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

Additional representations received post deferral at the December Meeting

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| (a) 32 'R' | (b) CMO 'comment' | (c) CPRE Kent 'comment', KCC Arch 'X', Kent Wildlife Trust 'R', Natural England 'X', SE Rivers Trust 'R', Upper Medway IDB 'R'. |
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Introduction

1. This application was deferred by Members at the Planning Committee meeting on 13 December 2023. The application was subsequently due to be considered by Members' at the 17 April 2024 Planning Committee meeting. However, following receipt of a letter from Natural England (NE) on 15 April 2024, two days before the Committee meeting, a decision was made to withdraw the application from the April meeting so that Natural England's position could be fully clarified and considered.
2. This report contains the content of the report and update report published for the 17 April 2024 meeting and therefore supersedes these two reports. This report also contains an update of what has happened since the application was withdrawn from the 17 April meeting. Furthermore, this report supplements the

report and update report presented to Planning Committee on 13 December 2023 (copies are provided in **Annex A** and **Annex B** of this report).

Withdrawal of the application from the April Planning Committee

3. In their letter, dated 15 April 2024, NE advised that their 'no objection' response to this application dated 12 September 2023 was issued in error. They confirmed that the advice contained in their letter dated 15 April 2024 replaces their previous 'no objection' response. NE stated that the proposed development "*could have potential significant effects on the River Beult Site of Special Scientific Interest (SSSI)*" and advised that they require "*further information in order to determine the significance of these impacts and the scope for mitigation.*"
4. On 16 April 2024 the applicant submitted a response to NE's letter, including a report detailing the results of a further month (March 2024) of monitoring of the river Beult. Following the submission of the applicant's letter, NE provided further representations, altering their advice on the application, on the afternoon of 17 April, which led to the decision to withdraw the application from the meeting that evening so that clarification could be obtained.
5. NE's final position is now set out in a new letter dated 22 April 2024, which replaces their representations of 15 and 17 April 2024. Their 22 April letter states that they now have "*no objection*" to the application "*subject to any appropriate mitigation being identified and secured as necessary*". A copy of this letter is provided in **Annex C** of this report, and I have set out the key points below.
 - With regard to flow rates in the river Beult, NE are "*satisfied that the proposed discharge volume will not significantly alter river flow and exceed parameters outside the acceptable levels of deviation (as stated within the Monitoring Specifications for the River Beult SSSI), for the periods where the flow rates have already been monitored.*" NE acknowledge that flow rate monitoring is ongoing and that "*any seasonal environmental changes (and the intermittent nature of flows downstream of the discharge site) can be robustly considered as part of the Environment Agency's permitting regime.*"
 - NE state that "*should further flow monitoring indicate that it is not possible to discharge the treated effluent to a suitably low flow rate, then we would agree that the options outlined within the applicant's response may be a suitable means of ensuring that the flows do not result in an exceedance of the parameters outlined within the Monitoring Specifications for the River Beult SSSI.*" NE note that "*the need for any additional measures will be considered separately (as part of the Environment Agency's permitting regime).*"

I note that the “*options outlined within the applicant’s response*”, referred to by NE, are as follows – if the preferred point of discharge was found to run seasonally dry the applicant could either apply for a permit to discharge to ground, or, propose a point of discharge further downstream.

- With regard to Water quality in the river Beult, NE acknowledge that the Environment Agency’s (EA) Permitting regime “*will need to ensure that the water quality targets for the River Beult SSSI have been robustly considered and that there will not be an adverse impact to it*”. NE state that they are “*satisfied in this instance that, whilst we advise that additional monitoring and assessment is required to rule out an adverse impact upon the River Beult SSSI, that these issues will be robustly considered as part of the Environment Agency’s determination as to whether a discharge permit should be granted or not.*”
6. NE acknowledge that an EA Permit would be required before treated waste water can be discharged from the proposed WwTP into the river Beult and that any potential impacts on the river Beult SSSI would be robustly considered through the EA Permit application process. I note that the EA will seek the views of NE as part of their consideration of any Permit application. The applicant is aware that an EA Permit is required to operate the proposed WwTP and is undertaking the work necessary to submit an application for this Permit. At this stage no further mitigation measures to avoid potential impacts on the River and the SSSI have been identified as necessary by the applicant, NE or the EA. If, through the Permit application process, it is identified that additional measures are required, for example, more stringent levels of treatment, then the applicant has advised that there are commercially available process technologies that can be incorporated into the existing Te-Tech design of the WwTP submitted for planning approval to address this.
7. In light of the additional submission made by the applicant and NE’s subsequent final response, I am satisfied that the potential impact on the river Beult and the river Beult SSSI has been sufficiently considered as part of the assessment of this planning application. I am also confident that the further detailed assessment to be undertaken as part of the EA Permitting process, which is over and above that required as part of the assessment of this planning application, and any of the safeguarding options that have been identified which may be required by the EA as part of any Permit granted would ensure that the proposed development would not have a detrimental impact on water quality in the River or, by extension, on the SSSI. I am therefore now proposing an additional pair of planning conditions, to ensure that before construction commences, there is clarity on which of the safeguarding options referred to by the applicant and NE (if any) are required, and any which are required are duly provided as part of the works.

December Planning Committee Deferral

8. This application was deferred by Members at the Planning Committee meeting on 13 December 2023 for the following reasons:
- i. A site visit to be arranged to allow the Planning Committee to further consider the proximity of the proposed development to existing and planned homes and the retail facility at Stubbs Cross;
 - ii. Further justification to be sought from the applicant in terms of the proposed design approach in terms of its suitability related to the context of the site and the need to ensure that the proposed works could be operated in a manner that would not give rise to matters of odour and noise impacts that would harm the amenities of existing and future occupiers in the locality;
 - iii. Concern as to the acceptability of the proposed landscaping scheme to fully screen the proposed development in the landscaping with the applicant invited to review the proposals and consider the provision of additional woodland planting;
 - iv. The matter of whether Environmental Impact Assessment applies to the proposed development to be further reviewed by Officers.
9. In response to items (ii) – (iv) above, the applicant has submitted the following new supporting information and amended and additional drawings:

Supporting Information

- Advice Note from Richard Harwood OBE KC dated 19th January 2024;
- Letter from Severn Trent Connect, 21 February 2024;
- Letter from Te-Tech, 11 March 2024;
- Corylus Ecology Addendum Letter, 13th March 2024;
- WwTW Discharge Assessment Technical Note from Water Environment, 19 March 2024;
- River Beult Monitoring Technical Notes for October, November, December 2023, January, February, March 2024, from Water Environment;
- Chilmington Green Foul Drainage Strategy Update Statement, March 2024;

- The Environmental Effects of Proposed Foul Drainage Strategy Update Statement, March 2024;
- E-mail from Te-Tech dated 16 April 2024.

Amended and additional Drawings

- Te-Cyc Plant Elevations ref: CHIL-TET-XX-XX-DR-C-0005 P01.4
 - Te-Cyc Plant Plan ref: CHIL-TET-XX_XX-DR-C-0002 P01.8
 - Proposed Location for Monitoring Points Plan
 - D0500_001_E_Landscape proposals
 - D0500_002_D_Planting Schedule
 - D0500_004_E_Proposed Sections
 - D0500_005_B_Stubbcross Wood Extension
 - Sketch Visualisations
10. I set out below how the applicant has, via the submission of the above information, addressed the reasons for deferral (ii), (iii) & (iv).
11. Members' undertook a site visit on Thursday 11 April 2023. Queries were raised by Member's during their visit relating to the role of the Environment Agency (EA) Permitting regime; potential odour, noise and visual impacts; and, the waste water drainage strategy for the Chilmington Green development. I have also included a response to these queries below.

Design approach in relation to the context of the site and in respect of odour and noise Impacts

12. The homes closest to the WwTP site are located approx. 250m to the south east, on the southern side of Tally Ho Road and the eastern side of Magpie Hall Road. The closest existing homes within the Chilmington Green development are located within The Hamlet, approx. 750m to the north. The nearest homes proposed within the Chilmington Green development would be located approx. 400m to the north and north-west. Homes are also proposed approx. 300 metres to the east as part of the Court Lodge development, currently the subject of a live planning application. These proximities are illustrated in **Figure 1** below.



Figure 1: Proximity of existing and proposed homes to WwTP site

Comparison to Ashford Waste Water Treatment Works

13. Members' highlighted that odour impacts have previously been experienced by residents living in proximity to the Ashford WwTP and that this issue had taken some time to resolve, with the treatment tanks now being enclosed with lids. Members raised concerns that the same odour impacts could be experienced by residents living in close proximity to the proposed Chilmington Green WwTP, given that the treatment tanks are intended to be open. In response to Members' concerns, the applicant has advised that the existing Ashford WwTP is very different in terms of its age, scale, technology and the activities that take place on that site when compared to the proposed Chilmington Green WwTP. The processes at the Ashford WwTP remain largely unchanged since its original construction in 1966. Each stage of the treatment process is separated out and takes place on a different area of the site due to the scale and nature of the waste that enters the works. Ashford WwTP currently serves a population equivalent of circa 120,000. It deals with waste received from the Ashford sewer network, plus waste tankered in and industrial and trade waste.
14. In contrast, the proposed Chilmington Green WwTP would only receive domestic sewerage from a defined sewerage network – from houses at the Chilmington Green development and potentially, the neighbouring Hodson development proposal known as 'The Gables' on Mock Lane which has received a resolution to grant planning permission. This would entail servicing the needs generated from a population of circa 15,000. This defined network

reduces the risk of the wastewater entering the proposed WwTP being of variable make up or becoming septic by the time it arrives, which the applicant identifies are both issues that can be a major cause of odour 'spikes'.

15. The design of the proposed Chilmington Green WwTP is based on the latest technology. The entire treatment process would be contained within a single tank and the proposed WwTP would have three tanks in total. In the event that operational problems occur within any tank, it could be shut down whilst the other tanks remain in operation. The applicant contends that this would reduce the likelihood of odour arising even in the event that there was a temporary operational failure on site.
16. The Council's Environment Protection team has reviewed the submissions and advises that the explanation provided by the applicant is considered to be reasonable and accurate.

Enclosing the Treatment Tanks

17. Members' requested that further consideration be given by the applicant to enclosing the three treatment tanks. In response, the applicant has contacted the manufacturer, Te-Tech, who advise that enclosing the tanks "*would compromise routine operation and maintenance*". Te-Tech state that "*operators are required to visually inspect the process, monitor instrumentation and access equipment. The inclusion of covers on the tank would restrict access and be problematic to the routine operation and maintenance activities*".
18. The applicant also maintains that if such operation and maintenance becomes more complicated and challenging due to covers then this could potentially affect the operation of the WwTP. The key to ensuring that minimal odour levels are generated is continued efficient operation. Measures that could complicate this could be counterproductive.
19. Te-Tech also explain that "*the process design is based on a successful and well established biological treatment process with over 1000 reference plants worldwide. It is standard practice that the process tanks are not covered*". Te-Tech state that they are "*unaware of any occasions where this has given rise to concerns or complaints in relation to odour*". Te-Tech refer to the Southern Water facility at Hawkhurst South and advise that "*there are no odour concerns on this plant which is comparable to Chilmington Green in terms of the process solution and scale*".
20. In addition, the applicant has advised that enclosing the tanks would increase their height by at least an extra metre, with any access gantries that would be required further increasing the height of the Plant.

21. It is, however, agreed by the applicant that the proposed sludge holding tank can be enclosed with a lid, as this would not cause any complications to the operation of the Plant. The proposed Plant Plan has therefore been updated accordingly, this is shown in **Figure 4** below.

Sludge Disposal

22. An additional query was raised at the December Planning Committee meeting about sludge disposal. The applicant has confirmed that sludge from the site would be taken to a wastewater treatment plant with a dedicated sludge treatment centre. This would be located outside the Stodmarsh catchment area. I recommend a planning condition to ensure the sludge is disposed of outside the Stodmarsh catchment.
23. The applicant has also provided further details of the regularity of anticipated sludge tanker movements. To deal with sewerage from the first circa 400 dwellings at Chilmington Green being treated by the Plant, it is anticipated that there would be one vehicle collection approximately every month. To deal with circa 800 dwellings this would require a collection twice a month.

Odour Impacts Conclusion

24. As described in paragraphs 227-248 of the December report to Planning Committee, the applicant has submitted a report demonstrating that odour impacts would be confined to within the WwTP compound boundary. In addition, as described above, in response to concerns raised by Member's at December's Planning Committee meeting, the applicant has proposed that the sludge tank would be covered and the proposed plans have been updated accordingly. From the information submitted I conclude that the development is unlikely to have a detrimental impact on air quality in the form of odour impacts on nearby residents (based on the proximities of 250+ metres described at paragraph 12 above). As I previously recommended in my report to December's Committee meeting, a planning condition could require the submission of a post-operation odour assessment within one month of the WwTP being brought into operation so that actual odour levels can be assessed and any additional mitigation, if necessary, installed to protect the amenity of existing and future nearby residents.
25. I note that the Planning Inspector, in his recent decision to grant planning permission for the WwTP proposed as part of the Kingsnorth Green development, did not raise any concerns in respect of potential odour impacts about a distance of circa 110 metres between the proposed WwTP and the nearest houses.

Noise

26. As set out in paragraphs 249-255 of the December report to Planning Committee, the applicant's noise assessment confirms that, with the noise mitigation measures proposed (comprising of acoustic shrouds around the air blowers and the bund around the perimeter of the site), noise from the WwTP is not expected to result in noise disturbance to existing or future residents (based on the proximities of 250+ metres described at paragraph 12 above). As I previously recommended in my report to December's Committee meeting, a planning condition could require the submission of a post-operation acoustic assessment within one month of the WwTP being brought into operation, so that actual noise levels can be assessed and any additional mitigation, if necessary, installed to protect the amenity of existing and future nearby residents.
27. I note that the Planning Inspector, in his recent decision to grant planning permission for the WwTP proposed as part of the Kingsnorth Green development, did not raise any concerns in respect of potential noise impacts about a distance of circa 110 metres between the proposed WwTP and the nearest houses.

Landscape Scheme / Visual Impact

The Bund

28. The applicant has revised their landscape proposals to provide an outer row of coniferous trees at the foot of the proposed bund on its northern and southern sides. The trees would be fast growing Leylandii Cypress. The height upon planting would be circa 5.0 metres from the base of the bund to provide an instant screen.
29. The coniferous Leylandii Cypress trees are not native and, given the planting would be within close proximity to ancient woodland (Stubbcross Wood) the species is especially important. The applicant's landscape architect has advised that there are no suitable native varieties of evergreen trees and shrubs that would grow quickly enough to provide the instant landscape screening that is requested by Members. The Council's arboricultural officer has reviewed the revised landscape plan and advised that as the non-native evergreens are proposed as a temporary landscaping measure they would not have a long-term effect as they would not self-seed and they would provide good nesting opportunities for birds.
30. Permanent structural planting is still proposed on the bund behind the coniferous trees. Once the structural planting has reached sufficient maturity

to provide an effective screen by itself, then the Leylandii Cypress would be removed. The removal of the Leylandii Cypress can be secured via condition.

31. The permanent structural planting proposed on the bund would comprise native species, however, the applicant has revised the planting mix to include evergreen varieties and fast growing shrubs and trees, to address concerns raised by Members that the previously proposed structural planting mix would only provide screening for part of the year. The revised landscape details are shown in **Annex D** below.
32. The treatment tanks (the tallest part of the proposed WwTP) would be 4.23 metres high to the top of the tanks and 5.70 metres high to the top of the gantries. The bund would be 1.80 metres high and the structural planting on top of the bund would range from 40cm to 3.5 metres in height when planted. Some of the planting located on the highest point of the bund would therefore be of a similar height to the treatment tanks when planted. The structural planting is expected to grow to between 4.0 metres and 6.0 metres in height above the bund within 10-15 years.
33. The height of the bund would remain as previously proposed (1.8m). The applicant has advised that the proposed 5.0m high coniferous trees would provide a larger screen than could be achieved through increasing the height of the bund. In addition, a more steeply sloped bund would make the growing environment for the landscaping more challenging and, in my view, would be likely to need an increased area for the bund to maintain a safe and appropriate gradient. For comparison the bund surrounding the Southern Water Pumping station site that Members viewed during their site visit is 2.25 metres high.

Stubbcross Wood Extension

34. The applicant now proposes to bring forward an early part of the Stubbcross Wood extension. This would provide woodland in-between Stubbs Cross and the Southern Water pumping station site / proposed WwTP site. This planting is not currently required to be provided until Phase 3 of the Chilmington Green development, currently envisaged to be delivered between 2031 and 2042. This planting extension to the Wood would include a mix of evergreen species and faster growing varieties. Specimen trees would be planted along the edge of Tally Ho Road and Chilmington Green Road. In addition, planting to the south would include poplars, which are fast growing trees. As part of the wider planting matures the applicant envisages that the poplars would be removed as part of the on-going management of the area. The implementation of this planting can be secured via condition as it would be located on land owned by the applicant, within the blue line shown on the submitted site plan. The proposed woodland extension is shown in **Annex D** below.

Environmental Impact Assessment (EIA)

35. I have undertaken a further review of the information submitted with the application and requested the following additional information from the applicant in order to establish whether the project would (or would not) have 'significant environmental effects:

- i. Documentary evidence to demonstrate that the proposed development would have no significant environmental effects on the river Beult;
- ii. Further details about the proposed outfall pipe and inlet pipe.

36. I also asked the applicant to provide a report setting out to what extent the environmental effects of the revised foul drainage strategy for the Chilmington Green development (to include a WwTP) differ from the environmental effects assessed in the Environment Statement (ES) and Addenda submitted with the outline planning application for Chilmington Green. This is in order to establish whether an update to the Chilmington Green ES is required in accordance with Condition 15 of the outline planning permission for the Chilmington Green development, which states:

"Except where a variation does not have significantly different environmental effects from the effects of the proposals assessed in the Environmental Statement dated July 2012 (as updated in the Environmental Statement Addendum dated February 2013, the Environmental Statement Addendum dated September 2014, and the Environmental Statement Addendum dated February 2015) and such variation is first authorised in writing by the Local Planning Authority, the development shall conform to the proposals so assessed, and shall be carried out in accordance with the Reserved Matters approved by the local planning authority."

Effects on the River Beult

37. To ensure that the WwTP would have no significant environmental effects on water quality in the river Beult, the discharge from the WwTP would need to meet water quality standards and targets set by the Environment Agency (EA). This includes the Environmental Quality Standards (EQS) which relate to the concentration of pollutants in water that should not be exceeded to protect human health and the environment; and Common Standards Monitoring Guidance (CSMG) targets for the River Beult SSSI which are a set of guidelines for assessing the condition of designated sites and covers different types of habitats and species.

38. The applicant has previously submitted information from Te-Tech, the manufacturer of the Plant, which sets out the standards and parameters of

discharge that the proposed WwTP can achieve. In addition, the applicant's consultants (Water Environment) has described how the WwTP has been designed to operate within the parameters acceptable to the EA. However, no evidence had been submitted to demonstrate that the EA standards and targets could be met in reality. This would depend on the results of the water flow and water quality monitoring that is required as part of an EA Permit application.

39. The applicant's consultants (Water Environment) are undertaking water flow and quality monitoring at five locations along the watercourse of the river Beult along which the WwTP is proposed to discharge. To date, six months of monitoring has been undertaken. The locations of the monitoring sites are shown in **Figure 2** below.
40. The monitoring will identify the existing water quality and flow within the watercourse and whether there are any notable abnormalities. If there is not enough water flowing within the watercourse then this could mean that the treated effluent would not be sufficiently diluted at its proposed point of discharge. In this scenario, the EA may require an alternative point of discharge further downstream. Additionally, if the water quality of the watercourse is already poor this could mean that the standards and parameters the proposed WwTP is currently designed to achieve would not be sufficient to ensure water quality is not effected. In this scenario, the EA may set more stringent permit levels.

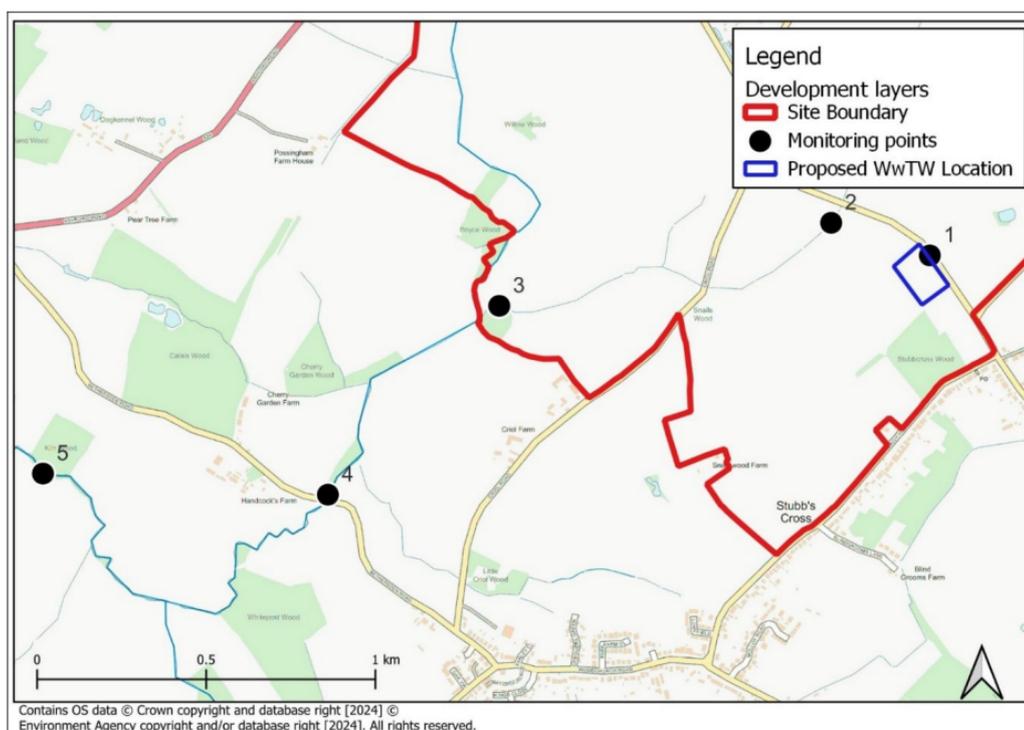


Figure 2: Water Quality & Flow Monitoring Locations

41. The applicant has advised that the monitoring is testing for Biochemical Oxygen Demand (BOD); Total Suspended Solids (TSS); Alkalinity; Total Nitrogen; and Total Phosphorus (dissolved). The applicant has provided the following description of these parameters:
42. *“BOD is an indicator of organic pollution in freshwater bodies correlated to microbiological contamination. High BOD concentrations reduce oxygen availability, degrade aquatic habitats and biodiversity.*
43. *High levels of TSS can increase water temperatures and decrease dissolved oxygen levels leading to ecological degradation of aquatic environments.*
44. *An increase in excess nutrients such as phosphorus and nitrogen entering into water courses can cause algae to bloom to high levels in water. This can prevent oxygen entering the water, suffocating life beneath the surface.*
45. *The pH of a watercourse (i.e. Alkalinity) is controlled by a combination of the geology, the plants in the river and human activity. Pollution can change the water’s pH, which in turn, can harm the ecological make-up of the water course.”*
46. With regard to water flow, the monitoring undertaken to date demonstrates that the proposed point of discharge (Identified at Site 2 in **Figure 2** above) experiences varied flow. The applicant’s monitoring indicates that Site 2 has not been dry during any of the ten monitoring visits. The minimum depth recorded (centre of channel) was approximately 10cm at site 2 with no measurable flow due to excess vegetation within the channel. The maximum depth and discharge at Site 2 recorded was 60 cm and 0.06 m³/s respectively.
47. Following the first five months of monitoring, the applicant’s consultant advised that the data produced had not identified any abnormal or unusual findings in respect of water quality. *“BOD across all four sites was found to be generally under the limit of detection (1 mg/l). Alkalinity was found to be highest at Site 2 and gradually decreased through sites. TSS varied across the sites and there was no clear pattern identified, however, it was generally found to be higher after rainfall. TN was found to be highest at Site 2 at an average of approximately 9 mg/l and gradually decreased from Site 2-5, with an average concentration at Site 5 of 2 mg/l. The same observation was made for TP, however, the concentrations ranged from a maximum of 130 µg/l at Site 2 and minimum of 50 µg/l at Site 5.”* I have reviewed the additional monitoring report provided for March 2024 and the findings do not appear to deviate significantly from those identified by the applicant’s consultant above.
48. Consequently, the applicant has advised that the proposed WwTP can treat wastewater flows to a level that would safeguard water quality based upon the

six months of data already compiled. The applicant therefore currently envisages that they would apply for a surface water discharge permit. However, if seasonally dry periods are identified during the monitoring to be undertaken during the spring and summer months then a permit to discharge to groundwater could be sought, or the discharge point could be moved further downstream where there is acceptable flow all year round.

49. In addition, a letter from Severn Trent Connect, who would operate the Plant, advises that if more stringent levels of treatment are required by the EA than those currently proposed, there are commercially available process technologies which can be incorporated into the proposed Te-Tech design to meet these requirements. The applicant has advised that these technologies could be incorporated into the structures proposed as part of this planning application, therefore a further planning application would not be required if more stringent levels of treatment are a prerequisite of the EA permit.
50. With regard to the impact on the River Beult SSSI, the applicant has submitted a letter from Corylus Ecology which provides an update to their previous review of the potential effects of the proposed development on the SSSI. In their previous review, Corylus Ecology compared the EQS and conservation objectives for the SSSI to the minimum performance standards proposed for the WwTP. Corylus Ecology explain that since their previous advice was prepared the applicant has finalised their proposals for the WwTP. Based on the finalised proposals, Corylus Ecology consider that the ecological, chemical and physical characteristics of the receiving watercourse would be protected.

Outfall Pipe and Inlet Pipe

51. The applicant has advised that the precise location of the outfall will be determined through the EA's discharge permit process. However, the monitoring work described above has identified that a suitable point of discharge to a watercourse can be achieved approximately 280m to the north-west of the proposed WwTP site (Identified at Site 2 in **Figure 2** above).
52. The applicant has advised that the gravity fall on the outfall pipe would be 1:50. The pipe would be 150mm in diameter and a simple brick built headwall would be provided at the point of outfall. No other apparatus would be necessary at the point of outfall. Monitoring of the treated effluent would take place at the outlet to the WwTP.
53. With regard to the inlet pipe, the applicant refers to a previously submitted technical note by SLR Consulting Ltd which explains how flows would be pumped into the WwTP. This indicates that there are two potential options, both would utilise the existing IWNL operated pumping station located adjacent to the proposed WwTP. Option 1 would entail retaining the existing pump within

the IWNL operated pumping station and increasing the size of the valve chamber to include for a second rising main. The existing rising main would continue to pump the agreed flows into the Southern Water network but all excess flows would be directed into the second rising main through the installation of an actuated valve. The actuate valve would be motorised, controlled via telemetry and switch flows to the new WwTP once the agreed daily limit into the Southern Water system has been met.

54. Option 2 would involve the enlargement of the existing wet well arrangement within the IWNL operated pumping station to enable a second pump and rising main to be installed, which would direct flows into the WwTP. Once the existing pump reaches the daily limit into the Southern Water system it would be shut down and excess flows would be directed into the WwTP to be treated prior to discharge into the watercourse. The Southern Water pumping would be reactivated the following day until it again reaches its daily limit.
55. The outfall and inlet pipes do not form part of this planning application. Instead these pipes would be constructed under the permitted development rights afforded to Severn Trent Connect, the proposed operator of the WwTP as a statutory undertaker. However, for EIA purposes, the pipes form part of the 'project' and therefore their impact needs to be assessed. The location of the proposed WwTP, and the existing IWNL operated pumping station and Southern Water pumping station is shown in **Figure 3** below.

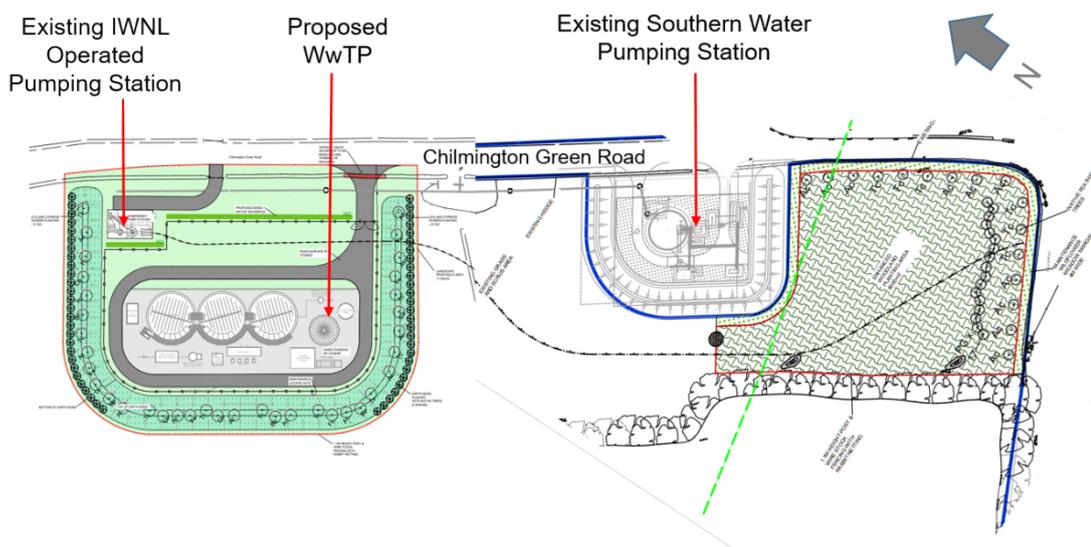


Figure 3: Location of existing pumping stations and proposed WwTP on Chilmington Green Road.

Assessment of Environmental Effects

56. As set out in my report to Planning Committee in December (paragraphs 25 - 29), the proposed development is Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Therefore, the Local Planning Authority (LPA) is required to “*determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required*” (ref: National Planning Practice Guidance (NPPG), paragraph: 017 reference ID: 4-017-20170728). The environmental effects are determined via a screening opinion.
57. The NPPG advises that when an LPA issues its screening opinion it must state the main reasons for the conclusion with reference to the relevant criteria listed in Schedule 3 of the 2017 Regulations. Where it is determined that a proposed development is not Environmental Impact Assessment development, then the LPA must state any features of the proposed development and measures envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment (ref: NPPG, paragraph: 018 reference ID: 4-018-20170728)
58. The criteria in Schedule 3 refer to the characteristics of the development; the location of the development; and the types and characteristics of the potential impacts. The NPPG advises that not all of the criteria will be relevant in every case and that each case should be considered on its own merits and in a balanced way. The fundamental test is whether, within the given location, a particular development and its specific impacts are likely to result in significant effects on the environment.
59. To assist the determination as to whether a development is likely to have significant environmental effects, the NPPG includes 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. For a WwTP 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 - size, treatment process, pollution and nuisance potential, topography, proximity of dwellings and the potential impact of traffic movement.
60. My Screening Opinion relating to the project that includes the proposed WwTP and its outfall and inlet pipes, dated 2 April 2024, was annexed to the previous report to the Committee. In summary, I concluded that, from the information

submitted by the applicant, I had no reason to believe that the proposed development is likely to have significant effects on the environment such that it would require the submission of an Environmental Impact Assessment alongside other application drawings, plans and supporting documents. I concluded that all of the impacts can be sufficiently assessed from the information submitted with the application.

61. However, since that Opinion was prepared, NE's letter of 15 April changed their assessment of the potential environmental effects of the project on the river Beult. In addition, a letter dated 17 April from Richard Buxton Solicitors, writing on behalf of the CPRE, raised concerns that, following the objection raised by NE, it is not rational to conclude that there would not be possible significant environmental effects on the river Beult SSSI and that it is possible that an EIA could therefore be required.
62. As set out above, NE's final position is now set out in a new letter dated 22 April 2024, which replaces their representations of 15 and 17 April 2024. NE has clarified its position as now being "*no objection subject to any appropriate mitigation*". I have updated my Screening Opinion to reflect the latest position, a copy is provided in **Annex E** to this report. In summary, I am content that the development would not have significant effects on the environment such that it would require the submission of an Environmental Impact Assessment.

Implications for the Chilmington Green Wide Environment Statement

63. The Environmental Statement (ES) submitted with the outline planning application for the Chilmington Green development identified that the development would result in increased pressure on foul sewerage infrastructure. The ES identified that investment in the drainage infrastructure by Southern Water meant that there would be no off-site foul drainage capacity constraints associated with the development. The ES concluded that mitigation to reduce water demand from the development to reduce pressure on the foul sewerage infrastructure, alongside the Southern Water infrastructure works, would result in a direct, permanent, long term minor negative to negligible residual effect on local water demand as a result of the development.
64. The Southern Water sewerage network can no longer be utilised to serve the whole of the Chilmington Green development due to the requirement to achieve nutrient neutrality within the Stodmarsh Catchment. This involves the provision of a WwTP on site to treat waste water. The applicant identifies that the provision of a WwTP would not have an impact on the capacity of existing infrastructure.
65. The applicant has submitted a report setting out the extent of the potential environmental effects of the amended foul drainage strategy for the Chilmington

Green development, involving the provision of a WwTP, when compared with the environmental effects of the original foul drainage strategy assessed in the ES submitted with the outline planning application for the development. The report assesses the impacts of transport and access; noise and vibration; local air quality ecology and nature conservation; landscape and visual effects; and flood risk, drainage and water resources. The report identifies that any differences that may arise are not considered to have significant environmental effects.

66. I have reviewed the applicant's report, and the information appended to it, and I have no reason to conclude that the proposed alteration to the foul drainage strategy for the Chilmington Green development would be likely to result in significantly different environmental effects from those assessed in the Environmental Impact Assessment for the Chilmington Green development.
67. During the Planning Committee meeting in December, reference was made to the Court Of Appeal decision - Ashchurch Rural Parish Council v Tewkesbury Borough Council (also commonly known as the 'Bridge to Nowhere' case). Concerns were expressed to the Committee that the applicant's approach to the planning application submission amounted to 'salami slicing' in order to avoid the requirement to submit an Environmental Impact Assessment.
68. The Ashchurch Rural Parish Council v Tewkesbury Borough Council case involved a planning application for a road bridge over a railway. The bridge was proposed as part of a link road to serve an urban extension. Due to funding reasons, the planning application for the bridge was submitted separately and earlier than the planning application for the link road over it and the urban extension that it would serve. The planning permission was quashed, one of the reasons being that the Council had taken into account the beneficial effects of the development to be served by the bridge but had not taken into account the adverse effects of the development to be served by the bridge. It was considered perverse to take into account the benefits without the adverse effects too.
69. The wider Chilmington Green development has already been granted outline planning permission and, in so doing, its environmental effects have already been assessed. In terms of the approach required by the case law, the Screening Opinion considers the impact of both the WwTP that requires planning permission, and the inlet pipe and the outfall pipe which are proposed to be constructed under permitted development rights, and my conclusion is that the proposals would not result in significant environmental effects.

Relevance of Hillside Park Ltd v Snowdonia National Park Authority Supreme Court decision

70. A question was raised at the Planning Committee meeting in December as to whether this recent Supreme Court decision is relevant to the planning application for the WwTP. The issue raised by this decision concerns whether granting planning permission for the proposed WwTP would conflict with the wider Chilmington Green outline planning permission to such an extent that the Chilmington Green outline planning permission could no longer be built out further because it would be physically impossible to do so.
71. The Hillside Park Ltd v Snowdonia National Park Authority decision is not relevant to the application for the WwTP because the construction of the WwTP would not prevent the wider Chilmington Green development from being brought forward in the same form as originally envisaged. There is no case law that has stated that Hillside applies to outline permissions.
72. The WwTP would be constructed on agricultural land and not land identified for built development. The loss of the agricultural land, which is shown on the parameter plans for the Chilmington Green development as being brought forward as ecologically managed farmland, would not in my opinion be so significant (given the size of the WwTP site) to result in the ecological mitigation proposed within the Chilmington Green development being reduced to such an extent that the ecological impacts arising from the development would no longer be able to be acceptably mitigated. It would remain physically possible to bring forward the development in accordance and consistent with the outline planning permission for Chilmington Green.

Other Matters

73. The following additional matters relating to the proposed WwTP are addressed below:
 - i. Revised Site Plan and Elevations
 - ii. Operation and Maintenance
 - iii. Environment Agency Permit
 - iv. Chilmington Green Foul Drainage Strategy

Revised Site Plan and Elevations

74. Following notification that Severn Trent Connect (STC) would now operate and maintain the proposed WwTP, the applicant has confirmed that the proposal

still remains the Te-Tech design. However, STC have advised that, in order to comply with their safety standards, a welfare / storage kiosk would be required on site to provide site operatives with shower facilities and a storage area. This structure would have a footprint of 4.0 metres x 7.3 metres and would be 3.0 metres high with a flat roof. It would be constructed from Glass Reinforced Plastic (GRP) with an external green finish to match the colour of the other structures on site. The structure would be located to the west of the three treatment tanks, within the loop road.

75. In addition, during their site visit, Members asked whether the tanks could be sunk into the ground or widened so that they would be lower in height, but provide the same capacity. The applicant has sought advice from the manufacturer, Te-Tech, who have advised that it is not possible to sink the tanks into the ground because it is necessary to retain access around the base of the tanks for operation and maintenance, for example to access valves, instruments and pumps at low level. However, Te-Tech have advised that it would be possible to reduce the height and widen the treatment tanks, sludge tank and attenuation tank. Te-Tech advise that the revised heights are the lowest practical heights that are achievable. The amended dimensions of the structures are provided below.
- a. Three Te-Cyc Tanks – reduced in height from 5.63 metres to 4.23 metres to the top of the tanks and from 7.10 metres to 5.70 metres to the top of the gantries - a reduction in height of 1.4 metres. The diameter has increased from 16.22 metres to 21.00 metres - an increase of 4.78 metres.
 - b. Attenuation Tank – reduced in height from 5.63 metres to 3.53 metres - a reduction in height of 2.1 metres. The diameter has increased from 5.12m to 7.68 metres - an increase of 2.56 metres.
 - c. Sludge Storage Tank – reduced in height from 6.68 metres to 4.58 metres - a reduction in height of 2.1 metres. The diameter has increased from 10.0 metres to 14.65 metres - an increase of 4.65 metres.
76. The changes to the dimensions of the tanks has necessitated some changes to the arrangement of the structures on the site however, the size of the compound is unchanged. The applicant has amended their drawings to reflect all these amendments, these drawings are provided in **Figures 4, 5 & 6** below.
77. I consider that the addition of the welfare/storage kiosk, given its size, scale, appearance and footprint, would not have any additional landscape or visual impacts over and above those already identified and assessed in my previous report to the Planning Committee. I therefore consider the addition of this structure to be acceptable. I also consider that the reduction in the height of the

tanks and resultant increase in their diameter to be acceptable and would assist in lessening the visual impact of the proposed development.

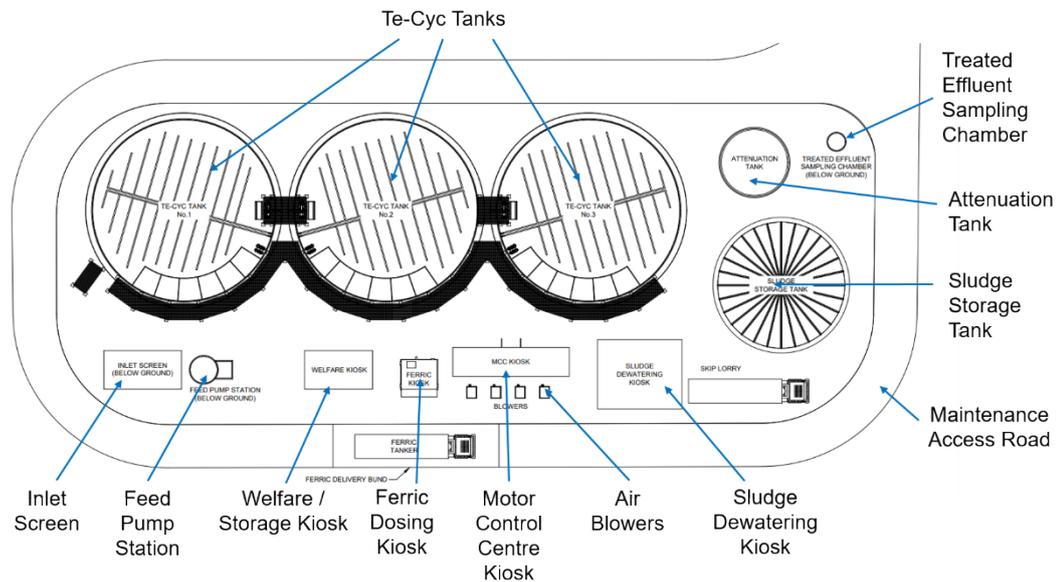


Figure 4: Proposed Site Plan

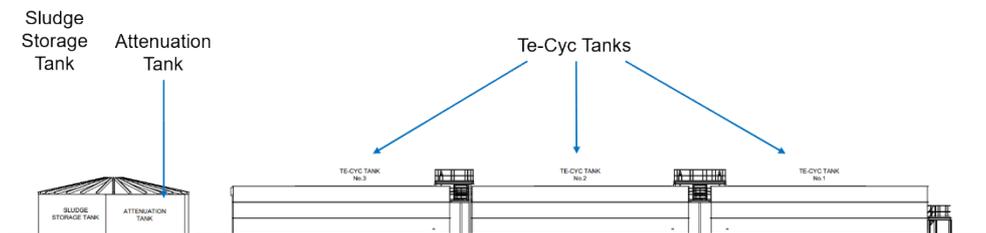


Figure 5: Proposed north-east elevation

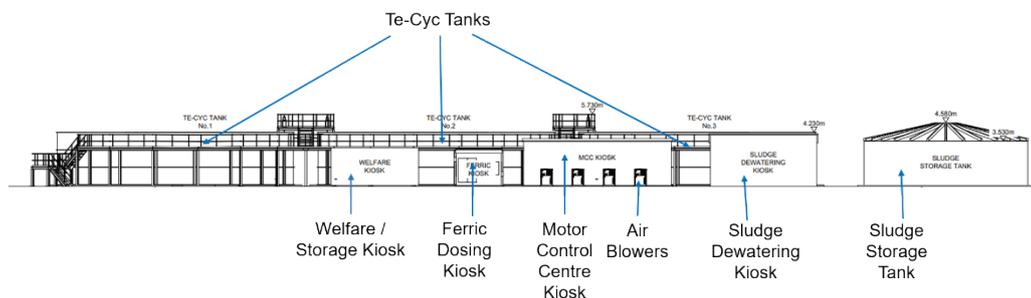


Figure 6: Proposed south-west elevation

Operation and Maintenance

78. The applicant had previously advised the Council that Independent Water Networks Ltd (IWNL), who currently operate the waste water network for the Chilmington Green development, would operate and maintain the proposed WwTP. Since the Planning Committee meeting in December, IWNL has advised that it has not agreed to operate or maintain the WwTP. Consequently, the applicant has advised that Severn Trent Connect (STC) would now operate and maintain the proposed WwTP. A letter from STC confirms the following;
- i. STC is an Ofwat-regulated water company appointed by the Secretary of State to provide wastewater and surface water management services in England and Wales.
 - ii. Tripartite Heads of Terms have been prepared setting out arrangements between STC, IWNL and Hodson Developments. This agreement will be finalised if planning permission is granted by the Council. The agreement includes the transfer of the sewerage licence from IWNL to STC to serve the Chilmington Green development, and the design, build and operation of the WwTP.
 - iii. STC would apply to the Environment Agency (EA) for the required permit having undertaken the necessary studies (including a water quality and quantity study).
 - iv. If the EA determine that more stringent levels of treatment are required than those currently envisaged in order for a permit to be granted, there are commercially available process technologies which can be incorporated into the existing Te-Tech design to meet any such EA requirements.
 - v. STC has reviewed the two options outlined in the SLR Technical Note for separating the foul flows to be routed either through Southern Water's pumping station or to the onsite WwTP. STC is satisfied that both options would operate effectively.
 - vi. Uninterrupted sewage flows arriving at the WwTP are not a requirement for effective sewage treatment.
79. Hodson has also confirmed that STC would become the sewerage service provider in respect of wastewater infrastructure for Chilmington Green and that IWNL would have no future role in the operation of the proposed WwTP or the existing IWNL operated pumping station near to the WwTP.

Environment Agency Permit

80. During the December Planning Committee meeting a query was raised about whether the applicant had submitted an application to the Environment Agency (EA) for a Permit to discharge treated effluent into the river Beult. The applicant has advised that a permit application has not yet been submitted and that if planning permission has been obtained, then the application to the EA would be submitted by Severn Trent Connect (STC), an OFWAT approved/regulated company.
81. I also provide below additional information in respect of the EA approach to Permitting.
82. The discharge of treated effluent from the WwTP would be governed by the Environmental Permitting (England and Wales) Regulations 2016. 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, although the 'fallback proposal' of groundwater discharge is possible. Once the EA grant a permit, they monitor compliance and enforce permit conditions, as necessary. If an operator has, is or is likely to contravene conditions attached to a Permit then the EA may suspend the permit, for example, if the EA considers that there is a risk of serious pollution, flooding; detrimental impact on drainage; or serious harm to the environment. It is an offence to fail to comply with or to contravene an environmental permit condition and/or fail to comply with the requirements of an EA enforcement notice or a prohibition notice or a suspension notice. Ultimate sanctions for contravening any of the above would be a fine or imprisonment.
83. An application to the EA for a permit will include an assessment of the environmental risk of the proposals including the risk under both normal and abnormal operating conditions. It will consider operator competence and management systems and consideration can be given by the EA as to whether the operator has a poor record of compliance with regulatory requirements together with their financial competence.
84. It should be noted that STC would submit the Permit application for the WwTP to the EA and not the developer (Hodson Developments). STC are an experienced company in making such submissions, I note that STC have recently submitted a Permit application for the WwTP granted outline planning permission as part of the nearby Kingsnorth Green development.
85. This Permitting regime is entirely separate to the planning application process. Granting planning permission does not infer that the EA will subsequently grant a permit. The Local Planning Authority (LPA) does not have to wait until an

applicant has an EA permit before determining a planning application of this nature.

86. In their separate assessment of a permit application, the EA will consider the acceptability of the discharge from the WwTP and the impacts that may arise from this, in both the water body that the treated waste water will flow immediately into and the wider river catchment, including the SSSI. The EA will also determine if the WwTP can be managed on an ongoing basis to prevent or minimise pollution. The EA would seek the views of Natural England on the Permit application. 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.
87. In contrast, an LPA should determine whether a development is an acceptable use of the land, assessing the impacts of the physical development on the site and its surroundings. The EA 'Guidance for developments requiring planning permission and environmental permits' (October 2012) states that LPA's should be confident that a development would not result in unacceptable risks from pollution when considering whether the development would be an appropriate use of land, and not focus on controlling pollution where that can be controlled by other pollution regulations, such as through the Environmental Permitting Regulations. LPA's should take advice from other consenting bodies, such as the Environment Agency, in reaching its conclusion on the appropriateness of the proposed use of land.
88. As set out in paragraphs 48 & 49 of the report presented to Planning Committee in December, the EA raised no objection to the proposed WwTP. The EA advised that the discharge from the WwTP will require an environmental permit and that OFWAT guidance must be followed.
89. The EA also advised 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.
90. The National Planning Policy Framework (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”.

Chilmington Green Waste Water Drainage Strategy

91. Southern Water has built a pumping station that is of sufficient size to deal with the waste water from the whole of the Chilmington Green development and all the infrastructure to take the waste water to the Bybrook treatment works is in place. However, due to the requirement to achieve nutrient neutrality, in response to advice issued by Natural England, the waste water from the residential parts of the Chilmington Green development not yet granted reserved matters approval cannot discharge via the Southern Water pumping station and into the treatment works at Bybrook, as originally intended when outline planning permission for the Chilmington Green development was granted. 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.
92. The applicant envisages that the proposed WwTP would only need to treat waste water for a temporary period of time, due to the upgrades planned by Southern Water at the Bybrook treatment works. However, the planning application is not for a temporary development that could be removed within an agreed period of time, therefore Members must consider the application as if the development is a permanent facility.
93. It is proposed that the waste water from the 763 dwellings that already have reserved matters planning approval at Chilmington Green would continue to flow to Bybrook WwTW for treatment. The proposed WwTP has been designed with the capacity to treat the waste water from up to 2,700 dwellings without the need for any tertiary treatment such as reed beds or additional process tanks. The discharge rate from the proposed WwTP would be attenuated to 3 litres per second and to maintain this discharge rate would only be able to treat the waste water from up to 980 dwellings (this is the number of dwellings over and above the 763 dwellings that can continue to flow to Bybrook WwTW for treatment).
94. To facilitate housing numbers over 980 dwellings the applicant advises that treated waste water would need to be stored on site and/or reused on site rather than being discharged straight into the River. The applicant considers this approach to be an environmentally sound measure within an area designated as being in serious water stress. These measures could be accommodated within the wider Chilmington Green development site on land which the applicant already owns. Alternatively, it may be possible to use Southern

Water's newly constructed Pumping Station following the upgrading of the Bybrook WwTW due to be complete by 2030. These matters are not part of the current proposal and would be taken forward, if required, through further proposals in due course.

95. Without the proposed WwTP, development at the Chilmington Green site, Ashford's largest housing site allocation, would not be able to progress beyond the existing reserved matters approvals (763 homes in total, including those already built/under construction) for the foreseeable future. In addition to resultant reduced housing delivery for the borough, this would also lead to a lack of associated infrastructure and services being brought forward to serve the residents of the Chilmington Green development.

Consultations

96. In addition to the recent correspondence received from Natural England, described above, a letter has been received from the Kent County Council (KCC) Archaeology. KCC advise that there is potential for prehistoric remains as well as evidence of Iron Age and Romano British activity in the area. There is clear geophysical evidence of an Iron Age and Roman routeway heading south from Westhawk Farm, through Little Court Lodge Farm and then through Stubbs Cross wood. There is some evidence for a roman road heading close to Chilmington Green Road. It may be that Stubbs Cross Wood is the junction and as such there is potential for associated remains, some of which may survive in the application site.
97. KCC raise no objection to the application subject to a condition to be attached to any planning permission granted to require the implementation of archaeological field evaluation works and the identification of safeguarding measures that may be required to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording. This condition can also be applied to the route of the discharge and inlet pipes.

Further Representations received from the Community

98. Since the application was previously reported to the Committee in December, further objections have been received from 28 residents who had previously objected to the application, including the 'Stubbs Cross Action Group' and the 'Shadoxhurst Drainage Team'. The majority of the objections received reiterate concerns previously raised (refer to paragraphs 69– 62 of the December report) and state that the amendments made and additional information submitted by the applicant do not address their concerns. I have summarised the new points raised below:

- a. The proposal is reliant on Southern Water, STC and IWNL working together. There is a lack of information from these parties about how this will work. The management and operation structure needs to be established. Who will be responsible for maintenance and/or when things go wrong?

Response: refer to paragraphs 78-79 above.

- b. The IWNL operated pumping station has a history of operational problems, it is not clear whether it has planning permission, and it is not compliant with industry standards.

Response: It is acknowledged that there has been on-going issues with the IWNL operated pumping station. These issues have been raised with the applicant and IWNL. I understand that the pumping station was constructed under the permitted development rights granted to the operator as a statutory undertaker.

- c. Concerns that the pipework to serve the WwTP has already been installed.

Response: the pipework to serve the WwTP has not yet been installed.

- d. Concerns about salami slicing the development to avoid the need to submit an EIA.

Response: refer to paragraphs 67-69 above.

- e. No consultation appears to have been undertaken with local non-statutory bodies and interested parties, including farmers and landowners involved in the protection of the river Beult catchment.

Response: the correct statutory and non-statutory consultation has been undertaken for the application.

- f. The approved Minutes of the December Planning Committee meeting lack detail.

Response: The published minutes provide a correct record of the meeting as agreed by the Planning Committee at their meeting of 17 January 2024.

- g. The LPA's screening opinion should be published.

Response: refer to Annex E of this report for my updated Opinion.

- h. The information submitted by the applicant, including the monitoring of flow within the river Beult is not correct, is misleading and un-evidenced. A full

year of flow monitoring, as required by the EA, has not been undertaken and monitoring has only been undertaken during the autumn and winter months when seasonal rain intensifies. There is no flow during the summer months. Residents have evidence that there is no flow for most of the year and even when there is water in the ditch there is no flow.

Response: *The applicant has advised that their consultant's will continue to undertake monitoring of the watercourse for a full year to include in their application for an Environmental Permit, this would include the spring and summer months. I recommend that details of this monitoring are required by condition.*

- i. Te-Tech have stated that technical solutions exist to deal with higher standards that the EA may impose through the Permitting regime - why are these higher standards not being built into the design now and details of the higher environmental standards clarified?

Response: *The applicant has proposed a level of treatment that they consider to be necessary to obtain an Environmental Permit. It will be for the Environment Agency to identify whether higher standards of treatment would be required as part of the Environmental Permit application process, and if so then those would be required.*

- j. Consideration should be given to the applicant's track record of complying with conditions relating to their current and previous developments and Severn Trent Connects' track record in operating other Plants.

- k. **Response:** *the track record of the applicant or other parties involved in the proposed development is not a material planning consideration and therefore cannot be taken into account in the assessment of this application.*

99. Objections have also been received from three residents who are members of the Upper Beult Farmer Cluster and one resident who is a member of the Marden Farmer Cluster - all who have not raised objections previously. Objections have also been received from the South East Rivers Trust and Kent Wildlife Trust. All raise concerns about the impact of the treated waste water from the proposed WwTP on water quality and biodiversity in the river Beult, which they advise that farmers in collaboration with Kent Wildlife Trust and Southern Water are working to try to improve via nature based solutions, with significant investment of time and money.

100. An objection has been received from the Upper Medway Infrastructure Drainage Board (IDB) who advise that the proposals must comply with the Environment Agency's regulations which state that you must ensure that the receiving watercourse has flowing water throughout the year.

101. A representation (neither objecting nor supporting) has also been received from the Chilmington Management Organisation (CMO). The CMO is concerned about the impact that a stall on development at the Chilmington Green site would have on their residents, delaying further the provision of community infrastructure and extending the construction period. The CMO state that there is a clear need for a solution to the current nutrient neutrality situation which is stalling development. The CMO consider that a WwTP, on balance, is the best solution for the development. The CMO acknowledge that the prospect of a WwTP is not ideal for nearby residents, however, they feel that there can be proper checks and balances built into the planning application to ensure that this infrastructure is properly built and managed.
102. A representation has also been received from CPRE Kent who comment that the proposed WwTP is a temporary solution until the Southern Water pumping station adjacent to the application site can be used in 2030, the date announced as the “end of the Stodmarsh constraint”. They comment that the proposal needs to be operated to best practice, with full monitoring and control of effluent and operation should be compatible with the management of the downstream Beult SSSI, as well as on going nature recovery activities closer to the proposed effluent discharge point in the catchment. This compatibility should be required via a planning condition.

Human Rights Issues

103. 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

104. 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

Conclusion

105. Members’ deferred making a decision at the Planning Committee meeting on 13 December 2023 because they considered that there was insufficient information for them to be able to make an informed decision.

106. The applicant has subsequently submitted additional information and proposed amendments to the scheme to address the concerns raised. I have undertaken a further assessment about whether an Environmental Impact assessment is required to support this application and have sought additional information from the applicant in respect of this.
107. I consider that the information provided in respect of odour impacts and the proposal to cover the sludge tank sufficiently address the concerns raised about odour impacts. In addition, the mitigation measures previously proposed would ensure that any noise impacts would be sufficiently addressed.
108. The amended landscape scheme to include conifer planting and to bring forward part of the Stubbcross woodland extension earlier than originally planned, would in my opinion further screen the visual impacts. I also consider that the reduction in the height of the tanks would assist in lessening the visual impact of the proposed development.
109. As demonstrated in the updated Screening Opinion that is attached in **Annex E**, I conclude that the environmental effects of the project that includes the proposed development would not be significant so as to necessitate the submission of an Environmental Statement.
110. The principle of the construction of a WwTP on the application site is acceptable and in accordance with relevant national and local planning policies. I continue to consider that the proposed development is acceptable, subject to planning conditions (broad details of which are given in the Recommendation below).

Recommendation

- (A) Permit 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 Planning Applications and Building Control 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**

Conditions

1. Standard implementation time condition.
2. Development carried out in accordance with the approved plans.
3. Construction and transport management plan.

4. Archaeological field evaluation and investigations.
5. Detailed ecological mitigation strategy.
6. Hedge/hedgerow protection.
7. Sustainable surface water drainage scheme.
8. No works to be commenced pursuant to this permission unless Flow Monitoring of the river Beult has continued as per the applicant's submission of 16 April 2024, the results have been submitted to the LPAI in writing and made available to the Environment Agency and Natural England in connection with the application for a Discharge Permit for the WwTP, and such Permit has been granted and a copy provided to the LPA along with a copy of any other consent needed for any measure required by the Permit.
9. A copy of the construction and adoption agreement signed between the landowner of the site and the sewerage undertaker for the construction of the outfall pipe to be provided to the Council prior to commencement of construction of the WwTP.
10. The outfall pipe and discharge arrangements to be constructed, provided and maintained in line with the Permit granted by the Environment Agency, any other consent needed, and the construction and adoption agreement between the landowner of the site and the sewerage undertaker.
11. Detailed landscaping scheme, including details of early provision of all or part of the Stubbcross Wood extension.
12. Landscape management and maintenance scheme, including details of irrigation for the bund and removal of temporary conifer screen.
13. Measures to prevent discharge of surface water to the highway.
14. Details of all boundary fencing.
15. Delivery of site access.
16. Provision and maintenance of visibility splays.
17. Traffic Regulation Order for Chilmington Green Road.
18. Use of a bound surface for first 15 metres of the access road.
19. Installation of noise mitigation measures (earth bund & acoustic shroud).

20. Surface water drainage verification report.
21. Lighting design strategy & light levels.
22. Post operation odour assessment and the implementation of any additional odour attenuation measures deemed necessary.
23. Post operation acoustic assessment and the implementation of any additional acoustic attenuation measures deemed necessary.
24. Details of site decommissioning and reinstatement in the event that the WwTP is no longer required.
25. Reporting of Unexpected Contamination to the LPA.
26. Removal of sludge to be to locations outside the Stodmarsh catchment.

Notes to Applicant

1. Working with the Applicant.
2. Plans/Documents Approved by this decision
3. The applicant is advised to refer to the advice provided by the Environment Agency in their letter dated 21 July 2023 and Natural England in their letter dated 22 April 2024.
4. 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). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference PA/2023/0715.

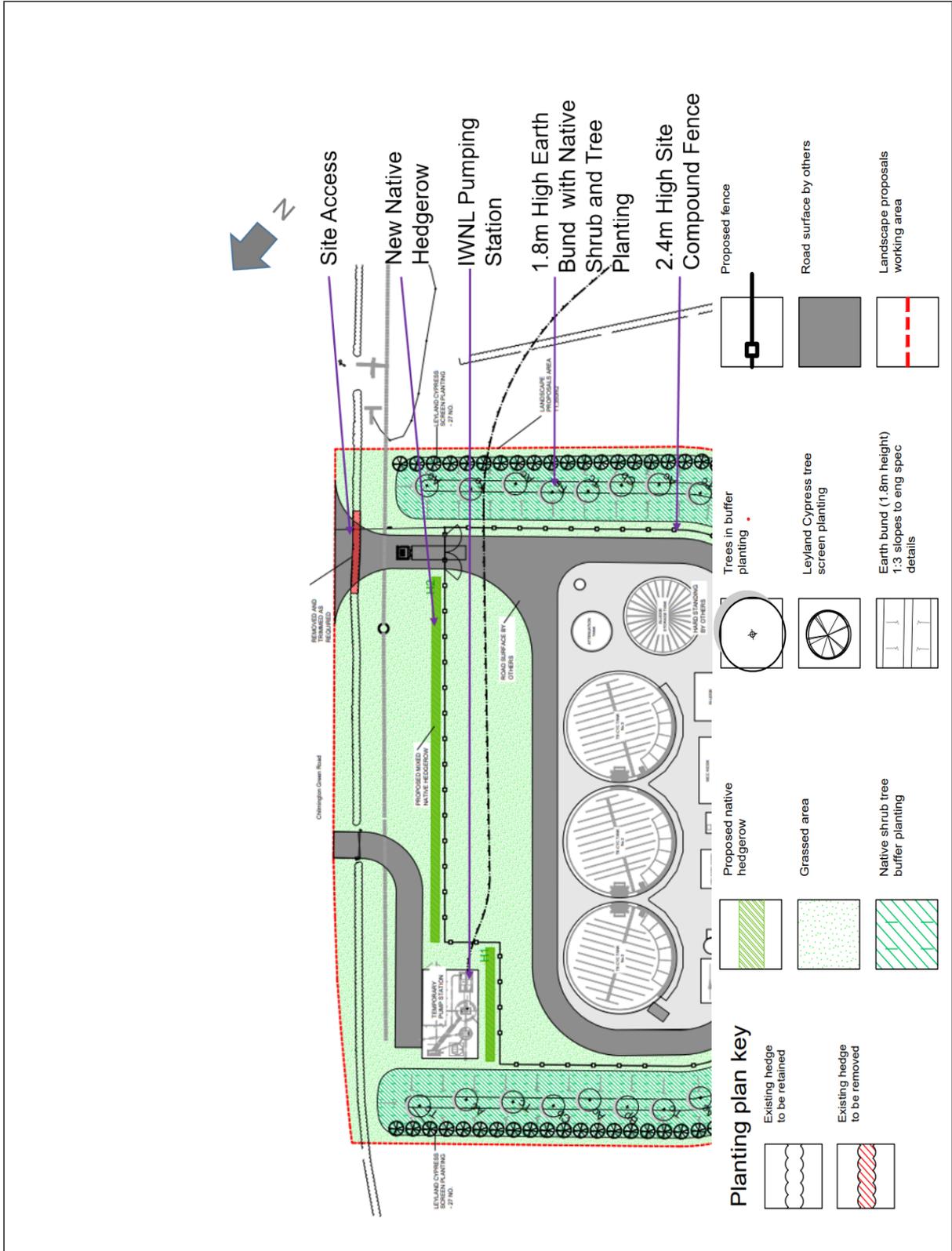
Contact Officer: Faye Tomlinson

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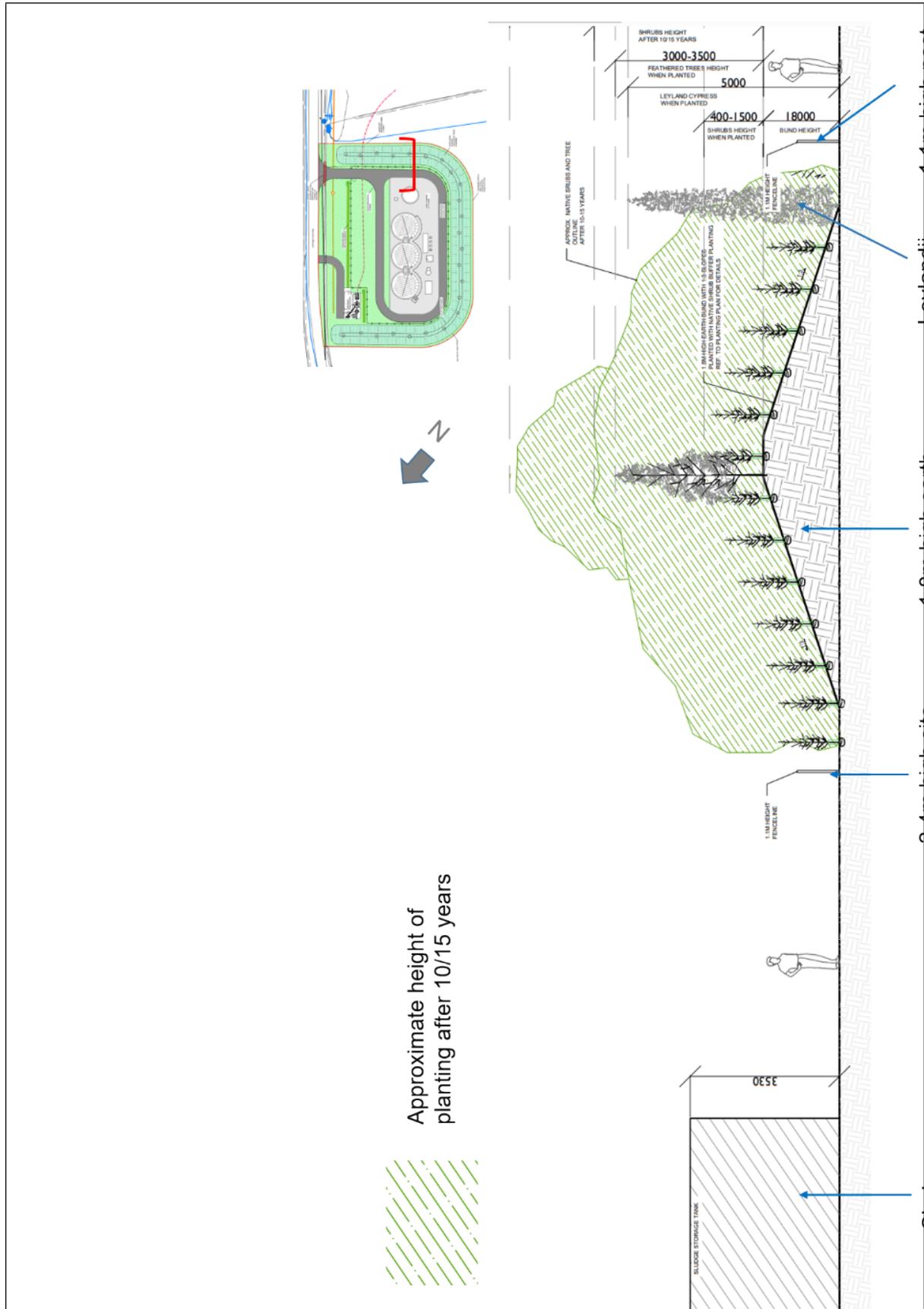
Telephone: (01233) 330275

Annex D – Amended Drawings

Amended Landscape Site Plan



Amended Site Section



Proposed Stubbcross Wood extension

