

Date: 26 January 2021  
Our ref: 339716  
Your refs: APP/E2205/W/20/3259450, APP/E2205/W/20/3259465 &  
APP/E2205/W/20/3259462



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**BY EMAIL ONLY**

Dear Sir/Madam

**Planning consultation:**

- APPEAL A: APP/E2205/W/20/3259450 (LPA reference 17/00567/AS),
- APPEAL B: APP/E2205/W/20/3259462 (LPA reference 19/01327/AS)
- APPEAL C: APP/E2205/W/20/3259465 (LPA Reference 19/01330/AS)

**Respective Locations:**

- Former Wye College, Wye, Ashford,
- Occupation Road, Wye Ashford
- At Former ADAS site, Olantigh Road, Wye, Ashford

Thank you for your consultation on the above dated 13 January 2021 for the additional information which was submitted directly from the applicant to Natural England on 11 January 2021.

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

**Natural England's comments on these appeals and relevant submitted information**

What follows are Natural England's comments on additional information<sup>1</sup> produced by the applicant following our prior advice given on 11 December 2020. This advice concerns the following developments:

- Concerning the residential development of 40 dwellings at Occupation Road, Wye Ashford – Hereafter referred to as development B
- Concerning the Residential development of 20 dwellings At Former ADAS site, Olantigh Road, Wye, Ashford – Hereafter referred to as development C

Natural England notes that the applicant has produced various additional information to inform Habitats Regulations Assessment (HRA) appropriate assessment. As competent authority, it is the Planning Inspectorate's responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that the Planning Inspectorate intends to adopt this information to inform HRA to fulfil your duty as competent authority.

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<sup>1</sup>Marian Cameron (December 2020). Nutrient Neutrality Proof of Evidence : Main text TT1-1, Summary TT1-2 and Appendices TT1-3.

## **Comments on Package Treatment Plants Discharging to Mains Sewage Network**

In our previous advice provided on 11 December 2020 (334172, 334201 & 334182) we explained that Natural England's view is that package treatment plants (PTPs) which discharge to the mains network, such is the case for developments B and C, are not certain as mitigation measures.

In the applicant's additional information they identify that at the Wye wastewater treatment works (WwTW) there is no chemical dosing or specific removal of either phosphorus (P) or nitrogen (N).

The applicant makes the assumption that the nutrient loading (output) which can be thought of as roughly equivalent to concentration multiplied by flow of the river downstream of the WwTW will be unaffected by the additional inflow from this development.

The applicant's suggestion is that the additional flow from the PTP will have no effect on the nutrient loading from the Wye WwTW. Effectively since the flow will increase to and from the works from this development the applicant is assuming the nutrient concentration from mains discharge would be lowered to exactly offset the additional nutrient load from the new development. Given the complex nature of nutrient processes in a wastewater treatment works while this may or may not be a valid assumption we cannot advise on its validity.

However, most critically, without monitoring of the loading from mains from the public works, and ideally the onsite PTP as well, there is no way of proving this is the case for the lifetime of the development. Without a relevant permit from the Environment Agency there is nothing that can be done to secure the loading at neutral even if monitoring was in place and demonstrated the development was not achieving neutrality, as such this mitigation measure would not be certain.

## **Comments on Evidence of Package Treatment Plant Reduction Efficiency**

In our previous advice we also explained that for high reduction efficiency PTPs to be certain as suitable mitigation the applicant should provide evidence that the proposed reduction efficiencies are achievable.

The applicant has provided "Proposed Package Treatment Plant Specification and Performance Evidence" in appendix 9 of the additional information. However, we note that that this information does not appear to provide any significant advice that the required N reduction efficiencies will be achievable.

As such, unless the applicant can produce sufficient evidence to satisfy the planning inspectorate regarding their proposed N reduction efficiency we would advise that the PTP should not be considered certain as a mitigation measure.

## **Comments on monitoring and management of mitigation measures**

In light of our advice above should the Planning Inspectorate consider the proposed mitigation strategies sufficiently certain we would note that the proposed mitigation measures, chiefly PTPs and Sustainable Drainage Strategies (SuDS), require significant upkeep to ensure their continued efficacy. As touched on in our previous advice the long term monitoring and management of these measures should be secured by the applicant to the satisfaction of the competent authority to ensure the efficacy of these measures is certain for the life time of these developments.

## **Other advice**

In addition, Natural England would advise on the following issues.

## **Protected Landscapes**

Please also note that the proposed development is for a site within the Kent Downs AONB nationally designated landscape. Natural England advises that the competent authority uses

national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out the relevant development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

If you have any queries relating to the advice in this letter please contact me on 07554226006 OR 02080266551.

Yours faithfully

Nathan Burns  
Area Team 14 - Kent and Sussex