

Appendix 4 – Environment Agency comments into the Issues and Options Report

The Environment Agency submitted the following letters as part of the consultation on the Issues and Options Report.

The Sustainability Appraisal of the Tenterden and Rural Sites DPD – Publication Version, assessed potential development sites in the rural area to determine which sites had the most merit in sustainability terms, and subsequently represented the most suitable sites to allocate for housing development within the Plan. Flood risk was one of the key Appraisal criteria to which each site was assessed.

These letters provided very useful information to the Council, and the Agencies views were taken into account as part of the Sustainability Appraisal process.

Mr Simon Cole
Ashford Borough Council
Civic Centre Tannery Lane
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Kent
TN23 1PL

Our ref: KT/2006/000228/OT-02/IS1-L01
Your ref:
Date: 16 June 2008

Dear Sir

THE TENTERDEN AND RURAL SITES DEVELOPMENT PLAN DOCUMENT (DPD) - ISSUES AND OPTIONS REPORT

Thank you for your letter dated 14 May 2008 consulting us on the above document.

Our comments can only be fairly generic at this stage although some sites have their unique issues. Our comments have been provided under environmental topical headings, which we hope you find useful.

DEVELOPMENT CONTROL (FLOOD RISK)

The policies within PPS25 require all new development within flood risk areas to be subject to the Sequential and Exception Tests. The Core Strategy policy also states that new development cannot be at an unacceptable risk to flooding and must not increase flood risk elsewhere. Care must be taken that these policies are adhered to when allocating sites in the DPD.

Particular attention should be given to the following:

Chilham

Chil02A This site partly lies in Flood Zone 3. A flood risk assessment (FRA) would be required and we would expect any proposal to avoid development in the part of the site that is at risk.

Wye

Wye02 Part of this site lies within Flood Zone 3. The layout of any development should take account of the flood risk across the site and place the most vulnerable uses within the lower risk areas. We would therefore be opposed to the development of Wye02b when an alternative lower-risk option is available. An FRA would be required and in particular would need to address the potential impact on existing development.

Wye03 The site is adjacent to Flood Zone 3. An FRA would be required and may result in a change of the developable boundary.

Wye05 This site is not suitable for housing. An alternative use should be sought.

Wye10 Pleased the general view is to avoid development here as any proposal for new development would likely receive an objection from us on flood risk grounds.

Wye11 Parking use is acceptable here. We would not wish to see a more vulnerable use proposed.

Hamstreet

Ham02/03 Alternative sites should be sought. The area is at risk to flooding from both the Springbrook Stream and the Viaduct Arm. It is in a vulnerable area which has suffered from flooding in the past. It is likely that new build here could have an adverse impact on existing development.

Section 18 – Issue A Phasing of Development (Page 93)

Option A2 - From a flood risk and sequential test perspective, option A2 would seem to be the most appropriate. Identifying those sites that need to be developed for phase 1 should ensure that the sites at least risk are put forward first and those sites identified for Phase 2 will then be informed by the latest flood risk information at a later stage.

Section 20 – Issue C Windfall Housing Policy (Page 97)

Windfall sites should be subject to the same consideration of flood risk as other housing development.

Option C3 – From a flood risk perspective by tightening the approach it should be possible to direct windfall development away from those areas at highest flood risk.

Section 23 – Issue F Conversions of the Existing Buildings in the Rural Area (Page 103)

We would wish to see a policy which ensures change of use does not involve an increase in flood risk, i.e. a change of use in Flood Zone 3 should not change from a Less Vulnerable to a More Vulnerable use (e.g. industrial to residential PPS25 Table D2). A flood risk assessment will be required for all change of use applications.

Section 26 – Issue I Allocations of Sites for Gypsies and Travellers (Page 109)

Option I3 - The instability of caravans places occupants at particular risk. Permanent occupied caravans or mobile homes are classed as Highly Vulnerable and should not be placed in flood risk areas

GROUNDWATER AND CONTAMINATED LAND

The following comments have been provided from a Groundwater and Contaminated Land perspective.

Charing

This village is underlain by the Chalk, which is classed as a principal aquifer of considerable value both for support of human groundwater abstractions and for supporting other fresh water systems such as streams and wetlands.

CHAR3, CHAR10 and CHAR21 The identified housing sites of CHAR3 and CHAR10, and the commercial development site CHAR21 all fall within the Source Protection Zone IV area for a groundwater abstraction. This zone was designated due to the presence of a significant topographic gradient in the land surface. This gradient is sufficient for runoff during rainfall to flow in significant volumes toward the inner Source Protection Zones of the groundwater abstraction.

The result of this is that drainage design must be carefully considered at these sites. They are underlain by the impermeable Gault Clay, precluding the use of infiltration drainage systems preferred through a SUDS drainage scheme. However any use of other SUDS features such as swales or discharge to surface watercourses must be suitable to prevent any contaminated run-off from discharging downslope toward the inner SPZ area.

Hothfield

Any development within this village will take place in the area of a Source Protection Zone III of a groundwater abstraction point. Though we do not object to the scheme in principle, suitable groundwater protection measures must take account of this added vulnerability. The geology of the area consists of Folkestone Formation sandstone to the west (classed as a principal aquifer) and the Sandgate Formation to the east (a secondary aquifer of variable permeability). The latter formation may not provide suitable soakage for SUDS systems such as soakaways.

Chilham

The village area falls within the SPZ I and II for the Chilham public water supply. Of particular concern would be the development of light industrial or commercial premises within the Source Protection Zone I area (for instance if CHIL01 is used for this purpose) due to the increased vulnerability to contamination of the abstraction within this area. The alternative site of CHIL07/09 would represent a reduced (though still significant) risk for this type of development. In either case careful management of site activities would be required, and drainage systems would need careful consideration in order to prevent pollution of controlled waters. The restrictions would be increased in Source Protection Zone I areas by our policy which seeks to prohibit all discharges to ground save for clean water from roof areas. Car parking and access road drainage would need to be discharged by alternative means.

Question 7: Though we do not object to the Sawmill being used for residential or employment uses, the suitability of the site to a given end use following redevelopment may be constrained by the outcome of any contamination assessments. Such assessments may be necessary for a brownfield site to ensure the development complies with PPS23, and the results of the assessments may lead to developers considering a particular end use as more cost effective in the case of the site requiring remediation.

Biddenden

The site is underlain by the Weald Clay, an unproductive strata, and no particular

constraints for the area have been identified relating to groundwater protection.

Bethersden

The site is mostly underlain by the Weald Clay, an unproductive strata, and no particular constraints for the area have been identified relating to groundwater protection.

Aldington

ALD2 and ALD17 The northern area of this village the development sites ALD2 and 17 are in close proximity of the historic landfill site referred to as Clap Hill, located at grid reference TR 05900 37100. This site finished accepting waste in 1974, and our records suggest it accepted commercial and household wastes.

ALD09 and ALD18 These sites are near to the Aldington Quarry historic landfill site (grid reference TR 06300 36800) which accepted inert and household wastes. Our records show the site has infrastructure in place to monitor landfill gas production.

Development at any of the above sites will need to include contaminated land assessments to ensure the overall risks are properly characterised in accordance with PPS23.

To the south (near ALD07), there is an additional historic landfill at TR 06100 36600, which was licensed in 1976 and accepted inert wastes.

ALD01, ALD07, ALD07a and ALD15 These sites all lie near to or on land where 'issuing' of streams from the ground occurs. These issues are caused by rising groundwater as the Hythe Formation (a principal aquifer) meets the underlying Atherfield and Weald Clay formations.

These issues show that depth to groundwater is limited and thus SUDS drainage via infiltration systems may not be suitable due to our requirements for preventing direct discharge of drainage to groundwater.

Please be aware that under Article 11(3) (j) of the European Water Framework Directive (WFD) any direct discharges of pollutants to groundwater must cease by December 2012. The WFD is expected to be transposed into domestic legislation during 2008 and it is considered likely that this UK legislation will enforce the ban on direct discharges earlier than the outside date of 2012, although transitional provisions will probably apply for existing discharges. We therefore wish to strongly discourage any direct discharges of pollutants to groundwater over and above the current restrictions on the direct entry of List I substances under the Groundwater Regulations 1998. If a direct discharge to groundwater from the infiltration systems is found to be unavoidable then an alternative method of surface water drainage should be sought.

Tenterden – Area A

TENT02, TENT06 and TENT09 These sites are located in an area of shallow groundwater, as evidenced by the number of issuing streams in the vicinity. This is likely to cause constraints on building foundations and on options for drainage of surface water (see comments regarding direct discharge to groundwater above).

Tenterden – Area B

Similar constraints as for Area A as there are more issuing streams and springs near the village area due to the geological boundary between the Tunbridge Wells Sand (a

secondary aquifer) and the underlying Wadhurst Clay (unproductive strata).

High Halden

HIGH06 and HIGH08 The development sites HIGH06 and 08 are indicated as a former Kent County Council depot. This site may need a contamination assessment in accordance with PPS23 to characterise any possible environmental risks. Other than this, the area is of low groundwater sensitivity due to the lack of spring features and the underlying geology is an unproductive strata (Weald Clay).

Woodchurch

There are no particular areas of concern for groundwater protection due to the most of the village being underlain by Weald Clay. The central area is underlain by a sandstone strata and may be suitable for infiltration SUDS schemes, provided groundwater is not at shallow depth below the ground surface.

Rolvenden

This village is also underlain by Weald Clay and therefore of generally low groundwater vulnerability.

ROLV02 and ROLV10 Previous industrial uses at sites ROLV02 and 10 may make appropriate contamination assessments necessary as required by PPS23.

ROLV11 is near to an issuing stream and may be underlain by shallow groundwater.

Wye

The western and most of the southern area of this village is underlain by impermeable Gault Clay – these areas are of low vulnerability in terms of groundwater protection. Areas to the north and east are of much higher sensitivity due to the geology in these areas consisting of Chalk (principal aquifer).

WYE03 is adjacent to a sewage works and a historic landfill site “Wye Depot”, which has taken inert and commercial wastes. Developments at this site will need to include proper contamination assessment to comply with PPS23 and fully characterise the possible risks to environmental receptors.

WYE08 is adjacent to plant nurseries and Government Offices, and may require assessment due to possible contaminative uses in the past.

Challock

The village is underlain by the Chalk, within the Source Protection Zone III for the Challock public water supply. Careful design of drainage schemes must be made to ensure the aquifer is not placed at risk of pollution.

Hamstreet

HAM08 and HAM09 lie on the geological boundary between the Tunbridge Wells Sand (a secondary aquifer) and the underlying Wadhurst Clay (unproductive strata). This geological setting will cause groundwater to rise to the ground surface. This is likely to cause constraints on building foundations and on options for drainage of surface water.

WATER QUALITY

From a Water Quality perspective we have referred to the Ashford Borough Council (ABC) Core Strategy document and place all our comments in the context of Policy CS21 - Water Supply and Treatment (page 89 of the document).

General Comments

We request that for new developments and for sites with planned increased occupancy, ABC adopt our presumption against the proliferation of new non mains drainage sewage disposal installations **and** reflect this in planning permissions granted, by a requirement to connect to mains foul sewer. A similar approach should also be taken where **increases** in existing non mains sewage treatment capacity is proposed.

Developers should be required to enter into necessary infrastructure improvement agreements with the sewerage undertaker to ensure that sufficient capacity exists before it is needed.

Developers should approach us at an early as possible stage where they expect that they will be seeking a new non mains foul drainage sewage disposal option, or seeking to enlarge an existing one. Formal permission (Water Resources Act discharge consent) for treated sewage effluent disposal will be required from us before any new or enlarged discharge may be made. Developers should be advised that we may refuse discharge consent on environmental grounds including where, under our policies, we conclude that connection to mains sewerage is the most cost effective solution.

Biddenden, Bethersden and High Halden

All of these villages are served by mains foul drainage and sewage treatment. Discharges are made into tributaries of, or the River Beult SSSI in which nutrient enrichment due to excessive phosphorus has been identified. As a result phosphorus removal takes place at each sewage treatment works (STW), in some cases at the level that is considered to be the highest practicably achievable. We will resist any growth that will result in increases in permitted loads of phosphorus from any STW due to the limitations of available treatment technologies.

Tenterden and Rolvenden

These communities are served by mains foul drainage and sewage treatment (at Tenterden STW). Discharges are made into the Newmill Channel a tributary of the River Rother upstream of the Walland Marsh SSSI, in which nutrient enrichment due to excessive phosphorus has been identified. As a result phosphorus removal takes place at the STW at the level that is considered to be the highest practicably achievable. We will resist any growth that will result in increases in the permitted load of phosphorus from the STW due to the limitations of available treatment technologies.

Challock

This village is not served by mains foul drainage and sewage treatment so sewage disposal is by a mix of soakaway discharges or sealed tank systems. The village is located on a major aquifer and public water supply source protection zone. Developments carry the risk of deterioration of the quality of groundwaters so advance agreement by us to disposal systems is necessary. Refusal of new or enlarged system proposals now and in future is a possibility due to potential cumulative impacts on groundwater quality.

Aldington, Charing, Chilham, Hamstreet, Hothfield, Woodchurch and Wye

No further comments.

BIODIVERSITY

Having reviewed the above document from a Biodiversity perspective we wish the following comments to be noted.

General

Development proposals should aim for a net gain in Biodiversity to conform to PPS9.

Any developments close to watercourses should aim to give an appropriate buffer of natural habitat. Watercourses should not be in gardens but aim to be a focus of the local community through careful design and planning. Watercourses should be enhanced and restored where possible.

Developments close to ponds and other standing waterbodies should aim to maintain and create areas of natural habitat around the ponds linking natural features in the landscape. This will retain wildlife value and allow wildlife to move around the site, whilst providing space for ongoing management. There must be no net loss of ponds, but a net gain to help deliver Kent BAP targets.

Chilham and Wye

Any development in proximity to the River Stour, including additional access must consider the impacts on wildlife using the river, a suitable natural buffer must be created along the river, and floodplains restored to natural floodplain habitat.

Tenterden and Rolvenden

Any future development in Tenterden and/or Rolvenden must consider the impacts of urban run off and other discharges that would impact on the ancient gill woodlands in proximity to the villages. Any proposals to discharge to these streams must first demonstrate that there will be no negative impact on the ecology of these habitats.

Any developments in proximity to the gill woodlands must also buffer these sites with a suitable width of natural habitat to reduce the impact from noise and light pollution and additional people and pets on these areas.

Any proposals that would harm Local Wildlife Sites would need to demonstrate an overriding need and provide suitable mitigation.

We hope you find the above comments of use. If you have any queries or require any clarification on the above, please do not hesitate to contact me.

Yours faithfully

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Our ref: KT/2006/000228/OT-02/IS1-L02
Your ref:
Date: 22 May 2009

Dear Sir

THE TENTERDEN AND RURAL SITE DEVELOPMENT PLAN DOCUMENT (DPD) – ISSUES AND OPTIONS REPORT

- **Hamstreet, Ham02/03**

Thank you for your enquiry concerning our Development Control response on site Ham02/03 of the above document.

Having reviewed our current Flood Zone (FZ) maps our position has changed since our letter dated 16 June 2008. This site is outside of FZ 3. A small part of the eastern corner is in FZ 2.

Based on this, we would not object to development in this location, subject to surface water attenuation (run-off control) and flood resilience measures for any property located in the small part of Zone 2 due to the flood risk in the Springbrook Sewer and nearby watercourses. Given the proximity of the FZ we would expect any planning application here to be supported by a site-specific Flood Risk Assessment (FRA). We would however hope that development would be avoided in this small part of FZ2.

If you have any further queries, please do not hesitate to contact me.

Yours faithfully

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