

**Urgent Update: Planning Committee 17 October 2024**

**Item 13 Pages 34-112**

**APPLICATION: 21/504779/REM**

**Land North of Ashford Road, Lenham, Kent**

**Natural England**

Natural England has responded as follows:

- satisfied that the developments SuDS will be appropriately managed and maintained in perpetuity.
- Please consult us again when your authority's appropriate assessment for phase 2b of the development has been updated. It should demonstrate that mitigation measures are known to be effective, reliable, timely, guaranteed and of sufficient duration, supported by evidence and confidence that they will be effective and that they can be legally enforced.

Natural England are best placed to give direct advice concerning scientific certainty (i.e. functionality and effectiveness of nutrient mitigation).

NE is not best placed to provide detailed advice on how mitigation measures should be secured. The LPA as the competent authority is generally best placed to make decisions about deliverability of mitigation measures through the planning process as this generally requires a consideration of multiple stakeholder concerns and legislative planning considerations.

**Applicant**

The applicant has agreed to advance planting of the landscape buffer on the east side of the site in the first available planting season following reserved matters approval for phase 2 and discharge of any relevant landscaping conditions.

**Discussion**

An updated appropriate assessment under the Habitats Regulations 2017 in line with the NE representation has been drafted and sent to NE in line with their latest comments.

The offer of further advance planting will need to be included in the legal agreement.

**AMEND RECOMMENDATION**

**Additional Head of Term:**

- advance planting of the landscape buffer on the eastern side of the site in the first available planting season following reserved matters approval for phase 2 and discharge of the relevant landscaping condition, details of which shall be submitted to the LPA for approval within 3 months of approval of the reserved matters.  
(Additional monitoring fee to reflect additional clause)

**Amend Condition 4:**

4) The Sustainable Drainage Scheme for the site shall be carried out in accordance with the approved SuDS Maintenance Plan ref E20-030 (4th issue September 2024) including management, maintenance and monitoring in perpetuity.

Reason: To ensure compliance with the Conservation of Species and Habitats Regulations 2017 (as amended) such that there are no potential significant impacts on the integrity of the SAC/Ramsar site at Stodmarsh.