

PLANNING APPLICATION: 23/503752/FULL

Councillor Harwood has made representations on this application and has raised the following observations:

- **OBSERVATION 1**

No reference is made to requirement for proposed surface water attenuation pond to be 'wet'. Without this stipulation any potential biodiversity benefits from new basin will be significantly reduced. There should further be a specific reference to new pond not being planted, so that it is naturally colonised. Aggregations of ponds are always better for wildlife and I wonder whether we could stipulate that a clean-water 'wildlife pond' is excavated adjacent to new surface water drainage basin?

- **OBSERVATION 2**

Landscape document seeks 'restoration' and to this end it would be worthwhile specifically seeking introduction of now locally scarce riparian sylvan habitat, including intermittent establishment (and rotational maintenance) of pollard White or Crack Willows within 8m riverside buffer, plus planting of at least 1 native Black Poplar.

- **OBSERVATION 3**

Where native hedges are referenced I would recommend more detail on species composition perhaps 40% Common Hawthorn, 10% Hazel, 10% Blackthorn, 10% Purging Buckthorn, 10% Spindle 10% Field Maple, 10% Dog Rose (with Pedunculate Oak at 30 - 40m spacing).

- **RESPONSE TO OBSERVATION 1**

This observation was put back to the applicant for consideration and in summary the applicant has responded:

'A condition to secure a 'wet' attenuation basin would not be practical given the attenuation basins design and situation within the flood zone. Having spoken through the proposal it is clear that KCC drainage and the Environment Agency are happy with and approve the drainage strategy as it is currently designed. This drainage strategy seeks to attenuate the water runoff from the polytunnels on site, so the drainage attenuation basin will only be 'wet' when water runs off from the tunnels in it. The basin is not lined to retain water and has been designed to be above the groundwater so that flood risk is not increased elsewhere. If the design of this basin was altered, where all consultees and the applicant have worked hard to achieve, KCC drainage and the EA would need to be consulted as any alteration has the potential to increase the risk of flooding elsewhere. Given sensitivity of site in the flood zone, such alterations would need to be re-modelled and worked through appropriately and this is not something that could be suggested and achieved in such a short timeframe.

It is also difficult to understand how such a condition would be compliant with the six tests for planning conditions; being reasonable and enforceable or relevant to planning. The attenuation basin's function is to attenuate water on site, so for the basin to be wet is wholly reliant upon rainfall. During the summer months it would be unreasonable and difficult to enforce that the basin is wet as the amount of rainfall is outside of the applicants control. I would also question the ambiguity and preciseness of the word wet.

In view of the wildlife pond, it would be difficult for this to be provided within the red line area of this part of the site and again this would be a matter that would need to be signed off by the EA and KCC drainage as it would be situated in flood risk zones. To the east of the site, another attenuation basin has been approved so it is hoped that this will provide the wildlife links. The applicant is happy to consider providing a pond outside of the flood risk zone to the north of the site, in the area close to existing ponds and woodland. I believe that the proposed conditions relating to biodiversity and ecological enhancements that have been stipulated by KCC ecology could cover off this requirement.'

This is considered to be a reasoned response and officers are not minded to impose conditions requiring the applicant to secure a 'wet' surface water attenuation pond and a new wildlife pond in the suggested location.

Notwithstanding this, the applicant is happy to consider providing a pond outside of the flood risk zone to the north of the site; and this could be addressed through amending condition 6:

Suggested amendment to condition 6:

Prior to the commencement of the development hereby approved, a Biodiversity Enhancement Strategy for protected and Priority Species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy must be based on the recommendations within the Preliminary Ecological Appraisal (Native Ecology, Jan 2024) and shall have:

- (i) Purpose and conservation objectives for the proposed enhancement measures;*
- (ii) detailed designs to achieve stated objectives;*
- (iii) locations of proposed enhancement measures by appropriate maps and plans, **to include details a new wildlife pond adjacent to existing ponds and woodland to the north of the site;***
- (iv) persons responsible for implementing the enhancement measures; and*
- (v) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To ensure biodiversity is maintained and enhanced.

The applicant also has no objection to allowing the basin to be colonised naturally, as this will not alter its drainage design. It is considered reasonable to recommend the following additional condition:

Suggested additional condition:

The surface water attenuation pond hereby approved shall not be planted so that it is naturally colonised.

Reason: To improve biodiversity benefits to the site.

● **RESPONSE TO OBSERVATION 2**

This request is considered to be reasonable and can be addressed through amending condition 7:

Suggested amendment to condition 7:

Prior to the commencement of the development hereby approved, a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse shall be submitted to and approved in writing by the local planning authority. The buffer zone scheme shall be free from built development including lighting, agricultural land and formal landscaping and the scheme shall include:

- (i) plans showing the extent and layout of the buffer zone;*
- (ii) details of proposed planting scheme (including location, native planting species, amount and size);*
- (iii) the introduction of locally scarce riparian sylvan habitat, including intermittent establishment (and rotational maintenance) of pollard White or Crack Willows within riverside buffer, and planting of a minimum of one native Black Poplar tree;***
- (iv) details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan; and*
- (iv) details of any proposed footpaths, fencing and lighting.*

The development shall be carried out in accordance with the approved details and shall be maintained as such thereafter.

Reason: Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected and the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

● **RESPONSE TO OBSERVATION 3**

This request is considered to be reasonable and can be addressed through amending condition 8:

Suggested amendment to condition 8:

In accordance with the submitted plans and prior to the installation of any polytunnels, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and longterm management, which shall be for a minimum of 10 years, shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall include:

- (i) Details of a planting schedule (including location, planting species, amount and size) for application site (including in and around the attenuation basin);
- (ii) Details of programme for maintenance and enhancement of existing field margins;
- (iii) New 100% mixed native hedgerow to be planted along eastern boundary of application site, to be interspersed with Pedunculate Oak trees;
- (iv) New 100% mixed native hedgerow to be planted either side of public right of way KM129 that is within application site;
- (v) Restoration of woodland shaw in north-eastern corner of site; and
- (vi) 100% native planting along the river corridor.

The mix of all new hedgerow planting, as required by this condition, shall be composed of: 40% Common Hawthorn; 10% Hazel; 10% Blackthorn; 10% Purging Buckthorn; 10% Spindle; 10% Field Maple; and 10% Dog Rose (with Pedunculate Oak at 30-40m spacing).

Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted. The implementation and longterm management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the countryside and in the interests of biodiversity enhancement.

● **OTHER MATTERS**

The report omits to include the following suggested condition:

Suggested additional condition:

All landscaping specified in the approved landscape details, pursuant to conditions 7 and 8 of this permission, shall be carried out in the first planting season (1 October to end of February) following the first use of the polytunnels hereby approved. The approved landscaping shall be retained for at least 10 years following its implementation and shall be managed and retained strictly in accordance with the approved specification/management plan, and any approved or retained seeding or turfing which fails to establish or any trees or plants which, before a period of 10 years from the completion of the development has expired, die or become so seriously damaged or diseased that their amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

THE RECOMMENDATION REMAINS UNCHANGED