

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

Our ref: KT/2022/130032/01-L01
Your ref: 22/501335/FULL
Date: 22 September 2022

Dear Planning Team,

Installation of a renewable energy led generating station comprising of ground-mounted solar arrays, associated electricity generation infrastructure and other ancillary equipment comprising of storage containers, access tracks, fencing, gates and CCTV together with the creation of woodland and biodiversity enhancements

Land North Of Little Cheveney Farm, Sheephurst Lane, Marden, Kent

Thank you for consulting us on the above application.

The submitted planning application and associated documents indicate that the creation of a public footpath is proposed within eight metres of the Main River, the Lesser Teise, as part of this development. These activities will require a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016, which is unlikely to be granted for the current proposal.

We therefore **object** to the proposed development, due to its impacts on ecology and physical habitats. We recommend that planning permission is refused.

Reasons:

In determining the flood risk activity permit for this development, we will assess its compliance with the South East River Basin Management Plan (RBMP). We'll also consider how the development will affect water biodiversity and the wetland environment. The RBMP states that the water environment should be protected and enhanced to prevent deterioration and promote the recovery of water bodies.

Based on the information submitted with this application, there is a significant risk that the development may cause deterioration of water body status through preventing achievement of good ecological potential by increasing disturbance, the likelihood of plastic waste entering the watercourse and the modification of naturally occurring riparian habitats and species, and therefore, may not meet the requirements of the Water Framework Directive unless the provisions of **Article 4.7** of the Water Framework Directive can be met.

This objection is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

Overcoming our objection

To overcome our objection, updated drawings of the proposed site are to be submitted for consultation. The updated drawings must clearly indicate that the applicant has considered the 8m buffer zone.

Should you wish to discuss these matters further, please contact me via the email below.

Yours faithfully,

Mr David Sankar
Planning Advisor

KSLPLANNING@environment-agency.gov.uk