achieve nutrient neutrality is a legal requirement and a planning permission cannot be lawfully issued unless neutrality is achieved.
44. The Council acknowledge that the need to achieve nutrient neutrality will have a cost implication for developers, as prescribed above. This is especially apparent where the issue of nutrient neutrality was not present when land was acquired.
45. Therefore, the Council acknowledges that for certain proposals, the need to achieve nutrient neutrality may generate justifiable viability concerns. In such circumstances, applicants will be required to comply with Policy IMP2 (*Deferred Contributions*) of the Local Plan 2030, which sets out that where development proposals do not meet all of the policy and infrastructure requirements, it must be supported by extensive viability evidence, which will be rigorously tested as part of the planning application process.

How will 'credits' be prioritised?

46. The intention is that a sufficient Strategic Nutrient Budget is created to enable all development that has been constrained to date to be released (subject to each development being found overall to be acceptable in planning terms, as usual). If that is not the case, then criteria will be developed to enable an informed choice to be made as to which schemes can be released first, such as allocated Local Plan sites that have progressed to 'resolved to grant'. This assessment will include considering the ability to implement the development swiftly, any wider benefits the development brings to the community, either

directly or through regeneration, and the phasing of a scheme against potential future Strategic Nutrient Budget coming 'on-line'.

When will the SPD be produced and consulted on?

47. It is anticipated that Council will be in a position to issue a draft SPD for consultation in the summer 2023 and this will marry up with the Strategic Nutrient Budget becoming 'active'.

Links to the wider catchment strategy

48. The East Kent authorities (including Ashford) and Kent County Council (KCC) have been working together to prepare a strategic, catchment-wide response to nutrient neutrality. Kent County Council has appointed a catchment co-ordinator to oversee and co-ordinate the work on a catchment wide level.
49. The Council remains committed to this catchment wide work. It fully accepts that the Stour river catchment is not constrained by administrative boundaries. However, it is important to note that planning decisions and powers do have to respect administrative boundaries.
50. Accordingly, and for the avoidance of doubt, the purpose of the Council's Strategic Nutrient Budget will be, at least initially, to provide strategic nutrient mitigation for development proposals that fall within the borough boundary.
51. Doing so ensures that the Council can retain control over the housing strategy contained within the Local Plan 2030. It is well documented that around 90% of the housing sites allocated in the Local Plan fall within the part of the borough that lies within the Stour Catchment.
52. Clearly, not all of these dwellings will require strategic mitigation. However, a large number of the sites will need to rely on the mitigation. It is therefore vital that the nutrient mitigation generated by the Council's strategic solutions is set aside for this purpose.
53. Failure to do so would leave the remaining parts of the borough, not affected by nutrient neutrality requirements, vulnerable to speculative and predatory housing proposals, as the Council would not be able to demonstrate that the dwellings allocated in the part of the borough within the Stour catchment can actually be delivered. This would be wholly unacceptable.
54. This position can be kept under review as circumstances change, such as if 'ABC-funded' solutions generate a genuine 'surplus' of nutrient mitigation, or if other planned strategic wetlands in the catchment have advanced. The phasing of strategic nutrient mitigation solutions against the potential need for mitigation from new development across the catchment forms part of the catchment-wide strategy that the different Districts have commissioned.

Proposal

- 55. Members are asked to continue to support strategic wetlands in the borough as a means of providing off-site nutrient mitigation, as set out in the report as part of the Borough Mitigation Strategy.
- 56. Members are also asked to agree that the contents and broad scope of a future SPD would be as set out in this report, and to delegate authority for the draft SPD to be finalised, published and consulted upon, once drafted.

Consultation planned

- 57. Officers are seeking to engage with key stakeholders, such as the Kent Housing Developers Group, on the proposed contents of the SPD to get some market feedback ahead of a formal SPD consultation.
- 58. In addition, dialogue will continue to occur with Natural England, the Environment Agency and Government representatives, as well as the other Districts within the Stour catchment affected by this issue.
- 59. When a draft SPD has been prepared, it will go through the requisite processes, which includes a period of public consultation.
- 60. In accordance with the relevant planning legislation, the SPD will be subject to a minimum 4-week public consultation. The arrangements for the public consultation would be agreed under the delegated authority, as recommended in this report.

Equalities Impact Assessment

- 61. Not required as no policy changes proposed.

Risk Assessment

- 62. The wider risks associated with the Stodmarsh issue are broad and are explained in the July 2021, March 2022 and October 2022 Cabinet reports. These risks have not altered.
- 63. Regarding setting out the scope of a draft SPD, there is limited risk. By clearly setting out what may be included in the SPD at this stage, it gives the market clarity about how the issue of nutrient neutrality is to be dealt with in the future ahead of the publication of the draft SPD.
- 64. It must also be acknowledged that the scope of the SPD, as set out above, is only an indicative direction of travel at this stage. The specific details of the approach to be taken by the Council may be subject to change, depending on the Council's strategic nutrient mitigation solution and how a credit system will work in practice. However, by delegating authority to finalise, publish and consult on the draft SPD without delay once published will provide the market with the opportunity to comment on the proposed approach in the SPD as

soon as the draft SPD has been prepared, rather than further delaying the process for a specific Cabinet approval of the wording of the draft SPD.

Other Options Considered

65. Previous Cabinet reports have considered the other options such as not pursuing a strategic solution, waiting for Government intervention or relying solely on a catchment-wide strategy. However as previously discussed in preceding Cabinet reports, this would further extend the current hold on granting planning permissions for affected developments.
66. With regards to sharing the proposed SPD contents, an alternative option would be to not provide any updates on the proposed scope of the SPD until the SPD was drafted and ready for consultation. However, there is a lot of developer interest in this wider issue, and officers felt it was beneficial to give the market a steer.

Reasons for Supporting Option Recommended

67. By setting out the intended scope of the draft SPD in this report, it provides the market with comfort that the Council is working as quickly as possible to deliver a strategic nutrient mitigation response. There will be a process to provide a clear pathway for developments to achieve nutrient neutrality via strategic off-site mitigation and clarity on what the milestones are for reaching the stage where planning permissions for new housing in the catchment may be released.
68. Nutrient neutrality has considerable, ongoing implications for housing delivery in the borough and has generated significant market interest. This report provides further updates to the market about the strategic wetlands to show that the Council has continued to make great strides towards delivering strategic nutrient mitigation to release the current hold on the granting of planning permissions for overnight accommodation within the borough.

Next Steps in Process

69. If the Cabinet agrees the recommendation, officers will continue to draft the SPD based on the structure and broad scope as set out above. Once the strategic nutrient mitigation solutions have been sufficiently progressed and the SPD has been drafted, it is proposed to carry out a period of public consultation on the draft SPD. Following public consultation, representations will be reported back to the Cabinet along with a proposed final version of the SPD recommended for adoption.

Conclusion

70. As clearly illustrated above, the Council are committed to continue taking a proactive and innovative approach to deal with the impediment to housing delivery from nutrient neutrality requirements.

71. The Council has made significant progress since the last Cabinet report update on nutrient neutrality, including working towards delivering strategic wetlands and the preparation towards a Supplementary Planning Document (SPD) on the matter.
72. The SPD, once drafted, will provide applicants with useful advice about how to achieve nutrient neutrality, what information to submit with a planning application and the process to apply for strategic nutrient mitigation.

Portfolio Holder's Views (Cllr. Neil Bell)

73. I am delighted to announce the significant levels of progress that the Council has made in response to nutrient neutrality. The challenges of addressing and finding deliverable and lawfully robust solutions to nutrient neutrality in the Stour catchment should not be underestimated. However the Council has continued to make headway on this project by working proactively and pragmatically to deliver strategic wetlands in the borough.
74. I fully endorse setting out what a future SPD shall cover, as it will give the market clarity and comfort around how the Council will address some of the important issues and provide guidance on the process and costs for achieving nutrient mitigation and thus, planning permission. The SPD, once drafted, will provide a useful tool to help to remove the current block on sustainable housing growth in the borough, strengthen protection to Tenterden and the surrounding villages from predatory development, and enable the full delivery of our adopted Local Plan.
75. Therefore, I wholeheartedly recommend that the Cabinet agree the recommendations outlined, so that the Council can continue to work towards releasing sustainable development within the borough as soon as possible.

Contact and Email

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