

## Item D3

### **Creation of a pond to store flood water from the highway, Stone Street Road, Seal - SE/11/20**

A report by Head of Planning Applications Group to Planning Applications Committee on 26 July 2011.

Application by Kent County Council Kent Highway Services for creation of a habitat pond which has the capacity to store flood water from the adjacent highway at Land opposite Field Cottage, Stone Street Road, Seal, Sevenoaks, TN15 0LQ - SE/11/20

Recommendation: Permission be granted, subject to conditions.

Local Member: Mr N. Chard

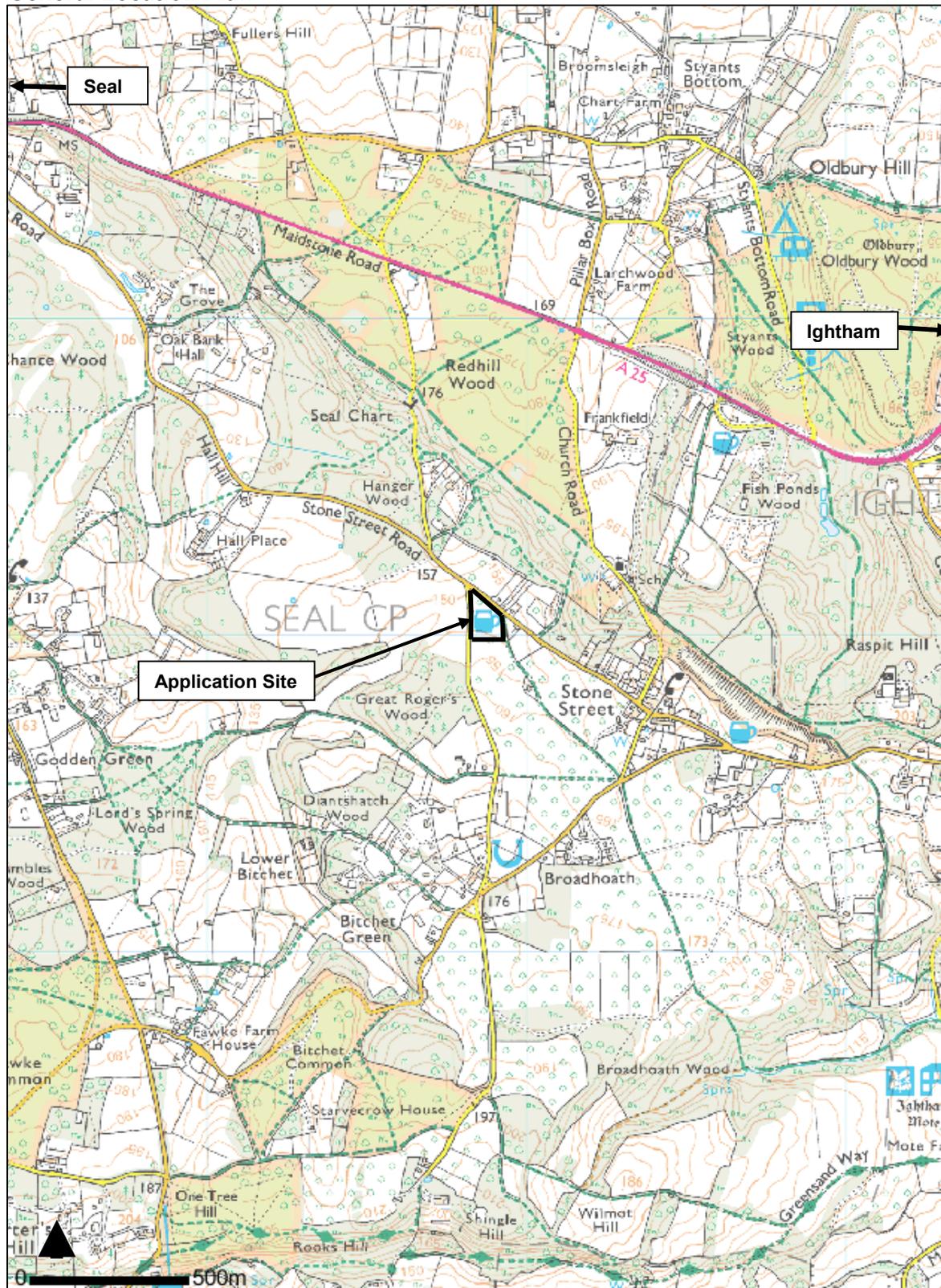
Classification: Unrestricted

#### **Site**

1. The application site forms the northern part of an agricultural field, south of Stone Street Road, opposite Field Cottage. The site is west of Stone Street, approximately 2.3km to the south east of Seal. The field is one of a number in the surrounding area that has been cultivated as an orchard, albeit that the pear orchard is no longer commercially farmed. The southern part of the site area is categorized under the Agricultural Land Classification as Grade 2 – best and most versatile land; however most of the application site is not classified. The application site is designated by the Sevenoaks Local Development Framework as open countryside, Green Belt, and as part of the Kent Downs Area of Outstanding Natural Beauty (AONB). The Oldbury & Seal Chart Site of Special Scientific Interest (SSSI), a designated Ancient Woodland, is located approximately 120 metres north of the application site. Great Rogers Wood also classified as an Ancient Woodland is 100 metres to the south west. The site falls within a groundwater source protection zone.
2. The closest residential properties overlook the field from the opposite side of Stone Street Road, further properties are positioned to the east and south east (see site location plan below). Stone Street Road and Bitchet Green Road run along the north and west boundaries of the field respectively, a Bridleway designated as a Public Right of Way (SR 126) runs along the eastern edge.
3. The application site, part of the remainder of the field and a similar field north of Stone Street Road are within the ownership of the title-holder of Field Cottage. The applicant has confirmed the requisite notice was served on the landowner in advance of the application being made to the County Council.

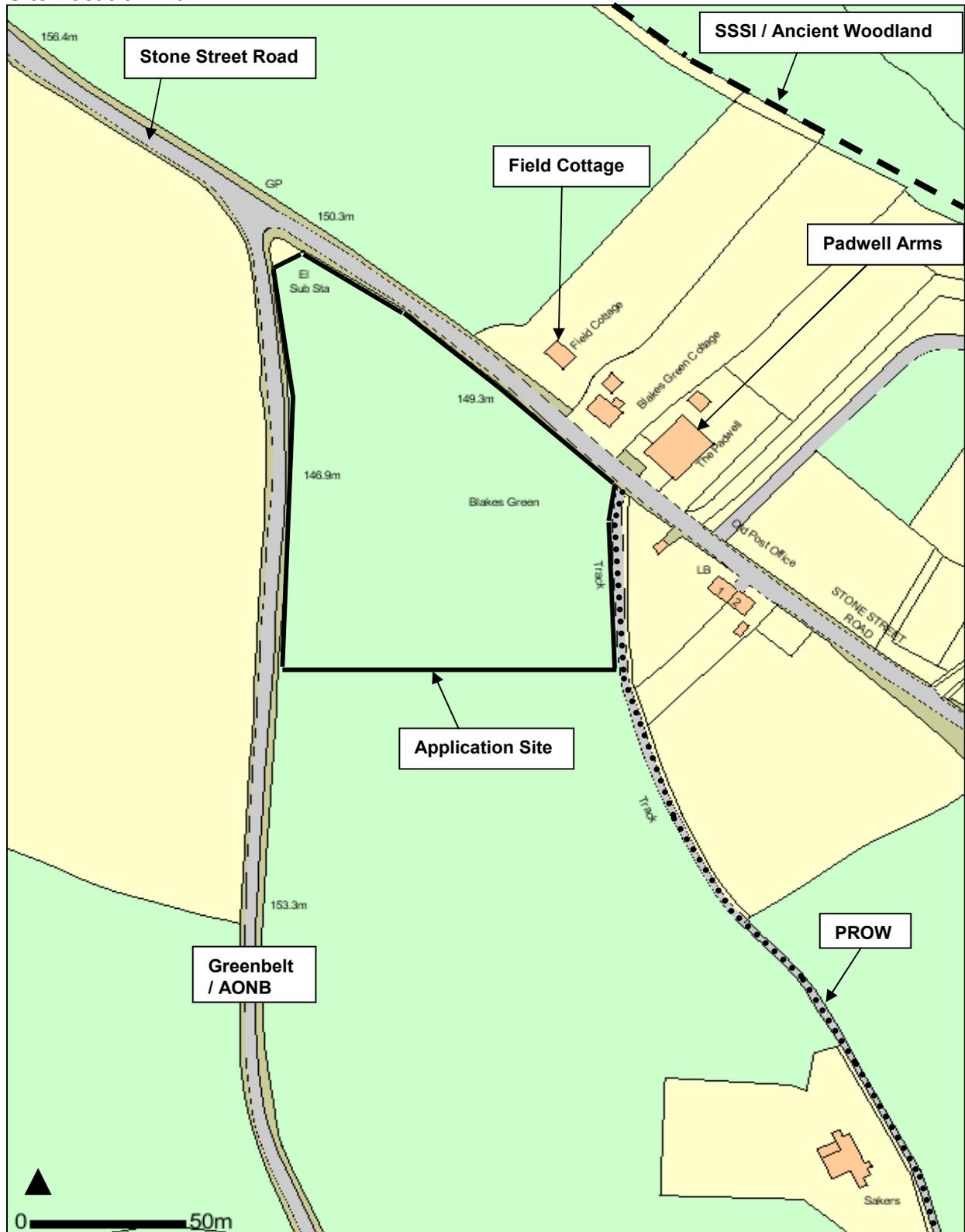
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**General Location Plan**



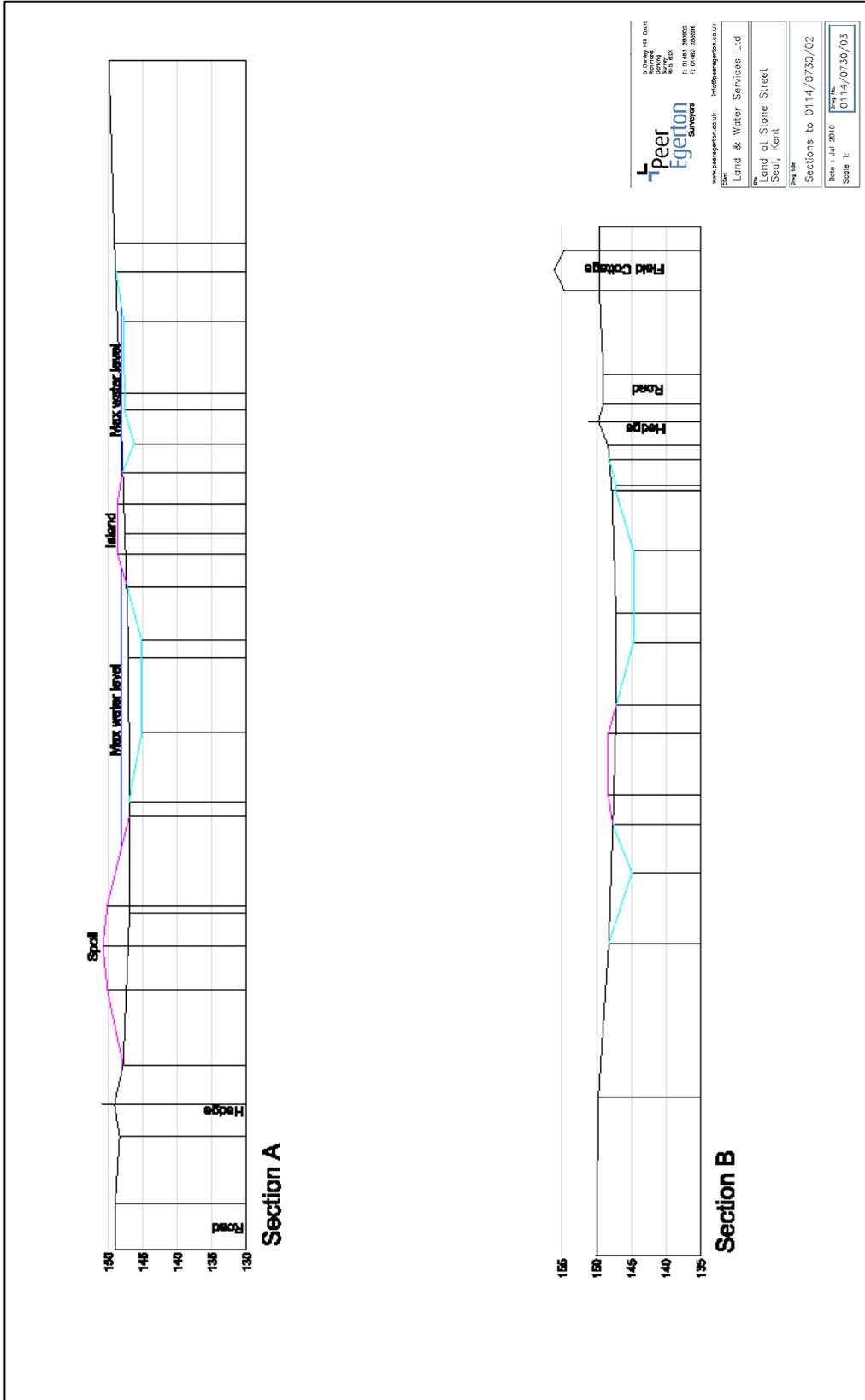
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Site Location Plan





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**Background**

4. Due to the topography of the area and local drainage patterns, Stone Street Road (to the west of Field Cottage) experiences localised flooding following relatively small amounts of rainfall. Surface water run-off pools on the public highway at the lowest point, creating a hazard to road users. Water not retained on the highway drains into the above mentioned field (the application site) through a series of grips installed in the verge. The lowest sections of this field subsequently becomes water logged; excess surface water, which does not soak into the ground, then flows out of the field at the lowest point across Bitchet Green Road into the open field to the west. The localised flooding causes a regular hazard to road users, which is exacerbated during freezing conditions, creating icy patches on the highway.

**Proposal**

5. The application proposes the creation of a flood relief pond on land adjacent to the public highway. The pond would be connected to the highway drainage system for Stone Street Road, providing temporary storage capacity for surface water run-off during flood events. The proposal is to create a permanent habitat pond (approximately 0.5 hectares in size) with the surrounding land engineered to have the capacity to temporarily store excess run-off across an overall area approximately 1 hectare when required. The temporary retention of surface water on site would allow time for the excess water to naturally soak into the ground.
6. The application proposes to landscape the site, creating the permanent pond at the lowest point with the area around graded out to create the relief storage. All materials excavated during creation of the pond would be retained on site and landscaped into a soil bund, and an island within the permanent pond. The application states that the finished land form would be sympathetic to the surrounding area. The height of the bund, which for the most part would be sited on the lower part of the field, is shown to be approximately 151m AOD, a level similar to the height of the adjacent hedgerow. The slopes of the bund are proposed to be finished between 1in3m and 1in4m to allow for maintenance. The area would be reinstated with the topsoil previously stripped from the site and seeded with a mixture of wildflower and meadow grass.
7. The proposed pond and surrounding landscaping would be designed to attract wildlife. The application details the provision of an island, plants and features to encourage biodiversity, including the above mentioned wildflowers, meadow grass, as well as native wetland and bog plants. The application proposes to retain the remainder of the orchard to the south of the site and surrounding hedgerows wherever possible. There would be a need to widen two access points in the hedgerows (off Stone Street Road and Bitchet Green Road) to enable use during construction. Vehicle movements associated with the construction phase would be kept to a minimum as all excavated materials would be retained on site. Construction operations would require excavators and dumper trucks to create the proposed landform.

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**Additional information received from the applicant**

8. In support of the application and in response to questions raised by the case officer and other consultees, the applicant has provided further supporting information on the proposals, that can be summarised as follows:

The Highway Authority has a duty to protect land adjacent to the public highway from surface water run-off. Due to the continued flooding of the northern part of the application site options were discussed with the landowner. The creation of a pond with associated temporary flood storage capacity is considered by the applicant to be a cost-effective and sustainable surface water collection point.

The applicant confirms that the proposed site is no longer viable as a commercial orchard due to the age of the trees, pointing out that part of the area is not suitable for cultivation due frequent flooding. The information received indicates that the land owner has approached local farmers to offer the use of the land at no cost; however this option has never been taken up.

The permanent pond is being proposed as part of the Million Ponds Project. This Project is a national scheme being promoted by a charity in partnership with a number of national and local organisations, the aim of which is to create an extensive network of new ponds across the UK. Ultimately with a view to reversing a century of pond loss, ensuring that once again the UK has over one million countryside ponds. A critical element of the project is that the new ponds should have clean water. This is important because most countryside ponds are now badly damaged by pollution, and evidence shows that pond wildlife is declining across the UK. To this end the design of the proposals would include four torrent gullies with traps, channelling water from the highway through a single pipe incorporating a pollution control valve.

The design of the pond includes a puddle clay base over the entire area of the proposed permanent pond, to retain water during low rainfall periods. The surrounding temporary flood storage area has been designed to hold up to a 1 in 100 year flood event for the designated catchment (which is approximately 15 hectares). Surface water flood levels above the 1 in 100 year level would continue to outflow from the lowest point in the field though an overflow included within the design, as all excess water does at present.

The applicant has confirmed that if planning permission were to be granted, Kent Highway Services would hold a legal agreement with the land owner covering responsibility for maintaining the pond and the surrounding landscaped area.

A Phase 1 Habitat Survey has been carried out to establish the presence of any protected species within the existing orchard habitat. The survey notes that the orchard and species-poor hedgerows on site are UK Biodiversity Action Plan (BAP) priority habitats. The report recommends the following measures to comply with relevant biodiversity legislation: the orchard lost should be replaced with alternate BAP habitats; any hedgerow removed should be replaced or the remaining hedgerow enhanced; clearance of trees, shrubs and hedgerows should be undertaken outside the bird breeding season or if not supervised by an ecologist; use of native trees and shrubs in the landscape design; and various other ecological enhancements. Best practice guidelines recommend further surveys for reptiles

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due to their presence being recorded within 1km and the suitable habitat found on site.

**Planning Policy**

9. The most relevant Government Guidance and Development Plan Policies summarised below are relevant to the consideration of this application:

(i) **National Planning Policy and Guidance** – the most relevant National Planning Policies are set out in:

**PPS1** (Delivering Sustainable Development), **PPG2** (Green Belts), **PPS5** (Planning for the Historic Environment), **PPS7** (Sustainable Development in Rural Areas), **PPS9** (Biodiversity and Geological Conservation), **PPG13** (Transport), **PPS23** (Planning and Pollution Control) and **PPS25** (Development and Flood Risk).

(ii) The adopted 2009 **South East Plan**:

**Policy SP5** Seeks to support and retain the broad extent of Greens Belts

**Policy CC1** Seeks to achieve and maintain sustainable development in the region, including achieving sustainable resource use and ensuring the natural environment is conserved and enhanced.

**Policy CC2** Seeks measures to mitigate and adapt to effects of climate change, including, amongst other matters, sustainable drainage measures and increasing flood storage capacity.

**Policy NRM1** Seeks to maintain and enhance ground water through avoiding adverse effects of development on the water environment, including, amongst other matters, sustainable drainage solutions, increasing flood storage capacity and benefits to wildlife.

**Policy NRM5** Seeks to avoid net loss of biodiversity and actively encourage opportunities for net gain.

**Policy C3** Gives high priority to conservation and enhancement of the region's Areas of Outstanding Natural Beauty (AONBs) ensuring proposals do not conflict with the aim of conserving and enhance natural beauty.

**Policy C4** Seeks to protect open countryside by ensuring all development respects and enhances local landscape character, securing appropriate mitigation where damage cannot be avoided.

**Policy C6** Seeks to maintain and enhance the Public Rights of Way system.

*Members will already be aware of the relevant South East Plan policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have*

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*to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers.*

**(iii) Sevenoaks Local Development Framework: Saved Local Plan Policies Compendium (2008) Policies:**

**Policy EN1** Seeks all new development to respect, conserve and enhance the surrounding environment.

**Policy EN6** Seeks to ensure proposals that would detract or harm the character of AONBs are not permitted.

**Policy NR10** Seeks proposals that minimise pollution of the environment, be suitable in the context of adjacent land uses, mitigate possible impacts and protect natural resources.

**Policy GB1** Seeks retention of the Green Belt as defined in the Proposals Map.

**(iv) Sevenoaks Local Development Framework: Core Strategy Draft for Submission (2010) Policies:**

**Policy LO1** Seeks to protect the rural character, Green Belt and Areas Of Outstanding Natural Beauty.

**Policy LO8** Seeks to maintain the Green Belt, conserve the countryside, the AONB and the special character of its landscape and biodiversity.

**Policy SP1** Seeks new development to respond positively to distinctive local character, protect and enhance local environment.

**Policy SP11** Seeks to conserve and enhance biodiversity.

**Consultations**

10. **Sevenoaks District Council:** raises no objection, subject to the County Council being satisfied that nature conservation and flooding issues arising from the proposal are adequately addressed and mitigated through conditions.

**Seal Parish Council:** raises no objection to the application.

**Divisional Transportation Manager:** recommends a condition ensuring appropriate wheel washing facilities are made available on site during any construction period.

**Environment Agency:** raises no objection, confirming the Agency are '*pleased to see a well designed pond which would create a new wetland habitat and alleviate local flooding issues.*'

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Recommends that pollution control methods (such as trapped gullies and possibly a pollution control shut-off valve) should also be included to prevent damaging hydrocarbons from entering the pond, especially in the event of a spill on the highway.

**Area Public Rights of Way Officer:** raises no objection, subject to the surface of the Public Right of Way (Bridleway SR126) being protected to ensure that it is not damaged if used during construction or future general maintenance to access the site.

*During processing of the application the applicant has made it clear that should planning permission be granted the Public Right of Way would not be used to access the site during construction. The indicated preference would be to use an existing gate on Stone Street Road and create a temporary access off Bitchet Green Road.*

**County Archaeologist:** raises no objection, subject to a condition covering an archaeological watching brief.

**Natural England** – standing advice recommends: the Planning Authority ensure that the survey reports and mitigation are acceptable before determining the application. Should they prove to be acceptable, the advice recommends proceeding with application subject to securing mitigation proposals through conditions.

**The County Council's Biodiversity Projects Officer** – the response received can be summarised as follows:

In order for the Planning Authority to be able to address all relevant material considerations in the determination of this application, the *recommended* reptile survey must be carried out and the results and proposals for any necessary mitigation measures must be submitted for consideration prior to determination of the application.

Despite reservations as to whether the creation of new BAP habitats is possible, notes that the orchard that would be lost is not of high quality in terms of the traditional orchard BAP. Considers that with appropriate management, the creation of replacement habitats, even without being designated as BAP quality, would be sufficient to ensure no net loss of biodiversity. Supports the intention to ensure that biodiversity enhancements are incorporated into the development.

Recommends that clarification of the 'pollution control' measures and a detailed habitat creation strategy be required by condition any planning permission, if granted, including ongoing management to ensure that the biodiversity enhancements sought through this application are achieved in the long term.

**Local Member**

11. The local County Member for Sevenoaks East, Mr N. Chard, was notified of the application on 5 January 2011.

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**Publicity**

12. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 7 nearby residential properties.

**Representations**

13. In response to the publicity, 1 letter of representation has been received. The key points raised can be summarised as follows:

- Objects to the loss of over one hectare of agricultural land. Considers that no case of need for such a large pond has been demonstrated. Considers that there is still a need for the land for an agricultural use.
- Notes that there is no assessment of the volume of anticipated storm water or of the volume of the pond necessary to hold this level of run-off. Considers that the pond is vast compared to the small area in the field that occasionally becomes waterlogged. Notes similar ponds in the vicinity are a fraction of the size of the one proposed.
- Questions whether the primary purpose of the application is to create a pond or drain the highway? Asks if the primary proposal is to create a pond why this is being funded out of the public purse. Considers that the pond would be dry during the summer months.
- Raises concern that excavation of the land would result in a proliferation of weeds, and concerns about the sites long term maintenance. Asks that a positive guarantee be given by Kent Highway Services that the site would be maintained?
- Notes that the application does not include details of any pollution control measures, or details of how the overflow indicated on the plans would work and where the water would drain to.
- Considers that if the objective is to drain the highway this could be achieved by clearing out the existing grips.

**Discussion**

14. The application seeks planning permission for the creation of a surface water flood relief pond adjacent to Stone Street Road, including the formation of a soil bund using the excavated materials. The proposal is being reported to the Planning Applications Committee as a result of one letter of objection received from nearby residents, which raises concerns about the loss of agricultural land, the scale of the proposal and the on going maintenance of the site (please see paragraph 13).

15. In considering this application, regard must be had to the Development Plan Policies outlined in paragraph (9) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.

16. In my opinion, the key material planning considerations in this case can be summarised by the following:

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- location and policy designation;
- agricultural land;
- surface water drainage;
- biodiversity; and
- archaeological potential.

**Location and policy designation**

17. The application site is designated as open countryside within the Metropolitan Green Belt, and as part of the Kent Downs Area of Outstanding Natural Beauty (AONB). Therefore any new development proposed in this location is subject to a number of Development Plan Policies that seek to protect the character and openness of the countryside for its own sake. The broad thrust of these development plan policies presume against inappropriate development, subject to a limited number of exceptional circumstances.
18. The Development Plan Policies in place, including PPS1 (Delivering Sustainable Development), PPG2 (Green Belts), PPS7 (Sustainable Development in Rural Areas), South East Plan Policies SP5, CC1, C3, C4, Saved Local Plan Policy GB1, EN1, EN6 and Core Strategy Draft for Submission Policies LO1, LO8, SP1 all seek to protect the countryside from unnecessary development, preserve its openness and the special character of its landscape and biodiversity, particularly in relation to Green Belt and the AONB.
19. Policies relating to the Green Belt seek to safeguard the countryside from encroachment and preserve the open character of the landscape through a general presumption against inappropriate development. In the context of the current planning application the works proposed would be considered as an engineering operation, not actually proposing any built development. Engineering works are considered to be an appropriate use of land in the context Green Belt provided the carrying out of such operations maintains the openness and does not conflict with the purposes of including land in the Green Belt.
20. It is noted that the main justification for the application is to address a local need to improve the drainage provision on the public highway. The development would involve excavation of a pond and associated landscape works to create a flood water storage area within the surrounding land. The material excavated would be retained on site and formed into a landscape bund to the south and west of the pond. The application indicates that the land form created would be sympathetic to the surrounding landscape, with shallow slopes created between 1in4m and 1in3m to a height of approximately 151m AOD, which would be comparable to the height of surrounding hedgerows. The area would then be landscaped and planted to create replacement wetland and grassland habitats.
21. In my opinion the work proposed would be appropriate development in the context of the Green Belt and the AONB. The development would maintain the openness of the land and conserve the character of the landscape. The provision of a new pond would serve to increase the available habitat at a local level with the potential to enhance the visual appearance of the landscape.

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22. The application does not include detailed drawings of the proposed landscape bunds, only indicative heights and form. Should planning permission be afforded to the proposals, I recommend that a condition be placed on any consent requiring the submission of detailed drawings of the landscaping work, including replacement planting, for prior approval. This would enable the Planning Authority to ensure that the final scheme accords with the parameters set out in the application in the interests of protecting and enhancing the local landscape character.
23. Concerns received from a nearby resident seek assurance that if re-developed the site would be subject to regular maintenance and not become overgrown. The applicant, Kent Highway Services, has indicated that there would be a legal agreement drawn up with the landowner to ensure the ongoing maintenance of the site following completion of the development. I recommend that any planning permission includes a condition requiring regular maintenance of the landscape scheme to ensure the site is well maintained and the planting is successful.
24. I therefore consider that the application would be acceptable and accord with the provisions of the Development Plan Policies in place in terms of its location within the open countryside, Green Belt and the Kent Downs AONB, subject to the conditions recommended above, and to the further consideration of issues relating to the use of agricultural land, surface water drainage, biodiversity and archaeology within the sections below.

**Agricultural land**

25. The southern part of the application site is categorized under the Agricultural Land Classification as Grade 2 farmland – best and most versatile; the remainder of the northern section is not classified. Best and most versatile land is considered the most flexible, productive, which can best deliver future crops. The classification is based on the long term physical limitations of the land for agricultural use, factors considered include climate, site and soil characteristics. Government policy set out in PPS7 ‘Sustainable Development in Rural Areas’ confirms the importance of protecting our natural resources in delivering sustainable development. The Development Management Procedure Order requires consultation with the Department for Environment Food and Rural Affairs (DEFRA) on any development involving the loss of twenty hectares or more of best and most versatile land. On smaller areas the land protection policy is still a material consideration; however it is for the local planning authority to decide how significant the agricultural land issues are.
26. In the context of the current application, the applicant has indicated that the existing pear orchard is no longer considered to be productive and is not commercially farmed. The information received indicates that efforts have been made to put the land to an alternate agricultural use, however this has not proven successful. It is also noted that run-off from the surrounding catchment regularly floods the low point of the north end of the field. This flooding potential explains why this area is not classified under the Agricultural Land Classification and potentially compromises the use of this area of the field for cultivation. The area of land that is classified as best and most versatile is therefore substantially less than the 1ha site area and relatively small in scale. The application details that the top soil from across site, which forms the key part of the agricultural resource, would be stripped

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before any permitted works are began and retained to be re-used as part of the new landform.

27. PPS7 indicates that little weight in planning terms should be given to the loss of agricultural land in grades 3b or lower, except in areas (such as uplands) where particular agricultural practices may themselves contribute in some special way to the quality and character of the environment or the local economy. If any undeveloped agricultural land needs to be developed, any adverse effects on the environment should be minimised.
28. After careful consideration, in my opinion the proposed works would not materially affect the availability of agricultural land in the local area. Most of the site is unclassified agricultural land and in line with PPS7 its protection should be given little weight. The loss of a relatively small area of classified agricultural land to create the proposed development can, in my opinion, be justified by the resultant benefit to local highway safety through the creation of a sustainable form of drainage. Given that all topsoil would be retained and re-used on site then arguably the natural resource would be safeguarded and any adverse impact to this resource minimised. It should be noted that the remainder of the orchard to the south would be retained as part of the local landscape. I consider that the impact on agricultural land would be justified and acceptable in terms of the Development Plan policies in place, subject to consideration of surface water drainage, biodiversity and other considerations below.

**Surface water drainage**

29. The drainage pond is being proposed by the Highways Authority as part of a duty to protect land adjacent to the public highway from surface water runoff. The field in question becomes water logged under relatively small amounts of rainfall as a result of direct runoff. The traditional approach would be to construct a conventional soakaway; however soakaways require continued maintenance and have a limited usable lifespan. The applicant advises that a storage pond is easier to maintain and is considered to be a more cost effective and sustainable solution in this instance. The subsequent enhancements to biodiversity resulting from the development are an added benefit to the approach.
30. Objections received from a nearby resident raise concern about the size of the pond and the practicalities of the design. Members will note that the Environment Agency has raised no objection to the application and the way in which surface water would be managed, subject to inclusion of appropriate pollution prevention control measures within the design. The applicant has confirmed that the recommended torrent gullies with traps and a pollution control value would be included, I recommend that details of these measures be required by way of a condition should permission be granted. The Environment Agency's comments also confirmed that they are *'pleased to see a well designed pond which would create a new wetland habitat and alleviate local flooding issues'*.
31. The applicant has confirmed that the pond would be designed to cope with up to a 1 in 100 year flood event for a local catchment area. The surface water runoff would be accommodated within the permanent pond and the land immediately adjacent. The adjacent land would be engineered to provide temporary flood storage, holding the water on site when required and allowing time to naturally soak into the ground. The design includes an overflow point at the lowest point of the field to the west, which would allow excess water to

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flow out onto Bitchet Green Road and then on into the adjacent field. I note that one of the concerns raised by the local resident relates to this overflow. The set up would not be dissimilar to the current arrangements where excess water follows the path of least resistance down hill, however it would have the added benefit that the out flow from the field would only be needed in extreme flood events (above a 1 in 100 year event), instead of as soon as the field becomes water logged under the current arrangements.

32. It is noted that the overall area of land needed for the development would be approximately 1ha; the permanent pond would cover approximately 0.5ha and the remainder engineered to create surface water storage and the associate soil bunds. The proposed approach would appear to be relatively large for a traditional pond in terms of its land take. However this would allow for the creation of a more natural looking land form whilst providing adequate storage capacity and the opportunity to create a landscaped wetland habitat. It may well be possible to provide the same level of protection with a smaller arrangement; however this is likely to be over engineered and less visually acceptable in a rural location. As discussed above, I consider the approach would be acceptable within the landscape and would not have a material impact on the agricultural resource; I therefore have no objection to the overall size of the scheme.
33. Taking the Environment Agency's views into consideration alongside all other material considerations raised, subject to inclusion of the recommended pollution prevention control measures, I would not raise a planning objection to this proposal on the grounds of the design and scale of the surface water drainage pond. In my opinion the proposal will have a clear benefit to highway safety and the approach represents a sustainable solution that has the potential to enhance the local environment.

**Biodiversity**

34. The Phase 1 Habitat Survey received with the application notes that traditional orchards and species-poor hedgerows are UK BAP priority habitats. PPS9 (Biodiversity and Geological Conservation) seeks to conserve and identify opportunities to enhance these habitat types. The survey identifies that there is evidence on site of intensive management in the form of fertiliser spraying and close planting of trees, and as such the site may not conform to a traditional orchard as defined in the UK BAP and may have lower biodiversity value.
35. In response to the Phase 1 Habitat Survey the applicant has indicated that they would implement the key recommendations, including ensuring that the pond and surrounding grassland are enhanced with a view to achieving BAP Priority Habitat status, replanting or enhancing of hedgerows, clearance of the site to be conducted with care to ensure birds and other species are protected, including further reptile surveys before the development is carried out, alongside various other enhancements like the planting of meadow grassland, native wetland plants, further hedgerow and retention of dead wood on site.
36. Concern has been raised by a local resident that the pond would dry up in summer months and therefore would have little benefit to biodiversity. The applicant has confirmed that whilst the surrounding land would allow water to naturally permeate into the ground, the permanent pond area would be engineered to include a puddle clay base, maintaining a minimum depth of water throughout the year during low rainfall periods.

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37. The County Council's Biodiversity Officer advises that, despite reservation as to whether the applicant could re-create a BAP Habitat in this location, with appropriate management, the creation of the proposed replacement habitats would be sufficient to ensure no net loss of biodiversity as a result of the clearance of part of the orchard. This recommendation is subject to conditions requiring the submission of details of pollution prevention control measures and a habitat creation strategy, including ongoing management.
38. In line with Natural England's standing advice, the Biodiversity Officer's comments also recommend the completion of a reptile survey and the submission of the results along with any mitigation measures for consideration prior to the determination of the application. The applicant has subsequently confirmed that the required survey has been commissioned, however this unlikely to be completed prior to the Committee Meeting. Should Members be minded to approve the application, I would seek approval to resolve this remaining issue before the application is permitted under delegated powers.
39. Given the advice provided, I am satisfied that the replacement habitat, in the form of an appropriately enhanced pond (forming part of the Million Ponds Project), replacement hedgerow and grassland would ensure no net loss in habitat and provide an opportunity for ecological enhancement. Therefore subject to the completion of the recommended reptile survey and submission of any mitigation measures, and conditions ensuring the recommendations of the Phase 1 Habitat Survey are completed and pollution prevention control measures are submitted, I am satisfied that the proposed development would be acceptable in terms of nature conservation.

**Archaeological potential**

40. Development Plan Policies, including PPS5 (Planning for the Historic Environment), identify the importance archaeological assets and the need to preserve and record these assets as the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them. The County Archaeological Officer has indicated that the site has potential for archaeological remains, being close to locations where prehistoric finds have previously been recorded, and close to Stone Street which was the site of a Roman settlement. Based on the potential for Roman remains to be exposed, the Archaeological Officer recommends that a condition requiring a watching brief during any development would be appropriate in this instance. I therefore recommend that an appropriately worded condition be included as part of any planning permission.

**Conclusion**

41. The application has to be considered in the context of the Development Plan in relation to the location of the proposed development set against the impacts of the proposal and the need for development. Concerns have been raised by a neighbouring resident about the impacts of the development on agricultural land, the scale of the proposal and the sites going maintenance. I am satisfied that the proposed development would be an acceptable use in the open countryside, Green Belt and AONB, that would preserve the openness and character of the landscape. The proposal would result in the loss of an area of agricultural land; however part of the area in question is compromised by continual surface water flooding and none of the land is actively farmed. The proposals would not remove any top

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soil from site and would retain the remainder of the orchard; on this basis arguably any key natural resources would be preserved. Given the established need for temporary surface water storage in order to drain the roadway and maintain highway safety, I am satisfied that the provision of this local facility would be an accepted use of agricultural land. The provision of the pond and surrounding habitat is considered to be an acceptable replacement for the orchard habitat that would be lost. The land affected has potential as a reptile habitat; it is therefore considered appropriate to carry out further survey work before the application is determined. As discussed above, I seek Members' approval to resolve this issue outside of the Committee arena before determining the application.

42. Subject to the results of the reptile survey, I consider the proposals to be acceptable in the context of the Development Plan, and that there are no material considerations that indicate I should recommend refusal.

**Recommendation**

43. I RECOMMEND that, SUBJECT TO the satisfactory resolution of biodiversity issues, PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- the standard time limit;
- the development to be carried out in accordance with the permitted details;
- the submission of an archaeological watching brief;
- the submission of details for prior approval of the biodiversity enhancement measures recommended by the Phase 1 Habitat Survey;
- the submission of details for prior approval of the proposed pollution prevention control measures to be installed;
- the submission of details for prior approval of the landscape works and planting scheme proposed;
- the re-instatement of hedgerows affected during construction;
- the ongoing maintenance of the landscape scheme;
- controls over hours of operation during construction; and
- measures to prevent mud and other debris being deposited on the public highway.

Case Officer: James Bickle
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Tel. no: 01622 221068
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Background Documents: see section heading
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