

04 MC/14/1630

Date Received: 11 June, 2014

Location: Alpha Lake And Chalk Lake North Sea Terminal, Salt Lane, Cliffe, Rochester, ME3 7SX

Proposal: Proposed ecological and landscape enhancement of Alpha Lake and Chalk Lake, such enhancement to include re-profiling and creation of new island features.

Applicant: Brett Aggregates Limited

Agent: Mr Pitt David Jarvis Associates 1 Tennyson Street Swindon Wiltshire SN1 5DT

Ward Strood Rural

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 4 February, 2015.

Recommendation: Approval subject to:

A. A S106 obligation being entered into to secure the following:

- (i) A scheme of works for the enhancement of Cliffe Fort including removal of clutter and a timetable for the implementation of such works.
- (ii) A scheme for works to re-instate any storm damaged sections of the Saxon Shore Way in the vicinity of the site and to provide 3 low stone benches.
- (iii) The provision of a timetable for the proposed works to ensure implementation and completion within 10 years

B The imposition of the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
2280/PA/1,2B, 3A, 4A, 5B, 6B, 7B, 8B and 9A

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of working methods, plant, working hours and haul routes for all activities connected with this permission, as well as measures to minimise the mobilisation of suspended solids in Alpha Lake during placement of materials in Alpha Lake. The development shall be undertaken in accordance with the approved CEMP.

Reason: in order to minimise any adverse impacts on the European site, ecological interests and the amenities of the area.

- 4 Prior to the commencement of the development a scheme for the monitoring and mitigation measures to be employed to prevent significant impacts on the designated sites relating to Alpha Lake shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include:

- Details of the key, relevant species to be monitored for the duration of operational activity at Alpha Lake in order to provide continuous assessment of effects on the Special Protection Area and where appropriate the Ramsar Site and SSSI;
- Details of proposed monitoring post completion of development to include a minimum of 5 years surveying of wintering and breeding birds and arrangements for the submission of results of such surveys to the local planning authority
- Methodology to be employed for continuous monitoring of Alpha Lake bird use (to be carried out at least monthly) and of aquatic flora and fauna representative of the saline lagoon habitat;
- Trigger levels for those bird species that occur regularly and in significant numbers at Alpha Lake that if exceeded would precipitate additional mitigation responses;
- Trigger levels for saline lagoon flora and fauna in Alpha Lake that if exceeded would precipitate additional mitigation responses;
- Trigger levels for chemical parameters in Alpha Lake water that if exceeded would precipitate additional mitigation responses;
- A response protocol to be employed in the event the trigger thresholds above are exceeded, including notification procedures (e.g. informing Natural England);
- Details of the range of mitigation options that would be employed to prevent, curtail and/or reverse any significant effect assessed to be occurring or at risk of occurring on the basis of the above monitoring, up to and including reduction or temporary cessation of operations in affected parts of the site;
- Details of dust suppression during all aspects of the development;
- Details of water quality monitoring in Alpha Lake including specifications for sampling points and sampling frequency together with an action plan for mitigation measures;

- Details of personnel responsible for compliance with the monitoring and mitigation
- Details of monitoring arrangements after completion of fill operations and for implementation of any required mitigation

The approved scheme shall be implemented in full.

Reason: in order to minimise any adverse impacts on the European site, ecological interests and the amenities of the area.

- 5 No materials shall be deposited in Chalk Lake until an assessment of the condition of the tunnel(s) connecting Chalk Lake to Buckland Lake has been undertaken and a proposal for any mitigation measures which may be necessary to reduce the potential for suspended solids resulting from the placement of materials in Chalk Lake to enter into Buckland Lake has been submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid pollution of Buckland Lake and to accord with policies BNE37 and CF12 of the Medway Local Plan 2003.

- 6 No materials shall be deposited in Chalk Lake until a scheme for monitoring water quality in Chalk Lake during the operational activities at Chalk Lake has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken strictly in accordance with the approved scheme.

Reason: To ensure that any impact on water quality are properly identified and mitigated in accordance with policies BNE37 and CF12 of the Medway Local Plan 2003.

- 7 No materials shall be deposited in Chalk Lake until further details of the type of materials to be used to fill Chalk Lake have been submitted to and approved in writing by the Local Planning Authority. Only approved materials shall be used.

Reason: In order to prevent pollution and harm to habitats and wildlife in accordance with policies CF12 and BNE37 of the Medway Local Plan 2003

- 8 No materials shall be deposited in Alpha Lake until details of a scheme for the provision of a new tidal inlet and sluice at the northern end of Alpha Lake have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented strictly in accordance with the approved details.

Reason: In order to properly control water flow in the vicinity of the site in accordance with policies CF12 and CF13 of the Medway Local Plan 2003.

- 9 No materials shall be deposited in Alpha Lake until a scheme for the provision of a temporary weir/bund in the vicinity of Cliffe Fort has been submitted to and approved in writing by the Local Planning Authority. The

scheme shall be implemented strictly in accordance with the approved scheme.

Reason: In order to properly control water flow in the vicinity of the site in accordance with policies CF12 and CF13 of the Medway Local Plan 2003.

- 10 No materials shall be deposited in Alpha Lake until full details of the materials to be used to fill Alpha Lake have been submitted to and approved in writing by the Local Planning Authority. Only approved materials shall be used.

Reason: In order to prevent pollution and harm to habitats and wildlife in accordance with policies CF12 and BNE37 of the Medway Local Plan 2003

- 11 Within twelve months of the date of commencement of the deposit of materials in Alpha Lake a scheme of landscaping of the areas to be returned to land including details of final surface materials and levels together with proposed maintenance and aftercare arrangements shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the character and visual amenities of the area in accordance with policies BNE1 and BNE 34 of the Medway Local Plan 2003.

- 12 Fill material shall not be imported to the site other than via the River Thames or by rail. No fill material shall be imported via the public highway.

Reason: In the interests of sustainability and to avoid adverse impact arising from additional road traffic in the interests of the amenities of residents and the locality in accordance with policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 13 No vehicle, plant or equipment shall be used in connection with this development unless it has been fitted with and uses an effective silencer. All vehicles, plant and equipment shall be maintained in accordance with the manufacturer's specification at all times.

Reason: in the interests of the amenities of residents and the locality in accordance with policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 14 No stockpiles of fill material shall exceed 3m in height.

Reason: In the interests of the character and visual amenities of the area in accordance with policies BNE1 and BNE 34 of the Medway Local Plan 2003.

- 15 No site offices shall be installed or provided unless details of their location and form has been submitted to and approved in writing by the Local Planning Authority. Site offices shall only be provided in accordance with the approved details.

Reason: In the interests of the character and visual amenities of the area in accordance with policies BNE1 and BNE 34 of the Medway Local Plan 2003.

- 16 On completion of the fill operations or at the end of a period of 10 years from the date of commencement of development, whichever comes sooner, all plant, equipment, structures and buildings installed in association with this development shall be removed from the site.

Reason: In the interests of the character and visual amenities of the area in accordance with policies BNE1 and BNE 34 of the Medway Local Plan 2003.

- 17 a) There shall be no filling of Chalk Lake or movement of fill material in connection with filling Chalk Lake between the stockpiles and the Lake other than between the hours of 0730 and 2000 Monday to Friday or between the hours of 0730 and 1400 on Saturdays and Sundays.
b) There shall be no delivery of fill material by rail until a scheme to control the frequency and times of deliveries has been submitted to and approved in writing by the Local Planning Authority; delivery of fill materials by rail shall only be in accordance with the approved scheme.

Reason: in the interests of the amenities of residents and the locality in accordance with policies BNE1 and BNE2 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application proposes the infill of two of the pools at Cliffe, Alpha Lake (some 123 acres) and Chalk Lake, (a smaller pool, irregular in shape approximately 100m x 350m). The lakes were formed by clay extraction some years ago, with, it appears, little consideration of future use in conservation terms, at that time.

At present Alpha Lake varies in depth around 3.5 to 5m in parts and Chalk Lake is up to 7.5m deep. The intention is to reduce the depth of Alpha Lake to a mean of 1m although there will be deeper (and shallower) areas as well as islands and a land area adjacent to Cliffe Fort. Chalk Lake, is now to be filled to retain a depth of some 1.5m of water. The proposals are said to result in an ecological and landscape enhancement providing, in particular, an enhanced habitat for wading birds and waterfowl across Alpha Lake.

Materials for the fill are intended to come from large projects such as the Thames Tideway Tunnel, Northern Extension Line, Crossrail 2, and HS2 (although until contracts are let the precise origins cannot be certain). Importation of these materials will be by barge boat or rail. The Brett site, which encompasses these pools, has an existing jetty used mainly for the import of sand and aggregates, and a railhead also used for transporting sand and aggregates. Where material comes by water it will be transported from the jetty along an existing internal haul road by dump truck.

The application is accompanied by a supporting Statement and an Environmental Statement. The latter provides assessment of a range of environmental impacts relating, in particular to ecology, water quality, cultural heritage, landscape and visual impact, and noise.

The period of fill operations will depend on factors yet to be determined but the overall period is to be no later than 10 years from the date of any permission.

Site

The site is part of the land owned and worked by the applicant, Brett Aggregates, primarily for the importation and working of sand and aggregates, but with the associated Brett Landscaping where concrete products are made. At present the sand and aggregates are brought to the site by river and off-loaded at the jetty at the northwestern end of the land. They are then transported to the south eastern end by conveyor belt, past Alpha and Chalk Lakes, where the material is washed and processed and then either transported off site or used for concrete and block making.

Alpha Lake is currently used for sailing with a sailing club based at the northwestern end. Chalk Lakes are unused at present. At the north western end of Alpha Lake, near the jetties and stockpiling area, is Cliffe Fort, a Scheduled Ancient Monument. Chalk Lakes are close to Salt Lane with residential properties on the opposite side of the road.

Cliffe Pools is an RSPB reserve and it is a highly important area for nature conservation. It comprises 230 hectares of saline pools, brackish pools, freshwater pools, grassland, salt marsh and scrub providing a variety of wildlife habitat. The RSPB land is located immediately to the north of the site.

The site, together with Cliffe Pools is part of the Thames Estuary and Marshes Special Protection Area and Ramsar as well as a Site of Special Scientific Interest (SSSI). It is also located in an environmentally sensitive area known as the North Kent Marshes. Alpha Lake as well as many at Cliffe Pools, is designated as a 'saline lagoon' where there are rare and uncommon flora and fauna (particularly invertebrates). Chalk Lake is not the subject of any environmental or habitat designations.

There is a public right of way across the north of the site (part of the Saxon Shore Way) and others around the Cliffe Pools area.

The site is within the 1 in 200 year floodplain of the River Thames as indicated on the EA Flood Map. There is a flood defence wall at the southeastern end of Alpha Lake.

Relevant Planning History

MC/14/0762

Details pursuant to conditions 3, 4 and 6 of planning permission MC/12/0722 for Restoration of an area of the western part of Chalk Lake to pasture by the deposit of silt

	and reject concrete blocks at Cliffe Works [Change of use of lake to pasture land] Discharge of Conditions 25/06/2014
MC/12/0722	Restoration of an area of the western part of Chalk Lake to pasture by the deposit of silt and reject concrete blocks at Cliffe Works [Change of use of lake to pasture land] Approval With Conditions 18/06/2012
MC/08/1741	Construction of access road and car park with associated works for Nature Reserve Approval with Conditions 28/01/2009
MC/08/1114	Stockpiling of 10,000 cubic metres of clay Approval with Conditions 27/08/2008
MC/08/0074	Car park to serve existing nature reserve Approval with Conditions 28/03/2008
MC/00/1400	Construction of a concrete block manufacturing plant and use of land for associated open storage. Approval with Conditions 12/09/2002
95/0392	Surfacing of existing open industrial land for storage Approval with Conditions 17/07/1995
95/0098	Erection of new changing rooms and toilets to replace existing; erection of 3 keepsafe storage units to house rescue boat and for use as workshop and store (renewal of planning consents ME/88/0096/A, ME92/0832 and ME/93/0158 Approval with Conditions 05/07/1995
93/0800	The erection of replacement clubhouse Approval with Conditions 25/01/1994
91/0757	Erection of a building for the manufacture, storage and distribution of concrete paving products Approval with Conditions 16/12/1993

Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Following receipt of further information and responses from the applicant all have been re-consulted.

In the region of **100 letters of objection** have been received making the following summarised points:

- Environmental Statement (ES) is not independent and is biased
- The ES has insufficient emphasis on important wintering populations of diving duck to which the scheme is detrimental: an independent assessment of the impact on diving duck should be undertaken
- Current habitat diversity is reduced with loss of unique habit
- Remediation of the tern and gull colony is beneficial
- The species that will benefit are adequately catered for
- The drivers of the RSPB management are not applicable elsewhere
- There is no assessment of the impact on the species found in the deepest parts of (Alpha) lake which birds will feed on; there will be annihilation of those species
- Question credibility of the depth profiles provided; the deepest parts of Alpha Lake are to the Northwest.
- Question claims of Landscape Impact Assessment
- There are alternatives
- Ecological enhancement is not needed
- Major impact on soil (compaction), water (run-off), air (dust) and noise
- Adverse impact on setting of the Fort (spoil heaps) during works
- Considerable amenity and social costs
- Loss of high quality open space
- The sailing club will be shut down with loss of a community asset and the outdoor activity which is a valuable, unique, safe, non-tidal regional facility used by many including scouts, schools and other young people providing access to an open space and an opportunity for sport and recreation; dinghy sailing and windsurfing
- Alternative sailing venues offered are too far away and not comparable
- Contrary to NPPF policy on open space and opportunities for sport and recreation; unsustainable
- Contrary to Local Plan; Medway planning documents support local leisure facilities
- There would be environmental and ecological damage by doubling the industrial activity on the site
- The application is a disguise and involves distraction; it is for a major waste disposal business
- Submitted information is not balanced and parts are untrue; poor economic case for the development
- There will be an increase in storage space for aggregates
- Increase in pollution and noise nuisance
- Detriment to visitors to the area
- The time scale is indeterminate and may be as much as 25 years with substantial negative impacts during that period
- Additional pressure on existing road transport services

All other matters raised not listed above are considered non-material to the determination of the application (e.g. comments on the current condition of land in the control of the applicant and landlord/tenant issues).

Approximately 100 letters supporting the proposal have also been received. These letters refer to the rare opportunity to create bird habitat and help site clay and soil from national infrastructure projects with the access for the public.

Owners of a nearby lake have written raising no objections but expressing concern that attention needs to be paid to the sluices and the effect in relation to water levels. There are ongoing discussions with the RSPB and EA as well as the applicants.

The Environment Agency has no objections. There is a key issue in relation to protection of the water resource and a need for further assessment in relation to risk to the aquifer. The EA recommend conditions in the event of permission being granted.

English Heritage has no objections to the proposal and would support attempts to conserve and enhance Cliffe Fort.

Sport England considers that the proposal conflicts with one of its three objectives (to prevent loss of sports facilities and land along with access to natural resources used for sport) and therefore objects. Sport England would be prepared to review this position if it could be demonstrated that its objectives could be met, for example, with an agreed replacement facility.

Natural England (NE) raise no objection in relation to designated sites. NE point out that the Council, as competent authority under the Habitats Regulations, should have regard to any potential impacts. In the view of NE, the proposals are not necessary for the management of the European site but are unlikely to have a significant effect on any European site and can therefore be screened out from any requirement for further assessment.

Cliffe and Cliffe Woods Parish Council have raised objection. The PC points out that the site has a history of recreational use and that this should remain unless there is adequate [alternative] local provision. The PC also has concerns regarding the impact on flood protection; impact on the water table; and that there would continue to be 24 hour operations. In the event of permission the PC would wish to see controls in place regarding fill materials, delivery only by river or rail (none by road) and control over hours of operations. In addition the PC would wish to see, by s106, restoration of the Saxon Shore Way, enhancement of Cliffe Fort and commitment to on-going maintenance and management of the site.

KCC Ecological Advice Service confirm that the proposal will result in an increase in available habitat for the birds which the site has been designated. KCC are now satisfied with the information submitted having previously expressed concern in relation to the information originally provided. KCC recognise that a Construction and Environmental Management Plan is achievable through conditions; recommendations are made as to the content including a detailed mitigation and monitoring strategy which includes monitoring post completion.

Essex County Council was concerned that permission may divert material intended for a project at Wallasea Island helping create a coastal nature reserve. On the basis that RSPB do not consider that the development would prejudice the Wallasea project there is no objection but asks that the legal obligation related to that permission be taken into account.

North Kent Yachting Association object to the loss of the well-established and valuable leisure boating facility. This is the only area of inland water available in North Kent for leisure sailing. Endorse similar objections (noted above).

The Dickens Country Protection Society raise concerns regarding the threat to the recreational use of the lake that should be retained.

Port of London Authority has no objection in principle; recommend a condition regarding transporting of materials. Mitigation should be in place to avoid deposit of material in the river

Medway Watersports Trust say that they have engaged with the applicants regarding the lease (for the sailing) which will now continue until November 2017. This will allow time to source an alternative venue for safe water activities for the youth of Medway although disappointing to lose this ideal facility. It is requested that there is a planning obligation to cover the costs of relocation to a new site.

Policies

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Government policy and advice contained in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance are material considerations in the determination of this application.

Appropriate Assessment

The conservation designations of the area and the requirements of the Conservation of Habitats and Species Regulations 2010 require that the Council, as the responsible authority under the Regulations, undertakes an Appropriate Assessment. This is separate from the determination of the planning application but in general terms the Council needs to carry out the assessment before it can determine any application that might affect the European site.

This section constitutes Medway Council's conclusions on the Appropriate Assessment issue

The first question is to assess whether the proposal is directly connected with or necessary to the management of a protected site:

It is the view of Natural England that the proposal is not necessary for the management of the European Site; given the timeframe and the potential for deterioration during the life of the operations, NE are also not convinced that the proposal can be said to be connected with the management of the protected site. This view is accepted by the Council.

Although this proposal is for engineering operations its outcome is intended to result in an enhancement of the site reflecting the nature conservation designation. It will provide shallower lakes both at Alpha Lake and Chalk Lakes. The finished arrangement will, it is said, result in a number of areas of significant and positive effects in the Special Protection Area, Ramsar and SSSI. The proposal is likely to have a significant effect on part of a Natura 2000 site and an Appropriate Assessment must therefore be undertaken to determine whether it will have an adverse effect on the integrity of the site. Again, one of the intentions is to improve the attractiveness of the site as a wetland habitat for which it is designated. There is a risk of some adverse impact, in particular in relation to disturbance, whilst the fill operations are being undertaken, but the long-term outcome is to improve the habitat for wading birds.

In undertaking the Appropriate Assessment the Council can take into consideration proposed mitigation and this can include conditions that may be attached to a planning permission. It is considered that the shorter-term adverse impacts can be reduced through conditions and controls. Discussions have taken place involving the Environment Agency as well as Natural England and the applicant regarding possible conditions.

Under these circumstances it is recommended that the Council determines that, whilst the proposal is not necessary for the management of the European Site, the proposed mitigation during the operational period and the final outcome result in a positive effect. The conclusion of the Appropriate Assessment, which has been undertaken under the Habitat Regulations, is that there is no reason why the development should not proceed.

Planning Appraisal

Main Issues

- The principle of the engineering operations
- Ecology
- Impact on visual amenity
- Impact on rural amenity and the character of the area
- Impact on residential amenity
- Impact on water environment
- Flood risk
- Impact on leisure and recreation
- Transport
- Archaeology
- Sustainability

Principle

The principle of placing fill materials in lakes at Cliffe Pools has been accepted on a number of occasions in the past. Planning permission has previously been granted for some fill of Chalk Lake and for filling of nearby lakes in the RSPB area. In relation to Chalk Lake it will remain as two bodies of water albeit to a shallower extent which

could be attractive to more bird species. This lake is not the subject of any particular conservation designation in itself and the use for the disposal of materials arising from major public infrastructure projects is considered to be a significant benefit. As such there is not considered to be an objection to the principle.

With regard to Alpha Lake the proposal will retain it as a lake but this lake is currently used for sailing and Local Plan policy L1 seeks to provide protection of existing leisure facilities. Normally the loss of leisure facilities will not be permitted unless:

- (i) similar or better replacement is made elsewhere within the same catchment area, which is well located in relation to the primary or secondary road network and is readily accessible by public transport, pedestrians and cyclists; or*
- (ii) that there is no longer a need for the facility and it is unsuitable for conversion to an alternative leisure use; or*
- (iii) that the site is allocated for other development in the local plan.*

The Committee will also note the views of Sport England set out above. The applicants have been in discussion regarding relocation of the existing sailing clubs to other lakes elsewhere but no agreement has been reached. As such it is not considered that criterion (i) is met.

The significant number of objections does not support a view (criterion ii) that there is no longer a need for the facility and the applicants are not making a claim on this basis.

The site is within the Cliffe Conservation Park (policy BNE40) as identified on the Medway Local Plan 2003 (the Local Plan) Proposals Map. This is not an allocation for development as such but is a means to assist the conservation aspirations of the Special Protection Area. As such criterion (iii) is not strictly met.

There is, therefore, a conflict with policy L1.

On the other hand, the development proposed is intended to provide a significant improvement to the wetland habitat for which the area is designated in conservation terms. There is an equally significant number of letters that support the ecological enhancement of the area. There therefore needs to be a decision as to where the priorities lie.

The applicants point to a further factor in that the sailing facility is not 'secure'. There is not a long term lease to the sailing clubs and the site owners could require the use to cease more or less at any time. It appears that some agreement has been reached to allow sailing to continue for another three years or so. The Local Planning Authority has no control in this respect and could not enforce continued use for sailing. As a consequence it is not considered that the Council could insist on a contribution towards relocation expenses.

A further factor is the contribution to the achievement of major infrastructure projects of significant public benefit. The projects cited as the sources of the fill materials will be of benefit to the public albeit not necessarily in the Medway area. The ability to be

able to transport and dispose of excavated materials via the River and in a way that has a positive conservation benefit is considered to weigh in favour of a permission.

The applicants also point to the opportunity to improve the setting of Cliffe Fort as a benefit of the scheme.

There are some benefits in recreation terms in that the applicants have offered to undertake repair works to damaged sections of the Saxon Shore Way and to provide benches along the footpath (they have rejected the provision of hides for a number of reasons), meaning improved public access and facilities in the area.

Finally, they argue that the sailing activity can result in some disturbance to wildlife and therefore the removal of the activity has ecological benefits.

The conservation designations of the area should, it is considered, be given significant weight in this decision and, taking all factors into account, the benefits are considered to outweigh the loss of the sailing facility and the effect in relation to policy L1. As such the principle of the development is considered to be acceptable.

Ecology

As indicated a major outcome of the development in relation to Alpha Lake will be improved wetland habitat for wading birds. There will be a change to the ecology of the lake but parts will remain suitable for existing wildfowl and other fauna and flora and there will be a temporary impact of disturbance during the operational period. In this respect the applicants have agreed to a reduced timetable to a period of 10 rather than 15 years. Care will be taken during the operational period to protect existing habitat as much as possible and to ensure the most suitable final outcome for the rarer wading birds.

The area of Chalk Lake will remain a water feature but also as a shallower body of water that could provide habitat for wading birds

Overall it is considered that there will be benefits to the ecology of the area as a result of the development and that, subject to appropriate conditions and a S106 agreement (regarding completion) there are no objections to the development on this basis.

Visual Amenity

Both lakes will remain as significant bodies of water albeit with some overall reduction. In visual terms it can be said that there will be additional interest in the islands being provided within Alpha Lake and the paraphernalia of the sailing activities will be removed from the northern end of the lake which is considered to be an improvement. The immediate setting of the Fort will be restored to more resemble the situation when the Fort was constructed. While the improvements to the Fort are not directly related to the development and therefore cannot be a matter of a condition, they are desirable and part of the enhancement package put forward by the applicant. This can be secured through an appropriate S106 agreement.

Whilst the activities of the fill operations will be a temporary detraction, overall it is considered that the end result of the developments will be an improvement in visual amenity terms.

Rural Amenity

There is some disturbance to the existing rural amenity from the existing activities but generally the rural character is quiet and largely natural (appreciating that the lakes are man-made features). The proposals will introduce additional machine related activities during the fill period although the vehicles and machinery, with their associated visual and noise impacts are, to some extent, already part of the existing character. Again this is a temporary impact albeit for a period of some years depending on how long the fill operations actually take.

The final outcome will be an environment that will be in keeping with the existing character with an expected enhancement of greater numbers of birds, which is one of the main attractions and aspects of the character.

Residential Amenity

There are cottages on Salt Lane close to Chalk Lake. There are no residential properties likely to be significantly affected by works to Alpha Lake. Given that delivery of fill material is to be solely by rail and river transport there should not be any impact on the amenities of residents beyond the immediate area. Noise and other disturbance in relation to works to Chalk Lake can, it is considered, be controlled to acceptable levels (in this respect it should be noted that there are extant permissions for fill operations in relation to this lake). It is considered that there are no objections in relation to the impacts in relation to residential amenity. However conditions are recommended to control hours of operation and the production of a construction and environmental management plan to protect residential amenity.

Water Environment

The hydrology of the area is complex with interconnectivity between lakes. It will be noted that there are no objections from the EA subject to appropriate conditions. Under these circumstances it is considered that the development can be made to be acceptable.

Flood Risk

Similarly the effects have been assessed to be acceptable by the EA subject to appropriate conditions. As such there are no objections on this basis.

Leisure and Recreation

It will be seen from the discussion in the 'Principle' section above that there will be significant impacts in relation to leisure and recreation. In the longer term there will be a loss of the sailing facility which is to be regretted. It is clear that this facility has unique elements, particularly given the geography of the location, and it will be difficult to find an alternative locally. There is recognised harm in both policy and

actual impact in this respect.

On the other hand there will be a final outcome that should provide significant opportunity for bird watchers and others that enjoy the quiet rural tranquility of the area with some improvement in relation to the footpath network. The improvement to the footpath network is not a direct requirement to make the development acceptable and therefore cannot be the subject of a condition. However, it clearly is part of the package of enhancements and can be secured through a S106 agreement.

As set out above it is considered that the harm in terms of loss of the existing recreation facility is outweighed by the ecological and other benefits that will arise from this proposal.

Archaeology

It will be seen that there are no objections and some support from English Heritage. There will be no direct impact on the Fort but a distinctive and beneficial change to the setting where the sailing paraphernalia will be removed and there will be a greater area of land adjacent reflecting the situation at the time of the original construction. It is not considered that there will be a harm to the archaeological interests and some benefits. As such the development is considered to be acceptable.

Sustainability

As already noted the proposal involves the deposit of materials from major infrastructure works with the material arriving by river transport and rail. It is not considered that there are any objections to the development in sustainability terms.

Transport

Again the proposal will not result in any significant increase in road transport; there are likely to be some additional cars used by the operatives coming to the site. The bulk of additional traffic will be trains and boats. There are no objections to the development in highway terms.

Local Finance Considerations

None relevant to this application.

Conclusions and Reasons for Approval

It will be seen from the above that this scheme is considered to provide a number of significant benefits consistent with the designations and character and amenities of the area. Whilst there will be loss of an existing outdoor sport activity there will be improvements in relation to ecological and visual amenity. The fill operations will cause some disruption and will need to be carefully controlled and monitored but in overall terms it is considered that subject to appropriate conditions, the development is acceptable and consistent with the development plan and other policies for the

area, having been assessed in relation to Policies S1, S2, S4, S6, BNE1, BNE2, BNE6, BNE21, BNE25, BNE34, BNE35, BNE40, BNE45, L1, L10, CF12 and CF13 of the Local Plan.

The application would normally be determined under delegated powers but is being referred to Committee due to the extent of the representations received expressing a view contrary to the recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>