

Statement of Common Ground

As agreed between
Ashford Borough Council
And
The Environment Agency

March 2018



Introduction

1. The Environment Agency (EA) made representations to the Regulation 19 Draft Ashford Borough Local Plan 2030. Where the Council accepted the points raised, these were addressed by the Council in the Main Changes [SD05]. EA made further representations during the proposed Main Changes consultation, which again the Council sought to address in the Submission Local Plan 2030. Resultant changes were also set out in the schedule of Minor Amendments [SD01a].
2. A number of representations remain unresolved and the Council has therefore instigated discussions with the EA, without prejudice, in an attempt to resolve differences and arrive at an agreed position.
3. This Statement of Common Ground relates to the outstanding concerns made by EA to the Regulation 19 Draft in respect of:
 - **S20** (Eureka Park)
 - **ENV4** (Light Pollution and Promoting Dark Skies Policy)
 - **ENV8** (Water Quality, Supply and Treatment)
 - **ENV9** ((Sustainable Drainage)

and those made in relation to the Main Changes Consultation in respect of:-

- **S3** (Court Lodge)
- **S5** (land South of Pound Lane)
- **S14** (Park Farm South East)
- **S16** (Waterbrook)
- **S19** (Conningbrook Phase 2)
- **S20** (Eureka Park)
- **S26** Appledore, The Street
- **S45** (Land South of Brockmans Lane, Bridgefield)
- **S47** (land East of Hothfield Mill)
- **S48** (Land rear of Holiday Inn Hotel)
- **S49** (Land north of Tutt Hill, Westwell)
- **S51** (Land north of Church View, Aldington)
- **S52** (Land south of Goldwell Court, Aldington)
- **S54** (land at Clockhouse, Challock)
- **S55** (land adjacent to Poppyfields, Charing)
- **S56** (Branch Road, Chilham)
- **S62** (Land at Appledore Road, Woodchurch)
- **ENV8** (Water Quality, Supply and Treatment)

S62 (Land at Appledore Road, Woodchurch)

4. With regard to Policy S62 (land at Appledore Road, Woodchurch) ABC confirms that the Cradlebridge Sewer is on the other side of the road to the site allocation. On this

basis EA have confirmed they have no concerns and therefore withdraw their objection to this policy.

Other representations

5. With respect to the other representations listed above, the Environment Agency confirms that the existing policy requirements of the Submission Local Plan are adequate to address the concerns raised, or otherwise are addressed by the comments and / or suggested amendments set out below.

Common Ground

6. In order to try to resolve EA objections the Council and the EA have held informal discussions and have reached the following Agreed Position. If the Inspectors are supportive of the EA view on these matters, the Council would accept additional amendments and as such the following text has been agreed, without prejudice, by both parties for this purpose:

Groundwater Protection Zones

7. Sites S20, S47, S48, S49, S51, S52, S54, S55 and S56 include areas of land that fall within groundwater protection zones (Source Protection Zones and Groundwater Vulnerability Zones), sensitive settings from groundwater protection point of view. The Council and the EA are in agreement that it is therefore appropriate to insert an additional sentence in Policy ENV8 to address the fact that detailed groundwater risk assessments as part of planning applications for development of such sites may be required. If the Inspectors are supportive of the EA view on these matters, the Council would accept additional amendments and as such the following text has been agreed, without prejudice, by both parties for this purpose:

Amend paragraph 5.342 after the third sentence to state as follows:-

For development proposals in Groundwater Protection Zones (Source Protection Zones and/or Groundwater Vulnerability Zones), it will be necessary to investigate and risk assess the potential for any adverse effects on groundwater supplies in consultation with the Environment Agency.

Add additional paragraph to policy ENV8:-

Where a site overlies a Groundwater Protection Zone an appropriate site investigation and risk assessment may be required to be undertaken in consultation with the Environment Agency prior to any grant of planning permission.

Water Framework Directive

8. Sites S5, S14, S16, S19 and S45 are located adjacent to Whitewater Dyke, Ruckinge Dyke, East Stour, Great Stour and Rucking Dyke respectively, main rivers under the jurisdiction of the EA. The Council does not consider it necessary to amend the text of the policy itself as management of main rivers is already covered by the Water Framework Directive and the South East River Basin and Thames River Basin Management Plans, however an addition to the supporting text is considered appropriate to refer to the responsibilities of sites adjacent to main rivers. If the Inspectors are supportive of the EA view on these matters, the Council would accept additional amendments and as such the following text has been agreed, without prejudice, by both parties for this purpose:

Amend Paragraph 5.343 as follows:-

- 5.343 *The Water Framework Directive (WFD) is the legal framework established to protect and restore clean water throughout Europe. For sites adjacent to main rivers in the borough, development must respect the river corridor, through the provision of, for example, a suitable buffer zone from the top of the river banks. A key target of the WFD is to achieve 'good' status by 2021 or 2027. Aylesford Stream on the East Stour was previously the only waterbody within East Kent achieving 'Good' WFD status but the latest cycle (2) shows that that it is no longer meeting WFD objectives. Whilst pollution from wastewater has a significant impact on water quality other impacts such as road runoff, rural discharge from farming practices and low rainfall combined with widespread water abstraction and physical modifications also contributed to poor water quality.*

S3 (Court Lodge)

9. ABC and EA agree that the principle of residential development at this site is acceptable. The EA recommends following the sequential approach and locating development in FZ1 and FZ 2. However, ABC and EA agree that development in FZ3 will be acceptable subject to the provision of satisfactory flood modelling by the applicant and the implementation of any necessary flood re-modelling works being carried out in an initial phased approach to enable safe development. An FRA must demonstrate that flood risk to existing and proposed properties (both on-site and off-site) will not increase.
10. There is also an expectation that KCC as the Lead Local Flood Authority will be fully involved at an early stage in discussions relating to the surface water strategy and local flood risk management.
11. The position in paragraph 10 above is also contingent on the need for the satisfactory establishment of ecological areas to allow for the translocation of protected species where this would be required as a result of re-modelling of the floodplain on the site.

ENV8

12. The EA points out that connections to mains sewers may not always be feasible. Development, particularly minor developments or singular constructions in rural areas, may not have a mains connection within reasonable distance to connect to, in which case they will have to look at alternatives, package treatment, septic tanks etc. It can also be the case that some forms of development may not be permitted by Southern Water to connect to mains in which case they may also have to come up with an alternative, such as private treatment works for example. If the Inspectors are supportive of the EA view on these matters, the Council would accept additional amendments and as such the following text has been agreed, without prejudice, by both parties for this purpose:

Amend paragraph 5.341.3 as follows :-

5.341.3 With regard to the sewerage system (network of sewers and associated facilities that convey wastewater to the treatment works for treatment), developers will be required to work in collaboration with the service provider to ensure that the infrastructure is delivered in parallel with the development. New residential and commercial development will be permitted only if sufficient capacity is either available, or can be provided in time to serve it. Where there is insufficient capacity in the sewerage network developments will be required to provide a connection to the sewerage system at the nearest point of adequate capacity. In circumstances where there is no mains connection within reasonable distance to connect to, alternative proposals should be considered.

Amend ENV8 second paragraph as follows:-

All development proposals must provide a connection to the sewerage system at the nearest point of adequate capacity, where feasible, as advised by the service provider, and ensure future access to the existing sewerage systems for maintenance and upsizing purposes.

Conclusion

13. Both parties to this Statement of Common Ground consider these proposed amendments would not affect the soundness of the Ashford Local Plan 2030.

Signed	on behalf of	Date
	Ashford Borough Council	22 nd March 2018
Head of Planning Policy		23 rd March 2018
Sustainable Place Technical Specialist	Environment Agency	