



## ECOLOGICAL ADVICE SERVICE

**TO:** Geoff Brown  
**FROM:** Stefanie Bramley  
**DATE:** 31<sup>st</sup> March 2016  
**SUBJECT:** 15/506021/FULL Fishers Oast, Staplehurst

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

Following our meeting with the applicant in February, the following information has been submitted:

- Letter from Emma Hawkes, Peter Brett Associates LLP to Geoff Brown, Maidstone Borough Council
- EPSML: Statement of Intention
- Great Crested Newt Survey Report
- Ecology (drawing)
- Landscape (drawing)
- GCN Population Status Results (drawing)
- Habitat Creation, Restoration and Enhancement Measures (drawing)
- Mitigation Connectivity Measures (drawing)
- Bat Emergence and Re-entry Survey

The revised *Great Crested Newt Survey Report* continues to present conclusions that do not accord with our interpretation of the data. It is stated in the report that "*the main focus of the meta-population relating to this application appear to centre around three ponds 30, 31 and 12*", with scant regard given to the medium-high population of great crested newts recorded just 70m east of the site at Pond 7 (a, b and c). Indeed, these results are reported as 3 separate 'good' population counts, rather than summing the 3 counts (in accordance with good practice) due to the proximity of the water bodies to each other.

The report continues to conclude that "*there will be no loss of terrestrial habitat suitable for GCN*" when it should more correctly be stating that the site does not contain optimal habitat, but give the proximity of known populations and the distribution of more suitable habitats around the site, there is potential for great crested newts to cross the site.

The introductory paragraphs to the *EPSML: Statement of Intention* note largely reiterate the above-highlighted contents of the *Great Crested Newt Survey Report*, referring to the “low risk that GCN may enter the site” and that “any disturbance or risk of killing or harming amphibians is very low”. Despite this being a statement of intention to secure a European protected species mitigation licence, the note introduces the caveat “if required”.

There is no reference to the proposed works to the ditch to the west of the site, into which it is proposed to discharge surface water. These works will have to be incorporated into the EPSML application and we advise that confirmation is sought that the potential for impacts here will be taken into account.

No reference is made to the Natural England great crested newt method statement risk assessment (see below), which as we have previously advised indicates that offences against great crested newts are highly likely. If the applicant concludes that a EPSML is “not required”, our advice is that offences against great crested newts will be committed and this could provide a reason for refusal of the application.

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	0.5 - 1 ha lost or damaged	0.7
Land 100-250m from any breeding pond(s)	No effect	0
Land >250m from any breeding pond(s)	No effect	0
Individual great crested newts	No effect	0
	Maximum:	0.7
Rapid risk assessment result:		

Notwithstanding the “if required” uncertainty that the *EPSML: Statement of Intention* and *Great Crested Newt Survey Report* maintain, if Maidstone BC considers this undertaking to be sufficient, the details of the precise mitigation method will be secured within the EPSML and Maidstone BC need therefore only consider the likelihood of a EPSML not being granted, alongside the potential for the proposed development to deliver on broader ecological principles, both in ensuring the ecological value of the area is not diminished as a result of the proposals and in the delivery of ecological enhancements within the site.

In addition to the implementation of appropriate construction-period mitigation measures, the delivery of continued ecological connectivity between the areas east and west of the site is essential. We advise that the amendments to the wildlife corridor that have been provided within the submission have potential to ensure ongoing ecological connectivity and on this basis we could consider the submission to be acceptable (notwithstanding the above point re the EPSML uncertainty). The delivery of the proposals must be secured by Maidstone BC, if planning permission is granted, and alongside a EPSML this would ensure that the potential impacts to great crested newts are adequately addressed.

Measures to ensure that opportunities for biodiversity are available within the site have also been included in the submission (e.g. native species planting bat and bird boxes, permeable close boarded fencing). We advise that securing the implementation of these, in addition to the necessary mitigation measures, will assist Maidstone BC in meeting the principle of the

NPPF that "*opportunities to incorporate biodiversity in and around developments should be encouraged*".

Lighting recommendations are also provided. We advise that any external lighting must be designed to minimise impacts to bats, and in particular must not illuminate any roosting features or boundary habitats. The details can be secured by condition, if planning permission is granted.

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

**Stefanie Bramley MCIEEM**  
**Biodiversity Officer**

This response was submitted following consideration of the following document(s):

*Letter from Emma Hawkes, Peter Brett Associates LLP to Geoff Brown, Maidstone Borough Council dated 10<sup>th</sup> March 2016.*

*Ecology, Rev J (drawing). Unattributed. Undated.*

*EPSML: Statement of Intention. Wildthing Wildlife Consultants. March 2016.*

*Great Crested Newt Survey Report, version 2.6. Wildthing Wildlife Consultants. March 2016.*

*Landscape, Rev J. (drawing). Unattributed. Undated.*