

Application Reference 23/502113/OUT

Land at Ham Road, Faversham

Faversham town Council's supplementary comments following the Swale Borough Council re-consultation.

Previous objections still apply.

The Environment Agency says that the development will cause an unacceptable risk of unacceptable levels of water pollution. The EA asks for a condition that a strategy to deal with risk be agreed before development. However this implies that an acceptable strategy is viable and the Town Council believes that the probability is that is not the case. The Town Council therefore requests that the Borough Council require that such a strategy be provided prior to consideration for approval. Failing this then the FTC believes the application be refused. The FTC notes that the applicants have asked that drainage be included as part of the application and therefore if consent is forthcoming then it will be impossible to condition any application for approval of reserves matters or impose a decision that negates the approval. Therefore there is a risk that any subsequent detailed drainage design would result in pollution if that was the only option, because the borough Council would be unable to negate the outline consent by issuing a subsequent refusal for the detailed drainage design given that the principle was approved as part of the outline consent. If drainage is to be included as part of this application, then a detailed strategy with full studies, surveys and assessments should be submitted as part of this application.

The EA says that infiltration of water would be difficult and even inappropriate due to potential water pollution from underlying contaminants. However, the applicants are proposing to discharge into the system of dykes and ditches on the adjoining farmland not in their ownership and which has also not been outlined in red as a part of the application site even though its use as a depository for surface water is an integral part of the proposal and despite that the applicants are actively seeking consent for this. Clearly, were planning consent to be given, there would be a degree of infiltration contrary to the comments of the EA. Whether that would involve a polluted area we can not assess because the applicants have not carried out any surveys or studies with respect to the depository area. The FTC therefore considers that it would be unacceptable and potentially environmentally damaging, to grant a consent in the absence of further detailed study and evidence.

The depository area referred to above is within the Ramsar area and the SSSI. It consists of marshes with a string of ditches and dykes linked to ponds and fed by both freshwater springs and run-off from the marshy fields. The FTC notes that there are no detailed ecological or environmental surveys of this area and is of the opinion that consent to discharge into this area should not be given until the applicants have submitted detailed surveys and studies that are deemed by the various statutory consultees as showing that the

discharge would not be environmentally deleterious. The FTC also notes that a Bio Gain should result from any decision to approve the planning application and self-evidently the impact on the Ramsar from the proposed drainage discharge must be a factor of some weight. Therefore, the extent of the impact should be assessed at this stage. Again, the FTC points out that a permission to discharge now cannot be negated later at submission of approval of reserved matters, and so the FTC submits that it is essential that analysis of detailed evidence must take place at this stage.

As has been referred to above the discharge proposed is to a series of dykes, ditches and ponds containing spring water and ground water. However, it is noted that the Environment Agency states in their consultation comments that there should be zero discharge to ground water or controlled water. FTC believes that the application therefore appears to contravene the requirements of the EA.

FTC is concerned to note that the design of the proposal must take into account a quantity of storm water amounting to 0.14litres per sec second per square metre relating to an impermeable area. So, the quantity of storm water arising from this during an hour's storm would be $0.14l \times 3600\text{secs} \times 3.9300$ square metres (3.93 hectares area given as impermeable within the application). This equals 19,807,200 litres or 19,807 cu metres of storm water per hour. There is no study or design calculations to show that the proposed recipient area can cope with the potential volume of discharge without flooding the farmland nor without significant effect on the ecology. The recipient stretch of ditch has a volume calculated as being circa 480 cu m. This is from site measurement. 480 does not hold 19,807. FTC is therefore doubtful that the proposed recipient area can take the discharge without physical change. However the area is not in the applicants ownership and nor is it at present in the land edged red, although we believe it should be.

The application shows a mitigation lagoon. However a lagoon capable of taking an hours discharge would have to measure circa 200m by 50m by 2m deep. That is a significant size and depth and would have safety issues. Further, as the pipe run from the lagoon to the nearest ditch in the Ramsar, is 300m approximately, in distance and would have a fall of 3 metres, the outlet would be at a depth of circa 3-5 metres and would necessitate engineering works and a pump house within the Ramsar area. Again, this has not been detailed despite the request that drainage be included as part of the application.

The KCC Flood and Waste Water Management Team have already indicated in their response, that the mitigation lagoon would flood in a 200 year event. So would the Ham Marshes, the depository or recipient area. That being the case where would the surface water from the site discharge to as it would not be able to discharge to either of those areas? In the absence of a design solution the answer we have to assume, is that it would flood the housing area. FTC is concerned at them mention within the application that SUDS could be used as this would be contrary to the Environment Agency's objection to drainage into the polluted levels by way of filtration.

Faversham Town Council would also point out that now consent has been given for an additional 70 houses at Faversham Lakes, the studies produced for traffic etc. are now redundant and require new calculation and up-dating.

For the above reasons and the previously stated reasons given at first consultation, the Faversham Town Council objects to the application both in principle and in its present form. This is development of a green field site, it is contrary to the Local Plan and the emerging Faversham Neighbourhood Plan, it will have impact on the Ramsar area that has not been studied. It requires for completion the use of land that has not been included within the application and it requires the consent of the owner of that land. No such consent has, we understand, been given. It seeks approval of site surface water drainage but fails to provide the detail and studies that approval of the drainage would require before it could be given.