

REFERENCE NO - 18/506258/FULL		
APPLICATION PROPOSAL Works to be carried out at Mote Park Lake Reservoir (to satisfy the Reservoirs Act 1975 "matters in the interests of safety"): works to existing culvert sluice gates; Construct an auxiliary spillway circa 58m wide; Lower ground level on west abutment to accommodate auxiliary spillway; Increase ground level on east abutment to resist overtopping; Construct wave wall along dam crest; Divert HV (11kV) cable; Modify bridge parapet; and Environmental mitigation.		
ADDRESS Mote Park Maidstone Willow Way Maidstone Kent ME15 7RN		
RECOMMENDATION Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION Maidstone Borough Council is responsible for the management of Mote Park Reservoir. To continue meeting its statutory duties it is imperative in the interests of safety, to carry out a range of works to satisfy the Reservoirs Act 1975. The engineering works needed to meet this obligation are extensive. They involve significant ground level changes and extensive lengths and heights of retaining walls, a new wave wall and other engineered structures which mean loss of mature vegetation and trees. Thus there is inevitably a significant short term impact upon on the recreational quality of the Park, visual appearance and biodiversity. In terms of the less than substantial harm to the setting of the listed buildings, the curtilage listed buildings and the bridge over the existing spillway, they are all outweighed by the public benefits of the proposal. In terms of the substantial harm to the Historic Park and Garden, this is exceptional in the light of the statutory duty to comply with the safety requirements of the Reservoirs Act 1975. It has been demonstrated that the substantial harm is necessary to achieve substantial public benefits and that these outweigh that harm. Overall, the harmful impacts can be reduced in the short term by suggested conditions for design and materials of the retaining walls and in the medium or longer term (once the new and replacement planting establishes and matures) by requiring detailed and appropriate landscaping schemes for the face of the spillway and to screen the wave wall plus appropriate reinstatement of accessibility. This would ensure longer term compliance with the Strategic policy SP1 of the Local Plan relating to Mote Park and other relevant local planning policies.		
REASON FOR REFERRAL TO COMMITTEE The applicant is Maidstone Borough Council		
WARD Shepway North	PARISH/TOWN COUNCIL	APPLICANT Maidstone Borough Council AGENT Black & Veatch Ltd
TARGET DECISION DATE 01/05/19		PUBLICITY EXPIRY DATE 05/03/19

Relevant Planning History

18/503922/ENVSCR
EIA Screening Opinion - Mote Park Lake Reservoir Engineering Services
EIA Not Required Decision Date: 16.08.2018

10/1271
Proposed works include new DDA compliant footpath, steps and viewing point adjacent to Cafe area, new enclosed maintenance yard area adjacent to the existing WC/maintenance building, enlargement and formation of new car park facility etc
Approved Decision Date: 23.09.2010

MAIN REPORT

DESCRIPTION OF SITE

- 1.01 The application site of 2.32ha is in the NW corner of Mote Park, a 1.8km² multi-use public country park. The Park is maintained by Maidstone Borough Council (MBC), which is also responsible for the reservoir.
- 1.02 The site is near to two Local Nature Reserves, namely River Len and Vinters Park; Mote Park itself is Grade II Listed under Registered Parks and Gardens (England); Several Grade II Listed buildings (60+) within a 1km buffer of the proposed works, including Mote House, Stables to Mote House, Raigersfeld, and The Old Brewhouse.
- 1.03 There are a number of features largely related to the Grade II listed house including a curtilage listed Boathouse located on the northern bank of Mote Park Lake, constructed 1836-39.
- 1.04 Mote Park Lake Reservoir was formed between 1793 and 1800 by damming the River Len. The reservoir covers an area of 12 ha with a capacity of 200,000m³.
- 1.05 The embankment that forms the dam is approximately 140m long and separates Mote Park Lake and the smaller lake, Turkey Mill Pond. A footpath spans across the top of the embankment between the lakes. The River Len flows northwest from Turkey Mill Pond via Turkey Mill then towards Maidstone town centre.
- 1.06 One culvert through the dam is located at the eastern end of the embankment, with the flow controlled by sluice gates in the Boathouse.
- 1.07 The existing spillway (an overflow channel used to control the release of flows from a dam into a downstream area) is located at the western end of the embankment. It conveys flood water from Mote Park Lake downstream to Turkey Mill Pond via two culverts that start under a footpath on the northwest bank of Mote Park Lake. The culverts discharge into an earth channel which then conveys flow northwest towards Turkey Mill Pond.

2. PROPOSAL

- 2.01 A ten yearly review of Mote Park Lake dam safety that was carried out in 2014 under Section 10 of the Reservoirs Act 1975 concluded that the reservoir does not meet the recognised safety standards (ICE, 2015) and failure of the dam would result in downstream flooding of Turkey Mill Business Park and several areas of housing along the River Len.
- 2.02 A risk-based approach, undertaken for the 2017 ALARP Report, identified that in terms of safety, the dam is assessed as Flood Category A, where consequences of failure of the dam are major.
- 2.03 A number of requirements and recommendations were made regarding required maintenance and upgrade of the reservoir. These are based primarily on a much larger extra spillway being essential.
- 2.04 It is anticipated that construction work will last four to six weeks. The scheme comprises of the following in order to deal with a 1 in 200 year return flood event:
 - Construct a new auxiliary spillway c.60m wide by 12-26m deep (providing additional water storage during extreme flood events) to have a grass seeded surface but with a concrete crest beam visible for EA inspection purposes.

- Edge the new spillway with 2 retaining walls up to 2.6m high and approx 18m long, comprised of interlocking concrete modular blocks, articulated to intend to replicate the appearance of natural stone
 - Construct wave wall 2.5m high and 125m long on embankment crest to augment the height of the dam. It is shown to have a reinforced concrete core, faced and capped with interlocking concrete modular blocks, articulated to intend to replicate the appearance of natural stone.
 - Infill, bank and landscape an existing ghyll (ravine) on east abutment to increase the ability of the dam to store water during a large flood event.
 - Modify stone bridge parapet over existing spillway with 6 sets of modern railings each 2.4m wide by 1m high, by to improve floodwater conveyance in existing spillway during extreme events.
 - Lower ground level on west abutment (currently used as a picnic area) to provide an additional 590m³ floodwater storage during extreme flood events;
 - Works to existing culvert sluice gates (only one of the four existing sluice gates is operational) to improve control the water level in the reservoir, the discharge of flood water and the conveyance of river water. The work include: Replacement of the two upper penstocks and operating equipment; Electrical control panel and access platform; Enlargement of access manhole in floor of inner chamber. (None of these proposed works will be generally visible from outside of the structure).
 - Consequent diversion of underground High Voltage cables.
- 2.05 The scheme is designed to improve the effectiveness of the sluices within the Boathouse but the rest of the works have to be designed to factor in the possibility that the sluice fails and there are flood waters overtopping the dam, putting it at risk of failure. The works to the bridge and picnic area and the length of the wave wall mean that a less wide spillway needed. ie, if the scheme comprised only of a spillway, it would need to be much wider than the 60m proposed in this scheme.
- 2.06 Since the application was submitted, the applicant has confirmed that the details of the following are indicative: retaining walls to spillway; steps adjacent the spillway; railings to the bridge parapet; alternative ramped access for pedestrians and cyclists.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017
SP1 Maidstone urban area
SP18 The Historic Environment
DM1 Principles of good design
DM3 Natural environment
DM4 Development affecting designated and non-designated heritage assets
DM19 Open space and recreation

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 None received.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Natural England

- 5.01 Proposed development will not have significant adverse impacts on statutorily protected sites or landscapes. The development should follow general advice on the consideration of protected species and the natural environment.

KCC (Archaeology):

- 5.02 Archaeological Evaluation needed by condition.

KCC (Flood and Water Management)

- 5.03 As the proposed works do not relate to new development with associated surface water drainage, these works do not fall within KCC's statutory role. The Flood Risk Assessment does not provide any technical assessment of the works. Consultation should be sought with the EA to ensure that the works do provide the appropriate management of flood risk and flood risk is not exacerbated.

Environment Agency

- 5.04 Flood Risk Permit is required before being allowed to carry out the works. No objection subject to condition for mitigation of unforeseen contamination.

The Gardens Trust

- 5.05 Two indirect adverse impacts detailed are on the settings of Mote House and of Turkey Mill due mainly to removal of trees: the link between Mote Park and Turkey Mill is currently obscured, the removal of some trees may actually emphasise this link and could be beneficial.

- 5.06 The bridge over the spillway does not appear to be listed in its own right (the original structure was washed away in a previous flood) but only as part of the grade II listed park and garden of Mote Park. The stone parapet is to be replaced by an open metal one to allow water through. Its date and history is uncertain according to the documents. The design and construction should be in keeping with the rest of the stonework. One large Turkey oak is to be retained in this area and care will be needed to protect it.

The Woodland Trust

- 5.07 Highlights the significant concentration of trees recorded as notable and veteran specimens on the Ancient Tree Inventory: where possible, the veteran and notable trees on site should be provided with a full root protection area.

KCC (Highways and Transportation)

- 5.08 No objection (recommend conditions related to the Construction).

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to
- Principle of development
 - Flood Risk
 - Historic Environment/Archaeology
 - Trees, Landscape and Visual Amenity
 - Nature Conservation
 - Recreation & Local Amenities (including footpaths and cycle paths)

Principle of development

- 6.02 Policy SP1 of the MBLP requires that development positively contributes to the setting, accessibility, biodiversity and amenity value of town's green spaces such as Mote Park and the River Len. Policy DM1 requires creation of a high quality public realm and a positive response to the local, natural or historic character of the area. Particular regard to be paid to scale, height, materials, mass, bulk and site coverage and making use of vernacular materials where appropriate. Policy DM19 of the MBLP states that development of existing open areas requires regard on the impact on the character, amenity and biodiversity of the area.
- 6.03 The extent of the development by reasons of the introduction of engineering structures, land re-profiling and loss of vegetation and trees will significantly harm recreational quality, visual appearance and biodiversity of Mote Park. In this case, due to the statutory need for the works under the Reservoirs Act 1975, the harm is outweighed by the works being justified and the objective to comply with the policy is to secure maximum mitigation of the harm by the imposition of suggested conditions as discussed further below.
- 6.04 The scale, height, materials, mass, bulk, and site coverage of the overall scheme is acceptable in the light of the engineering requirements to deal with the dangerous flood risk that would result if the dam were to fail. Hence it has been demonstrated to be the minimum scale of works necessary to facilitate meeting the statutory safety obligations and so has minimised harm.
- 6.05 Unfortunately, vernacular materials such as ragstone would not be feasible for a scheme of this nature although the indicative use of the modular blocks is a more aesthetically acceptable material than traditional concrete structures.
- 6.06 Historic matters are reference in policy SP1 but are discussed in more detail below in the light of the NPPF which sets a clear framework to assess harm to heritage assets.

Flood Risk

- 6.07 The project will provide long term flood protection to reduce the risk to life and prevent damage to properties downstream of Mote Park Reservoir, in the event of dam failure. The EA raised no objections in principle to the chosen option to comply with the safety objectives of the Reservoirs Act.

Historic Environment/Archaeology

- 6.08 In considering development proposals, the statutory duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting.
- 6.09 The National Planning Policy Framework explains that heritage assets are irreplaceable. Para 193 states that when considering the impact of new development on the significance of any designated heritage asset, great weight should be given to its conservation. Paragraph 194 goes on to say that significance can be harmed or lost through development within its setting and that any harm should require clear and convincing justification. The NPPF sets out tests which apply when considering a proposed development that results in either: less than substantial harm or in substantial harm to a designated heritage asset.
- 6.10 Paragraphs 190 and 194 of the NPPF require it to be demonstrated that the public benefits arising from the scheme as currently proposed cannot be delivered elsewhere thus avoiding harm altogether. If there is unavoidable harm, that has been minimised through design. Substantial harm to grade II registered parks or

- gardens, should be exceptional and any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification
- 6.11 Para 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.12 Policies SP18 and DM4 of the MBLP requires securing the sensitive management and design of development which impacts on heritage assets and their settings and considering Archaeological Interest.
- 6.13 In order to demonstrate that the balancing judgement relating to Heritage Assets required by the NPPF is properly undertaken: it is necessary to identify the degree of harm, its significance and to then conclude on the weight afforded to any other considerations.
- 6.14 The impact on archaeological remains is likely to be low in terms of pre- 19th Century and moderate for the remains of 19th Century activity, given the extensive changes that have taken place in the Park as it has evolved into a public space. However, as a precautionary approach, an archaeological evaluation would be necessary in the light of the historic importance of this part of the Park and a condition is suggested.
- 6.15 The application includes a Heritage Statement and Cultural Heritage Impact Assessment which concludes that there would be minor harm to historic views over the lake towards Mote House, on the setting of Mote House Grade II*, Mote House Stables etc. This is less than substantial harm and needs to be weighed against the public benefits of the proposal.
- 6.16 The significance of Mote House as listed Grade II* and Mote House Stables Grade II is high but the distance of over 500m to the nearest part of the flood relief scheme reduces the significance of any harm to minimal in terms of the settings of those listed buildings. The works to the curtilage listed structures have less than substantial harm and so raise no concerns from a heritage point of view in principle although there may be a technical need for separate listed building consent. In all aspects, the harm is as less than substantial and would need to be weighed against the public benefits of the proposal.
- 6.17 Of much greater significance as a heritage asset affected by the proposed development is the application site being within a Grade II Historic Park and Garden with its consequent high significance as heritage asset.
- 6.18 The register entry for Mote Park describes it as an 18th and 19th century landscaped park created from an earlier deer park, set at the east edge of Maidstone. The park surrounds a 1790's country house with informal, mid 19th Century grounds. The application site covers the valley of the River Len which runs from the centre of the east boundary, north-west through the park. The main approach enters from Mote Avenue at the north-west corner of the park. The north-west drive extends east through the park, flanked by loosely scattered parkland trees set in mown grass. The drive, carried by a bridge, crosses the course of the River Len c850m north-west of the House, the river being set in a cutting. The park is dominated by the 11ha lake of serpentine form which occupies much of the River Len valley. The river enters the park close to the centre of the east boundary, broadens out to form the lake, and leaves via a cutting at the north-west corner of the park, running via a mill pond into Turkey Mill. The environs of the pond are ornamented with walks and woody planting and two stone boathouses.
- 6.19 One impact on the significance of the heritage asset results from the changes to the bridge parapet. It is considered that these are moderate but that the imposition of a condition for a potential alternative design that could retain the continuous coping

reduces the impact to minor. The overall harm is less than substantial and would need to be weighed against the public benefits of the proposal.

- 6.20 The loss of vegetation (particularly where that is self seeded trees) opens up some views which is of positive benefit. The changes to topography of the picnic area and the ghyll have a very low impact in the context of the overall Park and Garden and there is no harm in my view.
- 6.21 The substantial harm is from the visible form of the new auxiliary spillway and its engineered retaining walls and engineered wave wall due to both their scale and their alien appearance compared to the established more naturalistic existing spillway and dam.
- 6.22 Applying para 194 of the NPPF, what is substantial harm to this Grade II Registered Park and Garden would need to be demonstrated to be exceptional and would require clear and convincing justification

Trees, Landscape and Visual Amenity

- 6.23 Policies DM1 and DM3 of the MBLP requires protection of trees with significant amenity value to provide for the long term maintenance and management of all natural assets associated with the development, including landscape character.
- 6.24 The features of Mote Park Registered Historic Park & Garden are sensitive to change. The new spillway and reformed embankment will potentially cause adverse visual and experiential effects on visitors to Mote Park and on visitors to Turkey Mill Lake which is used as a wedding venue.
- 6.25 There will be some fragmentation of tree cover on the dam embankment. Small sections of amenity grassland and scattered trees will also be affected.
- 6.26 There are no TPOs, Conservation Areas or Areas of Ancient Woodland in the application site. Tree loss is detailed in the Arboricultural implications Report as 31 individual trees to be removed because they are situated within or close to the footprints of proposed structures or surfaces.
- 6.27 The size and position of the flood mitigation structures, particularly the spillway and wave wall, are largely determined by existing topography and hydraulic modelling. Where possible, these structures have been moved or re-shaped to allow more trees to be retained and reduce the impacts on retained trees.
- 6.28 Of the trees to be removed, one (Turkey Oak) is category 'A' and six (2 x English Oak, Goat Willow, Silver birch and Norway maple and Ash) are category 'B'. The remaining 24 are category 'C'. Three groups of trees are to be partially removed as part of the proposals, and one group of trees is to be fully removed.
- 6.29 Seven of the eight category 'A' trees in the application site are to be retained and 24 of the 30 category 'B' trees are to be retained.
- 6.30 Conditions are suggest to secure considerable replacement tree planting both within the site and elsewhere on Mote Park grounds, albeit factoring in that significant rooting activity could compromise the structures' performance.
- 6.31 The Report states that areas to be lowered in the west of the site, where trees are to be removed, can be re-planted, potentially with superior specimens or more appropriate species. Additional plantings across Mote Park (following a pre-determined planting-to-removal ratio used by the Park) will further mitigate the proposed removals, improving the age class balance of the trees across the Park, enhancing the local landscape, and over time re-establishing the environmental benefits the trees to be removed now provide.

- 6.32 The Report proposes precautions to minimise damage where conflicts occur. These are quite extensive and should be viewed in the context of the British standard (BS5837) recommendations – the default position being that structures are located outside of RPAs except where there is overriding justification for construction within them. Where there is justification, it should not only be demonstrated that the affected trees will remain viable through technical solutions, but also propose mitigation measures to improve the soil environment that is used by the trees.
- 6.33 I am satisfied that it has been demonstrated that the proposals are necessary in this location and this scheme is the least damaging option, so the 'overriding justification' is satisfied. The significant tree losses/potential tree losses would also be considered unavoidable in that context, but I am of the view that the arboricultural (landscape and visual amenity) impact will be significant in the immediate area and should be compensated for with new tree planting and careful consideration of the planting environment following level changes. New trees will struggle to establish/survive into ground that has been significantly lowered and compensatory tree planting may have to be considered elsewhere.
- 6.34 The proposed intended retention of the Category A specimen Turkey Oak (which is 30m high and approx. 25m diameter crown spread) to the south of the spillway necessitated ground level changes to be re-designed. The Arboricultural Implications Report suggests that existing RPA area will be no more than 10%, which, based on this tree's physiological condition, is said to be within tolerable limits. However, the incursions into the RPA of this tree are quite significant and should be considered on the basis that there is a risk that the tree will either be lost as a result or decline prematurely as a result of the works. Hence whilst the longevity of this extremely prominent and attractive tree may be harmed more than is indicated, I consider that it has been demonstrated that the flood protection scheme cannot be redesigned feasibly to have a lesser impact on the tree roots so overall is considered to be acceptable.
- 6.35 The new auxiliary spillway can be landscaped with ivy/ground cover/wild flowers though it is essential that it is maintained to prevent becoming scrubby or self seeded with sycamores ie. nothing should be allowed to grow on the spillway which has roots that might damage the structure.
- 6.36 The retaining walls to both edges of the spillway are indicated to be of interlocking modular blocks would not effectively replicate the appearance of natural stone walling as there is no pointing. However, the applicant has confirmed that they could also be an alternative material eg a gabion wall or a concrete wall that can be more easily landscaped and this can be the subject of a planning condition for the precise form and materials. Again, the need to safeguard the structural integrity of the retaining wall from damaging roots and the need for regular inspection/maintenance by the EA will be important criteria.
- 6.37 The wave wall would be a very long structure at 125m, also indicated to be of interlocking modular blocks. As above, this would not effectively replicate the appearance of natural stone walling but in this case, there is unlikely to be an alternative to serve the same function that does not have a greater land take (and thus greater loss of trees and vegetation). However, provided there remains access to inspect/maintain, this wave wall can be screened with new landscaping.
- 6.38 In terms of the bridge parapet and the proposed railing design, whilst reflecting that used elsewhere in Mote Park does not look adequately in keeping in my opinion. The applicant is happy with a condition imposed for submission of detailed alternative solutions. Eg inset railings leaving the coping intact.
- 6.39 The infilling of the small ghyll is minor and raises no concerns. The diversion of the HV cable also raises no concerns.

Nature Conservation

- 6.40 An extended Phase 1 Habitat Survey was carried out and the potential for dormice, water voles, bats, badgers, reptiles, Desmoulin's Whorl Snail, reptiles and invasive species considered. As a result, surveys were carried out for dormice and bat species. No invasive or non-native species were recorded during the survey. There are not any active badger setts in or near the application site area.
- 6.41 The project is not encroaching on any 'sensitive areas' for nature conservation although the River Len and Vinters Park are locally designated as Local Nature Reserves and are located 420m and 540m away from the proposed works, respectively. Also, 'Mote Park and River Len' (partially within the project boundary) is a designated local wildlife site.
- 6.42 There will be an adverse effect on sensitive species from construction activities and on sensitive fish species from possible removal of tree roots within the lake during tree removal near the edge of the Lake. (European eel is present in Turkey Mill-internationally and nationally protected). The water quality is not expected to be altered and can be maintained through mitigation measures.
- 6.43 The application includes a water vole survey which was which was recommended by the Preliminary Ecological Appraisal but no evidence of water voles was recorded within the survey area. The bat survey concluded that Low Impact Licence can be applied for from Natural England. This type of licence simplifies the process and associated time frames when only a small number of bats, or other common species are present.
- 6.44 The replacement landscaping referred to above can be ensured to be of maximum nature conservation benefit in accordance with Policies DM1 and DM3 of the MBLP.

Recreation & Local Amenities (including footpaths and cycle paths)

- 6.45 The picnic area will be reinstated at the lower ground level and re-landscaped.
- 6.46 The submitted drawings show that an existing ramped footway from the west is to be replaced by steps adjacent to the outer edge of the spillway. This would therefore make the access inaccessible to those with impaired mobility or those with pushchairs. A condition is therefore suggested to secure alternative provision to allow full access by foot and bicycle into the Park at this location to be retained and to ensure that, overall, the recreational value of the Park is not unduly affected.

Other Matters

- 6.47 The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The proposed development falls into the zero charging category of the Maidstone adopted Charging Schedule. Consequently the CIL liability will be zero.

7. CONCLUSION

- 7.01 Maidstone Borough Council is responsible for the management of Mote Park Reservoir. To continue meeting its statutory duties it is imperative in the interests of safety, to carry out a range of works to satisfy the Reservoirs Act 1975.
- 7.02 The engineering works needed to meet this obligation are extensive. They involve significant ground level changes and extensive lengths and heights of retaining walls, a new wave wall and other engineered structures which mean loss of mature vegetation and trees. Thus there is inevitably a significant short term impact upon the recreational quality of the Park, visual appearance and biodiversity.

- 7.03 In terms of the less than substantial harm to the setting of the listed buildings, the curtilage listed buildings and the bridge over the existing spillway, they are all outweighed by the public benefits of the proposal.
- 7.04 In terms of the substantial harm to the Historic Park and Garden, this is exceptional in the light of the statutory duty to comply with the safety requirements of the Reservoirs Act 1975. It has been demonstrated that the substantial harm is necessary to achieve significant public benefits and that these outweigh that harm.
- 7.05 Overall, the harmful impacts can be reduced in the short term by suggested conditions for design and materials of the retaining walls and in the medium or longer term (once the new and replacement planting establishes and matures) by requiring detailed and appropriate landscaping schemes for the face of the spillway and to screen the wave wall plus appropriate reinstatement of accessibility. This would ensure longer term compliance with the Strategic policy SP1 of the Local Plan relating to Mote Park and other relevant local planning policies.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

03 Dec 2018 DR-C-00001 Rev P04 Spillway & Crest Wave Wall Plan; 03 Dec 2018 DR-C-00004 Rev P03 Mote Park Dam Longitudinal Sections ; 03 Dec 2018 DR-C-00005 Rev P04 Mote Park Spillway Plan; 03 Dec 2018 DR-C-00007 Rev P03 Lake Sluice House Gen Arrangement; 03 Dec 2018 DR-C-00009 Rev P02 HV Cable Diversion

Reason: To clarify which plans have been approved.

- 3) 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

- 4) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of (i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and (ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in

accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

- 5) Notwithstanding the submitted indicative details, the following shall be constructed in accordance with details of design and materials that have been submitted to and approved by the Local Planning Authority.
- i) retaining walls to spillway
 - ii) railings to the bridge parapet
 - iii) steps adjacent the spillway
 - iv) alternative ramped access for pedestrians and cyclists.

Reason: In the interests of quality of the Park, visual appearance and accessibility.

- 6) The development hereby approved shall not commence above DPC until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide landscape screening to the proposed wave wall.

Reason: In the interests of landscape, visual impact and biodiversity of the area.

- 7) Tree protection shall be carried out in accordance with the Arboricultural Implications Report hereby approved and in accordance with British Standard (BS5837), all endeavours should be made that affected trees remain viable through technical solutions and mitigation measures to improve the soil environment that is used by the trees.

Reason: In the interests of landscape, visual impact and biodiversity of the area.

INFORMATIVES

- 1) A Flood Risk Permit is required before being allowed to carry out the works.
- 2) Broad compliance with this document is expected with the Mid Kent Environmental Code of Development Practice.
- 3) The development should follow general advice from Natural England on the consideration of protected species and the natural environment.
- 4) You are advised that a Construction Management Plan should include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel

- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage.

Case Officer: Marion Geary