

LAND NORTH OF POSSINGHAM  
FARMHOUSE  
ASHFORD

**REBUTTAL PROOF OF  
EVIDENCE BY GUY LAISTER  
IN RESPECT OF NUTRIENT  
NEUTRALITY**

HODSON DEVELOPMENTS LTD

DOCUMENT REFERENCE:

22074-NUT-RP-03 | C01



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## QUALIFICATIONS AND EXPERIENCE

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**Guy Laister**, MSc Eng, BSc Eng, (Civil), CEng, CEnv, C.WEM, MCIWEM, Director of Water Environment limited will say:

I have a Masters degree in Civil Engineering (graduated Cum Laude) and more than 20 years of technical experience in water quality, flood risk, hydrology, hydraulic modelling, drainage, Environmental Impact Assessment, and water quality including: Water Framework Directive, Habitat Regulations and Nutrient Neutrality. I am a Chartered Engineer (CEng), a Chartered Environmentalist (CEnv), a Chartered Water and Environmental Manager (C.WEM) and a full member of the Chartered Institution of Water and Environmental Management (MCIWEM).

After graduating as a civil engineer in 1999, I spent three years working for local government. From 2003 I spent the next 4 years working for a medium-sized civil and environmental consultancy on a range of environmental issues including flood risk, air quality, and environmental impact assessment for projects from single house developments to large commercial, retail and residential projects. In 2007 I co-founded Water Environment Ltd to provide civil engineering and environmental consulting services to the private and public sector.

Since starting Water Environment Ltd more than 15 years ago I have been the company director leading the water quality sector of the business and have had considerable experience in the Habitat Regulations and assessment of impacts on ecological sites, in particular the concepts of Nutrient and Water Neutrality. I have supervised hundreds of nutrient and water neutrality projects for both public sector and private sector clients, looking at catchment-scale nutrient budget calculations and mitigation strategies and individual private developments seeking to achieve neutrality on site.

I currently lead the Ashford Borough Council (ABC) and Canterbury City Council (CCC) Stodmarsh Nutrient Mitigation Strategies. I have worked closely with ABC and CCC developing a mitigation strategy which required liaison with Kent County Council (KCC), Natural England (NE), the Environment Agency, Southern Water and other statutory consultees to develop a viable and workable solution for achieving Nutrient Neutrality in the Stodmarsh catchment based on the projected housing delivery targets set in the respective adopted Local Plans, as well as to support CCC on the new draft Local Plan. Work has included generating a district-wide nutrient budget, developing a mitigation strategy, assisting the LPA with Supplementary Planning Documents (SPD), generating a nutrient credit costing and apportionment model, identifying suitable land, advising on licensing and permitting requirements and supporting the council in brokering arrangements for mitigation and funding bids from NE. In addition to the strategies developed for ABC and CCC, I am leading the Water Environment team currently commissioned by KCC to develop an over-arching catchment-wide mitigation framework and strategy which considers nutrient loadings from all LPAs within the catchment and considering catchment-wide mitigation strategies to develop a co-ordinated, phased approach to housing delivery and mitigation.

In addition to the work in the public sector, I have led the Water Environment team in support of the successful Planning Applications for major strategic development sites, including the proposed urban extension of South Canterbury for mixed uses including 4,000 homes (CCC Planning application reference: 16/00600), Land north-east of Willesborough Road (Planning application reference: 19/00025/AS) and at Kingsnorth Green, south of Ashford (Planning application reference: 15/00856/AS, Appeal reference: APP/E2205/W/23/3320146). Work on these sites included detailed Nutrient Neutrality Assessment and Mitigation Strategies negotiated with CCC and ABC respectively, as well as NE to ensure that the Proposed Developments are Nutrient Neutral and there is no adverse impact on Stodmarsh.

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**Qualifications**

- MSc Eng (Civil) Civil Engineering, University of Natal, South Africa 2001
- BSc Eng (Civil) Civil Engineering, University of Natal, South Africa 1999
- Chartered Engineer (CEng), Engineering Council UK
- Chartered Environmentalist (CEnv), Society for the Environment
- Chartered Water and Environmental Manager (C.WEM)

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**Professional Association Membership**

- Full Member Chartered Institution of Water and Environmental Management 2007  
CIWEM membership number: 34258
- Professional Registration with Engineering Council UK  
Registrant Number: 566861
- Full Member Society for the Environment 2012

## ABBREVIATIONS

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<b>Acronym</b>	<b>Definition</b>
AA	Appropriate Assessment
ABC	Ashford Borough Council
EA	Environment Agency
CCC	Canterbury City Council
DAS	Discretionary Advice Service
HRA	Habitat Regulations Assessment
KCC	Kent County Council
LPA	Local Planning Authority
NE	Natural England
NN	Nutrient Neutrality
NNAMS	Nutrient Neutrality Assessment and Mitigation Strategy
SAC	Special Area of Conservation
SoC	Statement of Case
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
TN	Total Nitrogen
TP	Total Phosphorus
WEL	Water Environment Limited
WFD	Water Framework Directive
WRC	Water Recycling Centre
WwTP	Wastewater Treatment Plant
WwTW	Wastewater Treatment Works

# 1 INTRODUCTION AND SCOPE OF EVIDENCE

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## General Information

1.1 This document represents a proof of evidence in respect of:

**OUTLINE APPLICATION FOR THE DEVELOPMENT OF UP TO 655 RESIDENTIAL DWELLINGS (INCLUDING 30% AFFORDABLE DWELLINGS) PROVISION OF NEW ROADS, FOOTPATHS, CYCLEWAYS, INSTALLATION OF APPROPRIATE UTILITIES, INFRASTRUCTURE (INCLUDING SUSTAINABLE DRAINAGE SYSTEM (SUDS), CAR PARKING SPACES, LANDSCAPING, WITHIN LAND NORTH OF POSSINGHAM FARMHOUSE, ASHFORD ROAD, GREAT CHART, ASHFORD.** (hereafter referred to as the Proposed Development).

PINS REF: **APP/E2205/W/24/3345454**

LPA REF: **22/00571/AS**

On behalf of **Hodson Developments Ltd**

1.2 It has been prepared by me:

**Guy Laister**, MSc Eng, BSc Eng, (Civil), CEng, CEnv, C.WEM, MCIWEM  
Director of Water Environment Ltd.

CIWEM membership number: 34258

Engineering Council Registrant number: 566861

1.3 In providing this evidence I have taken full account of the representations of others on the appeal.

1.4 I confirm that the evidence I have prepared for this appeal is true, has been given in accordance with the guidance of my professional institutions and that the opinions expressed in it are my true and professional opinions. I am fully aware that my duty is to assist the inquiry irrespective of where my instructions arise.

## Scope of Evidence

1.5 The scope of this rebuttal proof is confined to whether the development site will have an adverse impact on the designated site at Stodmarsh in terms of the nutrients, Total Nitrogen (TN) and Total Phosphorus (TP).

1.6 I have submitted a Proof of Evidence which provides a high-level overview of the analysis and conclusions relating to nutrient neutrality, and presents the potential nutrient impacts on Stodmarsh in the context of the planning application.

1.7 This rebuttal Proof of Evidence provides further details with regards to the planning appeal for the Wastewater Treatment Plant (WwTP) associated with the Proposed Development.

## 2 WWTP APPEAL (REFERENCE APP/E2205/W/24/3345453)

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- 2.1 The appeal for the “proposed construction of a Wastewater Treatment Plant, associated landscaping, and proposed vehicular access from Chilmington Green Road” (reference APP/E2205/W/24/3345453) was allowed on the 19<sup>th</sup> September 2024.
- 2.2 This decision further establishes the principle of the foul drainage strategy and nutrient neutrality mitigation for the Proposed Development as wastewater from the Proposed Development will be conveyed to the Wastewater Treatment Plant (WwTP) for treatment before discharge into the River Beult catchment, and not into the River Stour catchment.
- 2.3 There is therefore now common ground with Ashford Borough Council (ABC). With reference to Reason for Refusal 8, the Proof of Evidence by Dan Carter on behalf of ABC concludes in paragraph 6.2:

*The Council accepts that the offsite WwTP, if granted planning permission, is capable of resolving this reason for refusal, subject to the imposition of a suitable mechanism to tie the WwTP to the appeal scheme...”*

- 2.4 In paragraph 11 of the WwTP appeal decision the inspector makes reference to the WwTP being able to treat up to 980 dwellings, and up to 2,700 dwellings with additional measures required to store of reuse water on site prior to discharge. This is based on the screening study undertaken by Water Environment Ltd (WEL) in February 2023 [CD11/2].
- 2.5 As noted in my Proof of Evidence (Paragraph 3.6), and confirmed in the appeal decision (paragraph 11) the WwTP has been designed with a capacity to deal with up to 2,700 dwellings, including the Proposed Development. This WwTP has been granted planning permission.
- 2.6 Core Document [CD4/12] is the response from the applicant to Ashford Borough Council (ABC) following the request for additional information from ABC dated the 30<sup>th</sup> August 2024.
- 2.7 CD4/12 includes a letter from Severn Trent Connect (STC) who will operate and maintain the WwTP. The letter from STC confirms:
- The STC are an Ofwat regulated water company,
  - STC have significant experience and understanding of the regulatory processes and requirements to secure relevant permissions to build and operate wastewater infrastructure,
  - STC applied to the Environment Agency (EA) for an environmental (discharge) permit on the 29<sup>th</sup> July 2024, which was acknowledged by the EA on the 7<sup>th</sup> August 2024,
  - STC shall be the long term operator of the WwTP in its capacity of a Statutory Sewerage Undertaker and therefore legally responsible for maintaining compliance with requirements of the EA permit,
  - The parameters stated on the environmental permit application are sufficient for processing the foul flows from at least 2,700 dwellings,
  - The monitoring data on the River Beult completed to date was reviewed by STC prior to submission of the permit application. Based on their significant experience STC are satisfied that the monitoring data does not provide any basis for a permit to be refused,
  - STC are satisfied that the WwTW which has been granted planning permission will be able to satisfactorily meet the necessary standards for an environmental permit,

- 2.8 The STC letter also addresses the point regarding flows into the River Beult and achieving the treatment capacity of 2,700 dwellings. The screening study produced by WEL (CD11/2) recommended a way of achieving a capacity of 2,700 dwellings with a discharge rate of 3l/s. However, STC confirm in their letter that there are several viable alternative options for discharging treated effluent from the WwTP to the water environment, including, for example, discharging into the River Beult downstream of the River Beult SSSI where the flow constraints set out in the screening study (CD11/2) do not apply. By way of another example, further assessment work is being undertaken as part of the environmental permit application, including consultation with Natural England (NE), to assess the potential effects and impacts on the River Beult SSSI of discharging at a higher rate than 3l/s at the proposed outfall location.
- 2.9 STC are satisfied that there are no obvious reasons why the EA would refuse to grant the environmental permit.
- 2.10 STC would be responsible for building the outfall pipe required, to the outfall location agreed with the EA as part of the environmental permit application in consultation with NE. This will be achieved through a Section 98 requisition of the Water Industry Act (1991) which is done regularly in the water industry, including crossing third-party land, as required. STC, as a Statutory Sewerage Undertaker, is able to use its statutory pipelaying powers. On this, the inspector allowing the WwTP appeal agreed:

*Discharge Permits for WwTPs are only granted to undertakers who the EA consider appropriate to deliver the development – namely licenced water providers. Permitted Development Rights are available to such undertakers to carry out such work, or for the work to be carried out on their behalf. If the licence is issued, the works can go ahead and whether or not an application has been made for the pipe or whether the works would be carried out under permitted development rights does not alter my consideration of this proposal.*

- 2.11 The STC concludes by stating that they are confident in securing the necessary permit to serve at least 2,700 dwellings.
- 2.12 The WwTP will be operated and maintained by STC, who have confirmed that they will be legally responsible for maintaining compliance with requirements of the EA permit. Therefore, there is no need to secure the long term maintenance of the WwTP through planning conditions or S106 obligation.



### 3 SUMMARY AND CONCLUSIONS

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- 3.1 In accordance with the advice published by NE, the NNAMS demonstrates that the development can achieve Nutrient Neutrality on site and the development will not have a significant adverse effect on Stodmarsh. This is on the basis that the site is located outside the Stodmarsh hydrological catchment and therefore there is no pathway for nutrients in surface water to impact Stodmarsh. Wastewater from the Proposed development will be treated at a new WwTP constructed to serve Chilmington Green, including the Proposed Development.
- 3.2 Planning permission has been granted for the WwTP, which has a capacity to serve at least 2,700 dwellings.
- 3.3 Severn Trent Connect have submitted an application to the EA for an environmental permit and are confident in securing the necessary permit to serve at least 2,700 dwellings.