

Planning and Development

Ask for: Faye Tomlinson
Email: faye.tomlinson@ashford.gov.uk
Direct line: (01233) 330275

Hodson Developments Ltd
c/o DHA Planning
Eclipse Park
Sittingbourne
Kent ME14 3EN



ASHFORD
BOROUGH COUNCIL

Civic Centre
Tannery Lane
Ashford
Kent TN23 1PL
01233 331111

www.ashford.gov.uk



@ashfordcouncil



AshfordBoroughCouncil

Ref: APP/E2205/W/24/3345454

Date: 30 August 2024

Dear Hodson Developments Ltd,

Re: Land north of Possingham Farmhouse, Ashford Road, Great Chart.

One of the reasons for refusal of the planning application relating to the above site (planning appeal reference: APP/E2205/W/24/3345454) relates to nutrient neutrality.

As you will be aware, the role of competent authority for the purposes of undertaking the Appropriate Assessment (AA) under the Conservation of Habitats and Species Regulations 2017 has now shifted from the Local Planning Authority (LPA) to the Inspector determining the appeal.

However, in order to seek to assist the Inspector and the Inquiry, this letter sets out what the LPA would expect the applicant to provide to enable the AA process to be properly undertaken. A copy of this letter is being sent to the Inspector.

First, we would expect the applicant to submit evidence in the form of a set of nutrient neutrality calculations of the unmitigated nutrient load created by the proposal. This should be undertaken using the Natural England Nutrient Neutrality Calculator to show what the nutrient load of the scheme is prior to mitigation. The submission of this information is consistent with the normal approach followed for planning applications, accepting that the proposal here is simply to take the wastewater out of the catchment. This point is raised in the LPA's statement of case for the appeal at paragraph 12.6.

The second requirement would be for the mitigation to be relied upon to be clearly identified and secured.



It is the understanding of the LPA that the appellant seeks to rely on the Wastewater Treatment Plant (WwTP) for which planning permission has been applied for under application PA/2023/0715 (appeal reference: APP/E2205/W/24/3345453).

Accordingly, evidence should be provided for the present appeal (ref: APP/E2205/W/24/3345454) which makes this position clear, as well as the details of the mitigation proposal so far as it is relevant to allow the Inspector to undertake the AA. This should include the WwTP capacity set aside for the Possingham Farm site and how that would be secured for the Possingham Farm site in perpetuity. It should also include a timeline and explanation around how and when the WwTP would be delivered and who would manage and maintain it, as well as any monitoring regime required.

It would also be helpful to the Inquiry if you could provide a set of draft planning obligations and conditions, which are necessary to ensure the above matters are properly secured.

Normally the LPA would expect the appellant to provide this information to demonstrate that the mitigation to be relied upon is 'secure' and can be 'secured' in perpetuity. This should include how the issues raised above would be secured in this instance.

For clarity, the LPA requests that the information referred to above is submitted within this appeal (i.e. concerning the Possingham Farm site, ref. APP/E2205/W/24/3345454), so that all relevant information is before the Inspector and parties to the inquiry.

Currently, certain relevant details and information regarding the WwTP as mitigation for the Possingham Farm site have only been submitted in the separate appeal for the WwTP. Such information, if it is to be relied upon in the Possingham Farm appeal, needs to be submitted within the Possingham Farm appeal process.

For avoidance of doubt, the LPA's position remains, as set out in its statement of case at paragraph 12.3, that a new WwTP could be an appropriate form of mitigation for the proposed development, should that WwTP be granted planning permission at appeal and subject to the mitigation being properly secured by way of being tied to the appeal scheme.

Please note that this is without prejudice to the Council's position on the WwTP appeal, in which the Council are contesting the planning merits of that proposal in a number of respects.

The LPA requests that you submit the information set out above by 4pm on 3 September 2024 at the latest. This is in order that the Council can take account of it in its proofs of evidence, which are due on 10 September 2024. The absence of this information is something that already has been raised, both by way of the Council's Reason for Refusal No.8 and in the Council's Statement of Case submitted on 25 July 2024, and notwithstanding this the information has not to date been provided in the present appeal.

We hope that you find this letter helpful and will respond in a positive way.

Yours faithfully

F J Tomlinson

Faye Tomlinson

Team Leader Strategic Applications

