

Questions from Richard Masefield, 15/02/2022, on behalf of the Biodiversity and Wildlife Working Group submitting ecological evidence for the designation of Limes Land as a Local Green Space in the Tenterden Neighbourhood Plan.

Good morning

As I am unable to contribute to this morning's discussion on Ecology due to a prior engagement, and in view of new evidence concerning hazel dormice, I would like raise a series of questions to be considered in that discussion.

- 1) In his new Proof of Evidence for the Appellant of January 2022, Tim Goodwin of Ecology Solutions revealed that during an EPR bat survey, a hazel dormouse was sighted re-entering a hole in ash tree T326. He records the time as 5.22am but not the date – although with EPR bat emergence and re-entry surveys recorded between 23 April and 4 September 2018, we assume the sighting to have fallen between those dates. In para. 4.37.4 of their Ecological Assessment of 30 April 2021, however, ES stated that: *'During the specific survey undertaken, no evidence of hazel dormice was recorded within the site.'* In para. 4.37.6 they do record a dead dormouse verified by KMBRC found in a garden backing onto Limes Land but make no reference to the live dormouse sighting now admitted by Tim Goodwin. Does the discussion group regard this, as we do, as important new evidence?
- 2) In Appendix 1 of their Ecological Assessment, EPR state: *'The Hazel Dormouse is a Species of Principal Importance in England. It is legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 and is afforded significant further protection as a European Protected Species under the Habitats Regulations 2017.'* Amongst the legislation details, also noted by EPR, is that it is an offence to: *'Intentionally or recklessly damage, destroy or obstruct access used by hazel dormice for shelter or protection (whether occupied or not).'* Does the discussion group consider the fact that the ash tree T326 the dormouse was seen re-entering and is scheduled for removal to make way for a road within the Appellant's building plan, is affected by this legislation?
- 3) In view of Mr Sasha White's comment in his Opening Statement that the proposed building site 'has no ecological assets', does the discussion group consider the following evidence to be relevant:
  - 3.1. The Appellant's ecologists have recorded on the site 13 plant species indicative of (Habitat of Principal Importance NERC ACT section 41) 'lowland unimproved grassland', also evidenced by multitudes of anthills. Despite being heavily grazed by sheep, 94 vascular plant species were recorded by EPR in their detailed plant survey.
  - 3.2. Both the Appellant's ecologists, EPR and ES, have agreed that the site contains assemblages of BAP Priority and Section 41 protected slow worms and great crested newts, *'of potential county importance'*. Although in para 6.19 of his PoE, Mr Goodwin maintains of GCN that: *'currently the population is limited'*.

3.3. Of the 65 bird species known to be present on the site and registered with KMBRC, the Appellant's breeding bird surveys have recorded 32 species 'considered to be breeding' within the site, including 4 Red Listed birds as of highest conservation priority, 3 Amber Listed and 5 Section 41 Species of Particular Importance.

3.4. Nine species of bat have been recorded including 4 BAP Priority and Section 41 species, although EPR surveys were unable to distinguish between common and rare myotis species, recording them as 'unidentified'.

3.5. Of the 366 invertebrate species identified by ES, 6 are Section 41 protected, 3 of them rare or nationally scarce, with a black and white hopper species only ever recorded on one other site in Kent.

3.6. In their Ecological Assessment of April 2021, ES states: '*No evidence of any other protected species were recorded as part of the extensive work undertaken,*' yet appear to have missed 2 sightings of BAP Priority and Section 41 protected European polecats, registered with KMBRC on 10 March and 5 August 2021, verified from photos by the Vincent Wildlife Trust, recorded in the December 2019 habit survey submitted to the landowner, and included with dates in the species lists for the Tenterden Neighbourhood Plan.

3.7. The proposed building site contains 5 hedgerows dated to between 400 and 600 years old, as vital habitats for dormice, bats and birds. The site also contains a minimum of 5 veteran or ancient oak trees, a veteran hornbeam and field maple, all in themselves irreplaceable habitats.