

Date: 15 April 2024
Our ref: 472536
Your ref: PA/2023/0715



Faye Tomlinson
Ashford Borough Council
Civic Centre, Tannery Lane
Ashford
TN23 1PL

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Faye Tomlinson,

Planning consultation: Proposed construction of a Wastewater Treatment Plant, associated landscaping, and proposed vehicular access from Chilmington Green Road.

Location: Chilmington Green, Land to west of Chilmington Green Road, Ashford, Kent.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on the River Beult Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further detail of the applicant's consideration of both the Environmental Quality Standards (EQS) and Common Standards Monitoring Guidance (CSMG) targets for the River Beult SSSI in relation to the proposed effluent treatment standards.
- Further clarity as to how the environmental characteristics (i.e., seasonality) of, and downstream of the proposed discharged location have been considered. In particular, the sufficiency (relative to timescale and quality) of current river flow/water quality monitoring, and certainty of operational conclusions, such as treated effluent standards.
- Confirmation that any additional measures required in order to ensure that there will not be an adverse impact upon the SSSI have been secured by your authority.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

It is acknowledged that Natural England previously provided a “No Objection” response to this application on the 12th September 2023 (our ref: 447377). However, it has since been brought to our attention that this response was issued in error and having reviewed the information available on the planning portal, we believe that there is currently insufficient information to conclude that there will not be an adverse impact upon the River Beult SSSI. We would therefore respectfully ask your Authority to replace our previous response from the 12th September 2023 (our ref: 447377) with the advice contained within this letter instead.

Further detail relating to the information that Natural England believes to be outstanding is detailed below.

Additional Information required

It is understood that the proposed Wastewater Treatment Works (WwTW) will discharge treated effluent associated with the Chilmington Green development into the catchment of the River Beult, in order to ensure that the development can avoid discharging into the Stodmarsh catchment (and therefore, be subject to nutrient neutrality). As part of our engagement with your Authority and the applicant for this development, Natural England have advised that any discharges into the River Beult SSSI will need to ensure that there will be no adverse impacts upon the site (your ref: 12/00400/AS, our ref: 422048, 10th March 2023).

In order to ensure that there would be no adverse impacts upon the site, we advised that both the Environmental Quality Standards (EQS) and Common Standards Monitoring Guidance (CSMG) targets will need to be met for the SSSI¹. Whilst it is recognised that some assessments of the potential impacts have been undertaken (Foul Drainage Strategy (March 2024) – Appendix Two. Technical Note), it is our opinion that there is insufficient certainty (and supporting narratives around how conclusions have been reached) to ascertain that the proposed WwTW and permit levels will be able to treat the effluent to a sufficiently high standard.

Water quality

As outlined above, Natural England previously provided the applicant with a copy of the Favourable Condition Table (FCT), detailing the relevant CSMG water quality targets for the River Beult SSSI. Whilst it is apparent that the treated effluent standards have been identified within the information submitted by the applicant, it is unclear as to how these targets have been directly considered against the targets for the SSSI. For example, the River Beult SSSI has site-specific targets for both “un-ionised ammonia” and “total reactive phosphorous” (rather than “ammonia” and “total phosphorous” as described within the submitted information), as well as siltation which does not appear to have been considered at all. Similarly, it is unclear as to how the EQS targets for the site have been considered against the proposed effluent targets for the site.

It is stated by the applicant that within the Foul Drainage Strategy (March 2024) – Appendix Two, that “depending on the flow in the River Beult, dilution and dispersion of the treated effluent from the WwTW will take place in the River Beult, further decreasing concentrations before reaching the SSSI at Hadmans Bridge”. Whilst we do not dispute the premise of potential dilution and dispersion occurring prior to entering the SSSI, it is unclear from the information provided as to how this has been modelled and robustly assessed. Furthermore, it is unclear as to whether any of the receiving ditches and/or watercourses within the catchment will be seasonally dry, and whether this will affect their ability to provide the necessary dilution and/or dispersion of the treated effluent.

Flow rates

Whilst we are satisfied that the proposed discharge volume (assuming a flow rate of 3L p/second, as detailed within the Foul Drainage Strategy) will not significantly alter river flow and exceed

¹ Natural England shared the CSMG targets directly with the applicant as part of our Discretionary Advice Service on the 15th December 2022. Should the applicant require an additional copy of these targets, we would be happy to share them with them directly.

parameters outside the acceptable levels of deviation as stated within the Monitoring Specification (MS) for the River Beult SSSI, it remains unclear as to whether the seasonal environmental changes and intermittent nature of flows downstream of the discharge site have been fully considered. It is stated within the Ashford Borough Council – Report of the Assistant Director Planning & Development Planning Committee 17 April 2024 that, “to date, five months of monitoring has been undertaken”. Natural England consider this to be insufficient to accurately and comprehensively determine the level of potential impact that the proposed discharge will have on environmental parameters, including flow and water quality downstream of the discharge location, and within the River Beult SSSI.

We would therefore advise that the applicant should, in the first instance, provide greater clarity as to how they believe that the baseline habitat characteristics (i.e., seasonality of the river and discharge location) have been sufficiently considered. Natural England would also advise that, at a minimum, a full years’ worth of water flow and level data should be considered within the calculations. This is to ensure that any seasonal changes, and in particular, periods of low rainfall and flow, are accurately represented and considered within this assessment.

Additional treatment measures

In light of our comments above, it is Natural England’s opinion, that there remains sufficient uncertainty as to whether the proposed WwTW can treat the discharged effluent to a sufficiently high standard in order to protect the River Beult SSSI from any adverse impacts, without the need for additional measures or treatment.

It is however noted that within Appendix Four of the Foul Drainage Strategy (letter from Corylus Ecology, 13th March 2024) that Severn Trent Connect (the proposed WwTW operator) “are able to confirm that there are process technologies available that will be able to respond to water quality limits that the Environment Agency may look to impose, should these be more stringent than the standards currently envisaged in the Te-Tech proposal”. However, as the Environment Agency’s permitting regime is a separate process to the determination of this planning application, Natural England would advise that following a robust assessment and consideration of the points outlined within this letter, additional measures may be required by the applicant in order to ensure that both the EQS and CSMG targets for the SSSI can be met. Should additional measures be required, we would advise that they should be clearly defined and secured as part of any planning permission granted by your authority in order to ensure that there will not be an adverse impact upon the River Beult SSSI.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England’s advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me at luke.hasler@naturalengland.org.uk.

Please consult us again once the information requested above, has been provided.

Yours sincerely

Luke Hasler
Sussex & Kent Area Team

Annex A – Natural England general advice

Protected Landscapes

Paragraph 182 of the [National Planning Policy Framework](#) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. [Section 245](#) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Biodiversity duty

The local planning authority has a [duty](#) to conserve and enhance biodiversity as part of its decision making. Further information is available [here](#).

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on '[appropriate assessments](#)'. Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via [Impact Risk Zones](#) or as standard or bespoke consultation responses.

Protected Species

Natural England has produced [standing advice](#) to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species [licence](#) may be required in certain cases.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies. Emerging [Local Nature Recovery Strategies](#) may also provide further useful information.

Annex A – Natural England general advice

Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on [Gov.uk](#).

Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the [NPPF glossary](#)) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

Further information on biodiversity net gain, including [draft Planning Practice Guidance](#), can be found [here](#).

The statutory [Biodiversity Metric](#) should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites, the [Small Sites Metric](#) may be used. This is a simplified version of the [Biodiversity Metric](#) and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the [Biodiversity Metric](#) and is available as a beta test version.

Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government [Planning Practice Guidance for the natural environment](#).

Ancient woodland, ancient and veteran trees

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website and the [Data.Gov.uk](#) website

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, separate guidance on soil protection

Annex A – Natural England general advice

for site restoration and aftercare is available on [Gov.uk](https://www.gov.uk) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Green Infrastructure

Natural England's [Green Infrastructure Framework](#) provides evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the [15 Green Infrastructure Principles](#). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 104 and 180 of the NPPF highlight the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Further information is set out in Planning Practice Guidance on the [natural environment](#)