

Shepway District Council  
Development Control  
Civic Centre Castle Hill Avenue  
Folkestone  
Kent  
CT20 2QY

**Our ref:** KT/2007/100946/01-L01  
**Your ref:** Y06/1648/SH  
**Date:** 13 March 2007

Dear Sir/Madam,

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **CONSTRUCTION OF A 294 METRE RUNWAY EXTENSION TOGETHER WITH AN ADDITIONAL 150 METRE STARTER EXTENSION**

#### **LYDD ASHFORD AIRPORT, ROMNEY ROAD, LYDD, KENT**

Thank you for your letter dated 12 January. Please accept our apologies for the delayed response. The Environment Agency **objects** to the proposed expansion of Lydd Ashford Airport for the reasons as outlined below. We would also like to request that certain conditions be applied to any permission that may be granted by your Authority, and would like to offer the following advice:

#### **Airport Expansion (General)**

In the light of the Stern report and recent Government statements on the challenge of climate change we must express concern about the proposed expansion of any airport in Kent. We consider that:

- All new Major Infrastructure Projects should be considered in light of the forthcoming Planning White Paper. Any new airport development should be consistent with new planning rules.
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- No decision on airport expansion should be determined until air transport has been subject to new planning rules due out in the summer.

Environment Agency  
Orchard House (Endeavour Park) London Road, Addington, West Malling, ME19 5SH.  
Customer services line: 08708 506 506  
Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

Cont/d..

- We have serious concerns over airport expansions' contribution to increasing levels of CO<sub>2</sub> and its threat to put us off target to meet 2050 targets.
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Surface access to new development, particularly by road, can have a significant impact on the local environment. Any new development must aim to reduce and not add to CO<sub>2</sub> emissions and local pollution from surface transport. We are therefore concerned about the effects on air quality in the area if the proposed growth of the airport goes ahead, and trust that your Environmental Health Department will give the matter very careful consideration.

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The Environment Agency has no objection in principle on flood risk grounds; however, we would like to draw the following to your attention.

The application site is considered to be at risk to tidal flooding should the sea defences that protect the area become breached or severely overtopped during very extreme tidal conditions.

Due to the low-lying nature of the site, consideration should also be given to the risk of fluvial flooding during very prolonged periods of intense rainfall.

Surface water run-off will ultimately discharge to the Denge Sewer and we need to ensure, subject to the estimated peak discharge rates, that flooding problems will not be either created in the area or existing ones exacerbated.

Due to the size of the proposed scheme, and the large quantity of surface water that will be generated, we would wish the following to be a condition of any planning approval.

#### **Condition:**

No development approved by this permission shall be commenced until a scheme for the attenuation of surface water and /or the provision of surface water drainage works has been approved by the Local Planning Authority. Such scheme shall be implemented before the construction of impermeable surfaces draining to this system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

The Flood Risk Assessment refers to the Environment Agency's request for the consideration of the need for a pump on the Denge Main and we would like to reaffirm our commitment to consideration of this which could form part of the above drainage scheme.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the main river (Denge Main).

The development proposals impact on the interests of the Romney Marshes Area Internal Drainage Board and we wish to highlight the importance of obtaining their comments regarding these proposals.

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We would like to make the following comments regarding the proposals:

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for disposal based on the maximum number of flights arriving per day. (Current and projected for 2014).

On the basis of the passenger growth which has been outlined, the Environment Agency would have concerns for any proposal to discharge sewage effluent from a treatment plant above and beyond the manner prescribed by the current consent.

Any proposed discharge resulting in the consent holder being unable to comply with the consent conditions would be an offence under the Water Resources Act 1991. The consent holder could apply for a variation of the consent or a new consent. However the Environment Agency would have serious reservations for the anticipated volume of treated sewage effluent being discharged into the Dengemarsh Sewer as, in our opinion, this would have a detrimental impact on the quality of the receiving waters. Therefore the Environment Agency is unlikely to grant consent and unlikely to issue a variation of an existing consent.

It is recognised that investigations were undertaken by LAA in February 2000 as to the potential for connection to the mains foul sewer. At that time it was deemed to be too costly to proceed with this option, however, the Environment Agency's first presumption must always be to provide a system of foul drainage discharging into a public sewer.

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For example, Section 9.0 of the Flood Risk Assessment Report states that: "*Surface water from the new terminal building will be collected via suitable lengths of drainage which will then flow via respective silt traps and oil separators to discharge into the watercourses which are then connected to the Mockmill Drain.*"

However, Chapter 7 (Section 7.4.5) of the environmental statement on Water Resources and Flood Risk states that: "*Run-off from the terminal area and car park is drained by a positive piped system through a single stage interceptor to an outfall in the Dengemarsh Sewer.*"

We therefore require at this time the submission of a clear drainage strategy accompanied by an appropriately labelled site plan. The plan must identify:

- The drainage areas and all activities which take place within them;
- The related pipework;
- The location of pollution prevention measures to be included in the discharge design;
- The proposed location of discharge points.

For information, the type of pollution prevention measure that should be included will depend on the contamination risk of the drainage areas identified. We would be looking for appropriately sized separators (taking into account the capacity of aeroplane fuel tanks), positive drainage, trap gullies, penstock shut off valves (potentially remotely activated), alarms etc. The applicant should refer to the Environment Agency's PPG 3: Use and design of oil separators in surface water drainage systems; this and other PPGs can be obtained from our NetRegs website ([www.netregs.gov.uk/netregs/](http://www.netregs.gov.uk/netregs/)).

We would also like information of all chemicals that would be used on site e.g. de-icing chemicals, pesticides, fertilisers, fuel, oil etc. We would need to see the hazard data sheets and the relevant Chemicals Abstract Services (CAS) numbers for these products. Details as to usage amounts and methodology and their storage should also be included.

Further to this, a management plan must be developed for the drainage system, as well as an operational emergency plan for the airport and submitted to the Environment Agency for our approval. Subsequent variations of this should also be provided.

There must be no contamination to controlled waters as a result of these surface water discharges.

**Construction:**

**Condition:**

Before the commencement of any construction works all pollution prevention measures for the temporary works on site and permanent structure must be approved by the Environment Agency through continued consultation process.

Reason: To prevent pollution of the water environment.

The Environment Agency welcomes the production of a Construction Environment Management Plan (CEMP) and our water quality team would like to be consulted on this plan (as well as the Spill Response Plan) at the earliest opportunity.

Any temporary discharges (e.g. as a result of dewatering activities) that are proposed during the construction phase must have permission from the Environment Agency prior to commencement. The discharge may require consent to discharge under the Water Resources Act 1991.

There must be no discharge of contaminated surface water in to a watercourse as a result of construction activities.

### **Water Resources**

From a Water Resources perspective, the major concern is that pollution of the Dengemarsh Sewer could lead to contamination of the Denge gravel aquifer. In addition, the increased surface runoff would lead to increased pressure on the management of the Dengemarsh Sewer.

We are currently seeking to introduce a channel management regime, which would allow water to be maintained higher adjacent to the Denge gravel aquifer, as this will reduce leakage from a much-needed resource.

Before approving the proposed runway, it would need to be demonstrated that; firstly the additional runoff will not reduce the effectiveness of any channel management plan and secondly the contamination risk is minimised.

Please contact Frank Heeley (Water Resources Technical Specialist) on 01732 223243 if you wish to discuss these issues further.

## **Biodiversity**

As it stands the ecological information provided is insufficient to make a proper assessment.

### **Watercourses:**

The scoping opinion states that watercourses should be described and illustrated where possible and the ecological make up should also be identified through appropriate surveys.

Whilst this has been carried out for some wetland areas within the site boundary these surveys are not detailed enough and as a result the conclusions are too general. The scoping opinion states that aquatic invertebrate and macrophyte surveys should be carried out in order to assess habitat quality. The report (Ball, J 2005) states 'this is a general survey and species surveys are being undertaken which will build on this'. This detail for watercourses within the site has not yet been provided.

Of greater concern is the lack of aquatic invertebrate, macrophyte survey and detailed ecological assessment relating to the ditches and/or wetlands to be infilled. We can find only detail relating to a pond and an associated ditch to the southeast.

### **Water voles:**

With regard to the presence of water voles, it is our understanding that they are present in all northern ditches proposed for infilling. This would be loss of considerable habitat occupied by a rare and protected species, which maintains a stronghold in this area despite substantial pressures.

The water vole survey report prepared by Parsons Brinckenhoff is incorrect in saying that water vole are unlikely to be directly injured or killed by the proposed infilling. Direct injury or killing is highly likely, particularly during the breeding season when water voles will have young in burrows. These animals have been shown to exhibit high site fidelity remaining *in situ* even when extreme conditions have been created to discourage them.

Bearing this in mind, along with the substantial loss of habitat, a detailed mitigation plan should be drawn up and agreed with the Environment Agency prior to determination of this planning application. This plan should outline suitable mitigation for the impact of the works on the existing population in the short and long term, and should include compensation for loss of habitat. Any replacement habitat should be of equal or improved quality and ideally be isolated from the airport drainage system.

The EIA mentions another separate ditch proposed to be infilled (located to the southeast of the main run way). This has been surveyed for invertebrates but it is not clear if it has been surveyed for water voles.

### **Medicinal Leech:**

A plan should also be drawn up for medicinal leech occupying the ditches proposed to be infilled (as with water voles) which outlines suitable mitigation for the impact of the works on the existing population and includes compensation for loss of habitat. Any replacement habitat should be of equal or improved quality and ideally be isolated from the airport drainage system.

### **General:**

Habitats that have been identified as having high nature conservation value should be protected and where they are to be lost ample compensation should be provided.

### **Fisheries**

It appears as if the developers wish to fill in some ditches at the site. If so our concerns would be:

Eel populations are noted along with other species in these ditches, therefore any works should consider this, and fish rescues/moves undertaken if needed (with fisheries advice/assistance and ensuring compliance with relevant legislation).

It should be ensured that any structures placed within watercourses are constructed in a manner that enables free passage of fish or have passes built into them allowing fish to move easily over them, it also needs to be ensured that the connectivity of any ditches in the area remains intact.

Mitigating stretches of water/habitat must also be put in place if existing stretches of water/habitat are disturbed.

The Kent Fisheries Team can give further assistance.

### **Groundwater and Contaminated Land**

Whilst the Groundwater and Contaminated Land team have no objection in principle to the extension of the runway and erection of a terminal building at Lydd airport, we do however **object** to the surface water drainage proposals until further information is submitted, as detailed below.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines for Private, Commercial and Military Airfields.

The site lies on tidal flat deposits, which in turn overly the Hastings formation. This is classified as a minor aquifer in the terms of the Policy and Practice for the Protection of Groundwater. The site also lies in close proximity to the Denge gravel aquifer, which supports large abstractions for public water supply.

Although the site itself is not located within a Source Protection Zone (SPZ), it does lie in close proximity to SPZ II and III for the Denge abstractions. It is therefore imperative to ensure the groundwater environment in the underlying aquifer is protected from potential contamination from activities at this site.

**Condition:**

No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.

Reason: To prevent pollution of water environment.

**Surface Water:**

From the documents submitted the surface water drainage proposals for the site are unclear. A full drainage strategy should be produced for the site so the Groundwater and Contaminated Land Team are certain that there is no potential threat to the groundwater environment.

A drainage strategy should include, but not be limited to, details on where each area drains to, details on pollution prevention methods, a full plan showing each area, and construction details of the interception and attenuation basins.

Based on hydrogeological records of this area, the groundwater levels are known to be very high. It is therefore likely that any discharge to ground will be a direct discharge to groundwater. Should it be determined that an unsaturated zone (area between the invert level of discharge and the groundwater table) can in fact be maintained at all times of the year beneath the site, then only clean uncontaminated roof water is acceptable draining directly to ground.

Section 7.4.4 of the Environmental statement refers to storm drainage draining to ground, but it does not detail exactly where this storm drainage is from (e.g. from a roof or car park). This should be clarified.

**Foul Drainage:**

The Application states that a cesspool is to be used for all foul drainage. This should be a completely sealed system with no discharge to the environment, designed and constructed to the satisfaction of the Local Planning Authority.

If a cesspool is indeed to be used in the final design, then the following condition is requested:

**Condition:**

All foul drainage shall be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying.

Reason: To prevent pollution of water environment.

**Contamination:**

Planning Policy Statement 23: Planning and Pollution Control states that:  
*'In considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during*



*development. The LPA should satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the EPA 1990.'*

As stated in the Environmental Statement, the previous uses of the site may have caused, or have the potential to cause contamination of the site. The Environment Agency therefore recommends that a contaminated land assessment be carried out to ascertain the risk of contamination being present.

The Environmental Statement states that a full ground investigation is to take place. The following suggested conditions relate to such an investigation. Full copies of any report relating to this aspect should be forwarded to the Environment Agency for comment and approval.

**Condition:**

Development approved by this planning permission shall not be commenced unless:

a) desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all-potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment undertaken.

d) A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

**Condition:**

The development of the site should be carried out in accordance with the approved Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

**Condition:**

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

**Storage of Fuel, Oil, Chemicals and other potentially polluting materials:**

To prevent pollution of the groundwater and surface water environment, tanks and associated pipework containing substances included in the List 1 of the EC Groundwater Directive (80/68/EC) should be of double skinned construction and be provided with intermediate leak detection equipment.

Where it is proposed to store more than 200 litres (45 gallons = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground.

All locations where any potentially polluting material is to be stored (including in skips, containers, etc) should be sited on a hardstanding area that drains to foul sewer or sealed container with no discharge to ground.

Concrete slabs should be joined together in such a manner as to not leave any paths for potential contamination to drain through. All hardstandings should be regularly maintained and cracks sealed at the earliest opportunity.

All storage and tanks should be sealed and secured at night and when the site is not in operation.

The applicant should follow the Environment Agency's Pollution Prevention Guidelines (PPG) 2 - Above Ground Oil Storage Tanks, and 7 - Refuelling facilities.

**Removal of Material:**

The developer as a waste producer has a duty of care to ensure all materials removed go to an appropriate licenced disposal site and all relevant documentation is completed and kept in line with regulations. Waste arising from the site will need to be assessed in line with the Environment Agency's guidance WM2 to establish whether any material would be classified as Hazardous Waste.

Hazardous waste will require pre-treatment before disposal to landfill permitted to accept Hazardous Waste. If waste soil is to be disposed within a landfill then Waste

Acceptance Criteria testing will be required in order to determine which appropriately permitted waste facility the material could be deposited in.

Duty of care notes should be obtained from the licensed waste haulier and kept as an audit trail as evidence that waste has been managed appropriately. Please note that European Waste Catalogue codes are now required to be entered onto waste transfer notes.

**Foundations and Piling:**

Any piling should be constructed in accordance with Environment Agency guidance; Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention and Piling into Contaminated Sites. The guidance is available on the Environment Agency web site.

It is important that the scheme prevents the formation of potential pathways for the migration of contamination from the site to the underlying groundwater environment.

**Environmental Management Plan:**

The Groundwater and Contaminated Land team request to view this at the draft stage to provide comments.

The method of piling foundations for the development shall be carried out in accordance with the scheme to be approved in writing by the Planning Authority prior to any development commencing. The piling shall thereafter be undertaken only in accordance with the approved details.

You will appreciate that this proposal has the potential to adversely affect the environment, locally, regionally and globally. We do not believe enough has been done to date to assess these impacts and identify suitable mitigation measures.

**DECISION NOTICE:**

Please forward a copy of the full decision notice to this office, quoting our reference number.

A copy of this letter has been sent to the applicant's agent.

Yours faithfully,

**JOSEPH WILLIAMSON**  
Planning Liaison Officer

cc Indigo Planning Ltd

Shepway District Council  
Development Control  
Civic Centre Castle Hill Avenue  
Folkestone  
Kent  
CT20 2QY

**Our ref:** KT/2007/100948/01-L01  
**Your ref:** Y06/1647/SH  
**Date:** 30 March 2007

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- The proposed location of discharge points.

For information, the type of pollution prevention measure that should be included will depend on the contamination risk of the drainage areas identified. We would be looking

for appropriately sized separators (taking into account the capacity of aeroplane fuel tanks), positive drainage, trap gullies, penstock shut off valves (potentially remotely activated), alarms etc. The applicant should refer to the Environment Agency's PPG 3: Use and design of oil separators in surface water drainage systems; this and other PPGs can be obtained from our NetRegs website ([www.netregs.gov.uk/netregs/](http://www.netregs.gov.uk/netregs/)).

We would also like information of all chemicals that would be used on site e.g. de-icing chemicals, pesticides, fertilisers, fuel, oil etc. We would need to see the hazard data sheets and the relevant Chemicals Abstract Services (CAS) numbers for these products. Details as to usage amounts and methodology and their storage should also be included.

Further to this, a management plan must be developed for the drainage system, as well as an operational emergency plan for the airport and submitted to the Environment Agency for our approval. Subsequent variations of this should also be provided.

There must be no contamination to controlled waters as a result of these surface water discharges.

**Construction:**

**Condition:**

Before the commencement of any construction works all pollution prevention measures for the temporary works on site and permanent structure must be approved by the Environment Agency through continued consultation process.

Reason: To prevent pollution of the water environment.

The Environment Agency welcomes the production of a Construction Environment Management Plan (CEMP) and our water quality team would like to be consulted on this plan (as well as the Spill Response Plan) at the earliest opportunity.

Any temporary discharges (e.g. as a result of dewatering activities) that are proposed during the construction phase must have permission from the Environment Agency prior to commencement. The discharge may require consent to discharge under the Water Resources Act 1991.

There must be no discharge of contaminated surface water in to a watercourse as a result of construction activities.

### **Water Resources**

From a Water Resources perspective, the major concern is that pollution of the Dengemarsh Sewer could lead to contamination of the Denge gravel aquifer. In addition, the increased surface runoff would lead to increased pressure on the management of the Dengemarsh Sewer.

We are currently seeking to introduce a channel management regime, which would allow water to be maintained higher adjacent to the Denge gravel aquifer, as this will reduce leakage from a much-needed resource.

Before approving the proposed runway, it would need to be demonstrated that; firstly the additional runoff will not reduce the effectiveness of any channel management plan



and secondly the contamination risk is minimised.

Please contact Frank Heeley (Water Resources Technical Specialist) on 01732 223243 if you wish to discuss these issues further.

### **Biodiversity**

As it stands the ecological information provided is insufficient to make a proper assessment.

#### **Watercourses:**

The scoping opinion states that watercourses should be described and illustrated where possible and the ecological make up should also be identified through appropriate surveys.

Whilst this has been carried out for some wetland areas within the site boundary these surveys are not detailed enough and as a result the conclusions are too general. The scoping opinion states that aquatic invertebrate and macrophyte surveys should be carried out in order to assess habitat quality. The report (Ball, J 2005) states 'this is a general survey and species surveys are being undertaken which will build on this'. This detail for watercourses within the site has not yet been provided.

Of greater concern is the lack of aquatic invertebrate, macrophyte survey and detailed ecological assessment relating to the ditches and/or wetlands to be infilled. We can find only detail relating to a pond and an associated ditch to the southeast.

#### **Water voles:**

With regard to the presence of water voles, it is our understanding that they are present in all northern ditches proposed for infilling. This would be loss of considerable habitat occupied by a rare and protected species, which maintains a stronghold in this area despite substantial pressures.

The water vole survey report prepared by Parsons Brinckenhoff is incorrect in saying that water vole are unlikely to be directly injured or killed by the proposed infilling. Direct injury or killing is highly likely, particularly during the breeding season when water voles will have young in burrows. These animals have been shown to exhibit high site fidelity remaining *in situ* even when extreme conditions have been created to discourage them.

Bearing this in mind, along with the substantial loss of habitat, a detailed mitigation plan should be drawn up and agreed with the Environment Agency prior to determination of this planning application. This plan should outline suitable mitigation for the impact of the works on the existing population in the short and long term, and should include compensation for loss of habitat. Any replacement habitat should be of equal or improved quality and ideally be isolated from the airport drainage system.

The EIA mentions another separate ditch proposed to be infilled (located to the southeast of the main run way). This has been surveyed for invertebrates but it is not clear if it has been surveyed for water voles.

#### **Medicinal Leech:**

A plan should also be drawn up for medicinal leech occupying the ditches proposed to

be infilled (as with water voles) which outlines suitable mitigation for the impact of the works on the existing population and includes compensation for loss of habitat. Any replacement habitat should be of equal or improved quality and ideally be isolated from the airport drainage system.

**General:**

Habitats that have been identified as having high nature conservation value should be protected and where they are to be lost ample compensation should be provided.

**Fisheries**

It appears as if the developers wish to fill in some ditches at the site. If so our concerns would be:

Eel populations are noted along with other species in these ditches, therefore any works should consider this, and fish rescues/moves undertaken if needed (with fisheries advice/assistance and ensuring compliance with relevant legislation).

It should be ensured that any structures placed within watercourses are constructed in a manner that enables free passage of fish or have passes built into them allowing fish to move easily over them, it also needs to be ensured that the connectivity of any ditches in the area remains intact.

Mitigating stretches of water/habitat must also be put in place if existing stretches of water/habitat are disturbed.

The Kent Fisheries Team can give further assistance.

**Groundwater and Contaminated Land**

Whilst the Groundwater and Contaminated Land team have no objection in principle to the extension of the runway and erection of a terminal building at Lydd airport, we do however **object** to the surface water drainage proposals until further information is submitted, as detailed below.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines for Private, Commercial and Military Airfields.

The site lies on tidal flat deposits, which in turn overly the Hastings formation. This is classified as a minor aquifer in the terms of the Policy and Practice for the Protection of Groundwater. The site also lies in close proximity to the Denge gravel aquifer, which supports large abstractions for public water supply.

Although the site itself is not located within a Source Protection Zone (SPZ), it does lie in close proximity to SPZ II and III for the Denge abstractions. It is therefore imperative to ensure the groundwater environment in the underlying aquifer is protected from potential contamination from activities at this site.

**Condition:**

No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by and implemented to the

reasonable satisfaction of the Local Planning Authority.

Reason: To prevent pollution of water environment.

### **Surface Water:**

From the documents submitted the surface water drainage proposals for the site are unclear. A full drainage strategy should be produced for the site so the Groundwater and Contaminated Land Team are certain that there is no potential threat to the groundwater environment.

A drainage strategy should include, but not be limited to, details on where each area drains to, details on pollution prevention methods, a full plan showing each area, and construction details of the interception and attenuation basins.

Based on hydrogeological records of this area, the groundwater levels are known to be very high. It is therefore likely that any discharge to ground will be a direct discharge to groundwater. Should it be determined that an unsaturated zone (area between the invert level of discharge and the groundwater table) can in fact be maintained at all times of the year beneath the site, then only clean uncontaminated roof water is acceptable draining directly to ground.

Section 7.4.4 of the Environmental statement refers to storm drainage draining to ground, but it does not detail exactly where this storm drainage is from (e.g. from a roof or car park). This should be clarified.

### **Foul Drainage:**

The Application states that a cesspool is to be used for all foul drainage. This should be a completely sealed system with no discharge to the environment, designed and constructed to the satisfaction of the Local Planning Authority.

If a cesspool is indeed to be used in the final design, then the following condition is requested:

### **Condition:**

All foul drainage shall be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying.

Reason: To prevent pollution of water environment.

### **Contamination:**

Planning Policy Statement 23: Planning and Pollution Control states that:  
*'In considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The LPA should satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the EPA 1990.'*

As stated in the Environmental Statement, the previous uses of the site may have caused, or have the potential to cause contamination of the site. The Environment Agency therefore recommends that a contaminated land assessment be carried out to ascertain the risk of contamination being present.

The Environmental Statement states that a full ground investigation is to take place. The following suggested conditions relate to such an investigation. Full copies of any report relating to this aspect should be forwarded to the Environment Agency for comment and approval.

**Condition:**

Development approved by this planning permission shall not be commenced unless:

a) desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all-potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment undertaken.

d) A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

**Condition:**

The development of the site should be carried out in accordance with the approved Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

**Condition:**

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA)

shall be carried out until the developer has submitted, and obtained written approval from the LPA, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

### **Storage of Fuel, Oil, Chemicals and other potentially polluting materials:**

To prevent pollution of the groundwater and surface water environment, tanks and associated pipework containing substances included in the List 1 of the EC Groundwater Directive (80/68/EC) should be of double skinned construction and be provided with intermediate leak detection equipment.

Where it is proposed to store more than 200 litres (45 gallons = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground.

All locations where any potentially polluting material is to be stored (including in skips, containers, etc) should be sited on a hardstanding area that drains to foul sewer or sealed container with no discharge to ground.

Concrete slabs should be joined together in such a manner as to not leave any paths for potential contamination to drain through. All hardstandings should be regularly maintained and cracks sealed at the earliest opportunity.

All storage and tanks should be sealed and secured at night and when the site is not in operation.

The applicant should follow the Environment Agency's Pollution Prevention Guidelines (PPG) 2 - Above Ground Oil Storage Tanks, and 7 - Refuelling facilities.

### **Removal of Material:**

The developer as a waste producer has a duty of care to ensure all materials removed go to an appropriate licenced disposal site and all relevant documentation is completed and kept in line with regulations. Waste arising from the site will need to be assessed in line with the Environment Agency's guidance WM2 to establish whether any material would be classified as Hazardous Waste.

Hazardous waste will require pre-treatment before disposal to landfill permitted to accept Hazardous Waste. If waste soil is to be disposed within a landfill then Waste Acceptance Criteria testing will be required in order to determine which appropriately permitted waste facility the material could be deposited in.

Duty of care notes should be obtained from the licensed waste haulier and kept as an audit trail as evidence that waste has been managed appropriately. Please note that European Waste Catalogue codes are now required to be entered onto waste transfer notes.

### **Foundations and Piling:**

Any piling should be constructed in accordance with Environment Agency guidance; Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention and Piling into contaminated Sites. The guidance is available on the Environment Agency web site.

It is important that the scheme prevents the formation of potential pathways for the migration of contamination from the site to the underlying groundwater environment.

### **Environmental Management Plan:**

The Groundwater and Contaminated Land team request to view this at the draft stage to provide comments.

The method of piling foundations for the development shall be carried out in accordance with the scheme to be approved in writing by the Planning Authority prior to any development commencing. The piling shall thereafter be undertaken only in accordance with the approved details.

You will appreciate that this proposal has the potential to adversely affect the environment, locally, regionally and globally. We do not believe enough has been done to date to assess these impacts and identify suitable mitigation measures.

### **DECISION NOTICE:**

Please forward a copy of the full decision notice to this office, quoting our reference number.

A copy of this letter has been sent to the applicant's agent.

Yours faithfully,

**JOSEPH WILLIAMSON**  
Planning Liaison Officer

cc Indigo Planning Ltd

Shepway District Council  
Development Control  
Civic Centre Castle Hill Avenue  
Folkestone  
Kent  
CT20 2QY

**Our ref:**  
KT/2007/100946/02-L01

**Your refs:**  
Y06/1648/SH & Y06/1647/SH

**Date:**  
21 November 2007

Dear Sir/Madam,

## **TOWN AND COUNTRY PLANNING ACT 1990**

**SUPPLEMENTARY INFORMATION - CONSTRUCTION OF A 294 METRE RUNWAY EXTENSION TOGETHER WITH AN ADDITIONAL 150 METRE STARTER EXTENSION & ERECTION OF A TERMINAL BUILDING (CAPABLE OF PROCESSING 500,000 PASSENGERS PER ANNUM) AND 637 CAR PARKING SPACES.**

**LYDD ASHFORD AIRPORT, ROMNEY ROAD, LYDD, KENT**

Thank you for your letter dated 17th October and the associated supplementary information. Please accept our apologies for the delayed response. The Environment Agency maintains its **objection** to the proposed expansion of Lydd Ashford Airport.

We are still concerned that key issues of concern to the Agency have not been addressed and that information requested in our letter of 13th March has yet to be supplied.

However, should your Authority be minded to grant permission to these applications, the Environment Agency request that the following conditions be applied and the following informatives be passed to the applicant.

### **Groundwater and Contaminated Land**

The Agency's Groundwater and Contaminated Land team have the following comments regarding the submitted documents for the above site.

#### **Drainage:**

The '*Statutory and non-statutory key Consultees*' document states that a clear drainage strategy is provided in figure 4.1 and 4.2 of the Environmental Statement. This strategy does not provide enough detail and does not cover the drainage from the proposed terminal building. Our previous response states what should be clearly defined in a drainage strategy.

If all of the details required by the Agency are to be included in the drainage management plan, then the relevant planning condition should not be discharged until such time that the full drainage management plan has been submitted and agreed with the LPA. Any construction on site should not commence until this approval has been granted.

As stated previously, we are likely to **object** to any proposed discharge to ground as this is likely to result in a direct discharge to groundwater, this is unacceptable and the Water Framework Directive will impose a new prohibition for all '*direct discharges of pollutants*' (i.e. discharges direct to the water table) by December 2012.

**Contamination:**

It is noted from the '*Statutory and non-statutory key Consultees*' document that a ground investigation is to take place; this should be submitted to the Environment Agency for comment and approval.

The relevant planning condition should not be discharged until such time as all relevant works are complete and a closure report submitted and approved by the LPA. Any construction on site should not commence until this approval has been granted.

**Emergency Management Plan:**

In our previous response we referred you to '*Pollution Prevention Guidelines: Private, commercial and military airfields*', this includes useful relevant guidance for an airport. It also provides guidance on what an emergency plan should include. This management plan should be submitted to the Environment Agency for agreement.

**Water Quality**

The '*Response to consultation, supplementary environmental information and statements to inform October 2007*' does not provide sufficient information to satisfy the Environment Agency on the grounds of water quality. For a development of this nature and in view of the sensitive location, it is fundamental that such information is provided and agreed in principle prior to planning permission being granted.

Figures 4.1 and 4.2 of the runway extension Environmental Statement do not fulfil our requirements for an adequate drainage strategy (and, as mentioned above, does not cover the proposed replacement terminal building). We also have concerns over the resistance to a more environmentally beneficial sewerage option, and we do not consider the proposed ongoing continuation of discharge to a sealed cesspool to be sustainable in the long term. Combined with increased tankering, the current discharge proposal poses significant risks to the environment, amenity and public health due to the potential for inadequate operation and maintenance of the cesspool and associated vehicles.

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters and may be required for any new discharge (or variation to an existing discharge) of surface water to such controlled waters. Such consent might not be granted.

In the event of planning permission being granted, we request that the Local Planning Authority apply the following conditions:

**Condition:**



No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works and surface water discharge has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.

Reason:

To prevent pollution of the water environment.

**Condition:**

There shall be no discharge of contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason:

To prevent pollution of the water environment.

**Condition:**

No development approved by this permission shall be commenced until details of the Environmental Management Plan have been approved in writing by the Local Planning Authority and the Environment Agency. Development shall be carried out in accordance with the approved details.

Reason:

To prevent pollution of the water environment.

**Condition:**

Development shall not begin until details of the facilities required for the storage of oils, fuels, or chemicals have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To prevent pollution of the water environment.

**Condition:**

Before the commencement of any construction works all pollution prevention measures for the temporary works on site and permanent structure must be approved by the Agency through continued consultation process.

Reason:

To prevent pollution of the water environment.

**Biodiversity:**

The Agency still has concerns over the potential impact of the proposed development on the biodiversity of this ecologically sensitive area. In order to mitigate against the additional risks posed, the Agency request that the following conditions be applied should your Authority be minded to grant permission:

**Condition:**

Prior to the development commencing, a detailed mitigation and compensation strategy for water vole, great crested newt and medicinal leech, should be submitted and approved in writing by the LPA. This strategy should include enhancement measures and management of habitats for these species.

Reason:

The current ecological surveys demonstrate that water vole and medicinal leech both occupy ditches that are proposed for infilling. All three species are afforded protection under Schedule 5 of the Wildlife and Countryside Act (as amended by CROW 2000).

We would advise that prior to submission to the LPA, the strategy should be submitted and approved in writing by the Environment Agency (for water vole) and Natural England (for medicinal leech and great crested newt).

For water vole, it is an offence to damage or destroy, or obstruct access to, any structure or place which water voles use for shelter or protection; or disturb water voles occupying a structure or place which it uses for that purpose. This species is in critical decline in Kent with the remaining population concentrated on the Romney Marsh Coastal Plain. The national water vole handbook should be used as a guide on how to approach mitigation and compensation.

**Condition:**

Prior to work commencing on site, the affected wetlands (including the ditches) should be resurveyed for water voles, great crested newts and medicinal leech, at an appropriate time of year by a suitably qualified and approved ecologist (preferably Institute of Ecological and Environmental Management affiliated).

**Reason:**

The current ecological surveys demonstrate that water vole and medicinal leech both occupy ditches that are proposed for infilling. Bearing in mind long time scales often associated with large developments it is essential that potential changes in ecology are accounted for when construction begins. Water voles in particular are well known for their rapid colonisation of habitat.

**Condition:**

Prior to the development commencing a detailed mitigation and compensation strategy, addressing the impact of this development on wetland habitats, particularly ditches, should be drawn up, submitted and approved in writing by the LPA. This strategy should include enhancement measures and management of habitats in particular for water vole, great crested newt and medicinal leech, marshmallow and greater willow herb.

**Reason:**

To protect and conserve the habitat/amenity value of this watercourse.

We would advise that prior to submission to the LPA, the strategy should be submitted and approved in writing by the Environment Agency.

The agency is opposed to the culverting of watercourses as it destroys wildlife habitats, damages natural amenity and interrupts the continuity of this linear habitat. It can also adversely affect flood defence and land drainage.

The loss of watercourse associated with the application should be mitigated and compensated. The ecological surveys carried out demonstrate that the ditches to be infilled are of very good quality therefore we would be expecting as good or better as compensation. We do not accept the current proposal for replacement ditches bordering the runway.

Replacement ditches should be suitable for water vole and medicinal leech. Any replacement should also feature a substantial natural vegetative buffer of 6m

maintained alongside these new ditches to protect from diffuse pollution, grazing etc. This buffer will provide areas suitable for the expansion of greater willow herb and marshmallow. Any greater willow herb and marshmallow plants which are lost to this development should be moved or replaced.

**Condition:**

All work associated with wetlands/ditches should be carried out in such a way to minimise the spread of invasive aquatic plant species.

**Reason:**

The non native invasive aquatic plant *Azolla Filiculoides* or water fern has been found within ditches on site.

**Advisory:**

We understand that the applicant is in discussion with the IDB with regard to infilling these watercourses. As both the EA and IDB have concerns in this area it is advisable to set up a joint meeting to progress this.

**Water Resources**

From a Water Resources perspective, the Agency has no concerns, provided we are closely involved in the drawing up of the proposed Drainage Management Plan. As stated before, the Dengemarsh Sewer is finely balanced and remedial works have been proposed to better manage the Sewer levels. It is critical that the drainage proposed in this application does not hinder our ability to control winter levels.

For further information, please contact Frank Heeley (Water Resources Technical Specialist) on 01732 223243.

**Development and Flood Risk:**

The area as a whole is at risk to both tidal and fluvial flooding. As such, the Agency would request the following condition:

**Condition:**

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. Such scheme shall be implemented before the construction of impermeable surfaces draining to this system unless otherwise agreed in writing by the Local Planning Authority.

**Reason:**

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the main river (Denge Main).

The Romney Marsh Levels Internal Drainage Board will need to be consulted on this proposal as drainage authority for the area.

**Fisheries**

Eel populations are noted along with other species in the ditches proposed for infill. Before any works commence, fish rescues/moves should be undertaken if necessary

(with the advice/assistance of the Agency's Fisheries team to ensure compliance with relevant legislation).

It should be ensured that any structures placed within any watercourses are constructed in a manner that enables free passage of fish, or have passes built into them allowing fish to move easily over them. It also needs to be ensured that the connectivity of any ditches in the area remains intact.

Mitigating stretches of water and habitat must also be put in place if existing stretches/habitat are disturbed.

Further assistance can be given by our Fisheries Team.

**DECISION NOTICE:**

Please forward a copy of the full decision notice to this office, quoting our reference number.

A copy of this letter has been sent to the applicant's agent.

Yours faithfully,

**Joseph Williamson**  
Planning Liaison Officer

cc Indigo Planning Ltd

Shepway District Council  
Development Control  
Civic Centre Castle Hill Avenue  
Folkestone  
Kent  
CT20 2QY

**Our ref:** KT/2007/100948/02-L01  
**Your ref:** SMG/EL/586001  
**Date:** 10 October 2008

Dear Sir/Madam

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **REVISED PLANS FOR NEW TERMINAL BUILDING, REVISED DESIGN AND ACCESS STATEMENT AND SUPPLEMENTARY ENVIRONMENTAL INFORMATION FOR PLANNING APPLICATIONS Y06/1647/SH AND Y06/1628/SH**

#### **LYDD ASHFORD AIRPORT, ROMNEY ROAD, LYDD, KENT**

Thank you for your letter dated 1st September 2008 . Please accept our apologies for the delayed response. We have been discussing this proposal for a number of years and whilst we raise no objections in principle to the proposed new airport facilities we have concerns, particularly in relation to surface water drainage and the proposed biodiversity action plan. The Environment Agency therefore is obliged to **object** to the proposal for the reasons outlined below:

Reason: The surface water drainage proposals are unclear. A detailed drainage strategy will be required to overcome this objection

Reason: It has not been demonstrated that the volume and quality of the proposed foul discharge to the Denge Marsh Sewer will not have detrimental impact on the quality of the surrounding groundwater

Reason: The current proposed Biodiversity Action Plan is not acceptable

#### **Groundwater**

The site lies on tidal flat deposits that in turn overlies the Hastings formation, this is classified as a secondary aquifer in Groundwater Protection: Policy and Practice. The site does lie in close proximity to the Denge gravel aquifer, which supports large abstractions for public water supply. The site does not lie in a Source Protection Zone (SPZ), but it does lie close to SPZ 2 and 3 for the Denge abstractions.

#### **Surface Water Drainage**

Following a review of the submitted documents, the surface water drainage proposals for the site are still unclear. The Sewerage Report states that an overview of the current foul and surface water drainage regime has been undertaken at the site, however the sewerage report only discusses the foul drainage and not the surface water drainage.

The submitted drainage details do not refer to our previous requirements, in particular as they relate to the installation of a new pump at Dengemarsch outfall.

In view of the size of the development and the large quantity of surface water run-off likely to be generated, we require the applicant to submit a detailed drainage strategy for the development. This should be produced to ensure that there is no potential risk to the groundwater environment from possibly polluting substances. It should show that runoff generated from the proposed runway will not impact on the hydrological regime of the area.

The drainage strategy should include details of the design peaks/volumes, the areas to be drained and where each area will drain to. Furthermore it must state the potential substances used/stored and risks from each area; details of pollution prevention methods and construction details of the interception and attenuation basins.

The groundwater levels are very high in this area, therefore it is likely that any discharge to ground will be a direct discharge to groundwater. Only clean uncontaminated roof water is acceptable draining directly to ground (i.e. via soakaway) this is providing it is proven that there is an unsaturated zone (between the discharge point and the groundwater level). No potentially polluting drainage will be acceptable discharging to ground.

Conditions relating to surface water drainage should **not** be discharged until a full surface water drainage strategy has been submitted and agreed.

The water level in the drains and the aquifer are intrinsically linked as shown by the fall in aquifer water levels when the stopboards were not replaced in the spring of 2005. The proposal indicates that drains will either be filled in, diverted or new ones created. The documents indicate that 1250m of drains will be created while 650m filled in and one sluice structure removed. There is a possibility that this will increase the drainage from the aquifer in this area thus lowering the water table and as such, could derogate existing abstraction licenses. Measures to ensure this will not occur need to be identified. As the true impact of any alteration to the drains/sewers in the area will only become apparent a few years after completion it is suggested that the Airport Authority be willing to contribute to any remedial works, in conjunction with the Environment Agency and Internal Drainage Board, should they be necessary. Please note, however that we do acknowledge the proposed measures to avoid contamination during construction of the runway extension

### **Foul Drainage**

Having reviewed the information submitted on the proposed foul drainage system, we have concerns that the volume and quality of the proposed discharge to the Denge Marsh Sewer will have a detrimental impact on the quality of the surrounding groundwater. In line with Planning Policy Statement 23: Pollution Control, Air and Water Quality (PPS 23), we wish to apply the precautionary principle and object to the proposal as it stands. PPS 23 states that the precautionary principle should be invoked when:

- "there is good reason to believe that harmful effects may occur to human, animal or plant health, or to the environment"

A discharge of this volume will cause an increase in the water levels in the Denge Marsh sewer. As the sewer and groundwater are hydraulically linked, when the level of water in the sewer rises, an increased amount of water will discharge to the ground from

the sewer base and sides. Therefore the effluent discharging to the sewer is likely to have an impact on the groundwater quality in the aquifer.

Further information is required, some of which will be included in the drainage strategy (as requested above). The drainage strategy should identify each area and where it drains to, and whether it will enter the foul or surface water drainage system. All potential options should be fully evaluated from an environmental point of view and appropriate cost benefit analysis undertaken.

### **Water Quality**

We concur with the revised estimate of sewage to be disposed for a passenger throughput of 500,000 per annum but this is irrelevant if the company still intend to expand further in future. This is for the applicant to decide upon and plan for accordingly. This will have a bearing on the relative viability of potential disposal options.

We would reiterate the other comments made previously and add that if an application were received to increase the current Water Resources Act consented discharge volume the Environment Agency would determine the application; whether approval with appropriate conditions or refusal of consent, in accordance with its policies to protect the receiving waterbody.

### **Biodiversity**

The current proposed Biodiversity Action Plan is not acceptable. It is unclear why so many additional ditches beyond the footprint of the proposed runway extension are suggested to be filled. The arrangement of the proposed new ditches, along with their close proximity to the runway, creates a risk to these water bodies.

Our previous comments and conditions therefore stand, as we are still highly concerned about the impacts of this proposal on local wildlife. In particular, the ditch management plan will require advance agreement, as it is currently unsatisfactory and lacks sufficient design detail. It is difficult to see how this proposal addresses PPS9 satisfactorily.

Yours faithfully

**Mr Niall Connolly**  
**Planning Liaison Officer**

Direct dial 01732 223111

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cc Indigo Planning Ltd

Shepway District Council  
Development Control  
Civic Centre Castle Hill Avenue  
Folkestone  
Kent  
CT20 2QY

**Our ref:** KT/2007/100948/03-L01  
**Your ref:** Y06/1647/SH  
**Date:** 29 October 2008

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990**

**GEOMORPHOLOGICAL ASSESSMENT**

**LYDD ASHFORD AIRPORT, ROMNEY ROAD, LYDD, KENT**

Thank you for your letter dated 8<sup>th</sup> October 2008, and the Geomorphological Assessment which followed. The Environment Agency is unable to make further comments at this stage. We await additional information in response to our previous comments dated 10<sup>th</sup> October 2008.

We will be meeting shortly with Indigo with a view to resolving these concerns. Until these concerns have been addressed, the Environment Agency cannot comment further on this application and the objections will not be removed until sufficient information has been received and agreed.

Yours faithfully

**Mr Niall Connolly**  
**Planning Liaison Officer**

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Shepway District Council  
Development Control  
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**Our ref:** KT/2007/100948/04-L01  
**Your ref:** Y06/1647/SH and  
Y06/1648/SH

**Date:** 20 April 2009

Dear Sir/Madam

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **LONDON ASHFORD AIRPORT (LYDD) SUPPLEMENTARY INFORMATION**

#### **LYDD ASHFORD AIRPORT, ROMNEY ROAD, LYDD, KENT**

Thank you for the information you sent dated 13 March 2009. We are now in a position to **remove our objection**, provided that the conditions within this and our previous letters are imposed on any permission granted. We would also like to make the following comments:

#### **Foul Drainage**

We have a definite preference for foul drainage being directed to mains sewer. However, at the meeting held between the Environment Agency and the agent in November 2008, we voiced our concern over the foul sewage being directed to Lydd sewage treatment works. The treatment works at Lydd discharges to ground during the summer months and it is uncertain how a large additional input to the works (such as from the airport) will impact on the groundwater quality in the area. The Environment Agency will hold discussions with Southern Water Services should this option be utilised.

If cesspools are to be used then these will require a strict maintenance programme to ensure there is no leakage to the environment. Level warning devices will be required on each tank to indicate when it needs emptying. However, as we have previously stated, we would question the long term sustainability of cesspools, given the number of tankers per week required to transport the effluent off site for treatment. Furthermore, cesspools pose a risk of pollution where they are not properly maintained, and at this scale of development the potential for pollution would be great.

#### **Surface Water Drainage – Groundwater Protection**

The surface water drainage proposals for the whole site still appear to be unclear, therefore we require further clarification prior to agreeing to the drainage proposals:

- All of the proposed drainage of the runway appears to be directed via pollution

prevention methods (including a petrol interceptor) to surface water ditches. The comments are noted in section 6.22 of the report on how the system will deal with incidents and accidents, but there are no details as to what volume of any substance these systems can cope with. For example, should an aircraft fuel tank fail, would the system have adequate capacity to deal with this. This should be clarified.

- Section 6.19 states that the aircraft refuelling areas will drain to the existing system. However we have received no details of the existing system and so do not know what it consists of. Furthermore, we are unclear whether or not this system is to be expanded due to the increased amount of aircraft traffic, and potentially fuel on site. We require a plan clearly showing all the existing and proposed locations of fuel, chemical and detergent storage, as well as any other polluting substances, together with the drainage arrangements for each of these location. Only then can we be satisfied that these substances present no risk to the environment.

The documents submitted in summer 2008 stated that an overview of the surface water drainage system had been carried out. We have not received any such details, and request that they be forwarded to us.

### **Surface Water Drainage - Hydrology**

The large surface area of the proposed runway extension is likely to generate substantial surface water run-off. Therefore, we request the following condition:

Condition: Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the system shall be maintained and managed after completion. Furthermore, it should consider how site drainage is operated during emergencies.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

We would strongly recommend that both the Environment Agency and the Internal Drainage Board are consulted on the details of this scheme prior to the discharge of this condition.

Whilst surface water will drain directly to watercourses under the jurisdiction of the Romney Marshes Area Internal Drainage Board, these watercourse ultimately drain into the Dengemarsh Sewer. This watercourse relies on a gravity outfall to sea some kilometres downstream. The Dengemarsh Sewer already experiences bank full conditions during prolonged periods of intense rainfall, so we will need to be satisfied that water levels within the Dengemarsh Sewer will not be increased, as well as ensuring that existing conditions within the watercourse are not exacerbated.

### **Contamination**

We would like to reiterate those comments previously made regarding contamination, in our response ref. KT/2007/100946/01 – dated 13 March 2007.

**Planning Policy Statement 23: Planning and Pollution Control states that:**

*'In considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The LPA should satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the EPA 1990.'*

In the mitigation methods documents, it states that site investigations will be agreed. The previous/current uses of the site may have caused, or have the potential to cause contamination of the site. The Agency recommends that a contaminated land assessment should be carried out to ascertain the risk of contamination being present. This should be submitted and agreed prior to any development on site.

The Environment Agency recommends that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
- 3) Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

The following conditions should be imposed on any permission granted:

Condition: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Condition: Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: The existing use of the site as an airport may have caused or have the potential to cause contamination.

## **Biodiversity**

We have no objection grounds of biodiversity, but would reiterate our previous comments and planning conditions outlined in our response ref. KT/2007/100946/02-L01, dated 21 November 2007.

Yours faithfully

**Mr Niall Connolly**  
**Planning Liaison Officer**

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