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Dear Tim

Land off Old Ashford Road, Lenham – Updated Preliminary Ecological Appraisal Including Floating Treatment Wetland Area

Dean Lewis Estate commissioned FPCR Environment and Design Ltd. to undertake an update walkover of land located south of Old Ashford Road, Lenham (central OS grid reference TQ 904 103) on the 6th December 2024. The aim was to identify if any changes had occurred within the main cartilage of the proposed residential development Site, that was initially surveyed in 2018 and reported within the FPCR Ecological Appraisal (June 2019). In July 2022 FPCR also undertook an assessment of habitats that would be associated with the nutrient mitigation requirements, which would see a floating treatment wetland area created within adjacent fields away from the main development; this area as also subjected to update walkover assessment.

The wetland area is a plot of land that is an extension of land associated with an existing application (Maidstone Borough Council ref 19/504724/HYBRID) for a hybrid development comprising of - Outline application (all matters reserved except for access) for up to 100 dwellings and Full application for change of use of land for public sports, play and recreation.

The red line boundary for the residential scheme has not changed since 2019, however the wetland area has had to increase from 0.89ha to 1.9ha to accommodation the nutrient mitigation requirements as calculated using the Natural England's calculator. The additional 1.01ha will include additional arable habitats.

Walkover Survey Methodology
During the walkover survey, observations, identification and signs of any species protected under the following list of Acts and Regulations (collectively referred to herein as 'Protected Species') were recorded:

Schedule 1 of the Wildlife and Countryside Act 1981 (as amended);
The Protection of Badgers Act 1992;
The Conservation of Habitats and Species Regulations 2017 (as amended)

Consideration was also given as to the presence of invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) (WCA 1981)[1] and the presence of any notable weeds including those covered under the Weeds Act 1959[2] (where population is significant enough to be considered injurious).

The methodologies and terminology employed for specific species surveys follow guidance in the following sources. For conciseness, details of each have not been replicated in this summary letter report, as they can be reviewed within previous FPCR Ecological Appraisals (2019 & 2022), with the only exception being the new Bat Conservation Trusts Guidelines which were updated in 2023. Methods followed are:

Badgers *Meles meles*: The Mammal Society's *Surveying for badgers*[3]
Bats: Guidelines for ground-based assessments of trees and further surveys for trees provided in *Bat Surveys for Professional Ecologists: Good Practice Guidelines*[4]
Great Crested Newts (GCN) *Triturus cristatus*: Habitat Suitability Index (HSI) surveys as developed by Oldham et al[5] and recommendations for further survey follow guidance provided in the *Great Crested Newt Mitigation Guidelines*[6]
Reptiles – Assessment of habitat suitability followed guidance provided by Froglife[7]

Survey Results

The surveys were undertaken by Casey Higgins-King who is an Ecologist who as achieve a Field Identification Skill Certificate (FISC) level 4, which represents a professional knowledge of vascular plants to a good level. Casey is also qualified to undertake River Condition Assessments, with a number of years as a field surveyor, specialising in habitats.

Habitats

A previous survey of the main area of the Site in 2018 identified arable crop (oilseed rape *Brassica napus*) within field parcels F1, F4 and F5, with narrow margins of poor semi-improved grassland around the field boundaries. Field parcels F2 and F3 comprised sheep-grazed poor semi-improved grassland. At the time of survey in December 2024 the habitats are largely the same as in 2018; though field parcel F4 has been converted to poor semi-improved grassland (*Figure 1*). Aerial mapping shows this habitat has been restored to what it was in 2013. Treelines and hedgerows identified in 2018 were still present in 2024.

Field parcel F2 comprised abundant meadow-grass species *Poa* sp., bent grass species *Agrostis* sp., and cock's-foot *Dactylis glomerata* as well as occasional perennial rye-grass *Lolium perenne*, Yorkshire fog *Holcus lanatus* and red fescue *Festuca rubra* agg in 2018; this composition appeared consistent in 2024, however in-depth botanical surveys were not undertaken due to the time of

1 Act of Parliament, (1981). The Wildlife and Countryside Act 1981 (as amended), London: HMSO.

2 Act of Parliament. (1959). The Weeds Act 1959. London: HMSO.

3 Harris, S., Cresswell, P. & Jefferies, D. 1989 Surveying for badgers. Occasional Publication of the Mammal Society No. 9. Mammal Society, Bristol. 1989.

4 Bat Conservation Trust (2023) Professional Ecologists: Good Practice Guidelines (4th edn), Bat Conservation Trust, London

5 Oldham, R.S., Keeble, J., Swan, M.J.S. and Jeffcote, M. (2000) Evaluating the suitability of habitat for the great crested newt (Triturus cristatus). Herpetological Journal 10(4), 143-155pp

6 English Nature (2001). Great Crested Newt Mitigation Guidelines. English Nature, Peterborough

7 Froglife (1999). Froglife Advice Sheet 10: reptile survey. Froglife, London.

year. Field parcel F3 appeared to have a higher composition of species compare to previous surveys, this is indicative of nutrient enrichment and a lack of management over the years which has led to the increase in species such as common nettle *Urtica dioica* and creeping thistle *Cirsium arvense.* Ruderal vegetation persisted along the north-west of F2, although part of this area had transitioned to bramble scrub. Field parcel F4 closely resembled the composition of F2 during the survey in 2024, whereby previous it was an arable field.

The area intended for the creation of the Floating Treatment Wetland Area comprised of arable land, similar to that described above; with an oilseed rape crop and poor semi-improved margins present, which were represented of those recorded previously in 2022 with slightly more abundance of herb species. The ditch remained as descripted previously which is shallow but fast flowing, with pendulous sedge *Carex pendula.* A line of trees ran along the top of the stream bank, and comprised hawthorn *Cratageus monogyna,* field maple *Acer campestre,* bramble *Rubus fruticosus* and willow *Salix spp.*

Under UKHab, several of the previously identified hedgerows in 2018, will now qualify as lines of trees. The mapping has been updated to suggest this, although a full UKHab survey and conditions assessment was not carried out, given the time of year. Some of the trees and hedgerows have also been removed, as they fall outside of the redline boundary.

Badgers

No previous badger activity was recorded within the Site, however during the walkover survey in 2024 a disused outlier sett was identified to the north-west of field compartment F4, which is now inhabited by rabbits. The sett comprised of two badger type holes that were wider than the multiple rabbit holes dug around them. No further evidence of badger was found during the survey, including latrines, hairs, or further setts.

Bats

Bat surveys undertaken seasonally in 2018 identified common and widespread bat species using the Site, with the majority of activity recorded being that of common pipistrelle *Pipistrellus pipistrellus* and noctule *Nyctalus noctula* bats. Although the survey guidelines have changed from those undertaken in 2018, the lack of significant changes to the habitats, could suggest that the bat assemblages are also likely to remain consistent.

The update ground level tree assessment in 2024 confirmed that all trees with bat potential are still present in 2024, and still have potential for roosting bats as well as identifying a few new trees. The trees with bat potential which may be impacted by the proposals are listed below in *Table 1*

Table 1: Details of Trees with Bat Roosting Potential

Tree	Species	Potential Roosting Features (PRFs)
T1	Ash *Fraxinus excelsior*	Canker cavity, 3m high on north-east aspect.
T2	Field maple *Acer campestre*	Deadwood, 2x tear outs at 4m high on south-east aspect. Features exposed and upward facing.
T3	Field maple	Branch tear out, 3m high on northern aspect.
T4	Ash	Three rot holes, 3.5m high on north-east aspect, 4m high on eastern aspect and 1m high on eastern aspect.

T5	Elder *Sambucus nigra*	Branch tear out, 1m high on western aspect.
T6	Field maple	Thick ivy, branch tear-out & rot hole on NW aspect.
T7	Field maple	Split trunk, deadwood @ 5m on SE aspect (exposed).
T8	Elder	Tear-out near base @1m on N aspect which extends upwards.
T9	Ash	Woodpecker holes at 7m on SE aspect. Tear out at 5m on SE aspect. Features exposed and on thin limbs.

The perimeter hedgerows, lines of trees and running water provide potential foraging and commuting habitat for bats, while the semi-improved grassland and arable fields were considered to provide limited foraging potential for bats. Broadleaved woodland within the wider landscape provides potential for roosting bats, and additional habitat for foraging and commuting bats in the local area.

Great Crested Newts (GCN)

There still remains no ponds present on-site, however six ponds were located within 250m of the Site, with ditches and terrestrial habitat connecting the ponds to the Site. Records of GCN were associated with two of these ponds. Aquatic surveys were carried out by FPCR in 2018, with GCN being found within two further ponds during the surveys (approximately SE). GCN were also found on-site during reptile surveys in September 2018.

The on-site habitats continue to provide suitability for terrestrial GCN, with good connectivity to off-site breeding habitat.

Nesting Birds

The overall breeding bird assemblage recorded previously within the application Site was typical of edge-of-settlement farmland, with common and widespread generalist woodland / garden species present. Of these, starling and dunnock, BoCC Red and Amber listed species respectively, were assessed as confirmed breeding species. Song thrush, house sparrow, and linnet, all of which are both NERC Section 41 and BoCC Red listed birds, were assessed as probable breeding species, while yellowhammer, another BoCC red listed species, was assessed as a possible breeder.

The remaining nine notable species identified within the application site comprised seven BoCC Amber listed species, including mallard, black-headed gull, common gull, lesser black-backed gull, stock dove, swift, and house martin, as well as a further two BoCC Red listed and NERC S41 species, lapwing and herring gull.

The habitats present on-site have not changed significantly, whereby it is anticipated that the bird assemblages are also unlikely to have changed.

Reptiles

A low population of slow-worms, common lizards and grass snakes was identified along with juveniles of each species, during reptile surveys in 2018, along field boundaries. As mentioned above the habitats have not changed that significantly, so it is assumed these populations are still present owing to the identification of breeding taking place.

Water voles

During surveys in 2018, small burrows and some grazed patches of feeding evidence were identified, however these were not stereotypical of water vole. No other field signs such as

latrines, feeding stations or footprints were identified across the on-site streams or ditches. The structure of the banks, and the vegetation present, were confirmed to provide suitable burrowing and foraging opportunities for water vole, however no conclusive evidence of water vole was identified. No evidence of otter was identified either.

The on-site ditches and those in close proximity to the wetland mitigation area, were surveyed during the walkover survey in December 2024. No evidence of water vole or otter was noted during the survey.

Dormice

In 2018 two dormouse nests, one occupied at the time, were recorded: one within the treeline bordering the stream S1 and the second within off-site but connecting habitat along stream S2.

The lines of trees and hedgerows in these areas continue to provide suitable habitat for dormice in 2024, as their condition had not changed.

Discussion and Conclusions

Habitats

The habitats within the application Site have not significantly changed since the 2018 assessment. Therefore, the discussion and recommendations remain the same as detailed in the Ecological Appraisal 2019.

The floating treatment wetland area has increased to 1.9ha, but this will only result in additional loss of an arable field with a semi-improved field margin to the west being retained largely with the exception of access points to S3. The loss of the arable habitat, for the appropriation of the floating treatment wetland area, is not considered an ecological constraint to the development as reedbed and wetland habitat will provide alternative habitat that is of better ecological value, especially when compared to the arable areas.

Badgers

At the time of survey in December 2024, there was no evidence of badger recorded on-site, and one disused sett was present off-site to the north-west of F4, which had no evidence of any recent occupation by badgers, as it was heavily used by rabbits. Badger still do not represent a constraint to the development.

Since badgers can be transient in nature, it is recommended that a further survey of the Site is completed in the future to ensure that no colonisation has taken place.

Bats

From the completed survey work nine trees (T1-T9) had features suitable to support roosting bats. All of these trees will be retained and buffered under the proposals, ensuring they are not subject to direct disturbance, although further assessment on effects such as noise or lighting will need to be assessed at reserve matters, when more details are known on the lighting.

The activity surveys undertaken in 2018 recorded common and widespread bat species, with common pipistrelle the most frequently recorded. As habitats have not significantly changed in 2024, it is considered that the bat assemblage would also remain the similar. Therefore, the mitigation and enhancement measures detailed in the Ecological Appraisal (2019) remain appropriate and valid.

Whilst the bat surveys did not extend to the water treatment area in 2018, given the similarity of habitats on-site and proximity to the survey area, the bat assemblage and levels of activity are likely to be similar and are not considered to be of any more than site level conservation value.

The proposals for reedbed attenuation, while removing limited foraging habitat (arable and small area of semi-improved grassland), will replace it with a more optimal foraging habitat, consisting of a floating wetland and reedbed. Wetlands typically support an abundance of invertebrate prey and are frequented by a range of bat species, including pipistrelles and *Myotis*. As such, any impact on bats would be short-term temporary loss of limited foraging habitat, with long-term positive impacts likely at a local level, as the reedbed habitat establishes and matures.

Native fruit and flower-bearing species should be included within the planting scheme to enhance biodiversity generally and support an invertebrate assemblage that will in turn provide an enhanced foraging resource for insectivorous species, including bats.

Great Crested Newts

As previous records from KMBRC and ecology surveys in 2018 have confirmed GCN are present both on-site and within the local area. No breeding habitat will be lost to the development, however due to the proximity of confirmed breeding ponds (50 and 52m south-east) and the identification of GCN on site, it is likely that terrestrial habitat will be lost to proposals.

To mitigate for the loss of terrestrial habitat for GCN, a Natural England licence will be required in order for the development to commence. This has been applied for through the District Level Licensing scheme and the counter-signed impact assessment and conservation payment certificate (IACPC) has been received for the hybrid application already. This will be updated to include the water treatment area and the new IACPC will be submitted to the LPA once it has been received.

Breeding Birds

The overall breeding bird assemblage recorded within the application site in 2018 was typical of edge-of-settlement farmland, with common and widespread generalist woodland / garden species present. The habitats and management practices have remained the same onsite and so the bird assemblage is considered to also have remained the same. Therefore, the mitigation and enhancement measures detailed in the Ecological Appraisal (2019) remain appropriate and valid.

The arable field and semi-improved margins of the floating treatment wetland area, are likely to be of some value as foraging habitat for several common and widespread bird species, however owing to the small size and availability of similar habitats within the immediate surrounding area, the loss of this habitat will not have a significant impact upon local bird populations. Similarly, the creation of new wetland habitat, will provide alternative habitat for birds, providing foraging and nesting habitat for species not currently found on either the survey site or hybrid application site.

Reptiles

Low populations of slow-worm, grass snake and common lizard were recorded within field margins onsite in 2018. The suitability of the Site for reptiles has not changed since the surveys carried out in 2018, with field boundaries providing the most suitable habitat. The habitats and management practices have remained largely the same onsite, with exception of F4 changing from arable to semi-improved grassland. However, this was sheep grazed and so did not increase the reptile suitability.

A precautionary approach will be applied to the field margin of the floating treatment wetland area, where reptiles will be assumed present and any habitat clearance will be undertaken via passive displacement exercise, under supervision of an ecologist. Therefore, the mitigation and enhancement measures detailed in the Ecological Appraisal (2019) remain appropriate and valid for the rest of the scheme.

Riparian mammals

Consultation with KMBRC in 2018 returned only one record of water vole, dating from 1998, from Boughton Malherbe, more than 2km southwest. No other records of water vole, or any records of otter, were returned. Surveys undertaken during 2018 on the watercourses within, and nearby, the main extent of the hybrid application site did not identify any evidence of water vole or otter. Similarly, ditches D1, D2, and D3 bordering the Site were checked during the walkover, where no evidence was found. However, it must be noted that this survey did not constitute a full riparian mammal survey, as it was undertaken outside of the optimal survey season.

Given the lack of records nearby, and a lack of evidence on the main extent of the outline site, it is considered unlikely water vole or otter are present in the ditches around the Site and are therefore not a constraint to the proposals and the recommendations in the Ecological Appraisal 2019 remain appropriate and valid.

Dormice

The habitats on-site including hedgerows, lines of trees and scrub habitats provide suitable habitat for dormice. As habitats and management practices have not significantly changed it is likely that dormice continue to utilise the site and the mitigation and enhancement measures detailed in the Ecological Appraisal 2019 remain valid and appropriate.

Yours sincerely

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