

APPENDIX 2

22 July 2009

Ashford Borough Council
Planning Policy Team
Planning & Development Unit
Civic Centre
Tannery Lane
Ashford TN23 1PL

Dear Sir/Madam

Tenterden and Rural Sites Development Plan Document

On behalf of The Milton Group please find enclosed a hard copy of the Public Representation Form in response to the further consultation period.

We would be more than happy to discuss our thoughts with you.

Yours faithfully,

Vic Hester

VLH Associates

Encls.

cc: C. Sykes Cllr, The Milton Group

Ashford Borough Council

Tenterden and Rural Sites Development Plan Document Regulation 27 – Publication Version



ASHFORD
BOROUGH COUNCIL

For office use only

Reference No:

Date received:

Representation Form

The preferred method for receiving comments is on-line by using the consultation portal. You can register to access the consultation portal at: www.ashford.gov.uk/consult. If you are unable to use the on-line method of submitting comments you may still submit comments by using this form.

Please use a separate form for each comment you wish to make

Guidance Notes for submitting a representation can be found on the back page of this form. Please read these notes **before** completing the form.

Please return this form by 5pm on Tuesday 11th August 2009

Personal Details

Name of individual:

Organisation (where relevant): *The Milton Group*

Address:

..... Postcode:

Email address: Daytime Tel. No:

If an agent has been appointed to act on your behalf please give the agent's details

Name: *Mr Hester of M.H. Associates*

Address: *16 Dover Street, Canterbury*

..... Postcode: *CT1 3HD*

Email address: *whester@goddardhester.co.uk* Daytime Tel. No: *01227 450 500*

Question 1 - Which part of the DPD does this representation relate to?

Please state clearly a paragraph number, Policy Number or a Map title.

Part 1 - Schedule of Policies

Question 2

To be "Sound" a DPD should be Justified, Effective and Consistent with National Policy.

"Justified" means that the document must be:

- Founded on a robust evidence base
- The most appropriate strategy when considered against the reasonable alternatives

"Effective" means that the document must be:

- Deliverable
- Flexible
- Able to be monitored

'National Policy' means: In relation to National Planning Policy Guidance, eg. PPS or PPG.

Do you consider this section of the DPD is sound?

Yes

No

If your answer to Question 2 is 'No' – please go to Questions 4 and 5

Question 3 – If you answered 'Yes' to Question 2 – please give supporting details below.

(Attach additional sheets if necessary)

Question 4

Do you consider the DPD is unsound because it is not:

- Justified
- Effective
- Consistent with National Policy

Question 5 - Please give details of why you consider the DPD to be unsound

See additional sheets.

(Attach additional sheets if necessary)

Question 6

If your representation is seeking a change, do you consider it necessary to participate in the oral part of the Examination?

- Yes
- No

Question 7 – If you wish to participate in the oral part of the Examination, please outline why you consider this to be necessary.

(Attach additional sheets if necessary)

Signature:

Date:16 July 2009

Print name: Vic Hester

Guidance Notes for submitting a representation

Data Protection Statement: The information collected will be processed in accordance with the Data Protection Act 1998. Copies of representations will be made available for public inspection, and **cannot be treated as confidential**. They will also be available to view on the Councils consultation portal www.ashford.gov.uk/consult, once the consultation period has closed.

ALL RESPONSES MUST BE RECEIVED BY 5PM TUESDAY 11th AUGUST
Ashford Borough Council may not accept your representation if it is received later than this date.

1. Using the representation form.

We are encouraging everyone to use the Consultation Portal www.ashford.gov.uk/consult as this has a number of benefits including being quick and easy to use and will save time as you only need to complete personal details once. Guidance is available on the portal that will assist you.

However if you are unable to use the portal, paper representation forms are also accepted. Representation forms can be requested by telephoning (01233) 330229. Photocopies of the representation form are also accepted.

2. Who should make the representation?

You may submit a representation yourself or on behalf of an organisation or company. Alternatively, you may appoint an agent to do it for you. If an agent is appointed their full details must be given and all future correspondence will be sent to them.

3. How do I make comments on a paper copy form?

You must use a separate form for each representation that you wish to make.

Please use Question 2 of the form to state whether you think the DPD is sound (support/agree) or unsound (object/disagree/think information is missing). This will help us process your comment efficiently.

If you believe the DPD is unsound, please detail precisely why you are objecting and what you consider to be an appropriate alternative in Question 5. You should try to support your objection with evidence showing why your objection and alternative approach is valid.

Continuation sheets can be used, but a summary of no more than 100 words should be included to assist in a prompt consideration of your representation. Continuation sheets must state clearly your name and which representation they relate to.

4. It is important that you state which part of the report your comment relates to.

Question 1 of the paper representation form should be used to inform us as to which part of the DPD your comment relates. Every paragraph, Policy or Map contained within the DPD has a reference and should be referred to. Again, this will help us process your comments effectively.

5. How will I know if my representation is valid?

If you make a representation through the portal you will receive an email notification of each comment received. Once your representation has been checked (after the consultation period closes) you will receive a further email to let you know it has been validated.

If you make a hard copy representation, you will receive an acknowledgement letter. Please ensure hard copy forms are signed and dated otherwise they may not be valid.

6. How long do I have to make a representation?

Comments can be made any time during the six-week consultation period, which starts on Tuesday 30th June 2009 ends on Tuesday 11th August 2009 at 5pm. Please make your submission as soon as possible during this period.

Representations received after this date cannot be accepted and will be not valid.

7. What will happen to my representation?

Your representation will be made available to view on the Council's website through the portal, once the consultation period is closed. They will also be stored on the Council's database solely in connection with the Local Development Framework.

It is a requirement that all representations are made available for public inspection. Therefore, your comments cannot be treated confidentially.

8. Where should I send my hard copy form?

Planning Policy Team
Planning and Development Unit
Ashford Borough Council
Civic Centre, Tannery Lane
Ashford, Kent, TN23 1PL
Email: ashfordldf@ashford.gov.uk

Large print copies, audio and Braille versions of this document are available by telephoning Planning and Development on (01233) 330229

Question 5 – Additional Sheets

The Proposed Schedule of policies is unsound because the DPD's proposed housing allocation under policy BID1 has not taken into account national policy, housing need or undertaken a proper sustainability assessment of the proposed site, and compared it to others that have been submitted for Biddenden.

The starting point is that the site is not within the existing built up boundary of the village, as stated in the DPD. The site falls within open countryside and a designated Special Landscape Area – meaning an area of landscape that is of County –wide importance.

The site is adjacent to a pond to the north west and within the habitat of Great Crested Newts that have previously been identified near to the pond and in the immediate area.

The site falls within an odour contour zone from Southern Water's Waste Water Treatment Site to the north east.

In 2005, under planning application ref: 04/02204, planning permission was granted for 22 new affordable homes on land to the north east (called Sandeman Way) as an exception to normal policies of housing restraint in the countryside. In other words, the homes met an identified local housing need. This application site was considered to be outside the built up confines of the village. There were 'in principle' objections against housing in this location. The Great Crested Newts were not removed and remain in situ around that development. The BID1 site falls within their habitat. Southern Water objected to the application because of the odour pollution but was not invited to comment further on the response from the applicant to Southern Water's original letter. Southern Water subsequently wrote to the Council after the decision was made, to complain about the way its letter had been ignored and the implications of allowing the proposal without giving due consideration to its concerns as the statutory undertaker. Southern Water could object to housing in the proposed location of BID1.

The proposed allocation of the site ignores and pays little regard to its context.

National Policy in PPS 3 and the Regional Spatial Strategy place a firm emphasis on delivering homes in the South East to meet growing and projected housing need. The allocation of one site in Biddenden for up to 10 homes pays no regard to housing need, choice or location. In 2004, when the above planning application was submitted, the Rural Housing Trust and Parish Council had identified that at least 22 new affordable homes were needed in the village. However, their survey data found that local villagers had filled in 56 Registration of Interest Forms implying that a greater need existed for just 22 affordable homes or market homes in the village.

Allocating land for up to 10 units in the village does not meet an existing identified and acknowledged affordable housing need. Second, it does not recognise any market housing need, choice and desire to be located in the village. Third, the proposed allocation is such a

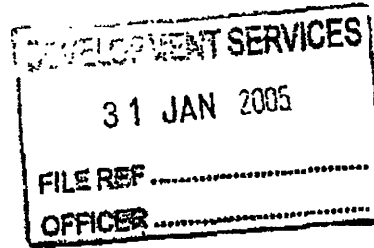
small site or number of units that a site specific policy is not actually required because such a sized site or number of units could be delivered through a rural housing exception policy.

In conclusion, the proposed policy BID1 is not justified because it falls short of recognising housing need, type and choice for market and affordable homes in Biddenden.

The proposed policy is not effective because the policy would not meet such demand or need, as set out above.

The proposed policy is not consistent with national policy because the DPD approach to Biddenden is to consider the high levels of development over the years to justify not allocating much more housing. The policy should rather take the SE Plan and PPS3 approaches that historical completions are an indication of need and demand and that more housing could be provided rather than held back. There is no evidence that the recent housing growth in the village has had any adverse impact upon services and the village's ability to sustain itself to a certain level for this to be a reason for holding back housing in the village.

As previously submitted to the Council, the Milton Group's site south of The Weavers falls within the village envelope and could help meet the need and demand for more housing in the village. It is also a short walk from the historic core of the village and its main services and facilities.



Development Implementation Manager
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford
Kent
TN23 1PL

Your Ref
/04/02204/AS
Our Ref
DSD/K/AS/LC04/2004/2204
Date
Contact
Tel 01634 824103
Fax 01634 824179

Dear Sir

Erection of 22 no. new dwellings,
Lard rear of 65-67, Cheeselands, Biddenden

Further to my letter of 17/01/2005, I have now received the results of the air quality modelling for the Biddenden Wastewater Treatment Works (copy enclosed). The results of this modelling indicate that the site lies within the modelled 0.6 ppb of H₂S contour (98 percentile basis). It is recommended that no new dwellings are constructed within this contour.

Southern Water accordingly objects to the proposed development.

Planning Policy Statement 23 states (in Appendix A - Matters for consideration in preparing Local Development Documents and taking decisions on individual planning applications) as matters to be taken into account, "***the need to separate necessary but potentially polluting and other land uses.. so as to reduce conflicts, for example by identifying where necessary areas around existing sources of pollution (including roads) in which proposed new developments and uses should be carefully considered in terms of their potential as pollution receptors.***" and also "***the existing and likely future air quality in an area***"

Southern Water would contend that a site less likely to give rise to odour complaints, outside the modelled 0.6 ppb H₂S contour should be sought.

Please keep me informed of the progress of the application.

Yours faithfully

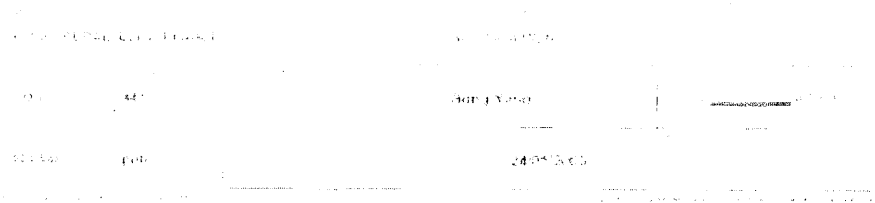
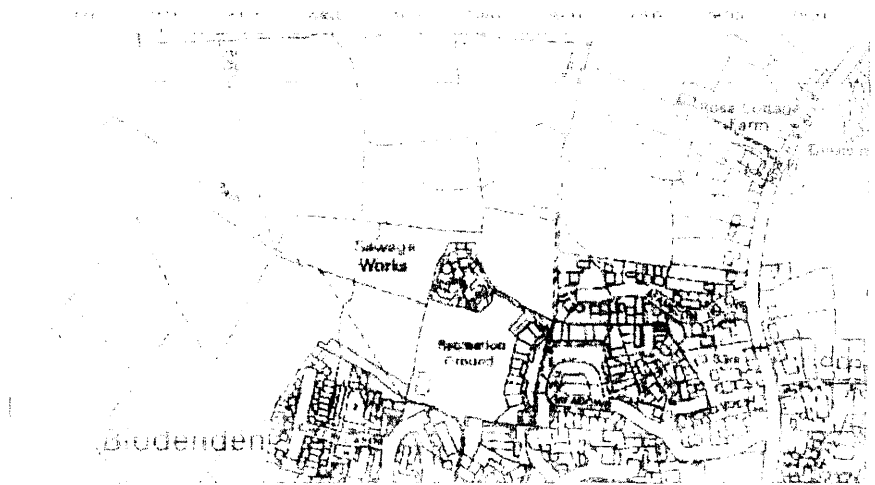
David Nuttall
Planning Engineer

BIDDENDEN WTW
AIR QUALITY MODEL

24/01/2005

Biddenden 98th Percentile Air Quality Model

B:\My Documents\TempDispModels\Biddenden\Biddenden 98th Percentile Plot File of 98th Percentile
POST-PLATE FILE OF CONCERNANT T-AR VALUES FOR SOURCE (GROUP ALL)



RECOMENDATIONS

The above model shows a small area around Biddenden WTW, between 100-250 metres from the site boundary, may be affected by H₂S related odours on a 98 percentile basis. It is strongly recommended that no residential or commercial building occur in the areas exposed to 0.6 ppb of H₂S.



Development Implementation Manager
 Ashford Borough Council
 Civic Centre
 Tannery Lane
 Ashford
 Kent
 TN23 1PL

PLANNING & DEVELOPMENT

07 OCT 2005

FILE REF

OFFICER *Lot*

Your Ref
 /04/02204/AS

Our Ref
 DSD/K/AS/LC04/2004/2204

Date
 4 October 2005

Contact
 Tel 01634 824103
 Fax 01634 824179

Dear Sir

Erection of 22 no. new dwellings.
Land rear of 65-67, Cheeslands, Biddenden

Further to your letter confirming that the planning application has been granted consent, I write to express my disappointment that Southern Water was not invited to respond directly to the points raised in the letter from RHT Developments of 11 April 2005, before the consideration of the application by the Planning Committee. (Whilst notification of the Planning Committee meeting of 27 April was received on 22 April, there was no indication in your correspondence of the content of the letter from RHT Developments.)

With regard to the Appendix 2, Review of Odour Assessment undertaken by Southern Water, by AERC, we would make the following comments-

- 3 Data Input
 Odour emissions from Wastewater Treatment Works can vary significantly with time and fluctuate dramatically, more accurate modelling is therefore achieved by the methodology used by Southern Water.
- 4 Dispersion Calculations -
 The odour dispersion models ICS and ADMS are both widely used within the industry by reputable consultants for odour assessment. We therefore remain comfortable with our use of the ICS model.

Southern Water endeavours to operate its sewage and sludge treatment works efficiently and in accordance with best practice to prevent pollution. However the very nature of sewage treatment works means that they are not ideal neighbours to sensitive land uses. Development sensitive to odour pollution in close proximity to sewage treatment works can suffer from smells that are inherent in the treatment process.

We therefore ask that the precautionary principle is adopted by Local Planning Authorities (LPA) to avoid potential land-use conflict, in accordance with PPS23.

This can be achieved by designating an appropriate buffer zone around the treatment works within which development sensitive to odour is excluded or by a S106 agreement in which the developer funds measures at the works required to control odours. I will describe later how the size of the buffer zone can be determined but will first make reference to PPS23.

Appendix A of PPS23 lists matters that may be material in the consideration of individual planning applications. It includes: " the need to separate necessary but potentially polluting and other land usesso as to reduce conflicts, for example by identifying where necessary areas around existing sources of pollution in which proposed new development and uses should be carefully considered in terms of the potential as pollution receptors."

Paragraph 11 states: " Where, for example, new housing is proposed close to a source of potential pollution, the risk of pollution from the normal operation of the process or the potential impacts and the extent to which the proposals address such risks will influence whether or not development should proceed...."

Paragraph 1.23 of Annex 1 advises: " Intending developers and LPAs should also be aware that the effects of odour from sewage treatment works on neighbouring land where people are present may need to be considered."

Paragraph 1.50 of Annex 1 advises: " where a development is planned in or near to an area of existing sources of pollution, it may be appropriate to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990....."

Returning to the question of the size of the buffer zone required, the water industry predicts the dispersion of odours from point sources using computer modelling. Meteorological Office data is used to predict the dispersion of odours throughout a "receptor grid" radiating outwards from the works. Modelling is based on the industry standard for odour of 0.6 parts per billion (ppb) of hydrogen sulphide with a 98-percentile probability. Sensitive development that is subject to levels above this standard is likely to lead to complaints about odour from residents.

The odour dispersion modelling of Biddenden WTW shows that the proposed development site falls within the 0.6ppb odour contour. OFWAT requires us to demonstrate robust cost benefit before accepting expenditure over and above that which a company would be expected to make as part of normal site operation and maintenance. It is OFWAT philosophy that the cost of new infrastructure required by new development is funded by developers and is not subsidised by existing customers through an overall increase in bills.

In the circumstances we would ask that the LPA enters into an agreement with the developer to fund any necessary odour control measures at the works. These would be those necessary to reduce the extent of the 0.6ppb odour contour to outside the proposed development boundary.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D Nuttall', written in a cursive style.

David Nuttall
Planning Engineer