LAND NORTHEAST OF 'FOUR WINDS', EGERTON KENT: PRELIMINARY ECOLOGICAL ASSESSMENT

BY

MARTIN NEWCOMBE[i]

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D169. Egerton (TQ907474)R

Martin Newcombe Wildlife Management Consultancy
01233 720229

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1.0 INTRODUCTION

1.1 This document was compiled in order to report upon a preliminary ecological survey of an area of scrubland that was once a market garden, northeast of 'Four Winds', New Road, Egerton, Kent[1]. The survey site consists mostly of approximately 0.5 hectares of level scrubland on the eastern edge of Egerton village. The land is surrounded by residential development on the southwest, western and northwestern sides, and by a mixture of improved grassland and orchard on the other sides; the small area in the garden of 'Four Winds' is largely mown grassland and some non – native conifer trees.

1.2 The main part of the site is scrub, and is approximately divided in half, with 50% of the site being bramble scrub which has recently been cut to the ground, and the remainder a mixture of hawthorn, blackthorn, sallow and damson scrub; there are no mature, large trees on site, although there are a few on the northern edge of the site, outside the site boundary. There are also some small, localised patches of stinging nettle. The land is separated by fences from adjoining properties. The property is located at approximately 95 metres OD, and the soil is clay – sand derived from the Hythe Beds.

1.3 The location of the survey site is shown in Figure 1 whilst there is a sketch map of the layout of the site in Figure 2.

1.4 There are the following **designated sites** within approximately one kilometre of the survey site:

- Simmonds Wood Local Wildlife Site[2] is also an ancient woodland[3] and 463 metres north of the survey site.
- Posternfield Shaw is also ancient woodland. And is located 500 metres northwest of the survey area.

1.5 It is proposed to develop the site for residential purposes[4].

[1] OS / TQ907474 – approximate centre. Grid reference taken from http://gridreferencefinder.com/#
[2]Hereafter 'LWS'. LWS are protected against development at a local (county) level.
[3] Ancient Woodland is protected by the provisions of the National Planning Policy Framework (Ministry of Housing, Communities and Local Government, 2021).
[4] Nigel Bradbury Designs, 2022.

2.0 METHODS

2.1 The site **visit** took place on Thursday 24th August 2023 and took approximately one and a quarter hours, during which time the entire site was visited. The purpose of the visit was to carry out ecological scoping surveys as follows:

2.1.1 A search was made for any species, or habitat suitable for any species that are specifically **protected** for conservation purposes by wildlife legislation[5] such as badgers[6], bats and common reptiles[7], using appropriate established techniques e.g.:

- Assessment of potential habitat for reptiles by comparison of the habitat on site with descriptions of potential reptile habitat given by Gent and Gibson (2003) as augmented by earlier personal experience.
- Identifying plants using Stace (2019) and Poland and Clement (2009).

2.1.2 A search was also made for species[8] that are included within the short list of the national **Biodiversity Action Plans** and associated lists[9]. For birds, a search was made for species which are included within the red part of the national bird **'Red List'**[10] as well as any other species that were recorded within the Kent Red Data Book[11], Kent Rare Plant Register[12] and other similar publications.

2.1.3 The **biological records** for the site were obtained from the Kent and Medway Biological Records Centre[13] and the species database kept by Martin Newocmbe was also examined.

[5] Mostly, this included species listed in http://jncc.defra.gov.uk/page-3408 as being protected by the Wildlife and Countryside Act 1981 and related legislation.
[6] Meles meles.
[7] E.g. common lizard (Zootoca vivipara), grass snake (Natrix helvetica) and slow – worm (Anguis fragilis).
[8] Or habitat suitable for species.
[9] Biodiversity Steering Group, 1995 as amended. Hereafter known as the 'BAP.' Also, the species subject of Biodiversity 2020 (https://www.gov.uk/government/publications/biodiversity-2020-a-strategy-for-england-s-wildlife-and-ecosystem-services).
[10] Stanbury (2021).
[11] Waite, 2001. Hereafter referred to as 'KRDB.'
[12] http://bsbi.org/kent
[13] Hereafter 'KMBRC'.

3.0 RESULTS

3.1 The **vegetation** of the survey site was closest to Rodwell's (1991) W21 *Crataegus monogyna – Hedera helix* scrub. The initial list of species found on site is given in Appendix 1.

3.2 The following evidence of species, or habitat suitable for any species which are specifically **protected** under wildlife legislation was found:

- An active, possibly main **badger**[14] sett consisting of approximately seven entrances was found on the eastern border of the site. Badger evidence included fresh hairs and footprints together with well – worm badger paths.

3.3 No evidence of any **BAP, KRDB** or other notable species was found on site.

3.4 The **KMBRC** records returned the following relevant species of note:

- There were eleven records of great crested newt[15] , of which the nearest four were from Egerton Primary School, which is approximately 236 metres west of the survey site. The most recent record was dated 2005.
- There were 38 records of slow worm[16] of which 28 were from TQ9090647434, which is a private residence located approximately 25 metres west of the survey site.; all dated from 2020.
- There was a single record of an adder[17] dated 2009, from somewhere in TQ9047, the square in which the survey site is located.
- Grass snake[18] was recorded in TQ902479 in 2001, which is less than 300 metres from the survey site, and also from TQ913477, which is less than 500 metres from the survey site. There were also three records of this species from less than 599 metres in the Newcombe database.
- There were 25 records of badger from within one kilometre of the survey site in the records, but none of the records specified whether this was of animals or setts. All dated from 1996 to 1999.
- Hazel dormouse[19] was recorded six times from the surrounding one kilometre around the survey site, but most of the records were from around Simmonds Wood.

[14] Badgers and their setts are protected by the Protection of Badgers Act 1992.
[15] Great Crested newts (Triturus cristatus) are protected by the Wildlife and Countryside Act 1981, and the Conservation of Habitats and Species Regulations 2017 (as amended).
[16] Anguis fragilis. Slow-worm and other common reptiles are protected by the Wildlife and Countryside Act 1981.
[17] Vipera berus.
[18] Natrix helvetica.
[19] Muscardinus avellanarius. Dormice are protected by the Wildlife and Countryside Act 1981 and the Habitat Regulations 2019.

4.0 DISCUSSION AND CONCLUSIONS

4.1 Short surveys such as this one are good at giving a sample of the ecological value of a given site and showing which species, if any, require more detailed survey[20].

4.2 The **methods** of the survey have been used extensively elsewhere with consistent results and accord with good practice guidelines[21]. Signs of protected species and their habitat parameters are reasonably obvious to an experienced surveyor and ecological surveys of this type are valuable in terms of helping to decide whether protected or notable animals or plants are likely to be present, are present, or have been present in or around a site and whether further, more detailed Phase 2 survey is needed for certain species. However, the results of a survey are partially decided by the time of year at which the survey takes place, the stages in an organism's life cycle, and the accessibility of the site. At this site, access was complete.

4.3 The **vegetation** type of the survey site is a common one[22] which is widespread throughout the British Isles, as was the flora as a whole. The scrub had evidently been developing from the original market garden habitat for a long time, as there was a lot of damson interspersed between the hawthorn and blackthorn scrub.

4.4 The **badger** sett was classified as a main one, using the classification criteria given by Harris *et al* (1989).As a result of their protection, it will be necessary to consider the presence of a badger sett during the planning process, bearing in mind that, as a main sett, although licences can be obtained to close the sett once planning permission has been gained, there will need to be a provision for an artificial sett somewhere nearby as a likely condition of a licence. It is therefore recommended that the sett is retained, and the development is planned around it; this has been done numerous times before. However, no allowance for the badger sett has been made in the drawing by Nigel Bradbury Designs (2022). It is therefore recommended that, as a first step towards accommodating the sett, that it is plotted with a theodolite in the presecne of a badger worker, so that the impact of the proposed development can be properly assessed.

4.5 Consideration was also given to a wide range of other protected species that might occur on site, but none were found. For example:

[20] Stork and Samways, 1995.
[21] E.g. Chartered Institute of Ecology and Environmental Management, 2013: British Standards Institute, 2013, Collins, 2016.
[22] Rodwell, 1998.

- There were no ponds on site; the nearest ponds were two which were located 350 metres to the southwest, and there were also single ponds 464 metres to the northeast and 430 metres to the north; there was a group of several ponds 523 metres to the southwest. As a result, and given the results of the KMBRC records, there is a possibility, albeit slight, that **great crested newts** could be present on site during the terrestrial stages of their lives. This means that there would at the least be a requirement for a schedule of reasonable avoidance measures to be implemented on the site during development.
- There was no habitat for **reptiles** anywhere in the survey area; the whole site was covered in scrub, either bramble scrub or shrubs. As a result the site was too shady for reptiles'' use, despite the presence of common reptiles in the vicinity.
- There were no large or small trees on site which offered habitat for roosting **bats**; as a result there is no requirement for further survey, although bats can be expected to forage over the existing site.
- The potential habitat for **dormouse**[23] in the scrub of the site was minimal, mainly due to a general absence of suitable food or cover; fruiting hawthorn, damson or blackthorn offer only brief seasonal food sources and there is insufficient cover of the right type for nesting. In addition, there are no connecting hedgerows or other habitat between the survey area and the recorded dormouse sites given in the biological records, or indeed elsewhere in the greater countryside. As a result there is considered to be no impact and no requirement for mitigation.
- The scrub could be used by nesting **birds** in the breeding season[24], but its density is variable. However, since wild birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981, any work in these habitats must take place outside this period or be preceded by an ecological inspection.
- There will be no impact upon any of the adjacent **protected** or notable areas.

4.6 In **summary**, therefore, there is a badger sett on site which will be adversely impacted by the present development proposals, and newts will require at least a

[23] Dormice (Muscardinus avellanarius) are protected by the Wildlife and Countryside Act 1981, and the Conservation of Habitats and Species Regulations 2019.
[24] Which is approximately mid – March to July inclusive.

schedule of reasonable avoidance measures. Breeding birds will have to be considered in season.

4.7 It is, however, strongly recommended that, in order to accord with the National Planning Policy Framework[25] and to supply some positive ecological benefits, some of the wildlife conservation measures and **mitigation** suggested by Gunnell, Murphy and Williams (2013) for instance, should be incorporated into any proposed Scheme by means of a biodiversity plan for the completed development. This should include:

- A range of bird nest boxes should be erected on the site for breeding birds.
- A range of Schwegler bat boxes should be erected on the site for the purposes of supplying bat roosting opportunities.
- Any areas which are to be reseeded or landscaped should be reseeded with a suitable wildflower seed mix to encourage pollinating insects.
- In order to support the needs of bats and nocturnal insects, any lighting that is erected on site should be either low - pressure sodium lamps or mercury lamps fitted with ultraviolet filters. The brightness of lamps should be kept as low as possible and be directed to where it is needed to avoid unnecessary spillage of light. Lighting should not be upwardly - directed light and lighting durations should be limited by fitting timers to all external lights.
- Appropriate mitigation to support the requirements of the badgers, as well as to prevent badger damage to any new gardens.

[25] Ministry of Housing, Communities and Local Government, 2021.

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APPENDIX 1: INITIAL LIST OF SPECIES RECORDED FROM THE SITE (All data approximate) (Notable species in red)				
	SCIENTIFIC NAME	VERNACULAR NAME	NOTES	NO SPP
ALL FUNGI				
	Coriolus versicolor	A bracket fungus		
	Psathyrella conopilea	An agaricoid fungus		**2**
MOSSES				
	Brachythecium rutabulum	A moss		
	Bryum sp.	A moss		
	Hypnum cuppresiforme	A moss		
	Thuidium tamariscinum	A moss		**4**
VASCULAR PLANTS				
	Acer pseudoplatanus	Sycamore		
	Anthriscus sylvestris	Cow Parsley		
	Arctium sp.	Burdock		
	Arum maculatum	Cuckoo Pint		
	Calystegia sepium	Bellbine / Hedge Bindweed		
	Cirsium arvense	Creeping Thistle		
	Cirsium vulgare	Spear Thistle		
	Clematis vitalba	Old Man's Beard		
	Convolvulus arvensis	Field Bindweed		
	Corylus avellana	Hazel		
	Crataegus monogyna	Hawthorn		
	Dactylis glomerata	Cocksfoot Grass		
	Elytrigia repens	Common Couch		
	Epilobium ciliatum	American Willowherb		
	Epilobium hirsutum	Great Hairy Willowherb		
	Epilobium montanum	Willowherb		
	Fragaria Sp.	Strawberry	F. anasissima? Cultivation relict?	
	Fraxinus excelsior	Ash		
	Galium aparine	Goosegrass		

	Geranium robertianum	Herb Robert		
	Geum urbanum	Herb Bennett		
	Glechoma hederacea	Ground Ivy		
	Hedera helix	Ivy		
	Holcus lanatus	Yorkshire Fog		
	Iris foetidissima	Stinking Iris		
	Lamium album	White Deadnettle		
	Lamium purpureum	Red Deadnettle		
	Lolium perenne	Rye Grass	Provisional identification.	
	Plantago lanceolata	Ribwort Plantain		
	Prunus insititia	Damson	Widely naturalised.	
	Prunus spinosa	Blackthorn		
	Quercus robur	Oak	Seedlings; mature trees adjacent on neighbouring land.	
	Ranunculus repens	Creeping Buttercup		
	Rubus fruticosus agg.	Blackberry	Largely cut down.	
	Rumex acetosa	Sorrel		
	Rumex conglomeratus	Branched Dock		
	Rumex crispus	Curled Dock		
	Salix capraea	Goat Willow		
	Sambucus nigra	Elderberry		
	Senecio jacobaea	Ragwort		
	Solanum dulcamara	Bittersweet		
	Sonchus asper	Prickly Sowthistle		
	Taraxacum officinale agg.	Dandelion		
	Urtica dioica	Stinging Nettle		**44**
CRUSTACEA ISOPODA				
	Armadillidium vulgare	Pillbug		**1**
INSECTA : HYMENOPTERA				
	Bombus terrestris	Buff-tailed Bumble Bee		
	Lasius flavus	Common Yellow Ant		
	Lasius niger	Common Black Ant		**3**
INSECTA LEPIDOPTERA				
	Pieris rapae	Small White		

	Pyronia tithonus	Gatekeeper		
	Stigmella aurella	Golden Pygmy	Mines in blackberry leaves.	**3**
MOLLUSCA				
	Cepaea nemoralis	Grove Snail		
	Deroceras reticulatum	Milky Slug		
	Helix aspersa	Garden snail		
	Vitraea sp	Glass Snail		**4**
BIRDS				
	Columba palumbus	Woodpigeon	Nesting?	
	Corvus corone	Carrion Crow		
	Erithacus rubecula	Robin	Singing male.	
	Parus major	Great Tit		
	Streptopelia decaocto	Collared Dove		
	Troglodytes troglodytes	Wren		
	Turdus merula	Blackbird		**7**
MAMMALS				
	Meles meles	**Badger**	Sett present.	
	Oryctolagus cuniculus	Rabbit		
	Vulpes vulpes	Fox		**3**
			Total number of species:	**71**

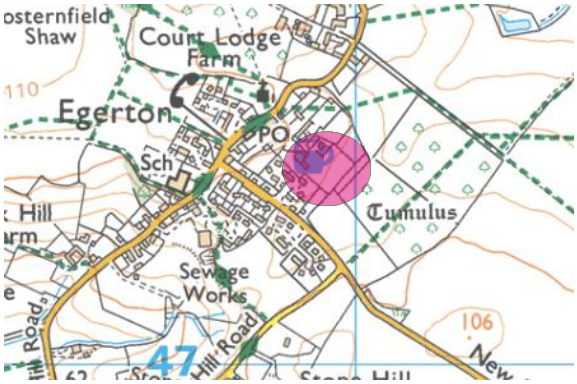

FIGURE 1: THE SITE LOCATION.
REPRODUCED WITH THE PERMISSION OF THE ORDNANCE SURVEY LICENCE NO. 100016414.

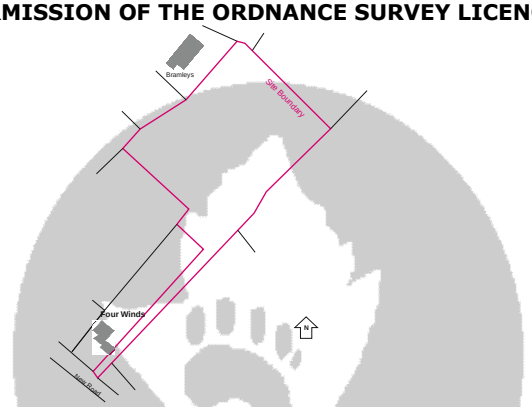

FIGURE 2: SKETCH MAP OF THE APPROXIMATE SURVEY BOUNDARY.

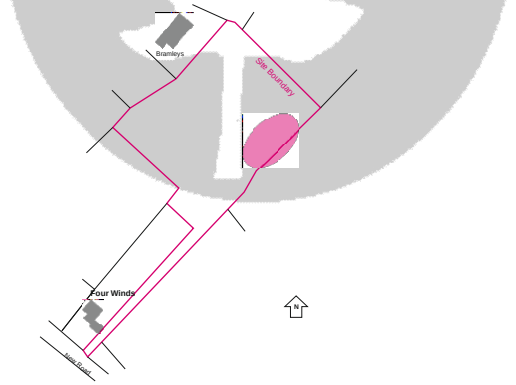

FIGURE 3: APPROXIMATE LOCATION OF THE BADGER SETT.

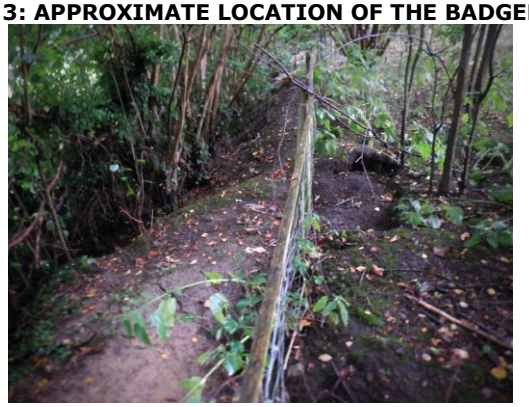

FIGURE 4: PART OF THE BADGER SETT.

FIGURE 5:THE ENTRANCE TO THE FORMER MARKET GARDEN; THE NETTLES HAD RECENTLY BEEN CUT.

FIGURE 6: A VIEW OF THE MIDDLE OF THE SITE; THE BRAMBLES HAD RECENTLY BEEN CUT.

FIGURE 7: A VIEW OF THE INTERIOR OF THE SCRUB.

FIGURE 8: PART OF THE GARDEN OF FOUR WINDS.

[i] Martin Newcombe is principal of MN Wildlife, a small ecological practice in Kent, which has now been running for over 40 years. Martin studied botany and zoology at college before qualifying as a further education lecturer. His interests and that of his practice are in mammals and woodland matters, with extensive experience in badgers, bats, dormice, deer, woodland management and conservation and general ecology. He holds a Natural England (NE) bat class licence level 2, and a NE dormouse licence, and has also held many NE badger licenses.