

Annex 1

Maidstone Borough Council

Planning Consultation Response Sheet

Dear Peter Hockney

Our view on application MA/11/1948 is that we:

- Do not wish to OBJECT/COMMENT.
- Wish to see the application APPROVED and REQUEST the application is reported to Planning Committee.
- Wish to see the application APPROVED but DO NOT REQUEST the application is reported to Planning Committee
- Wish to see the application REFUSED and REQUEST the application is reported to the Planning Committee for the planning reasons set out below
- Wish to see the application REFUSED for the planning reasons set out below but DO NOT REQUEST the application to be reported to the Planning Committee

(indicate as appropriate)

ARE THERE ANY PLANNING CONDITIONS THAT WOULD EITHER OVERCOME YOUR OBJECTIONS TO THE PROPOSAL OR, IF YOU WISH TO SEE THE APPLICATION APPROVED, YOU WOULD WANT TO SEE IMPOSED?

PLEASE SET THESE OUT BELOW:

Conditions (if applicable):

Planning Reasons for Committee Call-in (if applicable):

REFUSAL: to go to Committee. Cllrs wished to see refusal of the 3 new lakes due to the adverse impact upon visual amenity, residential amenity and the wider countryside. Particular concern was raised regarding the flooding risk due to the loss of storage in the flood plain and the , potentially contaminated soil already on site and consequently the absence of any justification for the further importation of potentially contaminated matter This has lead to further concerns regarding the potential and/or existing ground and surface water contamination. It is also noted that any Environmental Statement should relate to the site BEFORE the potentially contaminated soil was imported - this is thought to be 2003. Any EIA must include an assessment of the soils that have already been imported into the site not just those the applicant might want to import. Cllrs will be making further comment on the application

specifically relating to the 2 existing lakes and these comments will be sent after the next meeting of the planning committee on 7th February 2012 and we therefore request an extension of time.

Signed *Amanda Causer* Date 20th January 2012
On behalf of Marden Parish Council

Maidstone Borough Council

Planning Consultation Response Sheet

Dear Peter Hockney

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PLEASE SET THESE OUT BELOW:

Conditions (if applicable):

Councillors have concerns about possible loss of storage in the flood plain and potential escape of non native species into the river. We ask that the Borough Council get specialist advice from the Environment Agency and Natural England. The Clubhouse and car park need to be commensurate in size with the development they have to serve and this remains undetermined. If it is approved then a shop should be allowed only to sell products relating to recreational angling.

Planning Reasons for Committee Call-in (if applicable):

Signed *Amanda Causer* Date 11th February 2012
On behalf of Marden Parish Council

Maidstone Borough Council

Planning Consultation Response Sheet

Dear Peter Hockney

Our view on application MA/11/1948 is that we:

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ARE THERE ANY PLANNING CONDITIONS THAT WOULD EITHER OVERCOME YOUR OBJECTIONS TO THE PROPOSAL OR, IF YOU WISH TO SEE THE APPLICATION APPROVED, YOU WOULD WANT TO SEE IMPOSED?

PLEASE SET THESE OUT BELOW:

Conditions (if applicable):

Councillors would like clarification of how the applicant proposes to fill the new raised lakes and wonder whether the Environment Agency is content with any extraction from the river Beult in this period of drought?

Planning Reasons for Committee Call-in (if applicable):

Signed *Amanda Causer* Date 21st May 2012
On behalf of Marden Parish Council

Maidstone Borough Council
Development Control Section
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

Our ref: KT/2011/113792/01-L01
Your ref: MA/11/1948
Date: 21 December 2011

Dear Sir/Madam

PART RETROSPECTIVE PLANNING APPLICATION FOR THE RETENTION OF TWO LAKES KNOWN AS BRIDGES AND PUMA AND WORKS TO CREATE 3 ADDITIONAL LAKES ALL FOR RECREATIONAL FISHING, ERECTION OF CLUBHOUSE BUILDING AND ASSOCIATED WORKS AND LANDSCAPING.

MONKS LAKES, STAPLEHURST ROAD, MARDEN, MAIDSTONE, KENT, TN12 9BU.

Thank you for your consultation on this application, received on 21 November 2011.

We **object** to the application for the following two reasons:

1. We consider it highly unlikely that the development would be granted the necessary Environmental Permit.
2. The Environmental Statement does not adequately assess the risks to the natural environment.

Importation of fill material

As you will be aware, we have been involved in discussions regarding this site for a number of years, and have previously expressed our concern regarding any additional importation of fill material.

In July 2010 we welcomed the applicant's stated commitment to complete the works without importing any more fill material from off-site; and we advised that we would be requesting that this be made a condition of any subsequent planning permission. We are therefore extremely disappointed that the applicant is now proposing to import an additional 51,000 m³ of fill material.

Environmental Permitting

We are the regulatory authority in respect of waste disposal, and we control this activity by issuing Environmental Permits (previously called Waste Management Licences) or registering exemptions.

The Riverfield (Monks Lakes) site was subject to a Paragraph 19a Waste Exemption, originally granted in February 2004 under Paragraph 3 of the Waste Management Licensing Regulations 1994. This original exemption was in respect of an estimated 1.5 million tonnes of material. In general terms, this allowed the recovery of waste for 'relevant work' in accordance with any requirement in or under the Town and Country Planning Act 1990. In this case the exemption was registered in relation to the creation of a 'recreational facility'. The exemption was renewed in March 2007 for a further 1 million tonnes of material.

On the 6 April 2010, new regulations came into force that changed the waste licensing system. Anyone applying to register a new exempt waste operation on or after the 6 April 2010 has to register under the new 'Environmental Permit' system. We can confirm that there is currently no exemption in place for Monk Lakes, and the importation of further fill material will be subject to the new regulations.

The new regulations have greatly reduced the potential risks associated with exemptions. The 'paragraph 19' exemption has now been replaced with the 'U1 exemption'. Unlike the 19, the U1 has a specified limit of 1,000 tonnes per year of soils and 5,000 tonnes per year of materials such as aggregates. Therefore, any activity using more than 1,000 or 5,000 tonnes of waste for construction will need to get an Environmental Permit. As such, the proposed importation of material for this planning application will need an Environmental Permit.

There are some 'standard rules' permits available for the use of waste for construction and the reclamation, restoration or improvement of land, but they have a maximum limit of 100,000 tonnes amongst other stringent limits. They would also need to satisfy the new 'recovery test' by demonstrating that they are recovering the waste (e.g. it is replacing a viable virgin material, there are not excessive quantities, it is suitable for its purpose, etc). We are not convinced Monk Lakes would fall under this limit or pass the test. It is also important to note that standard rules permits may not be registered if the activities are to be carried out within 500 metres of a Site of Special Scientific Interest (SSSI).

It is therefore likely that the proposal would need a landfill permit. This would need to comply with the Landfill Regulations (gas monitoring, Waste Acceptance Criteria testing, etc) and, in addition, the permit operators will need to be technically competent (so will need to sit exams) and should not have any previous relevant offences.

All permits also need to have full planning permission and are subject to extensive consultation before we issue them. As detailed above, the regulations have tightened up considerably for this type of activity. However, it may be possible to overcome these concerns by removing any unusable extant material from the site. If appropriate, we would encourage the applicant to contact us and discuss this as soon as possible.

Biodiversity

Government policy on planning and nature conservation as set out in Planning Policy Statement 9 (PPS9) requires that planning decisions should prevent harm to nature conservation interests (Key Principles paragraph 1ii). This has not been demonstrated in the present application as the assessment submitted does not properly address the

issues. In particular:

- * There is no assessment of the impacts of discharges from the lakes during rainfall events or maintenance operations.
- * There is no information on which fish species will be stocked in the new lakes. The site is partially in the floodplain and will also have emergency spillways. This would mean that species not native to the River Beult must not be stocked at this location due to the risk of escape into the river.
- * The use of native wild flower/grass mixes is not a standard grass mix used around reservoirs. Before this can be considered an ecological enhancement to the site, an agreement from the Reservoir Engineer that this mix is suitable should be included in the planning application/environmental statement.
- * The information provided with the landscaping scheme suggests that fertilizer applications will be used on reseeded areas. This would be detrimental to the areas that are sown with wild flower seed mixes, as it would favour coarse grass species. This suggested practice is therefore contrary to the proposed ecological benefits of seeding the site.

The Environmental Statement should also explore ways of enhancing the environment. Planning Policy Statement 9 (PPS9) states that "*Planning policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests*". To improve the water quality of any run off and discharges to the river, it is recommended that the lowered area of habitat close to the River Beult is turned into reedbed habitat. This would provide a filter area from the fishing lakes, prior to discharging into the river.

SSSI

Please note that although Natural England are the lead authority for designated SSSI sites, the River Beult is classed as a 'main river' and therefore we also have a lead authority role. As such, we will need to be consulted on the results of any survey submitted in connection with this application, on any design changes, additional mitigation, compensation or enhancement measures that might subsequently be proposed.

Otters

The application makes no mention of the risk of predation by otters. Whilst this will not affect the determination of this planning application, we recommend that all fishery owners consider the potential implications of otters utilising their sites in the future, and ways they can legally protect their business from unwanted predation. Otters are increasing in number throughout England and Wales, as they make their recovery from a historic near-extinction. The owners of fisheries should consider which methods are best for their site to reduce these impacts, and prepare for these costs in advance.

Water resources

It is proposed that the lakes are filled directly by rainwater falling onto them. This is acceptable in principle. However, we have concerns regarding the length of time they will take to initially fill and that during dry periods, water levels in the lakes will be unsustainable, leading to the site operator seeking water from elsewhere.

Please note that we are unlikely to issue an abstraction license for water to be taken from the River Beult or from the ground, and so consideration needs to be given as to where any alternative source may come from.

It is recommended that a water use strategy is developed that combines these additional lakes with the rest of the site in the same ownership so that there is a better understanding of the water requirements of the development as a whole. Using one or more of the new lakes as storage reservoirs for summer water supplies for the rest of the site may be a practical and sustainable solution.

Flood Risk

The Flood Risk Assessment (FRA) submitted for MA/11/1948 proposes a change in approach from the earlier (2002) application.

Initially, it was proposed that the extent of Zone 3 be defined and that any works riverward of this line (i.e. within Zone 3) be below ground level, and any works landward of this line (i.e. within Zones 2 and 1) be above ground level. This approach was agreed as it minimised the chance of the development increasing the flood risk, due to the displacement or obstruction of flood water.

However, we later had concerns as it appeared material had been deposited on the 'wrong-side' of the line, raising land levels within the floodplain and displacing floodwater. As such, in February 2008 we commissioned Mott McDonald to assess the impact on flooding of the (then) recent site works at Riverfield Fish Farm. The basis of the assessment was to compare topographic (land level) information obtained by remote sensing in March 2002 with similar information obtained in January 2008. Mott McDonalds conclusion in June 2008 was that the site works had increased flood water levels and flood extents.

Instead of avoiding the deposition of material in the floodplain, the new FRA accepts that material will be deposited in Zone 3 (at the foot of Lake 3) and that therefore compensation storage will need to be provided. This approach is acceptable in principle, but we will require further evidence and calculations to clearly demonstrate that the flood risk will not be increased.

If your council is minded to grant permission we request that we are re-consulted in order to agree a suitable condition to cover these concerns.

Reservoirs Act

Large lakes that contain water 'above natural ground' generally need to comply with the requirements of the Reservoirs Act 1975. Currently, all reservoirs capable of holding more than 25,000 m³ of water above natural ground level (being held back by a bund or dam) are required to have a contracted Supervising Engineer at all times and periodically an Inspecting Engineer must be appointed to inspect the reservoir. We are the Enforcement Agency for this and we are currently in discussion with the appointed Supervising Engineer regarding the requirements of the Reservoirs Act.

One area of possible contention between the Reservoirs Act and Town & Country Planning requirements is in respect of landscaping. It is often a requirement of planning to provide tree screening to make a proposal visually acceptable within the landscape. However, the Reservoirs Act often requires water retaining embankments to be relatively tree free to ensure stability and assist inspection. We would be pleased to offer further advice on this aspect if required.

Bridges and Puma Lakes

For reference, we were consulted on planning application (MA/10/0766) for these two lakes and replied to Maidstone Borough Council on 1 July 2010. We raised no objection to this proposal on the basis that the two lakes were at ground level and involved no land raising or embankments. We would have objected had this not been the case.

Now that the Bridges and Puma lakes are being proposed as part of the floodwater compensation storage, it is even more imperative that floodwater is allowed to enter these lakes.

Surface water drainage

The application form makes reference to surface water discharging to soakaway. In other documents however, reference is also made to drainage channels being used to divert run-off to the River Beult. Due to the relatively impermeable nature of the underlying geology, soakaways are unlikely to provide adequate soakage, and we would not recommend their use at this location.

Foul drainage

The applicant is advised to contact our National Customer Contact Centre on 08708 506 506 to discuss whether a permit would be required for the Klargest system proposed to deal with the foul drainage from the site.

Environmental Impact Assessment

The application states that Maidstone Borough Council informed the applicants in October 2010 that the proposal would need to be accompanied by an Environmental Statement, but we were not contacted with any scoping documentation.

Although there is no legal requirement for scoping consultations, we are disappointed that the applicants chose not to engage in this process, as it can help to clarify issues concerning key environmental issues and proposed methods for survey, evaluation and assessment.

Yours faithfully

Miss Michaela Kennard
Senior Planning Liaison Officer

Direct dial 01732 223204

Direct e-mail michaela.kennard@environment-agency.gov.uk

cc Parker Dann

Mr Peter Hockney
Maidstone Borough Council
Development Control Section
Maidstone House King Street
Maidstone
Kent
ME15 6JQ

Our ref: KT/2012/114334/01-L01
Your ref: MA/11/1948
Date: 23 March 2012

Dear Peter

Part retrospective planning application for the retention of two lakes known as Bridges and Puma and works to create 3 additional lakes all for recreational fishing, erection of clubhouse building and associated works and landscaping.

- **Amended Flood Risk Assessment V9, February 2012;**
- **Surface Water Management Strategy;**
- **Extended Phase 1 Habitat Survey Ecological Report January 2012**

Monks Lakes, Staplehurst Road, Marden, Maidstone, Kent, TN12 9BU

Thank you for consulting us on the above additional information requested in our letters, references KT/2011/113792/01 and 02, dated 21 December 2011 and 19 January 2012 respectively.

We also acknowledge that we were provided with additional clarification on certain matters at a meeting we had with Tezel Bahcheli and Nick Reilly on 27th February 2012.

Based on the information provided to date, we can confirm we are in a position to **remove our objection**. However, we draw your attention to the following comments.

Environmental Permitting

From the information received, we believe the applicant will have to obtain a bespoke environmental permit (permit) for the importation and deposition of the 51,000m³ of additional waste material.

This permit will have to be in place prior to any waste activities taking place on site. The permit will cover the operation of the site whilst the lakes are being constructed, including, waste acceptance (quantities, type/criteria, etc), pollution prevention measures, drainage, monitoring (gas, surface waters, noise, dust), and post-operation monitoring requirements.

As previously briefly outlined in our letter to you dated 21 December 2011, the applicant

will need to demonstrate that they are a 'fit and proper' person to hold a permit. To do this they will be required to show that they are technically competent (have obtained a Certificate of Technical Competence from WAMITAB), ensure there is adequate financial provision available to address any incidents that on site and to cover long term monitoring requirements, and also have no relevant convictions. Failure to meet these requirements will mean a permit can not be issued by us to them.

A permit will only be issued if we are fully satisfied that the site can be operated without there being a risk of pollution of the environment, harm to human health or detriment to the surrounding amenity.

Flood Risk

We had previously requested that the Flood Risk Assessment (FRA) be amended to:

1. show the width of the area to be lowered between Lake 3 and the River Beult as 100m as in the detailed calculations, with a corresponding volume of floodplain storage of 6,000m³.
2. demonstrate how floodwaters from the River Beult can reach Puma Lake and Bridges Lake in order to access any floodplain storage provided by these lakes.

These amendments have been made to the submitted FRA, version 9 dated February 2012, as such we have no objection.

Fisheries and Biodiversity

The details within the WRMS (section 3.2) also state that essentially no additional abstraction of waters from the River Beult will be required to help maintain water levels in the lakes unless water flows allow. This was confirmed at our meeting on the 27th February 2012 with Tezel Bahcheli and Nick Reilly the engineer for this proposal. On that basis we have no objection to the proposal, as there should not be any significant impact on the River Beult's water level and ecology as a result of this proposal.

It should be noted that any permit issued by us will take account of the proximity to of the proposed activity to the River Beult SSSI.

Water Resources

There are a few points that the applicant needs to be aware of regarding water supply for the fishing lakes.

If the applicant believes they can fill the lakes without the need to utilise or amend to their existing abstraction licence then we have no objection, the reason being as follows:

The current site does have an abstraction licence (06/094) for the site to fill the lakes during the winter months only (October to March only). However, this licence has a Hands off Flow Condition (HOF) set at the Teston gauging station preventing any abstraction to take place when flows drop to 890MI/d. The Teston HOF condition is applied regularly on most years and has been on during last Summer and through-out this winter (and remains on), meaning there was no opportunity to fill the lakes this winter through their abstraction licence.

Based on the calculations within the SWMS, with an estimated 25,000m³ 'skimming off' from the existing 7 lakes (Puma, Bridges, Mallard & 4 Match lakes) it would take nearly 7 years to fill the 3 new lakes which have a capacity of 168,000m³.

It should be noted that based on the last couple of years rainfall, there is a real possibility the existing lakes may not be able to reliably and sufficiently refill during the winter for subsequent filling of the new lakes. February 2011 to January 2012 has been the second driest since 1911, receiving in total only 513.2 mm. It therefore may take longer than 7 years to fill the lakes via rainfall collection only as proposed.

The applicant will also need to consider when and how they will routinely drain down and refill the lakes in the future. This should also be addressed within the WRMS.

We do have concerns over how the whole site will operate successfully in the future, bearing in mind the information we have provided above, however if the applicant wishes to and believes they can operate their site in this way that is their decision.

We also wish to reiterate other matters raised within our letter to you dated 21 December 2012 (Reference KT/2011/113792/01) relating to the Reservoir Act, surface water drainage, foul drainage and the Environmental Impact Assessment. These also need to be taken into consideration.

In conclusion, we hope we have made it clear that in addition to any planning consent that may be granted, the applicant will be required to obtain an environmental permit and reservoir approval from us prior to any waste activity taking place on site. We have already made them aware that due to the current water levels within the River Beult, future abstraction from the river is unlikely to be permitted.

Please also be aware that whilst we are no longer objecting to this planning application, it does not mean or guarantee that, other permissions will be forthcoming.

If you have any further queries, please do not hesitate to contact me.

Yours sincerely

MS JENNIFER WILSON
Planning Liaison Technical Specialist

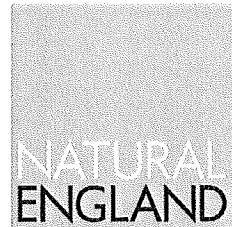
Direct dial 01732 223272

Direct fax 01732 223289

Direct e-mail jennifer.wilson@environment-agency.gov.uk

cc Parker Dann

Date: 10 January 2012
Our ref: 39070
Your ref: MA/11/1948



Peter Hockney
Development Control
Maidstone Borough Council
Maidstone House
King Street
Maidstone
ME15 6JQ

International House
Dover Place
Ashford
Kent
TN23 1HU

By email only, no hard copy to follow

Dear Mr Hockney

River Beult Name Site of Special Scientific Interest (SSSI)

Location: Monks Lakes, Staplehurst Road, Marden, Maidstone, Kent TN12 9BU
Proposal: Part retrospective planning application for the retention of two lakes known as Bridges and Puma and works to create 3 additional lakes all for recreational fishing, erection of clubhouse building and associated works and landscaping.

Thank you for your letter dated 21 November 2011 consulting Natural England about the above application.

The application site is likely to affect the River Beult SSSI. This reply comprises our statutory consultation response under provisions of Article 20 of *the Town and Country Planning (Development Management Procedure) (England) Order 2010* and Section 28 of the Wildlife and Countryside Act 1981 (as amended).

Natural England has considered the information provided in support of this application and objects to the above proposal on the grounds that there is insufficient information to determine the impact on the River Beult SSSI.

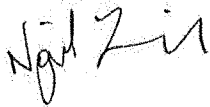
Natural England's detailed comments in relation to this proposal are listed in Annex One appended to this letter.

Under S281 of the Wildlife and Countryside Act 1981 your authority must take Natural England's advice into account in deciding whether or not to grant permission. If your authority resolves not to follow this advice then it must notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, it has taken our advice into account. You must then allow a further period of 21 days before the development can commence to allow us to consider any further action. For further details of these requirements, and a summary of the legislations protecting SSSI's and the duties which apply to planning authority, please refer to Part II of Circular 06/2005¹.

¹ Government Circular: Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system ODPM Circular 06/2005/Defra Circular 01/2005
<http://www.communities.gov.uk/publications/planningandbuilding/circularbiodiversity>

We would be happy to comment further should the need arise but if in the meantime you have any queries, please do not hesitate to contact Nigel Jennings at the above address, by telephone on 0300 060 4787 or by email to nigel.jennings@naturalengland.org.uk

Yours sincerely



Nigel Jennings

On behalf Lorraine Huggett
Land Use Operations, Ashford Team Leader

Annex One: Natural England's detailed comments in relation to planning application reference MA/11/1948

As mentioned above, our records show that the application site is adjacent to the River Beult SSSI. As you are aware, where SSSIs are involved, Section 28G of the Wildlife and Countryside Act 1981 (as amended) includes a duty on public bodies, including local planning authorities, to "take reasonable steps, consistent with the proper exercise of the authority's functions, to further conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest". In addition, public bodies are required under the Act to give notice to Natural England before carrying out (S28H), or authorising others to carry out (S28I), any operation likely to damage any of the features by reason of which the site is of special scientific interest.

Natural England objects to the proposed development. We recommend that as submitted the local planning authority refuse planning permission on the grounds that the application contains insufficient information to satisfy Natural England that there would be no adverse effects on features of interest for which the SSSI is notified. In order to assess the potential implications for the SSSI, any subsequent or amended planning application should include the following additional information:

- 1. Clarification on the water resources required to fill and operate the lakes.** The Environmental Statement (ES) indicates that lakes 1, 2 and 3 will be filled direct from rainfall. However, Met Office statistics for the area indicate an average annual rainfall of between 60 and 80 cm. At a maximum depth of 2m it could take over 2 years for the lakes to be filled, even if evaporation is ignored. During extended dry periods in the summer water levels may be unsustainable and extraction from the River Beult will not be an option. Consequently we would expect to see a drought plan.
- 2. Details of the methods to be adopted to prevent sediments from surface water run-off entering the River Beult during construction.** Given the proximity of the River Beult to the proposed earthworks there is a risk that during periods of excessive rain sediments may be mobilised and washed into the River Beult SSSI.
- 3. Details of the proposed discharge of waters to the River Beult.** Section 12.40 of the ES refers to excess waters from lakes 1, 2 and 3 being discharged to the River Beult. No details are given on the anticipated volume of discharge or whether there will be a need for these to be filtered/treated to prevent pollution of the River Beult SSSI from elevated levels of sediment and/or nutrients.
- 4. Details on the methods to be adopted for the draining and dredging of the lakes.** Section 13.101 of the ES states that the lakes may need to be drained and dredged periodically to manage fish and aquatic flora. No details have been provided on how these operations will be carried out to prevent sediments and/or nutrients entering the River Beult SSSI.
- 5. Details of the anticipated discharge from the Klargester system proposed to deal with foul drainage from the site, and how the nutrients from the discharge will be prevented from entering the River Beult SSSI.**
- 6. Details of the fish species to be stocked in the lakes and the methods to be adopted to prevent alien species (if present) entering the River Beult SSSI during flood events.**

Other Matters

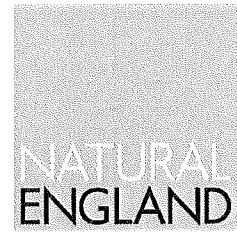
Landscape Management Plan

We welcome the proposal to create wildflower rich grassland as part of the landscaping. However, we note that the maintenance schedule indicates that the grass will have an annual dressing of fertilizer. This would encourage coarse grasses to the detriment of the wildflowers and is therefore at odds with the stated ecological aims.

Protected Species

The information supplied in support of the application highlights the impacts resulting from this proposal upon widespread reptiles. Detailed advice on survey effort and mitigation requirements for these species can be found within our protected species standing advice available from <http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/default.aspx>. In accordance with our standing advice, we recommend that you consult the standing advice to establish whether sufficient survey effort has been undertaken to fully assess the impacts of this proposal along with the appropriateness of any necessary mitigation measures proposed in respect of reptiles.

Date: 2 April 2012
Our ref: 48612
Your ref: MA/11/1948



Peter Hockney
Maidstone Borough Council
Maidstone House
King Street
Maidstone
ME15 6JQ

Natural England
Consultation Service
Hornbeam House
Electra Way
Crewe Business Park
CREWE
CW1 6GJ

T: 0300 060 3900

By email only, no hard copy to follow

Dear Mr Hockney

River Beult Site of Special Scientific Interest (SSSI)

Proposal: Part retrospective planning application for the retention of two lakes known as Bridges and Puma and works to create three additional lakes for recreational fishing, erection of clubhouse building and associated works and landscaping
Location: Monks Lakes, Staplehurst Road, Marden, Kent TN12 9BU

Thank you for your letter dated 15 March providing additional information on the above application following our previous letter dated 10 January.

The application site is likely to affect the River Beult SSSI. This reply comprises our statutory consultation response under provisions of Article 20 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and Section 28 of the Wildlife and Countryside Act 1981 (as amended).

Having considered the additional information **Natural England withdraws its objection dated 10 January 2012**. This is on the basis that there is no additional abstraction of waters from the River Beult to maintain water levels (per section 3.2 of the Water Resource Management Strategy), inclusion of the conditions listed below and the proposals being carried out in strict accordance with the terms of the application and the submitted plans.

- Surface water run-off during the construction phase to be directed to Puma Lake and/or the proposed temporary settling pond in order to prevent sediments flowing into the River Beult SSSI.
- Surplus waters from the new lakes to be directed to Puma Lake.
- The existing fish fence is to be extended around the proposed new lakes to prevent the escape of fish to the River Beult SSSI during flood events.
- Foul water to be passed through a Klargestor system which is to discharge to Puma Lake.

We note the Environment Agency's comments on water resources in their letter dated 23 March and would add our reservations about the ability of the applicants to successfully manage the site in the future given the constraints on water. However, this is a commercial decision that the applicant will need to make.

If your authority decides to allow the development without applying the requirements/conditions set out above it must notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, it has taken our advice into account. It must then allow a further period of 21 days before the development can commence to allow us to consider any further action. For

further details of these requirements, and a summary of the legislation protecting SSSI's and the duties which apply to planning authorities, please refer to Part II of Circular 06/2005¹.

Protected Species

The information supplied in support of the application highlights the impacts resulting from this proposal upon widespread reptiles. Detailed advice on survey effort and mitigation requirements for these species can be found within our protected species standing advice available from <http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/default.aspx>. In accordance with our standing advice, we recommend that you consult the standing advice to establish whether sufficient survey effort has been undertaken to fully assess the impacts of this proposal along with the appropriateness of any necessary mitigation measures proposed in respect of reptiles.

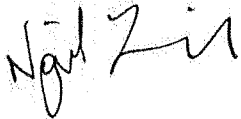
Summary and conclusion

Subject to the inclusion of the above conditions and the proposals being carried out in strict accordance with the terms of the application and the submitted plans, Natural England has no objections to this proposal at present. Should there be any modification or amendment to the application, however, which may affect the SSSI, Natural England must be consulted further.

Natural England would be grateful if the Council were to inform us as to how our advice has been incorporated into the decision made when determining this application.

For any correspondence or queries relating to this consultation only, please contact Nigel Jennings at International House, Dover Place, Ashford, Kent TN23 1HU, by telephone on 0300 060 4787 or by email to nigel.jennings@naturalengland.org.uk. For all other correspondence, please contact the above address.

Yours sincerely



Nigel Jennings
Lead Adviser
Direct Dial: 0300 060 4787
Fax: 0300 060 4798
E-Mail: Nigel.jennings@naturalengland.org.uk

¹ Government Circular: Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system ODPM Circular 06/2005/Defra Circular 01/2005
<http://www.communities.gov.uk/publications/planningandbuilding/circularbiodiversity>

Our ref: 865425
Your ref: 11/1948

20 December 2011

P Hockney
Development Control
Maidstone Borough Council
Maidstone House
King Street
Maidstone
ME15 6JQ



Kent Wildlife Trust
Tyland Barn
Sandling Maidstone
Kent ME14 3BD
Tel: (01622) 662012
Fax: (01622) 671390

info@kentwildlife.org.uk
www.kentwildlifetrust.org.uk

Dear Peter

Monks Lakes, Staplehurst Road, Marden

Thank you for the opportunity to comment on this retrospective application.

I welcome the Council's decision, in response to application 10/0766, to insist on the preparation of a replacement application supported by an Environmental Impact Assessment. The rigour of this assessment and, no doubt, detailed discussions with the Council and the EA, appear to have encouraged the applicant to better focus on the opportunities for biodiversity enhancement.

In response to the earlier application, I had expressed concerns about the risk of non-native fish stock and aquatic vegetation escaping into the River Beult and the long term management of the open areas of the site. The flood risk assessment and the landscape scheme for the site, including a re-profiling of the river bank, deal with those concerns. I am generally satisfied with the revised proposals.

There are, however, three points of detail that I would bring to your attention.

The Council should satisfy itself, in consultation with Natural England, as necessary, that protected species living in vicinity of Puma and Bridges Lakes (see paragraph 24, ES, non-technical summary) will be safeguarded during the bank re-profiling works. Of these species, water voles and reptiles are likely to be the most sensitive to these works.

The choice of beech as part of the Dense Woodland Mix for the boundary belt is surprising. Beech is primarily associated with chalk soils.

The Maintenance Schedule should incorporate a commitment to monitor specified habitat and species targets chosen to demonstrate the biodiversity enrichment achievements of the landscaping scheme.

In conclusion, then, I have no objection, in principle, to the grant of planning permission, subject to the imposition of conditions to secure the timely implementation of biodiversity enhancement prescriptions and the careful and meaningful monitoring of their success. Unfortunately, the schedule of suggested planning conditions falls short in the following ways.

Conditions 1, 2 and 3 – fail to specify WHEN the re-grading and planting would be carried out. They should cross-refer to condition 4 to achieve this.



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Condition 6 appears to suggest that “protection of existing landscape features” will be implemented “in the first planting season after the completion of lakes 1, 2 and 3”. Protection measures must be implemented before any works start. Furthermore, I would argue that the riverbank re-profiling should be undertaken prior to the commencement of work on lakes 1, 2 and 3 so that the arisings from it can contribute to the fill needed to reduce the depth of these lakes.

To avoid disturbance to wildlife (during foraging and commuting), the artificial illumination of the lakes and the river bank must be prevented by planning condition.

Yours sincerely

Keith Nicholson
Planning & Conservation Officer

**ENTERPRISE AND ENVIRONMENT DIRECTORATE
PLANNING AND ENVIRONMENT DIVISION**



TO: Peter Hockney

FROM: Stefanie Buell

DATE: 30th March 2012

SUBJECT: MA/11/1948 Monks Lakes, Marden

Thank you for the opportunity to comment on this application. We have the following response to make:

Under the Natural Environment and Rural Communities Act (2006), “*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*”. In order to comply with this ‘Biodiversity Duty’, planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states that “*the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.*”

Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that ‘*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.*’

Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

This application is accompanied by an Environmental Statement which includes an *Extended Phase 1 Habitat Survey Ecological Report* and *Reptile Survey Report*. While the reports refer to a Phase 1 habitat map, no such map is included within the documents and there are limited site photographs included; as such it has been difficult to adequately verify the findings of the report.

It appears that the proposed development holds limited potential for ecological impacts. The reptile survey was undertaken primarily on the basis of existing biological records

nearby as the site is assessed as having limited potential for reptiles. The reptile survey was not undertaken to best practice guidelines, and with no reptiles recorded does not on its own provide sufficient evidence for the likely absence of these species. However, in combination with the habitat assessment, we are satisfied with the current assessment of likely absence.

We advise that the undeveloped site has potential to increase in its suitability for reptiles; if the development process is delayed further it will be necessary to undertake additional reptile surveys to ensure that no animals have moved on to the site. Mitigation measures may be necessary to avoid the killing or injuring of reptiles. We recommend that this information is provided to the applicant as an informative; for the determination of the application at this time, we are satisfied that Maidstone BC does not have to consider potential impacts to reptiles as a material consideration.

We advise that the recommendations in relation to avoiding impacts to nesting birds (section 5.1 of the *Extended Phase 1 Habitat Survey Ecological Report*) are undertaken.

One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”. The landscaping strategy incorporates the use of native species planting, which we support. We also advise that a habitat management plan is required as a condition of planning, if granted. The implementation of a suitable plan, incorporating timing of management prescriptions, will ensure that all appropriate areas of the site are managed to secure optimal wildlife benefits.

If you have any queries regarding our comments, please contact me.

Stefanie Buell MIEEM
Biodiversity Projects Officer

Maidstone Borough Council
Heritage, Landscape and Design
Planning Consultation Response Sheet (L)

For admin. use	
Date logged:	21/11/2011
21 day completion:	Yes
If no, timescale is:	
Original MA ref (conditions):	MA/ /
Time allocation:	5 hours

FAO (Case Officer): Peter Hockney
Application No.: MA/11/1948

Address of site: MONKS LAKES, STAPLEHURST ROAD, MARDEN, MAIDSTONE
Part retrospective planning application for the retention of two lakes known as Bridges and Puma and works to create 3 additional lakes all for recreational fishing, erection of clubhouse building and associated works and landscaping.
Application for: Full planning permission

Type of consultation: Automatic

Reason for consultation:

- | | | |
|--|--|------------------------------------|
| <input type="checkbox"/> Major application | <input type="checkbox"/> Conservation area | <input type="checkbox"/> Appeal |
| <input type="checkbox"/> Trees (protected) | <input type="checkbox"/> Design advice | <input type="checkbox"/> Not known |
| <input type="checkbox"/> Trees/hedges (other) | <input type="checkbox"/> Additional comments | |
| <input checked="" type="checkbox"/> Landscape scheme | <input type="checkbox"/> Planning committee report | |

Comments:

This site falls within the Valley landscape character type and area 58 (Beult Valley) of the new Maidstone Landscape Character Assessment, March 2012. Paragraph 58.7 makes specific mention of the site as follows:

'In the middle of the area, at Monk Lakes and Riverfield Fish Farms there is an extensive system of man made rectangular ponds. As part of this development, there has been extensive land raising and earth modelling along the A229 and the artificial sloping landform appears rather incongruous on the valley side.'

It also mentions that extensive planting of weeping willow adds to the artificiality of the landscape.

In the wider context of Valley landscapes the associated generic guidelines are to:-

Conserve, and manage as appropriate, the dominance of willow as a key species along the river, and avoid planting new species of willow that are not considered to be locally appropriate species.

Enhance rivers and associated tributaries, ditch and pond networks by promoting natural corridors along the lengths of watercourses and water bodies.

Conserve the unfenced interface between the land and river.

The summary of actions for area 58 refers to the Valley landscape generic guidelines as stated above and includes the following more specific actions:

Conserve and restore habitat opportunities around water bodies and ditches by promoting and managing a framework of vegetation with links to the river

Integrate the fishing ponds into the landscape by using more appropriate plant species. Resist further artificial earthworks.

As the proposal is to reduce the average height of mounds and includes a comprehensive landscape scheme to help mitigate the incongruous nature of the development there are no landscape grounds on which to object to this proposal. I would, however, wish to see further consideration of the issues mentioned above, particularly in respect of the finer details of the landscape proposals. These can clearly be dealt with by condition if you are minded to grant consent for this application.

If the application is being determined by Planning Committee, or by Members under delegated authority, and makes reference to any of the issues outlined above, a further commentary will be provided.

Signed: Deanne Cunningham

Date:25/04/12

Maidstone Borough Council
Heritage, Landscape and Design
Planning Consultation Response Sheet (C)

For admin. use	
Date logged:	21/11/2011
21 day completion:	Yes
If no, timescale is:	
Original MA ref (conditions):	MA/ /
Time allocation:	30 mins

FAO (Case Officer): Peter Hockney
Application No.: MA/11/1948

Address of site: Monks Lakes, Staplehurst Road, Marden
Application for: Full planning permission

Type of consultation: Automatic

Reason for consultation:

- | | | | |
|--|--|---|------------------------------------|
| <input type="checkbox"/> Major application | <input type="checkbox"/> Conservation area | <input type="checkbox"/> Locally listed building | <input type="checkbox"/> Not known |
| <input type="checkbox"/> Listed building | <input type="checkbox"/> Setting of Conservation area | <input type="checkbox"/> Registered park/garden | |
| <input checked="" type="checkbox"/> Setting of Listed building | <input type="checkbox"/> Planning Committee report | <input type="checkbox"/> Scheduled ancient monument | |
| <input type="checkbox"/> Curtilage of Listed building | <input type="checkbox"/> Additional comments | <input type="checkbox"/> Design advice | |
| <input type="checkbox"/> Agricultural conversion | <input type="checkbox"/> Non-designated heritage asset | <input type="checkbox"/> Appeal | |

Comments:

The existing and proposed lakes have no adverse impact on the settings of listed buildings in the vicinity. However, given the substantial amount of excavation proposed I would recommend that we consult with KCC heritage section regarding archaeological impact prior to determination.

Recommendation

It is, therefore, recommended that on heritage/ design grounds **NO OBJECTION BE RAISED** subject to any comments from KCC Heritage Section.

Signed: Mike Parkinson

Date:06/12/2011



Maidstone Borough Council
Maidstone Planning Department c/o Rob Jarman
King Street
Maidstone
Kent
ME15 6JQ

Kent Highway Services
Ashford Highway Depot
Henwood Industrial Estate
Javelin Way
Ashford, Kent
TN24 8AD

E-mail: louise.rowlands@kent.gov.uk
Direct Line: 08458 247800
Fax:
Ask For: Louise Rowlands
Your Ref: PH
Our Ref: LR
Date: 14 December 2011

Dear Sir / Madam

Application Ref: **MA/11/1948**

Parish: **Marden**

Applicant:

Location: **MONKS LAKES, STAPLEHURST ROAD, MARDEN, MAIDSTONE, KENT, TN12 9BU**

Proposal: **Part retrospective planning application for the retention of two lakes known as Bridges and Puma and works to create 3 additional lakes all for recreational fishing, erection of clubhouse building and associated works and landscaping.**

I refer to the above planning application. The existing access is adequate in terms of width and visibility for this use and have no objections to the proposal in respect of highway matters.

Yours faithfully

Louise Rowlands
Development Planner



Maidstone Borough Council
Maidstone Planning Department c/o Rob Jarman
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Maidstone
Kent
ME15 6JQ

Kent Highway Services
Ashford Highway Depot
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E-mail: louise.rowlands@kent.gov.uk
Direct Line: 08458 247800
Fax:
Ask For: Louise Rowlands
Your Ref: PH
Our Ref: LR
Date: 23 May 2012

Dear Sir / Madam

Application Ref: **MA/11/1948**

Parish: **Marden**

Applicant:

Location: **MONKS LAKES, STAPLEHURST ROAD, MARDEN, MAIDSTONE, KENT, TN12 9BU**

Proposal: **Part retrospective planning application for the retention of two lakes known as Bridges and Puma and works to create 3 additional lakes all for recreational fishing, erection of clubhouse building and associated works and landscaping.**

I refer to the above planning application which proposes the retention of 2 lakes and the creation of 3 additional lakes. The proposal involves works to reprofile the existing car park from which 15600m² of material will be transferred to Lake 1. An additional 51000m² of material will need to be imported for the project and it is intended that 20 tonne lorries will be used; each carrying 10m² loads. The applicant has agreed to conditions to restrict the times and numbers of HGV movements and to agree a phasing and implementation plan. HGV's would be limited to 30 per day between Monday and Friday and 15 on Saturdays. The applicant estimates that the importation of material will be completed in a minimum of 45 weeks.

Access is to be made from an existing access onto the A229 Staplehurst Road a principal route. There have been no reported injury crashes at this access within the latest 3 year period. Staplehurst Road is subject to the national speed limit and the measured 85th percentile speed is 52mph. The visibility splay from the site access is considered to be adequate for the speed of traffic.

Bearing in mind the above information I am of the view that this application will not be detrimental to highway safety or capacity and I do not wish to raise objection to this application on highway grounds.

Yours faithfully

Louise Rowlands
Development Planner



Creating sporting opportunities in every community

Your ref: 11/1948
Our ref: SE/MD/2011/26692/N

13 December 2011

Peter Hockney
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

Dear Sir

PART RETROSPECTIVE PLANNING APPLICATION FOR THE RETENTION OF TWO LAKES KNOWN AS BRIDGES AND PUMA AND WORKS TO CREATE 3 ADDITIONAL LAKES ALL FOR RECREATIONAL FISHING, ERECTION OF CLUBHOUSE BUILDING AND ASSOCIATED WORKS AND LANDSCAPING - MONKS LAKES, STAPLEHURST ROAD, MAIDSTONE, TN12 9BU

Thank you for consulting Sport England on the above planning application. As the proposal does not affect an existing playing field, the consultation is not statutory under the terms of the Town and Country Planning (Development Management Procedure) Order 2010 (SI No. 2184 (2010)).

The proposal involves the retention of two lakes known as Bridges and Puma and works to create 3 additional lakes all for recreational fishing, erection of clubhouse building and associated works and landscaping at Monks Lakes, Staplehurst Road in Maidstone.

Planning Policy Objective 7 of Sport England's Spatial Planning for Sport and Active Recreation: Development Control Guidance Note (2009) Appendix 2, www.sportengland.org/facilities_planning/developing_policies_for_sport.aspx supports the development of new facilities that will secure opportunities to take part in sport. As the proposal would secure new opportunities for participation in sport, the proposal is considered to meet this objective, Sport England would therefore support the principle of this planning application.

I hope that these comments can be given full consideration when a decision is made. I would be grateful if you could advise me of the decision on the application, when available, by e-mailing or sending me the decision notice.

Yours sincerely

Dale Greetham

Dale Greetham
Planner

Direct Line: 0207 273 1642

E-Mail: dale.greetham@sportengland.org