

Reference number: 17/505255

The comments on the officer report below have been received from Cllr Harwood

- The report describes bat boxes attached to trees which are not ideal as they are unsuitable for many bat species and not sustainable in the long-term.

*Officer response: Reference to bat boxes on trees is at paragraph 6.28 of the officer report. It is suggested that the following sentence be added to the end of condition 16 (pages 11-12 of the agenda):*

*"In relation to the location of bat boxes only, and notwithstanding the submitted report, integral bat boxes/tubes shall be provided within the fabric of the proposed new buildings".*

- As regards the proposed reptile translocation moving animals to a site with an existing population is not ideal for either the translocated or existing population and causes stress and raises biosecurity risks. Further, 'deporting' the Borough's wildlife into a neighbouring local authority area some considerable distance away is again not best practice, nor is the quality of the proposed receptor site which I do not believe will mature in time to provide enough cover.

I wonder whether discussion could take place with a local landowner where there already exists good habitat such as the nearby Kingswood woodland complex where rotational coppicing creates perfect slow worm habitat. The animals would not be trapped and moved until the spring if permission is granted and this would allow an arrangement to be discussed. A lot of coppicing has just been undertaken this autumn just west of Chegworth Road, for example, which by spring will be perfect for reptiles.

*Officer response: The approach taken by officers and the receptor site included in the recommendation (page 9 of the officer report) follows advice received from KCC Ecology. The Survey Report and Mitigation Strategy for the receptor site in Charing Heath recorded a very low population of slow worms (with a peak count of 1 adult female recorded on three of the seven survey visits) with a population score of low. Best practise guidelines states that receptor sites should be Habitat that doesn't currently support (or only supports low numbers of) the same species but can be improved to do so.*

*Best practise guidance does however advise that replacement habitat should be as close as possible to the development site and within the same LPA area. This is not the case with the current scheme.*

*Factors in favour of the current scheme are that the receptor site is within the donor site's land ownership, is larger than the suitable reptile habitat available within the donor site (0.15ha of suitable habitat at the donor site and 0.2ha proposed at the receptor site), the receptor site is well connected to other areas of suitable reptile habitat in the immediate surroundings and directly adjacent to the receptor site. The reptiles will not be translocated to fragmented habitat.*

*Notwithstanding the receptor site falls outside the Borough boundary, legal mechanisms such as S33 of the Local Government (Miscellaneous Provisions) Act 1982 could potentially secure the details as set out in the Heads of Terms on page 9 of the papers. However this approach brings risks with enforceability, especially concerning the long term management of the site, while the receptor site fails to satisfy best practice in relation to its siting to the donor site within the Borough.*

*The alternative receptor site suggested by Cllr Harwood is certainly reasonable but is currently not backed up by a detailed survey report as advocated by best practise guidance and discussions with the landowner have not taken place at this time.*

*It is therefore recommended that to ensure delivery and in accordance with best practice and subject to a suitable survey being carried out and permission from the landowner being granted that an alternative receptor site be sought within the Borough.*

*This will necessitate a change to the recommendation as set out below.*

- As regards the proposed landscaping scheme it is a little heavy on exotic *Skimmia japonica* and it might be worth suggesting a straight swap with native wild privet (*Ligustrum vulgare*) or box (*Buxus sempervirens*).

*Officer response: Recommend adding the following text to condition 8 (page 10 of the agenda) after shown on drawing PL109 rev A "the landscaping to include replacing exotic *Skimmia japonica* with native wild privet (*Ligustrum vulgare*) or box (*Buxus sempervirens*)".*

#### **Correction to report at paragraph 6.27**

Reference to S106 should be removed so the paragraph just relates to "a legal agreement".

#### **Amend recommendation as follows:**

Subject to securing a suitable wildlife receptor site (~~to include its identification, preparation, species translocation, management and monitoring~~) within the Borough of Maidstone, the Head of Planning and Development (together with delegation to Head of Legal Services to secure any legal agreement that may be necessary) BE GIVEN DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out in the report (together with any other conditions that may be required by the Head of Planning to secure, without limitation, the delivery of the wildlife receptor site and the amendments to Conditions 8 and 16 as referred to in the Urgent Update):

The need for the recommendation above is to provide as much delegation to the Head of Planning as possible so as to ensure the identification of an appropriate receptor site, the carrying out and approval of a wildlife survey, ensuring that the mitigation measures approved by the Council (including its preparation, species translocation, management and monitoring) are put in place to implement the outcome of the approved suitability survey and securing the suitable site itself in advance of commencement of development.

If an appropriate receptor site cannot be secured, the application will be brought back to Planning Committee for re-consideration.