

<b>Application Number</b>	PA/2023/0715
<b>Location</b>	Chilmington Green, Land to west of Chilmington Green Road, Ashford, Kent
<b>Grid Reference</b>	E: 598374 N: 139263
<b>Parish Council</b>	Great Chart with Singleton
<b>Ward</b>	Weald Central
<b>Application Description</b>	Proposed construction of a Wastewater Treatment Plant, associated landscaping, and proposed vehicular access from Chilmington Green Road
<b>Applicant</b>	Hodson Developments Ltd
<b>Agent</b>	n/a
<b>Site Area</b>	1.14 hectares

(a) 16 / 227 'R'	(b) Bethersden 'comment' Great Chart 'R' /Kingsnorth 'R' Shadoxhurst 'R'	(c) EA 'X' / FC 'X' / NE 'X' / KCC Ecol 'X' / KCC Flood 'R' / KCC Highways 'X' / ABC Env 'X' / RA 'X' / SW 'X' / UKP 'X'
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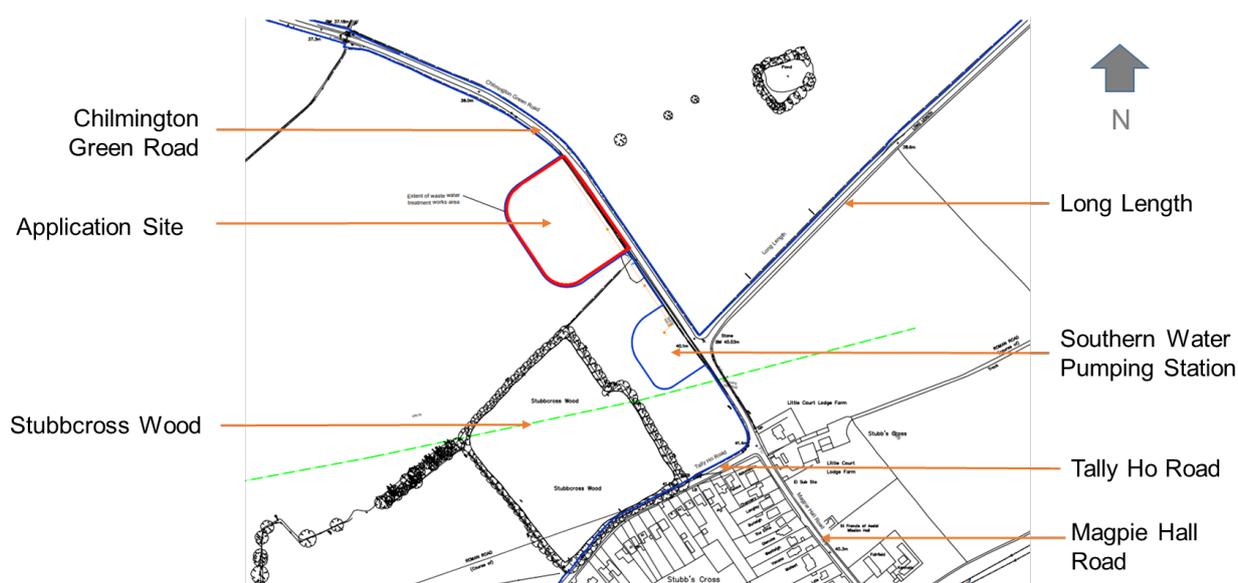
## Introduction

1. This application is reported to the Planning Committee because, pursuant to the scheme of delegation, I consider that the application is of a sufficiently sensitive nature so as to make it appropriate for consideration by Members.

## Site and Surroundings

2. The site is located on the west side of Chilmington Green Road, approx.150 metres north of the junction with Long Length and approx. 650 metres south of the junction with Criol Lane. The site is currently arable farmland and is within the boundary of the Chilmington Green development.
3. The boundary of the site includes a pumping station, and its point of access off Chilmington Green Road, constructed by the applicant and operated by Independent Water Networks Limited (IWNL) which serves the houses already constructed at Chilmington Green.

4. Adjacent to the south of the site is a waste water pumping station recently constructed by Southern Water, beyond which is Stubbcross ancient woodland. Immediately to the north, east and west is arable farmland.
5. The nearest existing houses are located approx. 250m to the south and south east of the site on the southern side of Tally Ho Road and on the eastern side of Magpie Hall Road. In addition, outline planning permission has been granted for houses approx. 400 metres to the north and north east of the site as part of Phase 4 of the Chilmington Green development. Houses are also proposed approx. 300 metres to the east of the application site as part of the Court Lodge development, currently the subject of a live planning application. Details of the planning permissions and applications referred to here are provided in the Planning History section of this report further below.
6. The nearest public footpath (AW300), approx. 300 metres to the south of the site, extends from Tally Ho Road in a westerly direction through Stubbcross wood and across fields beyond, taking the course of an old Roman road. A new public footpath and bridleway is proposed approx. 150 metres to the east of the site as part of the Chilmington Green development.
7. The topography of the site is generally flat, with a slight fall towards a ditch to the north, running between Criol Road and Chilmington Green Road. A site location plan is provided in **Figure 1** below.



**Figure 1:** Site Location Plan

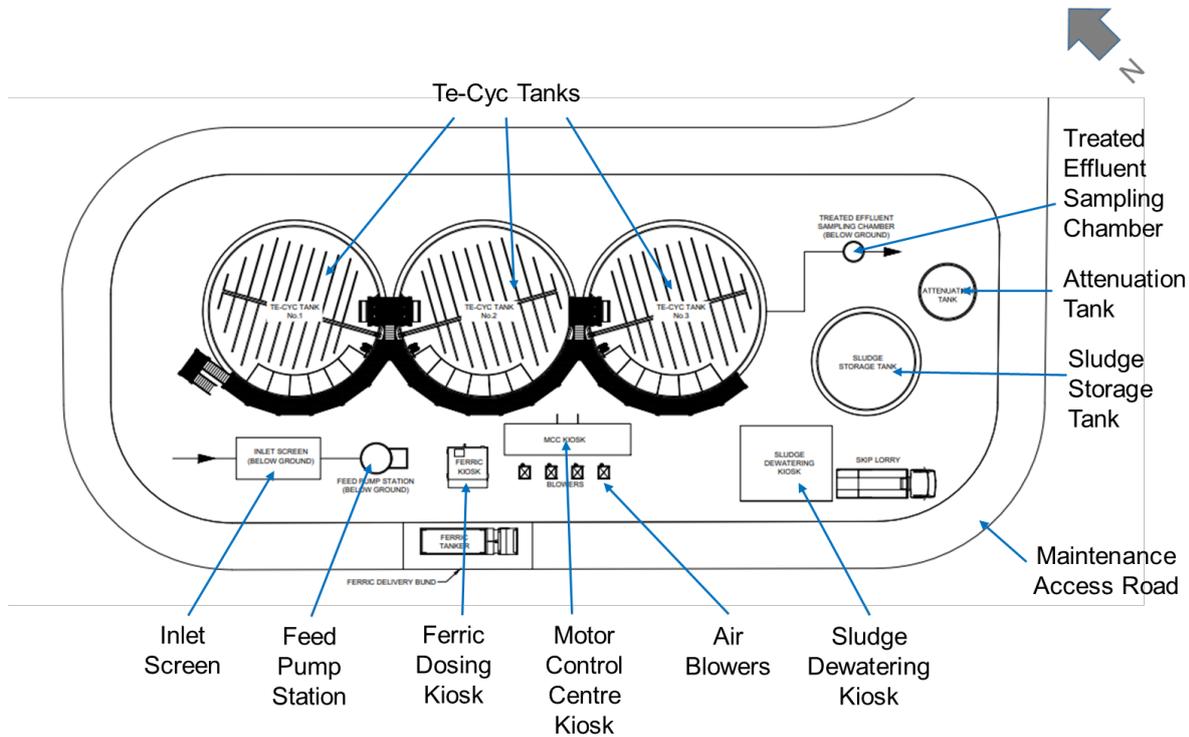
## Proposal

### Description of Proposed Development

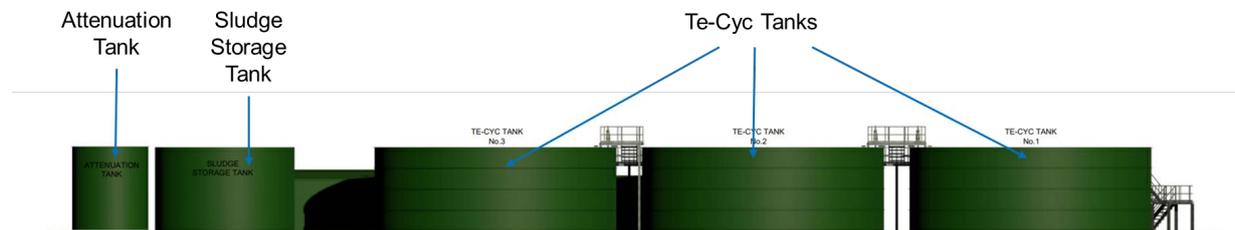
8. The application seeks full planning permission for the construction of a wastewater treatment plant (WwTP). The site would be accessed off Chilmington Green Road, approx. 100 metres north of the access to the adjacent Southern Water pumping station.
9. The WwTP would comprise the following structures located within a fenced (2.4m high) compound measuring approx. 96.0m wide and 60.0m deep:
  - a. Three Te-Cyc Tanks – 16.224m in diameter and 5.630m high to the top of the tanks, 7.100m high to the top of the gantries. Constructed from glass coated sectional steel, coloured dark green.
  - b. Attenuation Tank – 5.123m in diameter and 5.630m high. Constructed from glass coated sectional steel, coloured dark green. The applicant has advised that this tank is required to balance the peak flows from the first 982 properties to ensure the treated flow entering the River Beult does not exceed 3 litres per second (l/s).
  - c. Sludge Storage Tank – 10m in diameter and 5.630m high. Constructed from glass coated sectional steel, coloured dark green.
  - d. Sludge Dewatering Kiosk – a footprint of 10.0m x 7.0m and 4.10m high. Constructed from glass reinforced plastic, coloured dark green.
  - e. Motor Control Centre (MCC) Kiosk – a footprint of 3.0m x 12.0m and 9.0m high. Constructed from glass reinforced plastic, coloured dark green.
  - f. Four Air Blowers in Acoustic Enclosures – one blower per Te-Cyc tank and a standby blower. A footprint of 1.1m x 1.3m and 1.2m high.
  - g. Ferric Dosing Kiosk – a footprint of 4.0m x 3.0m and 3.0m high. Constructed from glass reinforced plastic, coloured dark green. The kiosk would include emergency eyewash and shower equipment.
10. The following three structures are proposed below ground:
  - h. Feed Pump Station
  - i. Inlet Screen

j. Treated Effluent Sampling Chamber

11. The location of each of these structures within the compound is shown in **Figure 2** below. The proposed elevations are provided in **Figures 3, 4 and 5**.



**Figure 2:** Proposed Site Compound Layout



**Figure 3:** Proposed North East Elevation

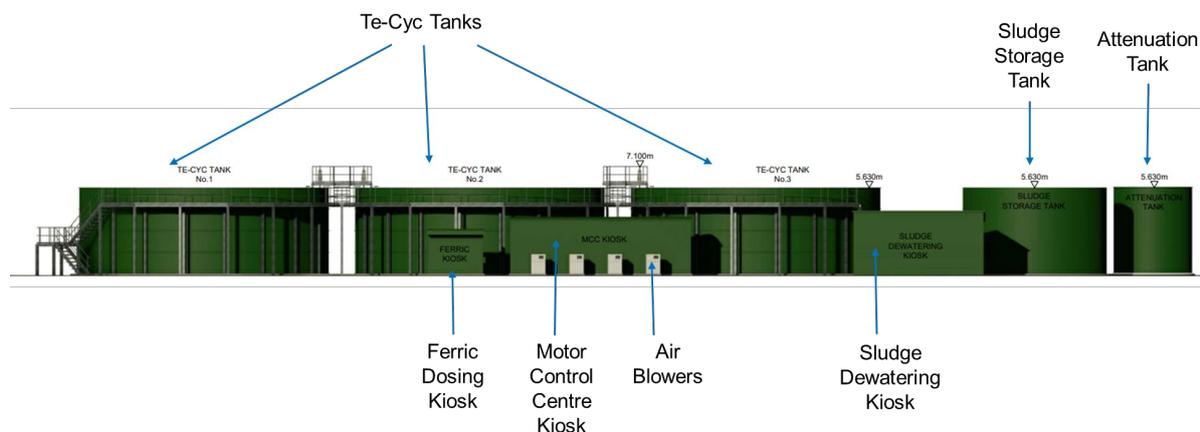


Figure 4: Proposed South West Elevation

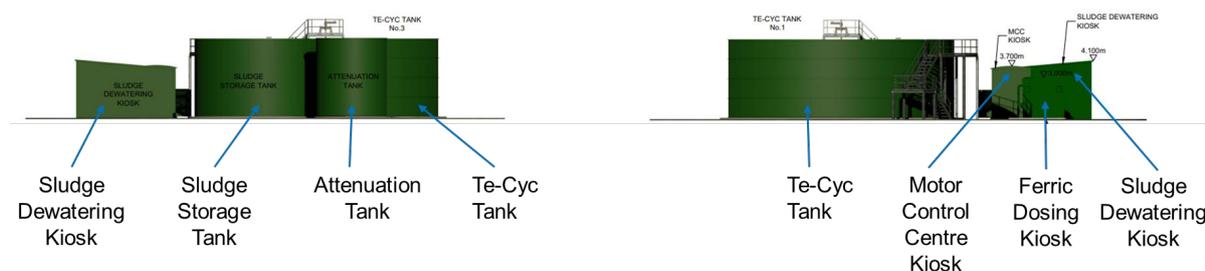
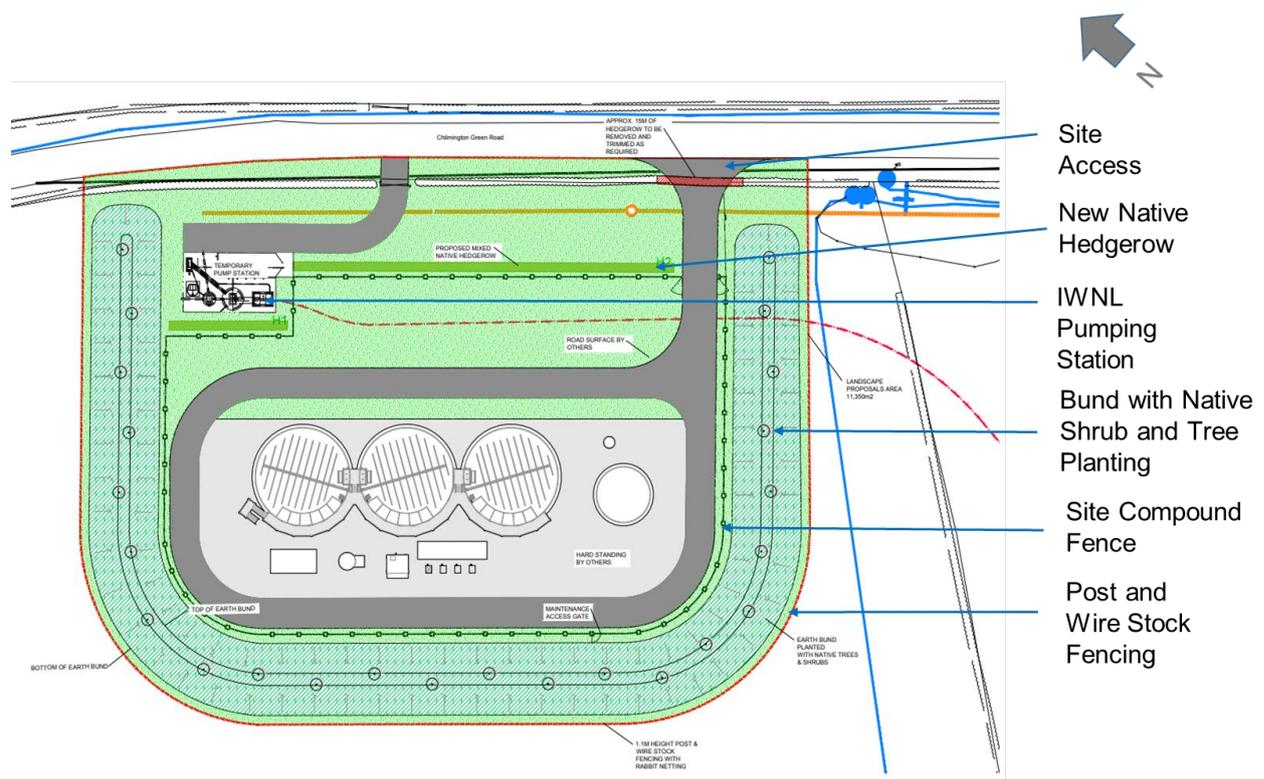


Figure 5: Proposed South East and North West Elevations

12. The applicant has advised that the WwTP would be operated and maintained by IWNL, an OFWAT appointed company who currently operate the waste water network for the Chilmington Green development. The WwTP would be considered a “public” asset by the Environment Agency and IWNL would have a duty to maintain and operate the WwTP effectively in perpetuity in accordance with its licence obligation. **Irrespective of the grant of any planning permission by the Borough Council, the Environment Agency would need to grant an environmental permit in order for the WwTP to be able to legally operate.**
13. The waste water would be intercepted at the existing IWNL pumping station, located adjacent to the site. Once treated, the waste water would flow into the existing drainage ditch system which subsequently discharges into the River Beult, a tributary of the River Medway.
14. The WwTP would be fully automated and no staff would be required permanently on site. Visits would be made for maintenance purposes. Routine checks and maintenance activities, plus long term planned maintenance every five years, can be carried out without interruption to normal operation.

Significant planned maintenance, every seven to ten years, would necessitate access to individual tanks and this would be done on individual tanks whilst maintaining operation via the remaining tanks. In the event that one tank is out of operation, under most operational conditions full flow treatment can continue with the remaining tanks.

15. The structures, identified above, that comprise the WwTP, would be surrounded by a looped maintenance access road. Surrounding this road would be a 2.4m high fence with gates across the entrance to form a secure compound. A 1.8m high landscaped bund is proposed around the north, south and west sides of the compound. The bund would be planted with native shrubs and trees. To the east, facing onto Chilmington Green Road, a new native hedgerow is proposed. Surrounding the bund and hedgerow, 1.1 metre high post and wire stock fencing is proposed. This arrangement is shown in **Figure 6**.



**Figure 6:** Proposed Site Layout Plan

16. The applicant has advised that low-level lighting would be required at the site, however, the specific detail will only be worked up at the detailed design stage, if planning permission is granted.

17. Documents originally submitted with the application indicated that ponds to store treated water to be used for irrigation and post-polishing wetlands or reed beds would be required. The applicant has since clarified that this planning application only seeks approval of a WwTP to serve the remainder of land parcels in Phase 1 (over and above the number of houses in Phase 1 already granted reserved matters approval and constructed and occupied or currently under construction) and a portion of the housing to be brought forward in Phase 2. Ponds would also be required in the treatment of flows at the end of Phase 1/beginning of Phase 2. Wetlands and reed beds would be required to treat flows in later phases. As the ponds/wetlands/reed beds would not be required for a number of years, or may not be required at all given the uncertainty regarding government policy relating to nutrient neutrality, these components do not form part of this planning application. If, in the future these elements are necessary, then further a planning permission(s) would be required to be obtained.
18. The applicant has confirmed that the WwTP is only proposed to serve the Chilmington Green development and not, as indicated in the original application submission documents, the proposed Possingham Farm development (ref: 22/00571/AS) which is also reported on this Agenda. In addition, in response to a query raised by Great Chart with Singleton Parish Council – the WwTP is not intended to serve the proposed Court Lodge (ref: 18/01822/PA) and Kingsnorth Green (ref: 15/00856/PA) developments.
19. The applicant has advised that the proposed WwTP site was chosen because it is isolated from existing and proposed housing. In addition, the site is the most practical location. The strategic foul water network, constructed over the past four years, runs from the A28 in the north, along The Avenue (where development is currently taking place) and down Chilmington Green Road to Stubbs Cross. The foul water infrastructure that the WwTP needs to connect to is located here.

#### Background to the Proposed Development

20. The WwTP is proposed to enable housing on land parcels, not yet granted reserved matters approval, at the Chilmington Green development, to achieve nutrient neutrality. The requirement to achieve nutrient neutrality is in response to advice issued by Natural England in July 2020 ('Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites – For Local Planning Authorities'), subsequently updated in November 2020 and March 2022. This advice means that waste water from the residential parts of the Chilmington Green development not yet granted reserved matters approval cannot discharge into the Southern Water treatment works at Bybrook, as originally intended when outline planning

permission for the Chilmington Green development was granted, as this would lead to an impact at the Stodmarsh Lakes.

21. It should be noted that, it is not appropriate for this application to consider whether the proposed WwTP is suitable mitigation to secure nutrient neutrality for the Chilmington Green development. This would need to be considered in the assessment of the reserved matters applications for each housing land parcel that comes forward, via an Appropriate Assessment (AA) in accordance with the Habitats Regulations. An AA is not required for this application as the WwTP would not discharge into the Stour River catchment.
22. The applicant for this application, who is the lead developer for the Chilmington Green development, has submitted a Nutrient Neutrality and Mitigation Strategy (NNAMS) which sets out how nutrient neutrality can be achieved for the whole of the Chilmington Green development. This includes the provision of a WwTP.
23. The applicant has advised that the proposed WwTP is designed to be in operation for as long as it is required to ensure that the Chilmington Green development adheres to the requirements of nutrient neutrality. However, the applicant has also advised that the WwTP may only need to be a temporary facility until such time as Southern Water upgrade their treatment works at Bybrook – which is scheduled to be by March 2030. This deadline has been set by Government for water companies to put in place the highest achievable technological levels in their treatment works. Once such upgrades are in place it is possible that the Chilmington Green development could connect to the Southern Water system. However, it is not yet certain that the proposed upgrades to the Bybrook treatment works would deliver full nutrient neutrality, therefore the WwTP may still be required post 2030. This application is therefore assessed as an application for a permanent WwTP facility.
24. The applicant is also not bringing forward a scheme, at the present time, to achieve nutrient neutrality for the whole of the Chilmington Green development due to the current uncertainty of Government policy relating to nutrient neutrality. The government's proposed amendments to the Levelling Up and Regeneration Bill in early Autumn this year, which would have removed the need for local planning authorities to consider nutrient neutrality when assessing planning applications, were defeated in the House of Lords and the Bill has since become an Act. It is not clear how and when the government might progress legislation to deal with nutrient neutrality issues

#### Environment Impact Assessment (EIA)

25. The development is Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as

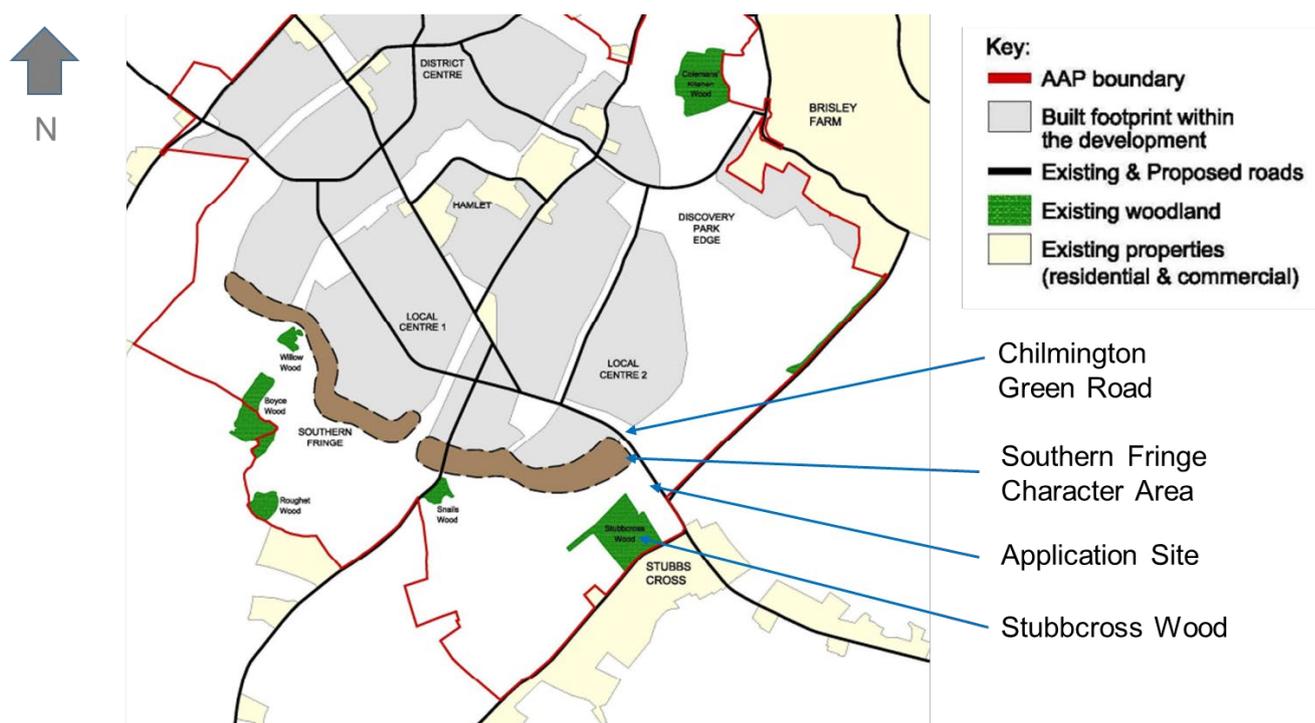
- amended) – refer to Part 11(c) - waste-water treatment plants that exceed 1,000 square metres. The local planning authority (LPA) is therefore required to screen the development to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment (EIA) is required.
26. National Planning Practice Guidance (paragraph 018) states that *“only a very small proportion of Schedule 2 development will require an Environmental Impact Assessment. While it is not possible to formulate criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment. It is also possible to provide an indication of the sort of development for which an assessment is unlikely to be necessary”*.
27. To assist in determining whether a development is likely to have significant environmental effects, the government has produced a set of indicative thresholds and criteria. These also provide an indication of the types of impact that are most likely to be significant for particular types of development.
28. With regard to Part 11(c) development, the indicative threshold/criteria and key issues to consider are:
- *Threshold/criteria - ‘site area of more than 10 hectares or capacity exceeds 100,000 population equivalent’.*
  - *Key Issues to Consider - ‘size, treatment process, pollution and nuisance potential, topography, proximity of dwellings and the potential impact of traffic movement’.*
29. I have undertaken a screening exercise utilising the government’s EIA screening checklist and taking into consideration the indicative threshold/criteria and key issues identified above. I have concluded that the proposed development is not EIA development and therefore an Environmental Statement is not required to accompany this planning application.

## **Chilmington Green Planning Context**

### Chilmington Green Area Action Plan (AAP) 2013

30. The AAP forms part of the Council’s statutory development plan. It is a site-specific plan which sets out how the new community at Chilmington Green should take shape. The AAP identifies the WwTP application site as being within an area proposed for ‘ecological enhancement’ immediately to the

south of the 'Southern Fringe' character area. The Southern Fringe Character Area covers the majority of the southern boundary of the Chilmington Green development, as shown in **Figure 7** below. The AAP provides guidance on the design approach envisaged for development within this area, in particular, that development should interact with the countryside to provide an appropriate transition, ensuring that development sits sympathetically within the landscape.



**Figure 7:** Location of Southern Fringe Character Area

Chilmington Green Design Code 2016

31. The Design Code identifies the WwTP site as forming part of the 'rural edge', a major area of greenspace. Paragraph 9.2 of the Design Code states that this area "*will be a combination of wetlands, woodlands and managed farmland. It will be designed to provide habitats for a variety of species as part of the ecological mitigation measures required for the development. Access to the land will be controlled using natural features such as hedges and watercourses where possible to ensure wildlife is protected.*" The WwTP site is also located at the southern end of a 'key view' that extends from the proposed Discovery Park in the north.

### Development Specification and Parameter Plans

32. The outline planning permission for Chilmington Green approved a series of parameter plans relating to land use; residential density; storey heights; open space; building parameters; footpaths and cycle routes; access and strategic vehicular routes. These plans are accompanied by a Development Specification. The application for the WwTP is not a reserved matters application and therefore the proposed development is not required to conform to the Plans and Specification. However, it is still important to consider the proposed development alongside these documents to ensure that it does not compromise the ability of the Chilmington Green development to be delivered within the parameters envisaged. The parameters relevant to this application are identified below.
33. **Land Use Plan** (OPA02R1 Rev P2) – identifies the WwTP site as being a 'green area', located adjacent to woodland and hedgerows. The land to the north of the site is identified for residential development.
34. **Open Space Plan** (OPA06R2 Rev P3) – identifies the WwTP site as being within an area proposed as 'ecological managed farmland'. Adjacent to the south is an area of 'proposed woodland' and adjacent to the north is an area of hedgerow and proposed 'long and open grassland'.
35. **Footpath and Cycle Routes Plan** (OPA08R3) – a footpath is identified as being proposed along Chilmington Green Road which forms the eastern boundary of the WwTP site. A new footpath and bridleway is also proposed across fields to the south-west of the site.
36. **Development Specification (2013)** – sets out that the development will deliver the infrastructure necessary to support the new community at Chilmington Green, this includes waste water disposal.

## **Planning History**

37. The Chilmington Green site has an extensive planning history, the applications most relevant to the development proposed in this application are set out below.
38. 12/00400/AS – Outline planning permission granted on 6 January 2017 for a Comprehensive Mixed Use Development comprising:
  - up to 5,750 residential units, in a mix of sizes, types and tenures;
  - up to 10,000 m<sup>2</sup> (gross external floor space) of Class B1 use; up to 9,000 m<sup>2</sup> (gross external floorspace) of Class A1 to A5 uses;

- Education (including a secondary school of up to 8 ha and up to four primary schools of up to 2.1 ha each);
- Community Uses (class D1) up to 7,000 m<sup>2</sup> (gross external floorspace);
- Leisure Uses (class D2) up to 6,000 m<sup>2</sup> (gross external floorspace);
- Provision of local recycling facilities;
- Provision of areas of formal and informal open space;
- Installation of appropriate utilities infrastructure as required to serve the development, including flood attenuation works, SUDS, water supply and wastewater infrastructure, gas supply, electricity supply (including substations), telecommunications infrastructure and renewable energy infrastructure (including CHP in the District Centre);
- Transport infrastructure, including provision of three accesses on to the A28, an access on to Coulter Road | Cuckoo Lane, other connections on to the local road network, and a network of internal roads, footpaths and cycle routes;
- New planting and landscaping, both within the Proposed Development and on its boundaries, and ecological enhancement works; and
- Associated groundworks

where appearance, landscaping, layout and scale are reserved for future approval and where access is reserved for future approval with the exception of the three accesses on to the A28 and the access on to Coulter Road | Cuckoo Lane.

39. Condition 77 attached to the outline planning permission, referred to above, requires the submission of a Site Wide Ecological Enhancement and Mitigation Strategy (EEMS). The EEMS was approved on 16 June 2017 (application ref: 12/00400/CONB/AS). The approved EEMS identified the provision of 66 hectares of ecologically managed farmland - existing farmland habitat to be retained and enhanced to benefit farmland birds, badgers, brown hare, hedgehog and invertebrates. The condition was only partially discharged on 15 June 2017 as it also requires the EEMS to be implemented across the site and that each application for approval of Reserved Matters shall, if relevant, adhere to it.
40. 17/01334/AS – full planning permission, granted on 22 December 2016, for the Phase 1 Strategic Sustainable Urban Drainage System which includes,

piped drainage and manholes, temporary ponds, formation of swales and re-profiling of existing ditches and attenuation basins.

41. 18/00395/AS – reserved matters permission, granted on 10 July 2018 for foul drainage works, including, foul drainage and manholes, a pumping station (including access and service area) and associated works pursuant to outline permission granted under 12/00400/AS.
42. 20/01806/AS – full planning permission, granted on 18 March 2021, for the construction of a Southern Water wastewater pumping station with associated vehicular access and landscaping bund on land north of Stubbs Cross.

## Consultations

43. The application has been subject to the following formal statutory and non-statutory consultation.

### Parish Council's

44. **Bethersden** – note the application and that the WwTP would discharge to the River Beult.
45. **Great Chart with Singleton** – **object** to the application, their concerns are summarised below:
  - a. The WwTP site is proposed on land not originally designated for building on as part of the Chilmington Green development.
  - b. Concerns about how 'future proofed' the development is. The application quotes the Possingham Farm development. The site may also need to serve the Court Lodge and Kingsnorth Green developments, does it have the capacity?
  - c. Concerns that approving this application will encourage further housing development out towards Bethersden and beyond.
  - d. The smell will affect existing dwellings in Stubbs Cross and beyond, and may affect those with respiratory problems.
  - e. The speed limit on Chilmington Green Road is too high, Lorries will not be able to pass each other on Chilmington Green Road as it is not wide enough and is in a very poor state.

- f. If human sludge is to be spread on to farmers' fields which drain into the River Stour this will add further phosphate levels to the Stodmarsh lakes.
  - g. The application suggests wetlands and/or reed beds should be built to achieve nutrient neutrality.
  - h. The comments in the Natural England response suggest that they do not support the application *"Please note that if your authority is minded to grant planning permission contrary to the advice in this letter"*.
  - i. The surrounding bunds will need to be the height of the bunds used in the Southern Water site currently under construction, plus the size of the proposed units (highest point quoted is 7.1m)
  - j. Concerns that the trees to be used in the landscaping will be too thin.
46. **Kingsnorth** – **object** to the application, their concerns are summarised below.
- a. the impact on residents and the potential loss of trade to the nearby shop
  - b. There are large gaps in the evidence base – the following information is required:
  - c. odour contour modelling for the site to demonstrate the areas impacted and to what concentration.
  - d. Flood modelling to demonstrate no increased risk due to the discharge into the Beult catchment which ultimately runs through Yalding, an area which has significant issues with flooding.
  - e. Water cycle study to include the lost volumes to the Stour catchment (the ecological implications of reduced water levels within the river and at Stodmarsh) and compliance with Local Plan policy ENV7.
  - f. Ecological surveys for protected species and ecological mitigation strategy.
  - g. The applicant's legal basis for assuming that they can drop in this material change to the original Chilmington permission without rendering the original permission void and therefore remove the need for this scheme (in light of the Supreme Court's decision in Hillside Parks Ltd v Snowdonia National Park authority 2021).

47. **Shadoxhurst** – **object** to the application, their concerns are summarised below.
- a. The site is outside the area originally designated for building on. It will impede on the “green buffer” between the Chilmington Green development and Stubbs Cross / Shadoxhurst.
  - b. There are many unanswered questions raised by the Shadoxhurst Utilities and Drainage Team and the Shadoxhurst Buildings Team and others, which are essential to provide confidence in the proposal and its integration into the environment, these are very much part of an open consultation within the planning process and protocols.
  - c. An on-site waste water treatment works was dismissed in the Chilmington Utilities Statement 2012 because the Southern Water network will have capacity, through upgrades, to serve the development and that an on-site plant would not be supported by the Environment Agency.
  - d. No consideration has been given to other potentially more suitable, i.e. environmentally and cost effective, locations. The fact that this solution becomes redundant in less than 5 years from the earliest potential start-up is, amongst many other considerations, seriously unviable from a cost standpoint.
  - e. Concerns about the impact on Stubbcross Wood, a designated ancient woodland and the adjacent Grade II Listed farmhouse. The adopted Chilmington environmental assessments rated these assets as of moderate significance, with no development in immediate proximity, and proposed mitigation measures including advance tree and hedge planting and commitment to retention of existing hedging.
  - f. The Southern Water pumping station disregarded the proposed extension of Stubbcross Wood to create a buffer to Chilmington Green and Tally Ho Road and KCC’s recommendation for an ecological mitigation strategy. The required mitigation woodland buffer has not been created and roadside hedge replaced by security fencing.
  - g. The current application largely ignores recommendations from Natural England, including reference to the ancient woodland and concerns about the Habitat Regulations Assessment and discharge of treated waste water.
  - h. The River Beult has limited-to-zero surface water flow in seasonally dry periods. Continuous Flow’ is a key requirement under the Permitting Regulations. The treated waste water carries potential health risks both for direct discharge to dry watercourse for prolonged period and for

uncontrolled irrigation use. The application should be subject to an independent and suitably qualified assessment of the suitability of discharge to the Beult.

- i. The WwTP design appears to be driven solely by a need to satisfy Stodmarsh Nutrient Neutrality criteria and quality targets for the River Beult SSSI some 20+ km downstream. Is missing essential tertiary treatment finishing stages and 'irrigation water storage', as well as other key equipment. Is based on a small-scale pilot plant with no real-world operating history or data presented. Offers no comprehensive and clear effluent water quality guarantees and associated evidence.
- j. No detail about the quality of treated waste water that is suitable for discharge to a dry watercourse or for storage as 'irrigation water. Treated waste water can turn septic and create odours and health hazards.
- k. Concerns regarding odours and an 'unbiased independent' assessment should be required to address this.
- l. No evidence is presented that statutory applications have been formally made to the Environment Agency, and, if so, whether this has been refused or accepted.
- m. The application fails to present the required Habitats Regulations compliant Appropriate Assessment. A Planning Advisory Service's Legal Briefing advises of the LPA's obligations in assuring that any approval meets the 'beyond all reasonable scientific doubt' criteria. The requirements have not been met.
- n. This scheme should be considered on the same basis as the other Reserved Matters applications for the wider Chilmington development and be subject to the approved overarching environmental, landscape, etc plans, policies and procedures for the development. It fails to meet these strategies and policies.
- o. The Landscape Visual Impact Assessment (LVIA) presents a single misleading view across the adjacent Southern Water pumping station; it totally ignores the more striking and dominant visual blot-on-the-landscape of a 7 metre high WWTW!
- p. Concerns about how the WwTP will be managed and maintained. There is no definition of the proposed operator's role in the design and build of the WwTP and no commitment statement or operations and management plan provided.

- q. What will happen to the site when the WwTP is removed and who will meet the cost?
- r. Strongly disagree that the environmental concerns regarding the suitability of the WwTP to discharge treated waste water is not a relevant consideration for the LPA. The EA state, "there is no guarantee that a permit will be granted."

#### National Consultees

- 48. **Environment Agency (EA)** – raise **no objection**. They advise that the discharge from the WwTP will require an environmental permit and that OFWAT guidance must be followed.
- 49. They also advise that the discharge from the WwTP will be to a tributary of the River Beult. The Beult is a SSSI with agreed Common Standards Monitoring Guidance (CSMG) targets for water quality. Permit limits will therefore be calculated to protect the Water Framework Directive (WFD) status of the Beult and will also consider achieving favourable condition status of the River Beult SSSI. CSMG targets will therefore be considered when calculating permit limits for discharges upstream of the River Beult SSSI. The applicant is advised to contact the EA's National Permitting team. The EA note that there is no guarantee that a permit will be granted. The permitting team will make that assessment on the receipt of a permit application.
- 50. **Forestry Commission** – advise that as a Non-Ministerial Government Department, they **provide no opinion supporting or objecting to an application**. Instead they provide advice on the potential impact that the proposed development could have on trees and woodland including ancient woodland. They highlight policy and guidance that the LPA should consider as part of their decision-making process.
- 51. **Natural England (NE)** – initially referred to their comments provided in response to the submission of the applicants overarching nutrient neutrality strategy for the Chilmington Green development (letter dated 10 March 2023). At that time NE raised questions about the impact of discharge from the proposed WwTP on the River Beult SSSI, commenting that if negative impacts to the SSSI cannot be avoided or mitigated then there is uncertainty as to whether the discharge permit for the WwTP will be granted.
- 52. NE advised that in order to avoid these negative impacts, Environmental Quality Standards (EQS) and Common Standards Monitoring Guidance (CSMG) targets will need to be met for the water discharged from the WwTP. Additionally, flow increases must remain within the maximum acceptable deviation percentage of 10-15% of the flow regime for the river Beult SSSI.

NE noted that measures proposed by the applicant identify that it is theoretically possible to address these impacts.

53. In response to a re-consultation following the submission of additional information by the applicant, NE confirm that they have **no objection** to the proposed development, stating that *“based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes”*.

Kent County Council (KCC)

54. **KCC Ecological Advice Service** – advise that, given the small size of the site and data submitted with other applications for the wider Chilmington Green development, there is a good understanding of the ecological constraints associated with the proposed development.
55. Existing surveys confirm that breeding birds, dormouse, great crested newts and reptiles are present within the site. The landscaping plan details that areas of grassland, hedgerow and an earth bund would be created. It is therefore likely that the long-term ecological interest of the site can be retained. However, appropriate ecological mitigation will be required prior to any works commencing to ensure there is no breach of wildlife legislation. An ecological mitigation strategy is required to demonstrate that appropriate mitigation can be implemented.
56. KCC note that typically they would require species surveys, however, due to the size of the site and the existing survey data available, species surveys are not required in this case.
57. Following the submission of an Ecological Impact Assessment Report, KCC raise **no objection** to the application subject to a condition to require the submission of a detailed ecological mitigation strategy prior to works commencing.
58. **KCC Flood and Water Management** – initially sought clarification about some of the information provided by the applicant and requested further details of the drainage system proposed. Following receipt of additional information and clarifications, KCC raise **no objection** to the application, subject to conditions.
59. **KCC Highways and Transportation** – initially raised concerns about the safety of the proposed access to the site. However, following the submission of amended plans proposing a 40mph speed limit along the whole length of Chilmington Green Road between the existing 40mph limit at Stubbs Cross

and the A28 Ashford Road, KCC Highways raise **no objection** subject to planning conditions.

Ashford Borough Council (ABC)

60. **ABC Environmental Protection** – following the applicant's submission of noise and odour reports, ABC Environmental Protection raise **no objection**.
61. In respect of odour, they comment that the odour assessment predicts very low nuisance. However, due to the potential for odour nuisance, a post-installation assessment report will be needed as processes may need to be changed/adjusted if the plant does not meet the estimated levels.
62. In respect of operational noise, they comment that initial mitigation measures have been suggested and with these installed, the noise levels have been predicted to be below background noise-level data. The applicant would need to ensure the mitigation is installed as detailed in the report. A post-completion acoustic assessment would be required once installed and fully operational.
63. ABC Environmental Protection also recommend planning conditions to require the submission of a Construction Environmental Management Plan; to restrict any lighting to acceptable levels and in respect of unexpected land contamination.

Other Consultees

64. **Ramblers' Association** – **object** due to the smells and inconvenience to local residents. Noting that the plant is being proposed to serve Chilmington Green and therefore it should be sited at Chilmington. Comment that the developers have failed to meet their obligations in terms of infrastructure provision, in particular highways improvements. When planning was proposed for this development they were told the area opposite the post office wouldn't be used for 20 years, and there was no mention of a sewage treatment plant.
65. **Southern Water** – advise that the sewer services at this location are the responsibility of IWNL. There is an inset agreement/NAV agreement in place between Southern Water and IWNL for the supply of sewerage services. The connection/discharge points to the public network and agreed discharge flow rates must comply with inset/NAV agreements terms.
66. **UK Power Networks** – provided plans demonstrating that there are no electrical lines or electrical plant within or crossing the site.

## Residents

67. Residents were notified of the application via letters sent to properties close to the site, the display of a site notice outside Stubbs Cross Post Office and by press advert. Following the submission of additional information all residents originally notified and those who had previously commented were notified by letter or e-mail.
68. At the time of writing this report, 238 objections have been received from residents of 113 properties, primarily from Stubbs Cross and Shadoxhurst and including objections from the Stubbs Cross Action Group; Shadoxhurst Utilities and Drainage Team; and, Shadoxhurst Buildings Team. Many residents and groups have submitted more than one objection. Objections have also been received from the Maidstone Victory Angling Society and the Angling Trust. The concerns raised are summarised below.

### Relationship with the Chilmington Green / SAGC Masterplan

69. The WwTP should be located in the middle of / closer to the development that benefits from it / that it would serve, i.e. within the boundaries of Chilmington Green. If the Plant is temporary, why can it not be built nearer the new development / on land alongside the A28, then decommissioned before the new housing comes forward?
70. The original planning of Chilmington Green proposed a green buffer between the development and Shadoxhurst, including new woodland. The Southern Water pumping station was not within the original plans. Now a WwTP is proposed on land that was meant to be a buffer. A WwTP should not be counted as separation. No detail is provided about the extent to which a physical buffer will be maintained between the WwTP and the ancient woodland to which it would border.
71. Why are these plans only just coming to light despite the plans for Chilmington Green being submitted years ago? Sewerage treatment should have been determined much earlier, not last minute. Residents should have been informed of this proposal years before development began and alternative sites should have been discussed.
72. The Southern Water pumping station and new pipeline to Ashford WwTW via Waterbrook has been built to meet the demands from Chilmington and South Ashford developments. The need for the proposed facility is therefore questioned.
73. Why is a waste treatment plant being considered in a residential area? It should be sited underground and in a location away from existing residents.

74. The Plant is identified as being for the growth of the area – how do residents know that the Plant will not have to grow and get larger in the future?
75. If the infrastructure already agreed is not sufficient then the Chilmington Green development should be reconsidered. The Council / developers should come up with a fully defined, costed and evidenced solution for the whole of South Ashford, not piecemeal arrangements for sewerage treatment.
76. The consequences of failure to invest adequately in strategic wastewater disposal should not be visited on the neighbours or future occupants of new development.
77. Granting permission for a WwTP would contrary to the original basis upon which planning for Chilmington Green was granted. The Chilmington Utilities Appraisal (2012) indicates that there would be capacity within the Southern Water infrastructure to support Chilmington Green and that the Environment Agency do not support proposals for an on-site WwTP.
78. The Environment Statement (ES) for Chilmington Green did not make provision for waste water treatment. The ES therefore needs to be reviewed.

#### Landscape and Visual Impacts

79. The development would be intrusive / unsightly / a visual eyesore / dominate the landscape / have negative effects on views and vistas / have a detrimental effect on the character of the area / have a devastating effect on the beauty of the local environment / is incompatible with the character, charm of the locality.
80. The screening is inadequate. The proposed planting would take years to mature and is only native deciduous trees and hedges - therefore will be bare for seven months of the year. Long-term screening is irrelevant if the plant is proposed to be decommissioned once the Southern Water treatment works is upgraded in 2030.
81. The development would add to the destruction of green fields.
82. Object to the scale of the development.
83. The Southern Water pumping station has already had an impact on the landscape / local area.

#### Water Quality

84. The application is solely to address the limitations imposed by Natural

England on the River Stour / Stodmarsh. The proposal is transferring a problem from one river catchment to another - the River Beult - where similar restrictions are not in place. Moving an existing pollution problem from one river to another cannot be acceptable.

85. The local watercourses are unable to manage the discharge from the WwTP. The flow of the Beult (a ditch) is not sufficient for wastewater to be discharged effectively. It runs dry in summer. The flow rate is not known as it has not been measured. There is no data to demonstrate the suitability of the watercourse to receive treated waste water.
86. Concerns about ecological and environmental risks associated with the disposal of treated water to the River Beult, within the immediate area and downstream at the SSSI. The surrounding basin is already of poor ecological status - concerns that more risks are being placed on the river
87. Concerns about water companies' miss-management of overflow and that foul sewerage might end up in the local watercourse. No confidence that regulations and procedures will be followed on this site.
88. Contaminated waterways can affect drinking water sources, ecosystems and recreational areas, putting the environment and human health at risk.
89. Concerns about the risks associated with the storage of treated wastewater and its use for irrigation.
90. The plant should be able to cope with the requirements from all of the developments that would feed into it, so that even in unprecedented weather situations the water company would not need (or be able to) discharge untreated effluent into the River. Concerns that rain water would be mixed with the treated water during heavy rain.
91. There should be full disclosure of the actions undertaken to obtain an environment permit - the Environment Agency's (EA) position should be understood prior to any Council planning approval. The EA and Natural England (NE) have indicated that approval of an environmental permit should not be assumed. The developers imply that NE are supportive and yet their consultation response show they have significant concern for the River Beult.
92. The proposal conflicts with EA regulatory guidelines – receptor watercourse must meet continuous flow criteria / approval is not normally given where connection to a public network is available and has capacity.
93. The applicant hasn't provided sufficient evidence to satisfy "beyond all reasonable scientific doubt," that the WwTW will comply with section 63 of the

Habitat Regulations.

94. The impact on the River Beult should be assessed by an independent expert.
95. Concerns about the impact of lost water volumes to the Stour catchment - the ecological implications of reduced water levels within the river and at Stodmarsh.
96. Concerns about risks to Stodmarsh from operational disruptions, including emergency or planned shutdowns / low initial loads as houses become occupied but below minimum capacity of WwTP / the need for tanker transfer of untreated waste water to Ashford Bybrook.
97. No proposals for downstream improvements and ongoing maintenance works to the watercourse.

Flood Risk and Surface Water Drainage

98. The additional flows into the River Beult, which currently only deals with surface water, will heighten flood risks. There is an area of Flood Zone 3 downstream of the proposed discharge. The EA confirm there is a high risk of surface water flooding adjacent to the site.
99. The area has a high water table - there have been problems with flooding and sewerage in gardens and on highways. Water is switched off at times of torrential rain to reduce the likelihood of flooding at Stubbs Cross and Shadoxhurst.
100. Increased rainfall / sudden increases of water may cause the WwTP's balance to be impinged and prevent appropriate waste breakdown – resulting in waste contamination of the surrounding environment. There is already a considerable problem within the village of untreated waste in the water table.
101. During heavy rain the Beult bursts its banks flooding farmland - effluent is going to end up on farmland or stagnate in ditches.
102. If it is proposed to recycle site surface water into the WwTP there would be significant changes in flows - this is non-compliant with applicable regulations. Disposal of surface water into the WwTP is not considered in the Te-Tech plant sizing or effluent flow calculations.
103. During winter, a large majority of the local land is underwater - has this been considered as part of the proposal?

### Ecology and Biodiversity

104. The adverse impact of the proposal on the nearby ancient woodland / ancient and veteran trees / hedgerows / local wildlife (bats / owls / buzzards / weasel / hedgehogs) wildlife transit routes / geodiversity sites / wildflowers / aquatic life / biodiversity / natural habitats / the local ecosystem.
105. The chemicals and pollutants present in sewage waste can disrupt the balance of flora and fauna, leading to the decline of certain species and the proliferation of others that are more tolerant of polluted environments. This shift can have far-reaching consequences for our ecosystem's stability and biodiversity. Sewage pollution contributes to declining biodiversity and ecosystem health. How is the safety of existing wildlife going to be ensured?
106. Ferric chloride is to be used - scientific assessments indicate this substance is a risk to wildlife if released into the environment.
107. Chilmington Green has Great Crested Newts – have their breeding grounds been identified and would the WwTP have an impact?
108. Concerns about the impact of noise and light from the WwTP on the wildlife that lives / transits through the adjacent ancient woodland.

### Odour Impacts

109. Odours would negatively impact resident's health, safety, wellbeing and quality of life. The bad drain smells would be unbearable / horrendous, especially on windy days. The smell would prevent residents from having their windows and doors open / enjoying being outside / sitting in their gardens. Odours would follow the wind taking the smell to Tally Ho Road, Shadoxhurst and beyond. The proposed bunds would not prevent or contain the smell.
110. The doors to the local shop / post office are constantly open for customers - the smell would negatively affect the business.
111. There have been sewerage / drainage problems in Shadoxhurst for 20+ years. The community had to put up with unbearable sewerage smells / multiple sewer overflows in summer 2022 - some residents had to move out of their homes.
112. The smell from Kennington sewerage works is horrendous, this would be the same.
113. The collection of sludge would be more frequent than every six days as stated - this would lead to more frequent bad odours.

114. The WwTP would emit chemical vapours - this could be harmful to nearby residents / to those that suffer from respiratory conditions. Concerns given the number of elderly residents living nearby. Concerns about bioaerosols and microorganisms transported through wind.
115. Why are preventative measures to reduce the smell not proposed? Why is there no mention of capturing the foul air and treating it with a carbon filter, biofilter, liquid redox technology or wet air scrubbing? Open tanks should not be used, the tanks should be covered / sealed.
116. Chilmington Green is already contributing to increased air pollution through traffic, this would further increase with sewerage.
117. Muck spreading already attracts large numbers of flies and insects – the WwTP would add to this problem. There would be an influx of pests / flies which carry harmful diseases.
118. Impact of the smell on walkers using footpaths through the fields and woods close to the WwTP.
119. Question the accuracy of the odour report - this type of modelling is notoriously inaccurate as sewage treatment works are notorious for working outside of permitted and modelled operating parameters.
120. The validity of the odour report is questioned – it uses a dispersion model based on US / East Malling weather patterns and topography and the wind speed and prevailing wind direction are not accurate.
121. The odour report fails to consider the proposals for irrigation water storage and distribution which would account for significant quantities of treated waste water output as the sewage load from new development increases.
122. The Petersfield plant is referenced in the application - it is understood that the planning authority insisted that plant should be sited at least 500 metres from dwellings due to the potential odour nuisance. The proposed site, in comparison, is 250-300 metres from existing dwellings.
123. Southern Water guidance requires a separation distance of 500m between a waste water treatment works and residential areas

#### Noise and Vibration

124. Concerns about noise, including constant hum and vibration, particularly at night, causing disturbance.

125. The noise assessment may be skewed by increased noise levels in the area due to road diversions / construction activity.
126. The noise report does not address traffic movements, including in the case of a 'breakdown' 24/7 tanker operations.

#### Ground Contamination

127. Concerns about the discharge of effluent into the surrounding area. There would be raw sewage in places where people walk. Public footpaths are utilised by dog owners and this could potentially make animals sick. What safeguards will be put in place to avoid "sludge overspill"?
128. The River Beult has virtually no flow / runs dry in summer, meaning that any waste output will be left to stand stagnant / overflow into fields causing unpleasant odours and a health risk to wildlife and residents.
129. If sewage is lying in an open ditch - with the type of rainfall experienced lately, it is likely to run out of the ditches, onto roads and contaminate local homes and businesses.

#### Highway Impacts

130. Chilmington Green Road / Magpie Hall Road cannot cope with the amount of traffic now, and is not equipped to handle more traffic. The road conditions are terrible / the road has collapsed in multiple places / has multiple potholes and cracks. The road isn't wide enough for two lorries to pass safely. More heavy vehicles would make this worse.
131. Traffic along Chilmington Green Road / Magpie Hall Road has increased over the past few years - it has become a 'rat run'. It's impossible to cross the road safely / walk / run / cycle along the road. Vehicles ignore the speed limit. Extra HGV traffic will make this situation worse. Continuous blocking of the road will cause an accident.
132. Construction and post construction heavy vehicle movements, queuing off-site and their routing needs to be considered for both the Southern Water Pumping Station and the WwTP. Long Length is to be permanently closed for the proposed Court Lodge development and a roundabout is proposed in Chilmington Green Road; this will not be suitable for U-turns by tankers.

#### Operation / Management / Maintenance

133. Question whether the WwTP would be of sufficient size to deal with the amount of waste water generated by the Chilmington development – question

the calculations in the nutrient neutrality assessment.

134. A lack of detail about how the WwTP would operate in an emergency situation – e.g. storm water management capacity / influent emergency shutdown storage / back-up power generation.
135. No details of storage / disposal of excess treated waste water discharge above 3 l/s - discharge as irrigation water and wetlands for tertiary treatment of treated waste water are mentioned but no details provided.
136. No provisions to prevent risk of leakage or spillage of waste water / treated waste water or sludge products being washed into the SuDS system?
137. No detail about modifications and additions to the waste water feed pipeline network that may be required.
138. The treatment plant may become smelly if not appropriately maintained. Who is going to undertake routine servicing / maintenance? If this is not done correctly who is to be held accountable?
139. Who will be responsible for emergency planning for serious accidents at the treatment plant / if there is an issue / if the plant fails?
140. Why are tankers needed to take away waste? How many tankers a day? Will they also be emptied during night?
141. No details of decommissioning have been provided – when would this happen / how would the plant be removed / to what extent would the site be restored / how can residents be certain that this would happen?

#### Nutrient Neutrality & Stodmarsh

142. Southern Water already plan to address the nutrient problem at their Bybrook Plant. Once Bybrook is upgraded the existing SW pumping station would be sufficient. It makes no sense to cause disruption and take time building a WwTP that may never or only be used for a couple of years and then lay idle.
143. The Government announcement about relaxing Natural England's advice to guidance rather than law means that the application decision date should be extended until all information is available.
144. The solution to Stodmarsh is a national issue – it is unfair to load the resolution solely on individual developments, especially given much of the nutrient pollution problem arises from the agricultural industry rather than the

house building industry. Central government should fund a national solution.

145. It is unclear what is happening with the recently built Southern Water pumping station - is the WwTP connecting to it?
146. Nutrient Neutrality could be achieved by creating natural wetlands on green space which would likely be a more acceptable solution.
147. The proposal appears to be trying to negate the possibility of creating a more sustainable solution which would take more time to establish.
148. A WwTP is not aligned with ABC's medium-term strategy to create wetlands.

#### Other Concerns

149. The WwTP may result in over-development or overcrowding of the site, exceeding the capacity and natural limits of the area - leading to an imbalance in the infrastructure and services available, putting a strain on resources and negatively impacting the local community.
150. Concerns about light pollution / overlooking to nearby residential properties / loss of privacy / the WwTP could cause shading / block sunlight / lead to loss of natural daylight to neighbouring properties.
151. The community has already had two years of disruption from the construction of the Southern Water pumping station / disruption to the area which is already overpopulated.
152. Concerns about the environmental impact on the countryside that is gradually deteriorating due to the ever increasing housing.
153. How can residents be assured that the developer would comply with all requirements / restrictions applied to the proposal?
154. If the Court Lodge and Kingsnorth Green developments are approved then it is likely that the size of this facility would need to be increased in the future.
155. The WwTP would set a precedent / open the door to the construction of other polluting industries in the area. This would impact the quality of life in Stubbs Cross and the surrounding area.
156. The proposal is age discrimination - forcing the elderly to live close to a WwTP. Has consideration been given to the demographic of the immediate local community?

157. This building work appears to have already commenced prior to any consultation.
158. Insufficient consultation with residents / the community. Residents have not had enough information about this proposal.
159. Independent reports are needed, commissioned by no one with an interest, to bring an unbiased assessment of noise, light, odour and traffic pollution.
160. The South East Water Strategic Potable Water Main runs adjacent to the site. Recognition and consideration of all constraints and risks should be identified and mitigation strategy provided.
161. If storage ponds / wetlands / reedbeds are required when the plant reaches 980 dwellings capacity, details of the overall site sizing and potential layout, with its associated environmental impact, should be identified and considered now

#### Non-material Matters

162. The following concerns are not material planning matters and therefore cannot be taken into account in the assessment of this application.
  - a. There is too much construction work going on in the area.
  - b. The developers have failed to meet their obligations in terms of infrastructure provision. There is no confidence in them.
  - c. The money to build the WwTP should be spent on the A28 road upgrade that could have been completed by now.
  - d. Why are the developers allowed to continue building houses? The development should be paused until this matter is resolved / the developers seek an alternative location for the WwTP.
  - e. The development will negatively affect house prices.
  - f. Residents should receive compensation for the disruption / ABC should reduce the council tax for local residents, if this is permitted. There should be compensatory schemes should the noise and odour assessments prove to be wrong.
  - g. No details about the WwTP were provided in solicitor's searches / by the developer / the CMO, / within promotional material for the SAGC

when residents purchased their new homes. 'If I had known I would not have purchased'.

- h. The impact on trade at the nearby shop/post office due to the sewerage odours – the owner has built up this business and employs local people, food deliveries are made to the elderly free of charge if they have mobility problems. Its closure would devastate the lives of many / leave elderly residents with no transport or shop leading to isolation, given that the bus serving Stubbs Cross and Shadoxhurst has been discontinued.
- i. The proposal will damage the reputation of the village and the homes that residents enjoy living in - due to the stigma attached to a WwTP.
- j. The SW pumping station and pipeline to Ashford risk becoming redundant.
- k. The inset/NAV agreement with IWNL for Chilmington Green never anticipated the changes now proposed. The existing agreement should be re-examined.

#### Matters relating to other Planning Permissions

- a. The Southern Water pumping station has had permission for two years – why has the planting scheme not begun yet?
- b. Why has the extension to the ancient woodland not be completed yet?

## **Planning Policy**

163. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022), the Charing Neighbourhood Plan (2023), and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

164. The relevant policies from the Chilmington Green Area Action Plan (AAP) are as follows:

CG0           Presumption in Favour of Sustainable Development

CG1           Chilmington Green Development Principles

CG6	Southern Fringe Character Area
CG20	Flood Risk and Sustainable Drainage
CG21	Ecology

165. The Ashford Local Plan 2030 is not part of the Development Plan for this site, although it's a material consideration. The AAP policies identified above are also consistent with the following policies in the Ashford Local Plan:

SP1	Strategic Objectives
SP2	The Strategic Approach to Housing Delivery
TRA7	The Road Network and Development
ENV1	Biodiversity
ENV3a	Landscape Character and Design
ENV4	Light Pollution and Promoting Dark Skies
ENV5	Protecting Important Rural Features
ENV6	Flood Risk
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV12	Air Quality
ENV15	Archaeology
IMP1	Infrastructure Provision

166. The following are also material considerations to the determination of this application:-

Supplementary Planning Guidance/Documents

Dark Skies SPD, 2014

Public Green Spaces & Water Environment SPD (2012)

Sustainable Design and Construction SPD, 2012

Landscape Character SPD, 2011

Sustainable Drainage SPD, 2010

Other Relevant Documents

Chilmington Green Design Code (2016)

Chilmington Green Quality Charter

Government Advice

National Planning Policy Framework (NPPF) 2023

National Planning Practice Guidance

National Design Guide 2021

167. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 12 - Achieving well-designed places

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

## **Assessment**

168. The key areas for consideration in the assessment of this application are:

- Principle of Development – Land Use
- Landscape and Visual Impacts

- Water Quality
- Flood Risk and Surface Water Drainage
- Ecology and Biodiversity
- Odour Impacts
- Noise and Vibration
- Ground Contamination
- Heritage and Archaeology
- Highway Impacts

#### Principle of Development – Land Use

169. The WwTP is proposed on land within the boundary of the Chilmington Green development, for which outline planning permission has been granted. The site forms part of Phase 4 of the development and is identified on the approved plans as ecologically managed farmland (EMF). In total, 66ha of EMF is proposed as part of the development. The construction of the WwTP would reduce this to 64.86 hectares, a reduction of 1.73%.
170. AAP Policy CG1 sets out the key principles by which the development of Chilmington Green is to be brought forward. In particular, in relation to this application, part (b) of this policy identifies that “each main phase of the development will be sustainable in its own right, through the provision of the required social and physical infrastructure, both on-site and off-site”.
171. In addition, part (e) of policy CG1 identifies the importance of “*the creation of an integrated and connected network of green spaces and natural habitats, including part of Discovery Park, to help meet the recreational and sporting needs of the development but also to encourage walking and cycling, generate an attractive setting to the built form, and act as linkages and dispersal routes for ecology and wildlife*”.
172. The principles set out in Policy CG1 are reflected in Local Plan policy SP1 ‘Strategic Objectives’. Also relevant is Local Plan policy SP2 ‘The Strategic Approach to Housing Delivery’ which identifies the total housing target for the borough of 13,118 net additional dwellings between 2018 and 2030.
173. As explained earlier in this report, the WwTP is proposed to enable the early phases of the Chilmington Green development to achieve nutrient neutrality

and thus enable construction to progress beyond the reserved matter permissions that have already been approved. Chilmington Green is a significant strategic development in Ashford that will assist in meeting the borough's housing need. It is therefore important that the issues relating to nutrient neutrality are addressed so that the intended supply of new housing can be delivered.

174. It is acknowledged, that the Utilities Appraisal (2012) submitted in support of the outline planning application for Chilmington Green stated that "*proposals for an on-site waste to energy treatment works are not supported by Southern Water on the basis that their existing infrastructure has capacity available and the downstream Bybrook WWTW already employs waste to energy generation. It is understood that the Environment Agency also do not support proposals for an on-site WWTW.*" Whilst an on-site WwTP was not necessary in 2012, the issue of nutrient neutrality towards the end of 2020 has necessitated re-consideration of the original waste water proposals.
175. Whilst the Council has been working, since the end of 2020, to identify strategic solutions to the issue of nutrient neutrality to assist the delivery of housing development in the borough (albeit this has recently been paused), the Council considers that large allocated sites, such as Chilmington Green, should deliver their own mitigation solutions on-site, rather than rely on what could emerge as off-site strategic solutions.
176. The proposed development complies with AAP Policy CG1(b) in that it proposes physical infrastructure to support the delivery of the development. I also consider that the proposed development does not conflict with part (e) of Policy CG1 as, whilst the development would reduce the amount of EMF to be delivered, it would not compromise the delivery of an integrated and connected network of green spaces and natural habitats, it would not prevent the delivery of any proposed recreation, sports, walking or cycling routes within the development and it would not prevent linkages and dispersal routes for ecology and wildlife from being delivered.
177. In addition, the applicant proposes to provide an area of species-rich grassland within the site, which is described in the applicant's Ecological Impact Assessment Report as providing an "*alternative to a field margin of species rich grassland that would have been provided*". The Ecological Report also identifies that shrub/woodland planting around the proposed bund would provide suitable nesting habitat for species such as yellow hammer, linnet and corn bunting, all arable bird species.
178. In this context, whilst the minor (1.73%) reduction in the amount of EMF is regrettable, I consider that this reduction in EMF would not cause significant harm because the alternative habitats proposed would ensure that the site

would still deliver ecological benefits. Therefore, the principle of the development in terms of the change in proposed land use is, in my opinion, acceptable.

#### Landscape and Visual Impacts

179. The application site is currently part of an open field, located within a wider area of open fields, separated by hedgerows. Stubbcross wood to the south of the site is an important landscape feature. Whilst the landscape is predominantly open at present, the planning permission granted for Chilmington Green, and the development anticipated to be brought forward at Court Lodge in accordance with Local Plan site allocation S3, have established that the character of the area is to change and become more urban, albeit within a landscaped setting.
180. Due to the footprint, scale and visual appearance, the WwTP, will have a visual impact. It is therefore important to assess the degree of this impact taking into account the setting, both existing and as a result of changes to take place in the future following planned development.
181. Paragraph 130(c) of the NPPF sets out that planning decisions should ensure that developments “*are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*”.
182. I consider that Paragraph 174 of the NPPF, which refers to ‘valued landscapes’ does not apply in this case as the site is not a ‘valued landscape’ in the context of the NPPF as it does not have a statutory or non-statutory designation (such as, for example, ‘National Landscapes’ which is the 22/11/23 rebranded name for Areas of Outstanding Natural Beauty) and is not identified for its particular landscape quality in the AAP, local plan or national or local landscape character assessments.
183. A key development principle for Chilmington Green, as set out in AAP Policy CG1(f) is to “*positively respond to the distinctive landscape character and assets of the site - including historic buildings, historic landscape and archaeology features, views and vistas, topography, woodland, ecologically sensitive areas, footpaths and bridleways*”. In addition, part (g) of policy CG1 identifies the importance of creating “*well-designed edges to the new development at appropriate densities that relate well to the open countryside*”.
184. The application site is located immediately to the south of the Chilmington Green southern fringe character area, therefore AAP Policy CG6 is also relevant. This policy seeks to ensure suitable landscape treatment is provided

in this character area to soften the impact of the built form and present a natural southern boundary to the development.

185. The principles set out in the AAP policies referred to above are also reflected in Local Plan policy ENV3a 'Landscape Character and Design' which seeks to ensure that development has regard to the landscape characteristics identified in the policy, proportionality, according to the landscape significance of the site.

186. At the national level, the site and the wider area is located within the '121 Low Weald National Character Area' (NCA) (2013). The NCA is described as:

*"...a broad, low-lying clay vale which largely wraps around the northern, western and southern edges of the High Weald. It is predominantly agricultural, supporting mainly pastoral farming owing to heavy clay soils, with horticulture and some arable on lighter soils in the east, and has many densely wooded areas with a high proportion of ancient woodland."*

187. In the Ashford Landscape Character SPD (2011) the site is identified as being within the Bethersden Farmlands Landscape Character Area in the District Landscape Type BF5 "Chilmington Open Arable". The key characteristics are identified as:

*"Large open prairie style arable fields with gentle slopes rising to Coleman's Kitchen Wood; extensive loss of hedgerows, particularly between Chilmington Green and Long Length leaving remnant hedgerow trees isolated in the middle of vast fields; in other places there are continuous ancient laid hedges with oak, however this is rare; pollarded willows along the B-road near Great Chilmington. Willow Wood is a remnant hornbeam coppice isolated within the large fields; the area is crisscrossed by a network of footpaths – the Greensand Way and two byways; expansive views, especially around Coleman's Kitchen Wood but these are contained in proximity to Long Length."*

188. The Landscape and Visual Impact Appraisal (LVIA) submitted with the outline planning application for the Chilmington Green development identified that there would be visual impacts as a result of the development on views looking north along Magpie Hall Road/Chilmington Green Lane and from Snailswood Farmhouse in Stubbcross and the adjacent public footpath. It has therefore already been established that a change in the visual amenity of the area is acceptable. Mitigation, in the form of tree, shrub and hedge planting, to soften the visual impact, and advanced planting of a woodland buffer to screen a portion of the Chilmington Green development when viewed from the south, were agreed as part of the outline permission. These measures are to be brought forward as part of Phase 3 of the Chilmington Green development.

The proposed WwTP would not prevent this mitigation from being brought forward.

189. The applicant has undertaken an LVIA for the WwTP development. The appraisal concludes that *“there would be a large residual effect on the landscape character of the site, with a slight effect on the local landscape character (within 500m of the site) and the Local Character Area BF5 “Chilmington Open Arable”.*”
190. The report continues that *“visibility of the proposals would be primarily limited to local visual receptors. The receptors most affected by the development would be the vehicular users of Criol Road, Chilmington Green Road, and limited stretches on Long Length and Magpie Hall Road. Residents along the eastern section of Tally Ho Road would experience slight-moderate residual level effects as a result of the development. Similarly pedestrian and horse riders using local PRow including AW300 to the west and AW222 and AW297 would experience slight effects once proposed vegetation has reached adequate maturity”.*
191. With regard to long distance views, the report concludes that these are very limited, and residual impacts are expected to be neutral.
192. The report identifies proposed mitigation, namely strengthening the boundary hedgerow to Chilmington Green Road and new native planting within the site; both of which are proposed to assist in reinforcing visual screening of the development from local roads, the PRow and residential properties.
193. I agree with the findings of the applicant's LVIA. The development would have an impact on the landscape character of the site and the immediate local area. I also conclude that the development would diminish the green buffer proposed between the Chilmington Green development and Stubbs Cross / Shadoxhurst, especially when taking account of the already constructed Southern Water pumping station. Whilst mitigation is proposed in the form of an earth bund with native shrub and tree planting, I consider that this would not be sufficient, until it is mature, to fully lessen the landscape impact given the scale and nature of the development. However, I acknowledge that as the landscape matures, the visual impacts of that which is proposed would reduce.
194. The most significant visual impact would be from properties closest to the site, adjacent to the junction between Tally Ho Road and Chilmington Green Road/Magpie Hall Road, where the WwTP would be visible beyond the recently completed Southern Water pumping station. The WwTP would also be highly visible from Chilmington Green Road and PRow to the south and north.

195. However, notwithstanding the above, I consider that the presence of the proposed WwTP would not be at odds with the changing nature of the area, transitioning from rural agricultural fields to a new built development. A green buffer would remain between the WwTP and properties to the south and south west in Stubbs Cross and Shadoxhurst. This would be further enhanced when the extension to Stubbcross wood is brought forward by the applicant. The applicant has advised that they would consider bringing forward early some tree planting that would assist in the visual screening of our proposed WwTP, although no details of this have been provided.
196. In addition, the WwTP would not compromise the design aims and objectives for the Chilmington Green Southern Fringe Character Area to the north, in particular to provide an appropriate transition between the development and the countryside.
197. In conclusion, I consider that with an appropriate landscape scheme in place, the harm to the landscape caused by the WwTP, even in the short term, would not be so significant as to warrant refusal of the application in terms of landscape impact. I therefore consider the proposed development to be acceptable in respect of its landscape impact and in compliance with the national and local planning policies identified above. The applicant has submitted a proposed planting plan, this has been reviewed by the Council's arboriculturalist who has suggested additional plant species that should be provided. Given the importance placed on the landscape mitigation, a planning condition to require the submission of a detailed landscape scheme for the site, including details of the proposed irrigation system and long term management would be essential, and I address this in my recommendation.

#### Water Quality

198. Concerns have been raised by local residents about the potential impact of the development upon the River Beult, specifically the discharge of treated waste water into the river, upstream of the River Beult Site of Special Scientific Interest (SSSI). The applicant has advised that the point of discharge is not yet confirmed, however, in the Flood Risk Assessment and SuDS Strategy Addendum that has been submitted it is indicated that the treated waste water could be piped into a watercourse approximately 280m downstream, to the northwest of the site. The pipe would run across land within the applicant's ownership. Given that the location of the discharge is not yet confirmed, the exact route of the outfall pipe is also not known. The outfall pipe will require both a permit from the Environment Agency (EA) and planning permission from the LPA. It is important to clarify, that the River Beult and the SSSI is not an internationally designated site (Special Area of Conservation (SAC), Special Protection Area (SPA) or a site listed in accordance with the Ramsar Convention on Wetlands), and therefore the LPA

is not required to carry out an Appropriate Assessment for the proposed WwTP, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

199. However, the River Beult is currently in an unfavourable condition, in part due to water quality impacts and Natural England (NE) has set targets for flow, ammonia, suspended solids, total phosphorus and siltation. NE has advised the applicant that they would need to ensure there were no negative impacts to the River Beult SSSI resulting from the discharge of treated waste water.
200. The NPPF, para 174(e) seeks to ensure that new development does not contribute to unacceptable levels of water pollution. This policy is reinforced by Local Plan policy ENV8 'Water Quality Supply and Treatment' which states that *"the Council will support, in principle, infrastructure proposals designed to increase water supply and wastewater treatment capacity subject to there being no significant adverse environmental impacts and the minimisation of those that may remain"*.
201. The Hydrological Statement submitted to support the overarching Chilmington Green nutrient neutrality assessment and mitigation strategy sets out the general parameters that the discharge from the WwTP should achieve to ensure there are no unacceptable effects on the River Beult. However, the applicant has also advised that the precise nature of the effects on the river will be influenced by the agreed point of discharge which will be determined through the EA permit process and that water flow monitoring will be carried out to ensure that discharge targets are met. The applicant has not submitted any further information to demonstrate that the development would not have a harmful impact on water quality in the river.
202. In order to legally operate the WwTP, the developer would need to obtain a permit from the EA to discharge treated waste water into the River Beult, in accordance with the Environmental Permitting (England and Wales) Regulations 2016. This permitting process is separate to the planning application process. Granting planning permission does not infer that the EA will subsequently grant a permit; it is possible that a permit might not be granted by the EA. The Council does not have to wait until an applicant has an EA permit before determining an application of this nature.
203. In their separate assessment of a permit application, the EA will consider the impact of the proposed waste water discharge on water quality, in both the water body that the treated waste water will flow immediately into and the wider river catchment, in this case the River Medway. As part of a permit application, the applicant will have to describe what is intended to minimise the risk of pollution from activities covered in the permit which would include

during normal operations and during any changes in normal operations, for example, in the event of breakdowns or enforced shutdowns.

204. If a permit is granted by the EA, the EA may impose conditions on that permit in order to protect water quality, for example, to restrict the amount of treated waste water that can be discharged; the rate of discharge; and, the concentration of treated waste water in relation to the volume of water in the river. As part of the permit application process the EA would consider whether the body that would operate the WwTP is competent enough to comply with any permit conditions. If a permit is granted, the EA would then be the responsible body to monitor compliance with the conditions of that permit.
205. I understand that the EA publishes notices of permit applications and members of the public have an opportunity to comment on those applications received. In addition the EA may consult other public bodies such as Natural England, Public Health England, local authorities and water companies.
206. The NPPF makes it clear that it is not the role of the planning system to duplicate matters governed under separate legislation. Paragraph 188 states:
- “The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively”.*
207. Therefore, in line with the NPPF, it is not appropriate, in this case, for the Council to require the applicant to submit further information to demonstrate that the proposed development would not contribute to unacceptable levels of water pollution in the River Beult. To consider this would be to duplicate matters governed under separate legislation. This assessment will be undertaken by the EA in their consideration of the environmental permit that is legally required for the WwTP to operate. Following a discussion with the EA concerning the operation of their permitting process, I am content that the environmental concerns raised by residents and parish council’s – which I do understand - about the suitability of the River Beult to accept flows from the proposed Chilmington Green WwTP and the impact of the development on water quality within the river would be fully and robustly assessed by the EA under the permitting process. A permit would only be granted if the applicant is able to demonstrate to the EA’s satisfaction that there are sufficient flows within the ditches and that detrimental impacts to water quality would not occur

208. The EA has raised no objection to this planning application, confirming that *“there is no guarantee that a permit will be granted. The permitting team will make that assessment on the receipt of a permit application”*.
209. In light of this, I consider that sufficient safeguards are in place, in the form of the permit application process by the separate responsible agency, for the Council to be assured that the requirements of para 174(e) of the NPPF and Local Plan policy ENV8 will be met and that a reason for refusal of the application on planning grounds that it might have potential impacts on water quality could not be justified.
210. However, given that planning permission would be required for the outfall pipe to be installed, I consider it necessary to include in my recommendation a condition to require planning permission to be obtained for the outfall pipe before work can begin on construction of the WwTP.

#### Flood Risk and Surface Water Drainage

211. The site is located in Flood Zone 1 and therefore has a low risk of flooding. The Sequential Test, set out in the National Planning Practice Guidance (NPPG), aims to steer developments to areas with the lowest risk of flooding, i.e. Flood Zone 1 where possible. The proposed development is classified as ‘less vulnerable’ in the NPPG flood risk vulnerability classification. ‘Less Vulnerable’ development is considered to be appropriate in Flood Zone 1.
212. The principle of the development of the site is therefore acceptable in respect of flood risk and in accordance with the NPPF which states that *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).”*
213. The principle of the development is also in accordance with AAP Policy CG20 ‘Flood Risk and Sustainable Drainage’ which states that *“all proposals for built development at Chilmington Green should avoid areas within the 1 in 100 year floodplain”*. This is also supported by Local Plan policy ENV6 ‘Flood Risk’ which seeks to ensure that development would not be at an unacceptable risk of flooding or increase the risk of flooding elsewhere.
214. The information submitted by the applicant confirms that the rate of discharge from the WwTP itself would be 3l/s and the total gross discharge rate from site would be limited to 3.4l/s. The applicant has advised that a surface water drainage system is proposed to attenuate runoff rates in storm events and to safely manage surface water on site to reduce the risk of flooding elsewhere. This would involve the provision of filter drains at the perimeter of the WwTP area and at the base of the earth bund, to collect and attenuate surface water runoff prior to flowing into underground storage crates located within the site

parallel to the treatment plant. The detailed design and configuration would be finalised and dealt with by planning condition, if planning permission is granted.

215. On the basis of the information submitted by the applicant and the advice provided by the County council, I consider that the application complies with para 167 of the NPPF, which seeks to ensure that proposed development does not increase flood risk elsewhere. In addition to AAP Policy CG20 'Flood Risk and Sustainable Drainage' which states that "*all proposals for built development at Chilmington Green should.....reduce flood risk through well designed, integrated sustainable urban drainage systems (SUDS)*". This is supported by Local Plan policy ENV9 'Sustainable Drainage' which seeks to ensure that all development includes appropriate sustainable drainage for the disposal of surface water in order to avoid any increase in flood risk or adverse impact on water quality.

#### Ecology and Biodiversity

216. The site is currently agricultural land and is surrounded by agricultural fields, hedgerows, a ditch network and an area of ancient woodland (Stubbcross Wood), circa 40m to the south. The site is not located within or adjacent to any statutory designated areas.
217. There are two statutory sites within 3km. Alex Farm Pastures Site of Special Scientific Interest (SSSI), is located approx. 2.8km to the south-west. This is cited as supporting one of the best surviving examples in Kent of unimproved neutral grassland. It also supports a number of declining butterflies. Orlestone Forest SSSI is approx. 2.95km to the south and is a large area of ancient woodland. The site lies within the Impact Risk Zone for these SSSIs. The site is approx. 12.3km from the River Beult SSSI which lies to the east.
218. The applicant's ecological impact assessment report identifies the site as "*an area of disturbed land which has started to be colonised by ruderal and ephemeral species. Adjacent to this, the site supports arable land. No botanical species of conservation significance have been recorded. The habitats present within the site are considered to be of negligible importance with the exception of the hedgerows.*"
219. The applicant's ecology report identifies that dormice and breeding birds are likely to be present in the hedgerows on and surrounding the site. In addition, there is the potential for grass snakes and great crested newts to be present on the site.
220. The development would result in the loss of arable farmland and semi-improved grassland and up to 15m of hedgerow to provide for the site access.

The application proposes species rich shrub, tree and grassland planting and approx. 87m of new hedgerow planting within the site to mitigate for this loss.

221. Protection measures and good construction practices will also be required during site clearance and construction to ensure that the species and habitats identified are retained and disturbance is minimised. This would include, but not be limited to, the protection of retained hedgerows; the installation of fencing to prevent incursions into the habitat between the ancient woodland and the site; the implementation of a dormouse mitigation strategy, noting that an EPS licence from Natural England will be required; the implementation of a site clearance method statement with measures to protect grass snakes.
222. With regard to the Alex Farm Pastures and Orlestone Forest SSSI's – the applicant's report identifies that there would be no predicted disturbance. The Water Quality section of this report deals with the impact on the River Beult SSSI.
223. With regard to the ancient woodland and ditches adjacent to the site, the report identifies that there may be moderate negative effects during construction, for example from dust and runoff. However, these impacts can be mitigated through good construction practices. The development would not result in the loss of any of the ancient woodland.
224. Section 15 of the NPPF seeks to ensure that planning decisions contribute to and enhance the natural and local environment and do not cause significant harm to biodiversity, statutory designated sites and irreplaceable habitats
225. AAP Policy CG21 'Ecology; states that '*development at Chilmington Green will avoid the loss of locally important ecological networks and semi-natural habitats*'. The policy continues '*where any part of the development would impact on important ecological assets, it will be necessary to demonstrate that appropriate mitigation is already in place and suitably established, prior to the commencement of that part of the development*'. This is supported by Local Plan policy ENV1 'Biodiversity'.
226. On the basis of the information submitted by the applicant and the advice provided by the County Council, I consider that sufficient measures are proposed to protect ecology and biodiversity on and adjacent to the site during construction. In addition, sufficient opportunities to incorporate and enhance biodiversity on the site can be secured as part of the development. The application, therefore, complies with AAP Policy CG21 and Section 15 of the NPPF 'Conserving and enhancing the natural environment'. The development is also consistent with the Council's wider approach in other parts of its area, with reference to Ashford Local Plan policy ENV1 'Biodiversity' and ENV5 'Protecting Important Rural Features'.

### Odour Impacts

227. The WwTP has the potential to emit odours, it is therefore necessary to assess these potential impacts upon the amenity of nearby existing and future residents.
228. The applicant has submitted an Odour Impact Assessment Report. The assessment identifies the likely sources of odour emissions from the WwTP; presents the results of an odour survey undertaken at an existing WwTP comparable to that proposed, alongside library data collected from other wastewater treatment facilities in the UK; and, via dispersion modelling, identifies the predicted extent of the odour impact on the immediate environment and nearby residents.
229. The applicant's assessment was undertaken in accordance with the Integrated Pollution Prevention and Control (IPPC) Technical Guidance Note "H4 Odour Management", published by the Environment Agency (EA), March 2011; Guidance on the assessment of odour for planning, published by Institute of Air Quality Management (IAQM) July 2018; and Odour Guidance for Local Authorities, published by DEFRA, March 2010 (now withdrawn).
230. The assessment predicts that odour emissions from the WwTP would be approximately 564 ouE/s (odour emission rate). Of these emissions approximately 57% are predicted to be generated by the sewage treatment stage (TE-CYC tanks) and 43% from the sludge handling and storage operations. The largest overall contributor to emissions are the main treatment sections of the TE-CYC tanks which account for 34% of the emissions from the site as a whole. The second and third largest contributors are the anoxic selector zones and sludge holding tanks, accounting for approximately 22% and 21% of emissions respectively.
231. The odour dispersion modelling was undertaken using the US Environmental Protection Agency (US EPA) AERMOD dispersion model. The model was run in accordance with guidance from the US EPA and the EA. The dispersion model was run using five years of data (2018-2022). The worst-case results from across the five years were used to create an overall 'worst-case' model.
232. Residents have raised concerns that the dispersion modelling is based on US weather patterns and topography. To clarify, the AERMOD model was developed by the US EPA and the American Meteorological Society. The EA Technical Guidance Note "H4 Odour Management" identifies the AERMOD model as being an appropriate model that is well established and routinely applied for odour assessment.

233. The applicant's report also states that the *“data describing the topography of the local area, and onsite source elevations was obtained from Ordnance Survey”*. It has therefore been confirmed that local data was used in the model and not data from the US.
234. Residents have also raised concerns about the use of meteorological data from East Malling, including the accuracy of the wind data. In response, the applicant's odour consultants have advised that the East Malling meteorological station is the nearest monitoring station to the application site. The proposed WwTP site and the East Malling site are *“both located in rural locations, with predominantly agricultural land use in the areas immediately surrounding each, and the elevations of both are very similar. As such the actual measured data from East Malling is suitable for the assessment”*. With regard to the wind data, I note that the wind speeds identified are comparable with the wind speeds identified during the noise survey undertaken on the site. There is also no evidence to suggest that the wind direction identified is incorrect.
235. The EA Technical Guidance Note ‘H4’ indicates that the use of meteorological data from a representative meteorological station, where the local features of the development site are similar, is an appropriate source of data to use in modelling. I have viewed the location of the East Malling meteorological station on Google maps and I have no reason to dispute the applicant's consultant's assertion that the local features are comparable to the application site.
236. Odour impact criteria are used to enable the odour impact of facilities to be predicted using dispersion modelling. These criteria are defined as a minimum odour concentration expressed in odour units, and a minimum exposure period, which is typically 2% of the time or the 98<sup>th</sup> percentile of hourly average concentrations in a given year. e.g. C98, 1-hour > 5 ouE/m<sup>3</sup>.
237. The EA guidance sets out benchmark criteria to be applied in dispersion modelling. Any results that predict exposures above these benchmark levels, after taking uncertainty into account, indicates the likelihood of unacceptable odour pollution. The benchmarks are: 1.5 odour units for most offensive odours; 3 odour units for moderately offensive odours; and, 6 odour units for less offensive odours.
238. IAQM guidance identifies three levels of odour impact - high, moderate and low offensiveness. This guidance states that *“odours from sewage treatment works plant operating normally, i.e., non-septic conditions, would not be expected to be at the ‘most offensive’ end of the spectrum”* and *“can be considered on par with ‘moderately offensive’ odours”*.

239. For highly sensitive receptors, such as residential dwellings, odour concentrations between C98, 1-hour 3 and 5 ouE/m<sup>3</sup> are considered to correlate to a 'Moderate Adverse' impact. Odour concentrations below this level are considered to be either slight or negligible.

240. The different levels of odour impacts for most offensive and moderately sensitive odours are set out in **Figures 8 and 9** below.

Odour exposure level [C <sub>98</sub> , 1-hour X ouE/m <sup>3</sup> ]	Receptor Sensitivity		
	Low	Medium	High
≥10	<b>Moderate</b>	<b>Substantial</b>	<b>Substantial</b>
5 - <10	<b>Slight</b>	<b>Moderate</b>	<b>Moderate</b>
3 - <5	Negligible	<b>Slight</b>	<b>Moderate</b>
1.5 - <3	Negligible	Negligible	<b>Slight</b>
0.5 - <1.5	Negligible	Negligible	Negligible
<0.5	Negligible	Negligible	Negligible

**Figure 8** - odour effect descriptors for impacts predicted by modelling: 'moderately offensive' odour

Odour exposure level [C <sub>98</sub> , 1-hour X ouE/m <sup>3</sup> ]	Receptor Sensitivity		
	Low	Medium	High
≥10	<b>Moderate</b>	<b>Substantial</b>	<b>Substantial</b>
5 - <10	<b>Moderate</b>	<b>Moderate</b>	<b>Substantial</b>
3 - <5	<b>Slight</b>	<b>Moderate</b>	<b>Moderate</b>
1.5 - <3	Negligible	<b>Slight</b>	<b>Moderate</b>
0.5 - <1.5	Negligible	Negligible	<b>Slight</b>
<0.5	Negligible	Negligible	Negligible

**Figure 9** - odour effect descriptors for impacts predicted by modelling: 'most offensive' odour

241. The dispersion model identifies that under normal operational conditions the C98, 1-hour = 3 and 5 ouE/m<sup>3</sup> isopleths are predicted to fall within the WwTP site boundary. The report concludes that odour exposure levels at the nearest residential properties are predicted to fall substantially below the most appropriate odour impact criteria (C98, 1-hour = 3 ouE/m<sup>3</sup>). On this basis, the risk of odour impact posed to existing residents as a result of the odour emissions is likely to be very low. The estimated odour emission rates are provided in **Figure 10** and the results of the modelling are illustrated in **Figure 11**.

Stage of treatment	Odour source	Odour emission rate (OU <sub>E</sub> /m <sup>2</sup> /s)	Note
Sewage treatment	TE-CYC anoxic selector zone	1.8	Measured value multiplied by 3 <sup>16</sup>
	TE-CYC tank fill/aerate phase	0.5	As measured
	TE-CYC tank aerate phase	0.5	As fill/aerate
	TE-CYC tank settle phase	0.3	As measured
	TE-CYC tank decant phase	0.3	As measured
Sludge handling	Sludge holding tank*	1.5	Measured value multiplied by 3 <sup>16</sup>
	Sludge trailer*	5	Estimate based on reference data

\*No reduction in emissions was applied for the covers on the sludge holding tank and sludge trailer which are likely to provide some degree of odour containment. As such the emission rates applied can be considered precautionary.

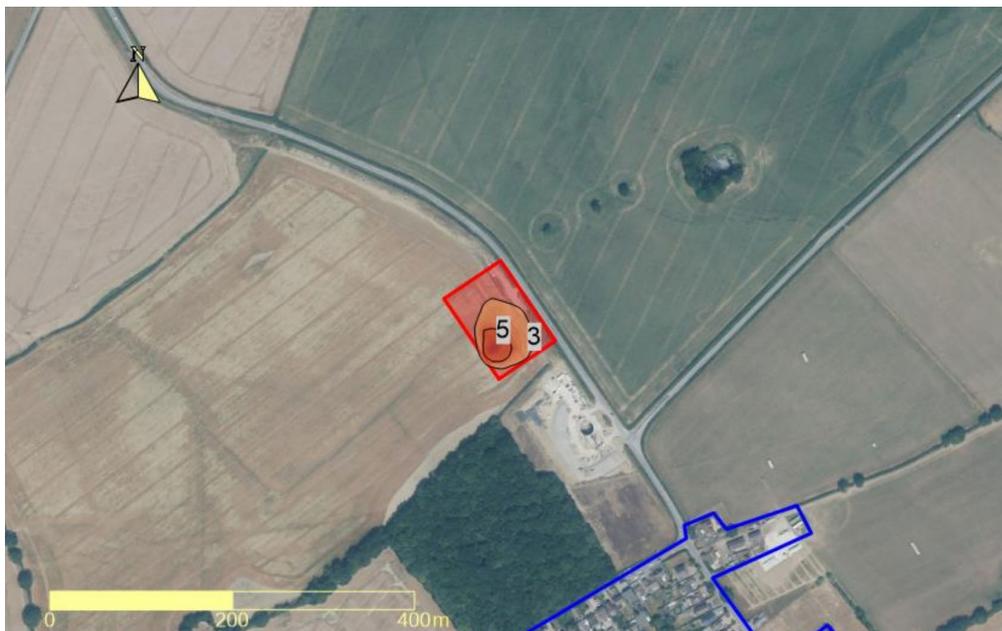
**Figure 10** - Estimated odour emission rates from the WwTP



**Figure 11** – Results of the dispersion model

242. The applicant’s consultant also undertook a sensitively analysis with double the emission rates applied to the sludge sources. The results of this model are illustrated in **Figure 12**. The model indicates that, even with doubled emissions the isopleths remain within the WwTP site boundary and the risk of odour impact at the nearby residential properties remains very low.

243. The report concludes that the odour risk to existing residents is likely to be very low. It can also be concluded from the result of the modelling that the risk of odour impacts to future residents of the Chilmington Green development and Court Lodge site allocation would also be very low.



**Figure 12** – Results of the dispersion model sensitivity analysis – double emissions

244. Residents have asked why the te-cyc tanks cannot be covered or sealed and why preventative measures to reduce the smell are not proposed. In response, the applicant has advised that the tanks are required to be open for ease of inspection. No preventative measures are proposed because they are not required, as demonstrated by the results of the dispersion modelling and sensitivity analysis, any odour impacts would be confined within the WwTP site boundary.
245. Any odour problems that have occurred in the past from other facilities and any assessment undertaken or advice given in respect of a plant in a different location, i.e. the Petersfield Plant referred to by residents, are not a material consideration in the assessment of this application.
246. Concerns have also been raised about chemical odours. The applicant has advised that the only chemical that would be used would be Ferric dosing which does not emit odours. Dosing is required to improve nutrient removal and enhance waste water treatment performance. The precise process and composition of the chemical dosing would be regulated by the Environment Agency through any discharge permit that it grants.

247. From the information submitted, and the advice provided by the Council's Environmental Protection team, I conclude that the development would not be likely to have a detrimental impact on air quality in the form of odour impacts on nearby residents. The applicant has demonstrated that odour impacts would be confined to within the WwTP compound boundary and I have no information to counter that view.
248. I therefore conclude that the development complies with NPPF, para 174(e) which seeks to ensure that new development does not contribute to unacceptable levels of air pollution and Local Plan policy ENV12 which seeks to ensure that development does not lead to a significant deterioration in air quality.

#### Noise and Vibration

249. The fixed plant at the WwTP and activities such as vehicle deliveries and collections have the potential to create noise impacts. It is therefore necessary to assess these potential impacts upon the amenity of nearby existing and future residents. The applicant has advised that although the WwTP would operate uniformly throughout a 24-hour period, any deliveries and collections would only take place during the daytime.
250. The applicant has submitted a noise assessment undertaken in accordance with BS4142. A noise survey was undertaken to identify the background noise levels properties within the vicinity of the site currently experience. This data has been used to establish limits for noise generated by the proposed plant. An assessment has also been undertaken of the potential impacts on future residents of the Chilmington Green development, however, this is indicative as the exact nature and location of these homes is not yet known.
251. Residents have raised concerns that the noise assessment may be skewed by increased noise levels in the area due to road diversions and construction activity. The noise survey identified that the predominant noise in the area is from road traffic. Therefore, if any construction activity was taking place at the time of the survey it was not dominant in the background noise.
252. The assessment concludes that noise levels from the fixed plant are calculated to be at least 20 dB below the general ambient noise levels and to fall at or below the established noise limits in all time periods at all locations, thereby indicating a low noise impact. Noise from operational noise sources, would, at worst, be around 11 dB lower than the existing ambient noise levels at the existing residences and at the lower end of the existing ambient noise levels. It is also noted that these sources would only occur during daytime,

would not occur continually and, as such, are not expected to add any significant noise to the existing levels.

253. Noise mitigation measures are proposed, comprising the provision of acoustic shrouds around the air blowers and the provision of a bund around the perimeter of the site. With these mitigation measures in place, the applicant's report concludes that noise from the WwTP is not expected to result in noise disturbance to existing residents.
254. The impact upon future residents of the Chilmington Green development would need to be assessed as and when applications come forward for the later phases of that development. If necessary, it may be appropriate for these homes to include appropriate enhanced sound insulation measures in order to mitigate any adverse impacts. The applicant's report identifies that a 2.0m high timber acoustic fence might be required on top of the bund between the site and such future housing, however this fence does not form part of this current application. Such a fence would require planning permission and therefore its acceptability would be assessed as part of a future application.
255. From the information submitted, and the advice provided by the Council's Environmental Protection team, I conclude that the development, with the proposed mitigation measures, would not result in levels of noise that would be detrimental to nearby residents. I therefore conclude that the development complies with NPPF, para 185(a) which seeks to ensure that new development mitigates and reduces to a minimum potential adverse impacts resulting from noise from new development.

#### Ground Contamination

256. A Phase 1 desk study of was carried out for the whole Chilmington Green site as part of the outline planning application. This did not identify any contamination concerns about the proposed WwTP site. The site has been used for agriculture and therefore the risk of contamination is considered low. No further site investigation is required unless potential contamination is discovered during the construction phase of the works.
257. The applicant has advised that the operation of the WwTP would not involve discharge of treated waste water to ground. The potential risk of spillages would be addressed by the provision of low level bunds surrounding the relevant infrastructure to contain any spillages with appropriate collection in sumps or storage tanks segregated from the general surface water drainage systems. Any collected spillage would then be removed from the site. In addition, a chamber with control valve(s) downstream of the filter drain, is

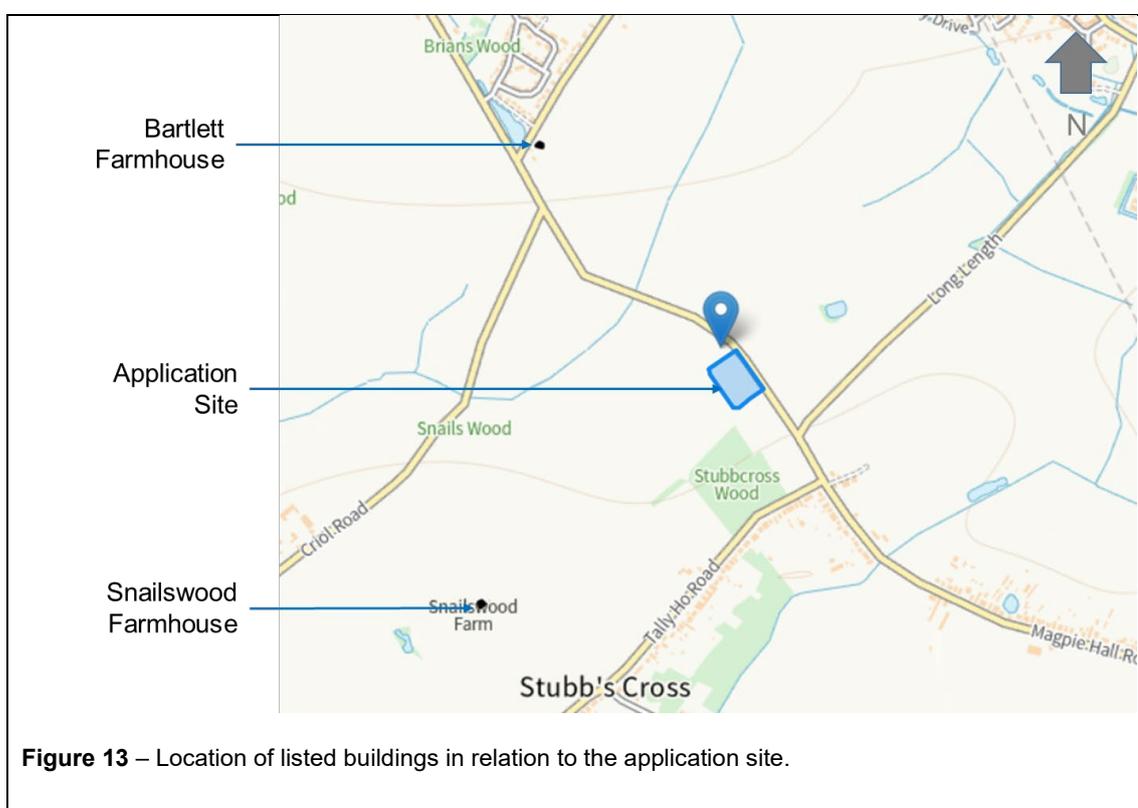
proposed to enable the filter drain to be shut off in a spillage event to prevent contamination entering into the surface water drainage system.

258. Concerns raised by residents about the risk of untreated waste water being discharged into the surrounding area would be addressed via the Environment Agency permitting process. The applicant will need to demonstrate in any such application what they will do to minimise the risk of pollution from activities covered in the permit, this includes during normal operations and during any changes in normal operations.
259. From the information submitted, and the advice provided by the Council's Environmental Protection team, I conclude that the site does not pose a known risk of contamination. If unexpected contamination is found, details will need to be submitted to the Council, including a mitigation strategy. In addition, I consider that sufficient safeguards are in place, via the EA's environmental permitting process, for the Council to be assured that the risk of spillages of untreated waste water into the surrounding area will be minimised.
260. Therefore, I conclude that the requirements of para 183 of the NPPF, which seeks to ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination, and para 185 of the NPPF, which seeks to ensure that new development is appropriate for its location taking into account the likely effects, including pollution on health, living conditions and the natural environment, would be met.

#### Heritage and Archaeology

261. The nearest listed buildings to the WwTP site are Snailswood Farmhouse approximately 500m to the south-west of the site and Bartlett Farmhouse, on the edge of Chilmington Hamlet, approximately 500 m to the north. Both are Grade II Listed. The location of these listed buildings, in relation to the application site, is shown in **Figure 13** below. There are no conservation areas within the vicinity of the site. Given the distance and orientation of both listed buildings in relation to the WwTP site, I consider that the WwTP would not be within the setting of either listed building and therefore that there would be no impact on the historic significance of these heritage assets as a result of the development.
262. With regard to archaeology, the wider Chilmington Green site has potential for multi-period archaeological remains. The application site is in a sensitive location associated with Iron Age and Romano-British activity. The site is very close to a possible Roman road junction which may have associated activity around it. I understand that archaeology works were undertaken in the area in

association with the Southern Water pumping station and rising main development, however, no details have been submitted in respect of the application site. I, therefore, consider it prudent to attach an archaeology condition to the planning permission, if granted.



263. I conclude, that the proposed development complies with Section 16 of the NPPF 'Conserving and enhancing the historic environment' and AAP Policy CG1(f) which seeks to ensure development positively responds to the distinctive landscape character and assets of the site - including historic buildings, historic landscape and archaeology. This is also supported by local Plan policies ENV13 'Conservation and Enhancement of Heritage Assets' and ENV15 'Archaeology'.

#### Highway Impacts

264. The WwTP site would be accessed off Chilmington Green Road, via a single access point. To facilitate the movement of vehicles through the site, a looped

internal estate road is proposed, as shown in **Figure 6** above 'Proposed Site Layout Plan'. This would allow all vehicles to enter and exit the site in forward gear. The entrance is wide enough to enable two-way vehicular traffic and to achieve the necessary turning circles for operational traffic. The Compound security gates would be set back by 19.7m from the edge of Chilmington Green Road to avoid the need for vehicles to wait on the highway when accessing the site.

265. The WwTP would be visited on a weekly basis for maintenance. In addition, sludge would be collected and taken away for processing. The regularity of those vehicle visits will increase as the operation of the WwTP increases to serve additional houses. It is currently anticipated that upon completion of Chilmington Green Phase 1 (circa 1500 homes) a sludge collection would be required every 16 days. On completion of Phase 2 (circa 2600 homes) this would increase to every 6 days.
266. KCC Highways and Transportation raised no concerns about the number of vehicle movements anticipated to be generated by the development and the effect on the highway, however, they initially raised an objection to the application relating to concerns that the visibility splays that were proposed would not be sufficient. In response, the applicant has proposed to bring forward a reduction in the speed limit along Chilmington Green Road from the current 60mph to 40mph. In line with KCC advice and guidance, the applicant has recently undertaken informal consultation with key stakeholders and residents about the proposed speed limit reduction. Following this, the applicant has formally submitted an application for a Traffic Regulation Order (TRO) to KCC to introduce the speed restriction. On the basis of this speed limit reduction being put in place, KCC have now removed their objection to the development.
267. From the information submitted, and the advice provided by KCC I conclude that the proposed development would not have a severe impact on the highway network and therefore complies with para 111 of the NPPF which states that "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". The application also complies with Local Plan policy TRA7 'The Road Network and Development'.

#### Other Matters

268. **Light pollution** – the applicant has advised that there will be limited lighting. The site will not be staffed and requires limited visits for maintenance. Low level, discrete lighting would be provided, for example on the handrails of platforms – the detail would be finalised during the detailed design process.

269. Given that there is a potential for lighting impacts on the amenity of neighbouring residents and wildlife if the lighting provided is not appropriately designed, I recommend a condition is attached to any planning permission that is granted to ensure that the lighting design approach and the lighting levels that arise from that approach are acceptable and balance the need for on-site safety for operatives alongside the need to avoid light pollution impacting on the qualities of the locality and ecological receptors. The use of Passive Infra-Red technology will be an important component of a scheme alongside a robust landscaping approach to the hinterland of the WwTP.
270. **Overlooking / loss of privacy / loss of daylight and sunlight** – The nearest existing and proposed houses are/would be located approx. 300m from the site. Given the maximum height and scale of the development, a distance of 300m would ensure that there would be no impacts on residents in respect of overlooking / loss of privacy / loss of daylight and sunlight.
271. **Decommissioning** – the applicant has indicated that the WwTP may not be required permanently and may therefore be decommissioned in the future. No details have been provided about what would happen to the site if this were to happen. I therefore recommend a condition, if planning permission is granted, to require details of a decommissioning plan to be submitted and agreed if at some point in the future the WwTP is to be decommissioned.

## Human Rights Issues

272. I have also taken into account the human rights issues relevant to this application. In my view, the “Assessment” section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

## Working with the applicant

273. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## Conclusion

274. The principle of the construction of a WwTP on the application site is acceptable and in accordance with relevant national and local planning

policies. The development would result in a slight reduction in the amount of ecologically managed farmland proposed as part of the wider Chilmington Green development, however, the proposed landscape would deliver ecological benefits and therefore I consider this reduction to be acceptable.

275. The WwTP would have an impact on the landscape character of the site and the immediate local area. It would also diminish the green buffer proposed between the Chilmington Green development and Stubbs Cross / Shadoxhurst. The landscaping scheme proposed will not be sufficient until it is mature to fully lessen the landscape impact given the scale and nature of the development. However, the visual impacts of the proposal would reduce as the landscape matures. I have balanced these visual impacts against the changing nature of the landscape in the area due to the housing development that has been granted planning permission as part of the Chilmington Green development and the development that is proposed in response to the Council's Court Lodge Local Plan housing site allocation. I consider that, with an appropriate landscape scheme in place, the harm to the landscape, even in the short term, would not be so significant as to warrant refusal of the application. I therefore consider the proposed development to be acceptable in respect of its landscape impact.
276. With regard to water quality, I am satisfied that the environmental permit process, administered by the Environment Agency, will sufficiently consider and address this issue. Being mindful of the NPPF requirement, that planning decisions should not duplicate matters subject to separate pollution control regimes, I am satisfied that the applicant is not required to provide any further information in respect of water quality in order for a decision to be made.
277. The applicant has demonstrated that the development would not result in adverse impacts upon the amenity of nearby existing residents in respect of odour and noise. In addition, the development would not have a severe impact on the local highway network.
278. Subject to the submission of additional details to be secured via condition, the applicant has demonstrated that the development would not result in unacceptable impacts to ecology and biodiversity and heritage and archaeology.
279. There remain outstanding points that need to be addressed by the applicant in respect of flood risk and sustainable drainage. Subject to these issues being satisfactorily addressed, I consider the proposed development to be acceptable, subject to the conditions broad details of which are given below.

## **Recommendation**

### **(A)**

- i. Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018 with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to planning conditions and notes (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit;**

### **(B) Permit, subject to conditions**

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Planning permission for the outfall pipe to be obtained prior to the commencement of construction of the WwTP.
4. Construction Environmental Management Plan (CEMP)
5. Archaeological field evaluation and investigations
6. Detailed ecological mitigation strategy
7. Details of all boundary fencing
8. Detailed landscaping scheme, including details of early provision of Stubbcross wood extension.
9. Traffic Regulation Order for Chilmington Green Road
10. Measures to prevent discharge of surface water to the highway
11. Delivery of site access
12. Provision and maintenance of visibility splays
13. Use of a bound surface for first 15 metres of the access road.
14. Post completion odour assessment

15. Post completion acoustic assessment

16. Details of site decommissioning and reinstatement in the event that the WwTP is no longer required.

17. Hedgerow protection

18. Lighting design strategy

19. Light levels

20. Reporting of Unexpected Contamination

### **Note to Applicant**

1. Working with the Applicant

2. Highways

### **Working with the Applicant**

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance:

- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.

- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference PA/2023/0715)

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