

LAND NORTH OF POSSINGHAM
FARMHOUSE
ASHFORD

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

HODSON DEVELOPMENTS LTD

DOCUMENT REFERENCE:
22074-NUT-RP-02 | C01



Water Environment Limited
6 Coppergate Mews
103 Brighton Road
Surbiton
London
KT6 5NE

Tel: 020 8545 9720

www.WaterEnvironment.co.uk

CONTENTS

Qualifications and Experience	iii
Abbreviations	v
1 Summary	2
1 Introduction and scope of evidence	3
General Information	3
Scope of Evidence	3
2 Overview of the Nutrient Neutrality assessment and Mitigation Strategy	5
Habitats Regulations background in the context of Nutrient Neutrality	5
Overarching NNAMS for Chilmington Green	5
Proposed Development NNAMS	6
3 Consultation	7
Summary of statutory consultee responses to the Proposed Development.....	7
Summary of statutory consultee responses to the WwTW planning application (ABC Reference PA/2023/0715).....	7
4 Local Planning Authority	8
Statement of Case	8
Letter to Appellant RfR8.....	9
ABC Statement of Case relating to the WwTW appeal	9
5 Other Interested Parties	10
6 Summary and Conclusions	11

QUALIFICATIONS AND EXPERIENCE

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.

-
- 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)

-
- 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

Acronym	Definition
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 SUMMARY

- 1.1 This Proof of Evidence has been prepared by Guy Laister. 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). I will be providing evidence relating to Nutrient Neutrality for the Proposed Development of up to 655 residential dwellings (Including 30% affordable dwellings) and associated infrastructure and landscaping.
- 1.2 The site of the Proposed Development lies outside of the hydrological catchment of Stodmarsh a Special Area for Conservation (SAC), Special Protection Area (SPA), Ramsar and Site of Special Scientific Interest (SSSI). Therefore a Likely Significant Effect on Stodmarsh from nutrients in surface water runoff can be ruled out.
- 1.3 The local Wastewater Treatment Works (WwTW) which would serve the site is Ashford (Bybrook), operated by Southern Water, and discharges into the River Stour which flows to Stodmarsh. To prevent additional nutrients in treated wastewater from the Proposed Development reaching Stodmarsh a new WwTW will be constructed to serve the Proposed Development. Treated effluent from the new WwTW will discharge into the River Beult catchment, and not the Stodmarsh catchment. Therefore there will not be any hydrological link between treated wastewater from the Proposed Development and Stodmarsh.
- 1.4 On this basis Nutrient Neutrality is achieved and there will be no adverse effect on Stodmarsh.

1 INTRODUCTION AND SCOPE OF EVIDENCE

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 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 The site lies outside the Stodmarsh catchment and therefore there is no hydrological link between the site and the River Stour and Stodmarsh. However, the local Wastewater Treatment Works (WwTW – sometimes otherwise referred to as a Wastewater Treatment Plant – WwTP - or Wastewater Recycling Centre - WRC) which would serve the site is Ashford (Bybrook), operated by Southern Water, and discharges into the River Stour. Therefore, if foul water from the proposed development was conveyed to Ashford (Bybrook) WwTW a potential pathway would be established for TN and TP to Stodmarsh.

1.7 Hodson Developments Ltd commissioned Water Environment Ltd (WEL) to prepare a Nutrient Neutrality Assessment Statement [CD2/24] (hereafter referred to as the "NNAMS") to investigate and mitigate concerns regarding the potential adverse effects in the Stodmarsh SAC, SPA, Ramsar and SSSI within the River Stour catchment and the 'nutrient neutrality' of the Proposed Development.

- 1.8 The NNAMS is a single document (containing relevant drawings as appendices) and should be referred to for full details.
- 1.9 This Proof of Evidence provides a high-level overview of the analysis and conclusions and presents the potential nutrient impacts on Stodmarsh in the context of the planning application.
- 1.10 This Proof of Evidence should be read in conjunction with the other documentation submitted by Hodson Developments Ltd.

2 OVERVIEW OF THE NUTRIENT NEUTRALITY ASSESSMENT AND MITIGATION STRATEGY

Habitats Regulations background in the context of Nutrient Neutrality

- 2.1 Natural England (NE) have produced a Generic Methodology [CD11/1] which provides generic national guidance on achieving nutrient neutrality for applicable development. This Generic Methodology is supplemented by a specific Nutrient Budget Calculator and associated Guidance Document for Stodmarsh¹.
- 2.2 The published NE Guidance documents state that new residential developments may impact Stodmarsh if one or both of the following occur:
 - Treated effluent from the development discharges into a water course that ultimately reaches Stodmarsh; or
 - The runoff from the development discharges into a water course that ultimately reaches Stodmarsh.
- 2.3 The Proposed Development falls out of the River Stour hydrological catchment. Therefore, there is no pathway between surface water runoff from the site and Stodmarsh and a Likely Significant Effect on Stodmarsh can be ruled out in terms of surface water runoff. Surface water is therefore not relevant in terms of the nutrient budget for the site and the NE calculator has therefore not been included in the NNAMS.
- 2.4 As noted in paragraph 1.6 of this Proof of Evidence, if wastewater was conveyed from the Proposed Development to Ashford (Bybrook) WwTW then a pathway for nutrients from the site to Stodmarsh could be created. Therefore, a Likely Significant Effect from the Proposed Development wastewater on Stodmarsh cannot be ruled out and a NNAMS was therefore submitted with the planning application.

Overarching NNAMS for Chilmington Green

- 2.5 The NNAMS submitted with the planning application for the Proposed Development refers to an Overarching NNAMS for the wider Chilmington Green and other associated parcels [CD2/24], including the Proposed Development.
- 2.6 The Overarching NNAMS states that the wider Chilmington Green development lies on the southern boundary of the River Stour catchment. In the Overarching NNAMS, the NE calculator has been used to calculate the nutrient budget for the entire Chilmington Green allocation, including the Proposed Development. Nutrient budget calculations consider that the wider Chilmington Green site partially falls within the hydrological catchment, and accounts for any land proposed land use change in these areas of the Chilmington Green site. The nutrient budget calculations in the Overarching NNAMS considers wastewater being treated at Ashford (Bybrook) WwTW. This is the unmitigated nutrient budget (i.e. the nutrient loading prior to any mitigation being included as part of the development).
- 2.7 The Overarching NNAMS does not specifically refer to the Proposed Development as the Possingham Farmhouse site lies wholly outside the Stour catchment, but the Overarching NNAMS does account for the wastewater generated from the Proposed Development in the mitigation strategy.

¹ <https://www.gov.uk/government/publications/stodmarsh-sac-ramsar-nutrient-neutrality-calculator>

- 2.8 The Nutrient Mitigation Strategy developed in the Overarching NNAMS includes an onsite WwTW which would serve the Chilmington Green development and including the Proposed Development. It is proposed that the WwTW discharge treated effluent to a ditch system on the wider Chilmington Green site, a tributary of the River Beult, not the River Stour. Treating wastewater on the site and discharging treated effluent from the onsite WwTW into the River Beult catchment, instead of conveying untreated wastewater to Ashford (Bybrook) for treatment means that there is no connection from wastewater from the Proposed Development to Stodmarsh. This prevents any adverse impact on Stodmarsh.
- 2.9 The WwTW will be adopted by Severn Trent Connect, an Ofwat-regulated water company. The drainage system will be designed to adoptable standards and Severn Trent Connect have confirmed they will adopt, own, and maintain the system in perpetuity. A letter of support by STC is appended to Water Environment's Overarching NNAMS.
- 2.10 The precise outfall location along the River Beult and tributaries for discharge of treated effluent from the onsite WwTW will be determined as part of the EA discharge permit application. Severn Trent Connect have applied to the Environment Agency (EA) for the required discharge permit.

Proposed Development NNAMS

- 2.11 In summary the NNAMS for the Proposed Development confirms:
- The Proposed Development lies outside the hydrological catchment of Stodmarsh and therefore there is no surface water nutrient budget for the Proposed Development, and
 - Wastewater from the site will be treated at a WwTW constructed and operated as part of the wider Chilmington Green development. The WwTW will discharge treated effluent to the River Beult catchment, not the Stour catchment, with no hydrological pathway to Stodmarsh and the wastewater nutrient budget is therefore also zero.
- 2.12 Therefore, the Proposed Development achieves nutrient neutrality as there is no connection to Stodmarsh.
- 2.13 A separate planning application for the WwTW (ABC planning application reference PA/2023/0715) has been refused by ABC, despite being recommended for approval by officers at ABC, and is subject to a separate appeal (Reference APP/E2205/W/24/3345453).

3 CONSULTATION

Summary of statutory consultee responses to the Proposed Development

- 3.1 There is no evidence of ABC consulting the EA or NE on the planning application for the Proposed Development.

Summary of statutory consultee responses to the WwTW planning application (ABC Reference PA/2023/0715)

- 3.2 The applicant and WEL conduct pre-application enquiries with the EA and NE on the proposed WwTW.
- 3.3 The EA confirmed on the 6th December 2022 [CD4/6] that there were no concerns or objections to the proposed WwTW on the wider Chilmington Green site which will serve the Proposed Development. The EA considered all relevant potential impacts of the proposed WwTW on the environment, including: groundwater hydrology; water quality; fisheries, biodiversity and geomorphology; groundwater and contaminated land; and flood risk.
- 3.4 NE were also consulted on the proposed WwTW through the Discretionary Advice Service (DAS). Initial advice from NE confirmed that the nutrient neutrality mitigation proposals could avoid any adverse impacts on Stodmarsh. NE requested a screening study for downstream designated sites such as the River Beult SSSI.
- 3.5 A screening study was undertaken collaboratively by WEL and Corylus, focussing on hydrology and ecology respectively [CD11/2].
- 3.6 The WwTW has been designed with a capacity for 2,700 homes, including the Proposed Development with a final peak flow rate that is within the maximum acceptable percentage deviations from daily naturalised flows throughout the river as set out in the River Beult SSSI Conservation Objectives [CD11/2].
- 3.7 There is no objection to the Proposed Development from NE [CD4/7].
- 3.8 There is no objection from the EA [CD4/8].
- 3.9 There is no objection from Kent County Council (KCC) in their role as Lead Local Flood Authority (LLFA) [CD4/9].

4 LOCAL PLANNING AUTHORITY

Statement of Case

- 4.1 The Statement of Case (SoC) of the Local Planning Authority in respect of the Proposed Development [CD1/7] states that the outline planning application was refused on the 13th December 2023. Reason 8 is:

"The applicant has failed to demonstrate that the development would not add to the deterioration of the water quality at the Stodmarsh European designated site, thereby harming internationally-protected habitats."

- 4.2 The ABC Planning Committee report [CD1/2] "Habitats Regulations Assessment" Section K Paragraph 118 states that the documents submitted as part of the Chilmington Green WwTW application (which would serve the Proposed Development) indicate that the WwTW would only be sized to treat wastewater from part of the Chilmington Green development and that there would not be enough capacity to treat waste from the Proposed Development.

- 4.3 The WwTW has been designed with a capacity of 2,700 homes which includes the Proposed Development.

- 4.4 In paragraph 12.2 of the ABC SoC it is correctly stated that:

"As set out in para 119 of the Committee report, mitigation to deliver nutrient neutrality is not required for the surface water associated with the development. "

- 4.5 However, paragraph 12.6 of the ABC SoC states:

"In addition, the appellant has not submitted a copy of their completed Natural England calculator, therefore the LPA has not been able to view and comment on the assumptions included within their calculator, for example concerning existing and proposed land use."

- 4.6 The calculator is not relevant in this case, particularly regarding existing and proposed land use for the reason set out in Para 12.2 of the ABC SoC and para 119 of the ABC Planning Committee report – it is not necessary to deliver nutrient neutrality for surface water. Similarly, it is not necessary to provide nutrient neutrality for foul water as foul water will be treated at a WwTW which will not discharge into the River Stour catchment.

- 4.7 Paragraph 12.3 states:

"...The LPA agrees that new WwTP's can be an appropriate way to deliver nutrient neutrality for housing developments. Therefore, a new WwTP could be an appropriate form of mitigation for the proposed development."

- 4.8 Therefore, the principle of the nutrient mitigation strategy for the Proposed Development is agreed.

- 4.9 Paragraph 12.4 questions whether the WwTW has capacity for the Proposed Development in the context of the wider Chilmington Green development. As noted in paragraph 4.3 of this PoE the WwTW has been designed for 2,700 dwellings including the Proposed Development. Any impact of the Proposed Development on delivery of the wider Chilmington Green development is primarily a planning matter which has been addressed in the rebuttal [CD11/5] to ABCs SoC for the WwTW appeal [CD11/4].

Letter to Appellant RfR8

4.10 On the 30th August 2024 ABC wrote to the appellant [CD4/11] requesting further information:

- Nutrient Neutrality calculations of the unmitigated nutrient load created by the proposal, and
- Capacity of the WwTW

4.11 Notwithstanding the point in paragraph 4.6 above, for completeness, the applicant has responded on ABC on the 3rd September 2024 [CD4/12] providing the NE calculator with the unmitigated nutrient budget and further explanation regarding the WwTW capacity.

ABC Statement of Case relating to the WwTW appeal

4.12 The ABC SoC for the WwTW appeal (reference APP/E2205/W/24/3345453) [CD11/4] Section 7 discusses RfR2 – Environmental effects on the river Beult and the river Beult SSSI.

4.13 The applicant has submitted a rebuttal [CD11/5].

4.14 As the matters raised, and responded to, relate to a separate appeal, the details are not covered in detail in this PoE.

5 OTHER INTERESTED PARTIES

- 5.1 The 'Shadoxhurst Utilities Team' have made comments on the application according to the planning portal. One of these public comments, dated 19th May 2022 references Stodmarsh but only generically:

"New residential development whose wastewater, treated or otherwise, that drains into that area could also have an adverse effect, unless it can be demonstrated that it would achieve nutrient neutrality. if either development proposal were to be connected to waste treatment works in Ashford, then it is likely their wastewater would enter the Stour catchment."

- 5.2 As has been established in the NNAMS, wastewater from the Proposed Development will not connect to the WwTW in Ashford.
- 5.3 Further commentary from Peter Finnis of the Shadoxhurst Utilities & Drainage Team were submitted on the 25th July 2024, which relate to the separate planning application and appeal for the WwTW. These matters are discussed in the rebuttal to ABCs SoC for the WwTW appeal [CD11/5].
- 5.4 The comments from the Shadoxhurst Utilities & Drainage Team of the 25th July 2024 refer to the ABC SoC which is discussed in Section 4 of this PoE.
- 5.5 Steve Davies of Hobbs Parker Property Consultants LLP wrote to ABC on behalf of Mrs Linda Cleaves at Possingham Farmhouse on the 19th May 2022. The letter states that the Proposed Development would be served by Ashford WwTW and that the applicant has not proposed a solution to nutrient neutrality. The NNAMS submitted with the planning application [CD2/24] confirms that the Proposed Development will be served by an onsite WwTW, and wastewater will not be conveyed to Ashford WwTW. This solution ensures that the development will be nutrient neutral and the commentary in the letter of the 19th May 2022 regarding a "strategic mitigation scheme" is not relevant.

6 SUMMARY AND CONCLUSIONS

- 6.1 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.