



Mr and Mrs Kyte
(c/o Matthew Besant, Besant Planning)
3 The Lambing Shed
Battle Lane
Marden
Kent
TN12 9AN

Maidstone Borough Council Planning Department
Maidstone House
King Street
Maidstone
ME15 6JQ

5th January 2024

By email only

Dear Sir/Madam,

Discharge of Condition 3 of permission 23/04561/FULL - 'Ecology Enhancements'

The purpose of this letter is to provide an overview as to the purpose of this submission, and set out the details provided to satisfy the aforementioned condition.

Condition 3 of Permission 23/04551/FULL reads:

The use hereby permitted shall cease and the land restored to its condition before the development took place within 6 weeks of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

i) Within 6 weeks of the date of this decision a biodiversity and boundary treatment Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of:

- a) means of enclosure in the form of post and rail fencing around the land that is the subject of this planning application,
- b) enhancement of biodiversity on the site such as bird boxes, bat boxes, bug hotels, log piles, and hedgehog corridors.

h) [sic] a timetable for implementation of the scheme including a) and b)) with all details implemented in accordance with the agreed timetable and all details retained for the lifetime of the development.

ii) Within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.

iv) The approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

With respect to each of the parts above, the following commentary is provided:

i) The permission is dated 12th December 2023, 6 weeks from which is 23rd January 2024; this application is made within the prescribed time frame;

a) No post and rail fencing is proposed as part of this application. The addition of an enclosure around the land is considered disruptive to the openness of the landscape and is not necessary.

The wider site is already bound by a post and rail fence; neighbouring properties within the Lambing Shed development have no additional distinguishing boundary treatments between their residential amenity space and the land the Council have previously considered to be 'countryside'; rather, the residential amenity space and 'countryside' land are enclosed together within one post and rail boundary fence. The Council has clearly set a precedent for the acceptability of this situation in determining the application to discharge condition 3 of 18/703721 (20/505285/SUB), which included no boundary treatments between these two land classifications.

b) A scheme of biodiversity enhancements is included within the submitted 'Ecology Enhancements Plan' (Plan Ref. 04 - Ecology Enhancements Plan).

Ecological enhancements included within this plan are:

- A double bat box within the existing Ash tree to the rear of the site;
- The enhancement of the hawthorne and bracken hedge along the site's northern boundary; 2x additional log piles, and enhanced hedgehog habitat - rabbits and hedgehogs are already found within this area, so the enhancement is considered likely to support this existing fauna;
- A bird box within the sites northernmost Oak;
- The planting in 5x Silver Birch trees; these are in addition to trees planted as part of discharge 20/505285/SUB;
- The new wildlife pond within the site, with enhanced wetland grasses and

flowering species - Mr and Mrs Kyte are keen to see this develop into a natural pond and hope to attract newts with time; as such, no fish have been placed within the pond.

- 4x free standing bird feeders within the site.

The above is advanced to be more than satisfactory to discharge the requirements of part b) of the condition.

h) [sic] *Timetable*

All of the above have been keenly installed by Mr and Mrs Kyte, who are keen landscape and wildflower enthusiasts. As the purpose of the timetable is to ensure implementation, the Council can be satisfied that as works have been undertaken with haste, no timetable of further implementation is thus considered necessary.

Any trees damaged or dead will be replaced as the planting seasons allow.

The above is considered to be satisfactory to discharge the requirements of part h) of the condition.

The above is considered sufficient to discharge the requirements of the condition; the requirements of parts ii) iii) and iv) are understood and will be accorded within.

I hope that the above assists the Council in determining this application.

Yours faithfully,

Matthew Besant

Matthew Besant MRTPI
Besant Planning