

28 Lanes Avenue, Northfleet, Kent

Preliminary Ecological Appraisal

8th July 2024 / Ref No 2024/05/36

Client: Vil Group Properties Ltd



Prepared by Katia Bresso CEnv MCIEEM
Trading as 'KB Ecology Ltd' (Reg 7595382)
9 Barleyfields,
Weaving, Maidstone
ME145SW Kent
Tel: 07810 412 773
Email: katia.bresso@kbecology.co.uk

Copyright KB Ecology Ltd. All rights reserved.

No part of this report may be copied or reproduced by any means without prior written permission from KB Ecology Ltd. If you have received this report in error, please destroy all copies in your possession or control.

This report has been prepared for the exclusive use of the commissioning party and unless otherwise agreed in writing by KB Ecology Ltd, no other party may use, make use of or rely on the contents of this report. No liability is accepted by KB Ecology Ltd for any use of this report, other than for the purposes for which it was originally prepared and provided.

Opinions and information provided in the report are on the basis of KB Ecology Ltd using due skill, care and diligence in the preparation of the same and no warranty is provided as to their accuracy. Surveys are undertaken on the understanding that nothing in the final report will be omitted, amended or misrepresented by the client or any other interested party. This report and its contents remain the property of KB Ecology Ltd until payment has been made in full.

It should be noted and it is expressly stated that no independent verification of any of the documents or information supplied to KB Ecology Ltd has been made.

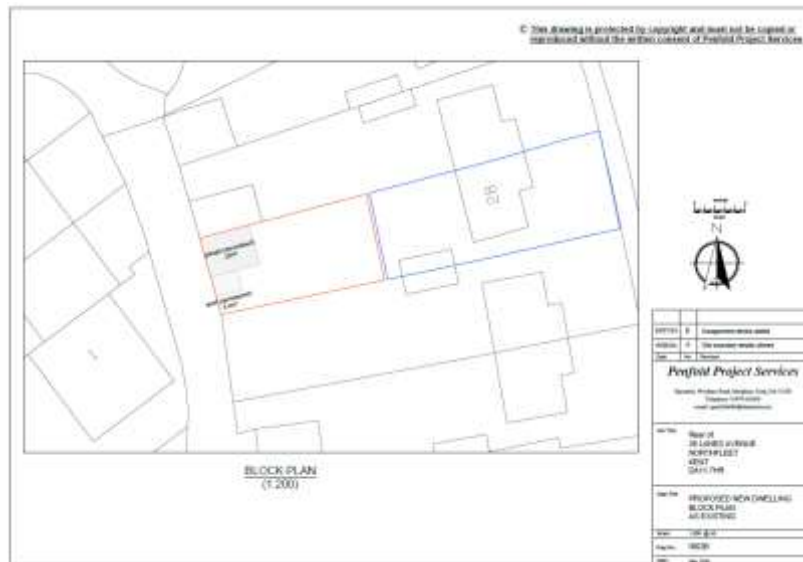
Contents

1	Introduction	2
1.1	Background to the Scheme	2
1.2	Survey Location/Area.....	2
1.3	Survey Objectives	2
1.4	Limitations	3
2	Methodology	7
2.1	Desk Study	7
2.2	Scoping Survey.....	7
3	Baseline Ecological Conditions	8
3.1	Designated Nature Conservation Sites	8
3.2	Habitats	8
3.3	Amphibians	9
3.4	Reptiles.....	10
3.5	Birds	10
3.6	Hazel Dormouse	10
3.7	Badger	10
3.8	Bats	10
3.9	Other Species	11
4	Ecological constraints and opportunities, recommendations for mitigation, compensation and further survey	12
4.1	Designated Nature Conservation Sites	13
4.2	Amphibians	14
4.3	Reptiles.....	14
4.4	Birds	14
4.5	Hazel Dormouse	14
4.6	Badger	14
4.7	Bats	14
4.8	Other Species	14
4.9	Additional Recommendations: Enhancements	14
5	References and Bibliography	16

1 Introduction

1.1 Background to the Scheme

KB Ecology Ltd was commissioned to undertake a baseline ecological survey and a preliminary ecological appraisal with regards to a proposed development at 28 Lanes Avenue, Northfleet DA11 7HR Kent, in support of a planning application for the erection of a new dwelling.



1.2 Survey Location/Area

The site is located at approximately TQ 639 722. The location of the site is shown on Figure 1 and Figure 2.

1.3 Survey Objectives

The purpose of this survey is to provide a scoping assessment and to assist in demonstrating compliance with wildlife legislation and planning policy objectives.

The key objectives are as follows:

- Identify all relevant statutory and non-statutory designated sites and features of ecological significance within the site and its surroundings.
- Assess the potential for the presence of protected species and species of principal conservation importance, important habitats or other biodiversity features within the site and its surroundings.
- Provide recommendations for further surveys where assessed as necessary and suggest potential enhancements.
- Present the likely significance of ecological impacts on the proposed development.
- Provide an early indication of potential ecological mitigation and compensation requirements necessary as part of any development proposals.

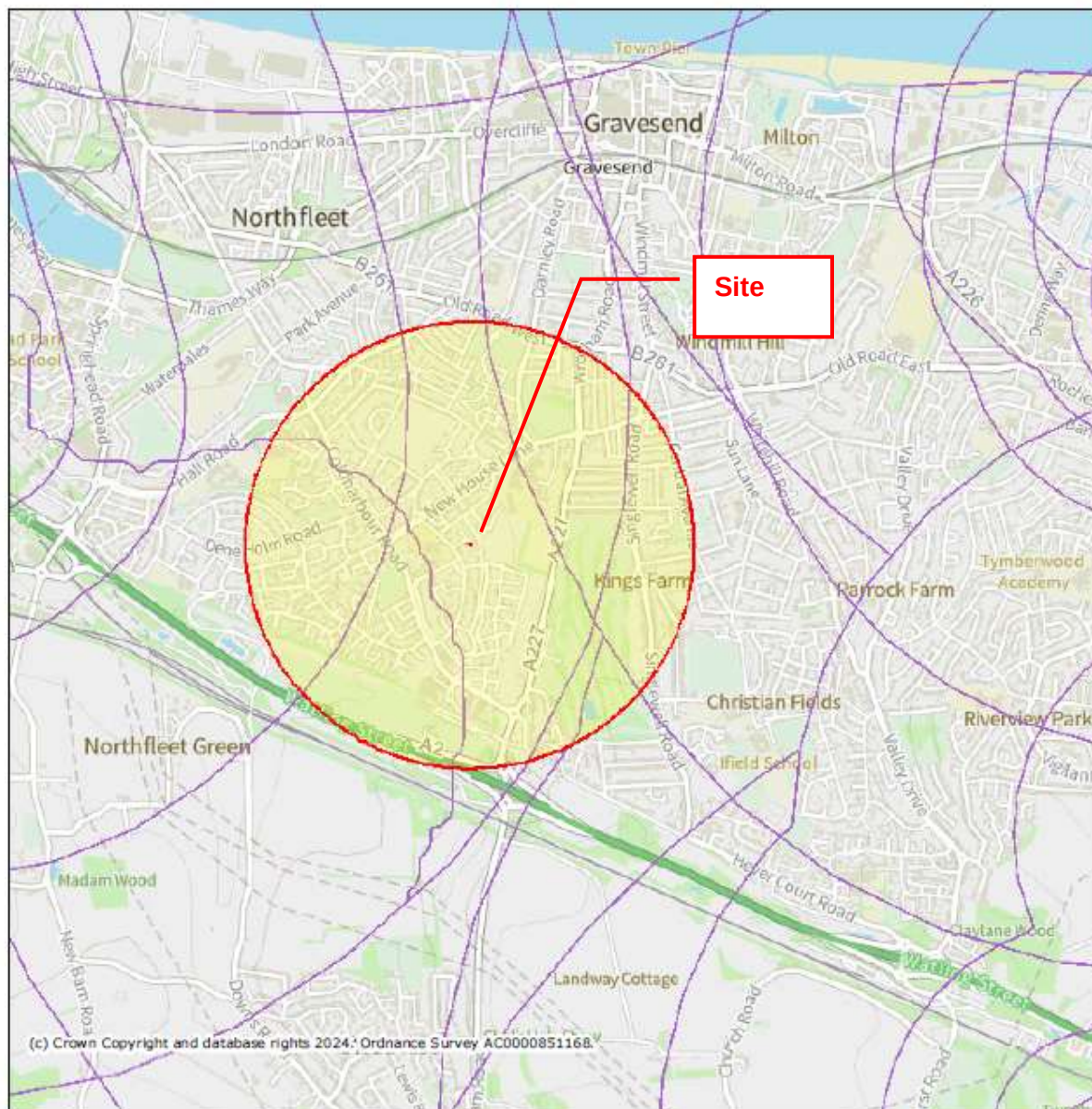
A summary of wildlife legislation and policy has been included in Appendix A.

1.4 Limitations

This report has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct and the opinions expressed are true and professional bona fide opinions. It records the potential for flora and fauna evident on the days of the site visits. It does not record any flora or fauna that may appear at other times of the year and, as such, were not evident at the time of visit.

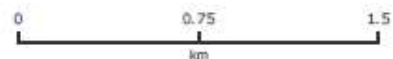
The findings of this report represent the professional opinion of a qualified ecologist and do not constitute professional legal advice. The client may wish to seek professional legal interpretation of the relevant wildlife legislation cited in this document.

Figure 1



Legend

-  Ramsar Sites (England)
-  Sites of Special Scientific Interest (England)
-  SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)
-  Special Areas of Conservation (England)
-  Special Protection Areas (England)



Projection = OSGB36

xmin = 558000

ymin = 169200

xmax = 570700

ymax = 175200

Map produced by MAGiC on 28 June, 2024.
Copyright resides with the data suppliers and the map must not be reproduced without their permission. Some information in MAGiC is a snapshot of the information that is being maintained or continually updated by the originating organisation. Please refer to the metadata for details as information may be illustrative or representative rather than definitive at this stage.



Figure 3: indicates location of ponds from Krag data search



2 Methodology

2.1 Desk Study

Internet-based resources were consulted to identify designated nature conservation sites within 1km of the site and habitats of potentially high ecological importance and sensitivity within 500m of the site (e.g. ancient woodlands, ponds).

A data search was carried out with the Kent Reptile and Amphibian Group KRAG^{1,2}.

2.2 Scoping Survey

The site and its immediate surroundings were considered in terms of habitats, protected species and species of principal conservation importance during a walkover survey undertaken on 17th June 2024 by Katia Bresso CEnv MCIEEM, a qualified professional consultant ecologist with over 20 years of experience, licensed bat surveyor (Class Licence CL19, Level 3, Registration Number: 2016-27133-CLS-CLS) and Registered Consultant of the Bat Mitigation Class Licence (BMCL) WML-CL21 with Natural England (Registered Consultant Reference Number RC056, since May 2015), licensed dormouse surveyor (Class Survey Licences Registration Number 2016-22060-CLS-CLS) and licensed great crested newt surveyor (Class Licence registration number 2020-50030-CLS-CLS). Evidence of the use of the site by species was recorded (i.e. field signs).

The habitat survey was undertaken in general accordance with the UK Habitat Classification³.

The survey and report aim at following the guidance and recommendations in the 'British Standard Biodiversity Code of Practice for Planning and Development (BS 42020: 2013)'.

All trees were checked for suitability for roosting bats (Ground Level Tree Assessment).

¹ Please note that absence of records should not be taken as confirmation that a species is absent from the search area.

² Due to the scale of the project, it was judged disproportionate to undertake a costly data search with the local Biological Record Centre as the data would be unlikely to be relevant to this site.

³ <https://ukhab.org/>

3 Baseline Ecological Conditions

3.1 Designated Nature Conservation Sites

The site is not part of, nor directly adjacent to, any statutory designated sites and none are located within 1km of the site.

But there is a statutory site of International Importance (Natura 2000 sites) within 6km: The South Thames Estuary and Marshes. It is a Ramsar site⁴, a Special Protection Area⁵, and a Site of Special Scientific Interest (SSSI) from Gravesend to the eastern end of the Isle of Grain, which forms a major component of the Greater Thames Estuary. The site consists of an extensive mosaic of grazing marsh, saltmarsh, mudflats and shingle characteristic of the estuarine habitats of the north Kent marshes. Freshwater pools and some areas of woodland provide additional variety and complement the estuarine habitats. The site supports outstanding numbers of waterfowl with total counts regularly exceeding 20,000. Many species regularly occur in nationally important numbers and some species regularly use the site in internationally important numbers. The breeding bird community is also of particular interest. The diverse habitats within the site support a number of nationally rare and scarce invertebrate species and an assemblage of nationally scarce plants. It is located within 2km to the North East of the site.

3.2 Habitats

The site is surrounded by dwellings.

The Integrated Habitat System (IHS) classification of the Kent Habitat Survey 2012 describes the site as:

- *Built-up areas,*
- *Improved grassland.*

It consists of a back garden, with, at the time of visit, an area of hard standing where a garage (20sqm) and small shed (5.4sqm) stood until very recently, with a pile of broken concrete slabs, some gravel (colonised by bindweed and common fumitory) and a small area of grass ('modified grassland'). There was no trees or hedges. The timber fence along the south boundary had hop growing over it. A large pile of grass cutting was also present.

Plates are present in Appendix B.

⁴ Ramsar sites are designated under the Convention on Wetlands of International Importance especially as Waterfowl Habitat. Wetlands are designated, protected and promoted in order to stem the progressive encroachment on and loss of wetlands, which are broadly defined to include marsh, fen, peatland and water. There are 5 Ramsar sites in Kent, and as with all Ramsar sites, they are also designated as SSSIs.

⁵ Special Protection Areas (SPA) are designated under the EC Birds Directive, to conserve the habitat of certain rare or vulnerable birds and regularly occurring migratory birds. Any significant pollution or disturbance to or deterioration of these sites has to be avoided. There are 6 SPA sites in Kent, and as with all SPA sites, they are also designated as SSSIs.



3.3 Amphibians

The data search carried out with Krag (Enquiry No: CES/24/107) revealed that the closest recorded Great Crested Newt *Triturus cristatus* site is located at Dartford, 2.42 km to the E (record id: 129035).

Great crested newts favour areas of high pond density and occupancy levels can exceed 40% of ponds when conditions are favourable. Krag's database risk assessment indicates that the likelihood of presence of great crested newts *in the overall area* is 'Possible'⁶, with no ponds present within 1km.

Like nearly all amphibians, the great crested newt is dependent on water-bodies for breeding but usually spends most of its life on land.

The 'Great Crested Newt Mitigation Guidelines' (English Nature 2001) state the following: *'Great crested newts have been found to move over considerable distances (up to 1.3km from breeding sites). However, the vast majority of newts will inhabit an area much closer to the pond, and the exact distribution and migration patterns of newts on land depends on a variety of factors. The quality of terrestrial habitat near to breeding ponds is important, as are the lack of barriers to dispersal (such as fast-flowing rivers, or very busy roads). The distribution of ponds and hibernation opportunities may also influence movements. [...] Several studies have been conducted which reveal a great deal of variation, but great crested newts commonly move between ponds that are within around 250m of each other.'*

In *Advice for land managers*, Natural England (2007) states: *'Great crested newt may disperse several hundred metres, sometimes over 1km, from the breeding pond, though at most sites the majority of the population is normally found within around 100m of it.'*

⁶ Likelihood of Presence Scores are described using the following categories: Unlikely<Possible<Likely<High

No ponds are present on site or within 500m. Thus, due to the paucity of ponds in the general area and the distance to the nearest pond, it is judged unlikely that great crested newts would be present on site.

3.4 Reptiles

The Krag datasearch revealed that the closest recorded reptile is Viviparous Lizard, located at Land at Coldharbour Road, Gravesend, 0.6 km to the S (record id: 86667). The likelihood of reptiles to be present *in the overall area* is judged as per table below:

Reptiles		
	<u>Likelihood of Presence</u>	
	<u>Score</u>	<u>Dist (km)</u>
Viviparous Lizard:	Likely	0.60
Slow-worm:	Likely	0.60
Sand Lizard:	unlikely	71.93
Grass Snake:	Possible	1.92
Adder:	unlikely	6.55
Smooth Snake:	n/a	n/a

Reptile survey effort in local area is considered to be average.

The proposed development area consists of grassland, which is species poor, heavily managed and kept at a short sward, without a thatch layer. This habitat is considered unsuitable for common reptile species, due to a lack of cover from predators and foraging opportunities.

3.5 Birds

There were no features suitable for nesting birds on site at the time of visit.

3.6 Hazel Dormouse

There were no trees or hedges and thus no habitat suitable for the hazel dormouse at the time of visit.

3.7 Badger

No setts or signs of badgers were identified during the survey.

3.8 Bats

There were no buildings, structures or trees on site at the time of visit. Therefore there were no Potential Roosting Features for bats.

3.9 Other Species

It is considered that the surroundings have potential to support hedgehogs (*Erinaceus europaeus*), which are a Species of Principal Importance under Section 41 of the NERC Act (2008 updated list) and an Indicator Species under the Kent Biodiversity Strategy⁷.

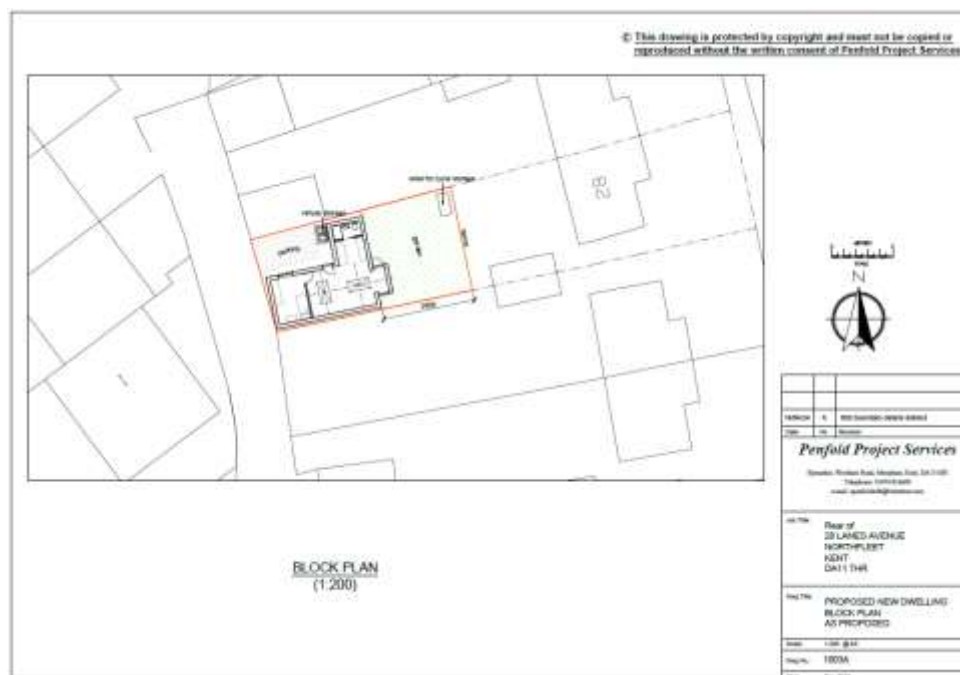
There was an excavation in the south-west corner of the site which could be used by a fox *Vulpes vulpes*.

All mammals are afforded protection against unnecessary suffering by the Wild Mammals (Protection) Act 1996 (see Appendix A).

⁷ <http://kentnature.org.uk/uploads/files/Nat-Env/Kent%20Biodiversity%20Strategy%202020.pdf>

4 Ecological constraints and opportunities, recommendations for mitigation, compensation and further survey

The details of the proposed development were as below at the time of writing this report.



The ecological mitigation hierarchy should be applied when considering development which may have a significant effect on biodiversity. Such hierarchy should follow these principles⁸:

1. Avoidance – development should be designed to avoid significant harm to valuable wildlife habitats and species⁹.
2. Mitigation – where significant harm cannot be wholly or partially avoided, it should be minimised by design or through the use of effective mitigation measures.
3. Compensation – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, compensation should be used to provide an equivalent value of biodiversity.

⁸ <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#agree-avoidance-mitigation-or-compensation-measures>

⁹ Avoidance is always the preferred form of mitigation. It involves steps taken to avoid deliberate killing, injury or disturbance to bats and to existing roosts. The great majority of roosts are used only seasonally so there is usually some period when bats are not present and works can occur without impacting bats. By gathering ecological data about a bat roosting site at the start of development or maintenance works, it may be possible to 'design out' the impacts of a development by retaining the roosting site and building around it. Care should be given to ensure commuting routes to and from the roost are also retained and indirect impacts controlled for, such as the impact from the addition of artificial lighting.

Should the scope of the proposed works be amended following the completion of this scoping survey, or be deferred for an extended period of time, there may be a requirement to update this scoping report and its recommendations.

4.1 Designated Nature Conservation Sites

A site check report was generated for the site using the Impact Risk Zones on the Magic website¹⁰:

Site Check Report generated on Fri Jun 28 2024
You selected the location: Centroid Grid Ref: TQ63977221
The following features have been found in your search area:

SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)

1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?	2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:
All Planning Applications	
Infrastructure	Airports, helipads and other aviation proposals.
Wind & Solar Energy	Wind turbines.
Minerals, Oil & Gas	Planning applications for quarries, including: new proposals, Review of Minerals Permissions (ROMP), extensions, variations to conditions etc. Oil & gas exploration/extraction.
Rural Non Residential	
Residential	
Rural Residential	
Air Pollution	Livestock & poultry units with floorspace > 500m ² , slurry lagoons & digestate stores > 750m ² , manure stores > 3500t.
Combustion	General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.
Waste	Landfill. Incl: inert landfill, non-hazardous landfill, hazardous landfill.
Composting	
Discharges	Any discharge of water or liquid waste of more than 20m ³ /day to ground (ie to seep away) or to surface water, such as a beck or stream.
Water Supply	
Notes 1	Strategic solutions for recreational impacts are in place. Please contact your Local Planning Authority as they have the information to advise on specific requirements.
Notes 2	
GUIDANCE - How to use the Impact Risk Zones	/Metadata_for_magic/SSSI IRZ User Guidance MAGIC.pdf

The North Kent Environmental Planning Group (NKEPG) have produced the North Kent Bird Disturbance Report¹¹ which focuses on the impacts of recreational activities the SPA and Ramsar sites within North Kent.

The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the designated sites. The North Kent Bird Disturbance Report summarises the results of the studies to date and has led the NKEPG to commission the development of a coordinated access management strategy¹². This aims to ensure that development across the North Kent area takes a strategic approach to managing the risk of and potential impacts of recreational disturbance on the SPAs.

¹⁰ The Impact Risk Zones (IRZs) dataset is a GIS tool which maps zones around each SSSI according to the particular sensitivities of the features for which it is notified and specifies the types of development that have the potential to have adverse impacts.

Natural England uses the IRZs to make an initial assessment of the likely risk of impacts on SSSIs and to quickly determine which consultations are unlikely to pose risks and which require more detailed consideration. Publishing the IRZs will allow LPAs, developers and other partners to make use of this key evidence tool.

<http://www.naturalengland.org.uk/ourwork/planningdevelopment/impacriskzonesgistoolfeature.aspx>

¹¹ <http://www.swale.gov.uk/assets/Planning-General/Planning-Policy/Local-Plan-2013/Footprint-Ecology-2012-Phase-I-Bird-Disturbance-Report-optimised.pdf>

¹² <http://greaterthamesmarshes.com/wp-content/uploads/2012/11/NKEPG-140722-Strategic-Access-Management-and-Monitoring-Strategy-FINAL.pdf>

It is therefore suggested that contributions are made towards the recommendations present in the access management strategy⁶ to ensure that measures to avoid likely significant effects as a result of recreational disturbance are consistent with the strategic approach across North Kent.

Indeed, the site check states:

Notes 1 - Strategic solutions are in place. Please contact your Local Planning Authority as they have the information to advise on specific requirements

4.2 Amphibians

No impact is expected onto great crested newts.

4.3 Reptiles

No impact is expected onto reptiles.

4.4 Birds

No impact is expected onto nesting birds.

4.5 Hazel Dormouse

No impact is expected onto dormice.

4.6 Badger

No impact is expected onto badgers.

4.7 Bats

No impact is expected onto bats.

4.8 Other Species

There is some potential for hedgehogs to be present on site. Therefore any areas where mammals could be sheltering should be hand searched prior to disturbance. Excavations should be backfilled, covered overnight, or ramps placed in to allow any animals to escape.

With regards to the potential presence of a fox den, it is recommended to use non-harmful methods of deterrence as per RSPCA advice¹³.

4.9 Additional Recommendations: Enhancements

Ecological enhancements should where possible be incorporated into the proposed development to contribute towards the objectives of planning legislation.

Under section 40 of the NERC Act (2006), paragraph 174 of the NPPF (2021) and the Environment Act (2021), biodiversity must be maintained and enhanced through the planning

¹³ <https://www.rspca.org.uk/adviceandwelfare/wildlife/foxes/garden>

system: In England, Biodiversity net gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. Biodiversity net gain requires developers to ensure habitats for wildlife are enhanced and left in a measurably better state than they were pre-development. They must assess the type of habitat and its condition before submitting plans, and then demonstrate how they are improving biodiversity – such as through the creation of green corridors, planting more trees, or forming local nature spaces. Green improvements on site would be encouraged, but in the rare circumstances where they are not possible, developers will need to pay a levy for habitat creation or improvement elsewhere¹⁴.

The BNG statutory metric¹⁵ and a Biodiversity Gain Statement¹⁶ are needed at point of planning application.

Additionally, it is recommended to provide additional species enhancements within buildings, such as below:

- Provision of integrated 'swift bricks' in new buildings (as these are often occupied by other small cavity-nesting birds^{17, 18}). A ratio of at least two per residential dwelling, or one per 50sqm of commercial floor space is generally accepted now as good practice (see BS 42021:2022). It is suggested better to install them in small groups of 2/6 approx. one metre+ apart in suitable locations at a minimum height of 4 metres (5 metres is better).
- Provision of 'WoodStone Build-in Swift Nest Boxes A'¹⁹, (or similar): 2 to 4 per dwelling best, resulting in an equal number overall of nest sites and residential units. Each nest box will be integrated in a wall that is not south facing, at a height of at least five metres.
- Provision of integrated bat boxes on new buildings or bat boxes on retained mature trees²⁰.
- Establish climbing plants on walls and other vertical structures²¹.

¹⁴ <https://www.gov.uk/guidance/understanding-biodiversity-net-gain>

¹⁵ <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

¹⁶ <https://www.makingspacefornaturekent.org.uk/bng/biodiversity-gain-statement-for-kent-and-medway/>

¹⁷ <https://drive.google.com/file/d/1ljCJ7rlkNMrr4lxd41XcBU3YC6lFKM6z/view>

¹⁸ <https://www.actionforswifts.com/>

¹⁹ <https://www.nhbs.com/search?q=swift&qtview=200471>

²⁰ <https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes>

²¹ More information can be found here: <http://www.greenblueurban.com/climbing-plant-guide.php> and <http://www.london.gov.uk/priorities/environment/urban-space/parks-green-spaces/green-roofs-walls>

5 References and Bibliography

- Butcher B, Carey P, Edmonds R, Norton L and Treweek J (2020) – *UK Habitat Classification – Habitat Definitions V1.1*
- English Nature (2004). *Research Reports Number 576: An assessment of the efficiency of capture techniques and the value of different habitats for the great crested newt Triturus cristatus*. English Nature, Peterborough

Websites Visited:

- <http://webapps.kent.gov.uk/KCC.KLIS.Web.Sites.Public/ViewMap.aspx>
- <http://www.magic.gov.uk/magicmap.aspx> (contains public sector information licensed under the Open Government Licence v3.0)
- <http://www.kentbap.org.uk/species/>

With kind permission from Google Earth Brand

Appendix A – Wildlife Legislation & Policy

The following is a summary of wildlife legislation and planning policy which affords protection to plants and animals and seeks to conserve, enhance and restore biodiversity. This section is provided for general guidance only. While every effort has been made to ensure accuracy, this section should not be relied upon as a definitive statement of the law.

For further information, please see:

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

Commonly encountered protected species

Many species of plants, invertebrates and animals receive protection under the legislation detailed above. However, of these, the following are the most likely to be affected by development in the southeast:

Species	Legal Protection
Great crested newts and other amphibians	The great crested newt is afforded full legal protection under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). It is also listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2019 (as amended) and is therefore a European Protected Species (EPS); further protection is afforded by the Countryside and Rights of Way Act 2000. Taken together, the legislation makes it a criminal offence to: • Deliberately capture (or take), injure or kill GCN • Deliberately or recklessly disturb GCN, in particular (i) any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young; (ii) any disturbance which is likely to impair their ability to hibernate or migrate; or (iii) any disturbance which is likely to affect significantly the local distribution or abundance of the species. • Damage or destroy a breeding site or resting place - even if GCN are not occupying the place at the time; • Intentionally or recklessly obstruct access to a sheltering or resting place. An EPS licence is required from Natural England before works can be undertaken which will impact on GCN and/or their habitat (such as any damage to or removal of ponds, grassland, hedgerow bases or dense scrub in which they are likely to occur). Great crested newts and common toads are also listed as Species of Principal Importance under Section 41 of the NERC Act 2006.
Hazel dormice	The hazel dormouse is afforded full legal protection under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). It is also listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2019 (as amended) and is therefore a European Protected Species (EPS); further protection is afforded by the Countryside and Rights of Way Act 2000. Taken together, the legislation makes it a criminal offence to: • Deliberately capture (or take), injure or kill hazel dormouse • Deliberately or recklessly disturb hazel dormouse, in particular (i) any

	disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young; (ii) any disturbance which is likely to impair their ability to hibernate or migrate; or (iii) any disturbance which is likely to affect significantly the local distribution or abundance of the species. • Damage or destroy a breeding site or resting place - even if dormice are not occupying the place at the time; • Intentionally or recklessly obstruct access to a sheltering or resting place. An EPS licence is required from Natural England before works can be undertaken which will impact on dormouse and/or their habitat (such as any damage or removal of hedgerows, woodland or dense scrub in which they are likely to occur). Hazel dormouse is also listed as a Species of Principal Importance under Section 41 of the NERC Act 2006.
Bats	All British bat species receive full legal protection in the United Kingdom. The Conservation of Habitats and Species Regulations 2019 (as amended) legally protects all bat species in the UK and further protection is afforded by the Wildlife and Countryside Act 1981 (Schedule 5) and the Countryside and Rights of Way Act 2000. Taken together, the legislation makes it a criminal offence to: • Deliberately capture (or take), injure or kill a bat. • Deliberately or recklessly disturb a bat, in particular (i) any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young; (ii) any disturbance which is likely to impair their ability to hibernate or migrate; or (iii) any disturbance which is likely to affect significantly the local distribution or abundance of the species concerned. • Damage or destroy a breeding site or resting place (roost) of a bat- even if bats are not occupying the roost at the time; • Intentionally or recklessly obstruct access to a roost; • Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat. An EPS Licence for bats is required where works are expected to contravene the above legal protection. Under the law, a roost is 'any structure or place used for shelter or protection'. For example any building or suitable tree. Bats use many roost sites and feeding areas throughout the year. Since bats tend to re-use the same roosts for generations, the roost is protected whether the bats are present or not.
Reptiles	The more widespread species of reptile – slow-worm, viviparous lizard, grass snake and adder - are afforded legal protection against killing and injury under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). All six UK reptile species are listed as Species of Principal Importance under Section 41 of the NERC Act 2006.
Badgers	The Protection of Badgers Act 1992 was introduced in recognition of the additional threats that badgers face from illegal badger digging and baiting. Under the Act, it is an offence to: • Wilfully kill, injure or take a badger, or to attempt to do so; • Cruelly ill-treat a badger; or • Intentionally or recklessly interfere with a badger sett by (a) damaging a sett or any part of one; (b) destroying a sett; (c) obstructing access to or

	any entrance of a sett; (d) causing a dog to enter a sett; or (e) disturbing a badger when it is occupying a sett.
Breeding birds	The Wildlife & Countryside Act 1981 (as amended) protects all birds, their nests and eggs – it is an offence to intentionally kill, injure or take any wild bird or its eggs, and/or to take, damage or destroy the nest (whilst being built or in use). There is additional protection for rarer species – making it an offence to disturb any wild bird listed on Schedule 1 (such as hobby) while it is nest building, or at a nest containing eggs or young, or to disturb the dependent young of such a bird. Some species are also listed as species of a Species of Principal Importance under Section 41 of the NERC Act 2006, including skylark, common cuckoo, house sparrow, tree sparrow and song thrush.
Hedgehogs	Hedgehogs are listed on schedule 6 of the Wildlife and Countryside Act (1981) which makes it illegal to kill or capture wild hedgehogs. They are also listed under the Wild Mammals Protection Act (1996), which prohibits cruel treatment of hedgehogs Hedgehogs are a species of 'principal importance' under the NERC Act, the act confers 'a duty of responsibility' on local authorities with regard to the species.
Water voles	The Wildlife and Countryside Act 1981 (as amended). This makes it illegal to intentionally damage, destroy or obstruct access to any structure or place which water voles use for shelter or protection; it is also an offence to intentionally disturb water voles while they are using these places.

Kent Biodiversity Strategy

The Kent Biodiversity Strategy was approved by the Kent Nature Partnership in February 2020. It aims to deliver, over a 25 year period, the maintenance, restoration and creation of habitats that are thriving with wildlife and plants and ensure that the county's terrestrial, freshwater, intertidal and marine environments regain and retain good health.

The Strategy looks to protect and recover threatened species and enhance the wildlife habitats that Kent is particularly important for. It also aims to provide a natural environment that inspires citizen engagement and is well used and appreciated, so that the mental and physical health benefits of such a connection can be realised by the people of Kent.

The Strategy has identified 17 priority habitats and 13 priority species that Kent can play a significant part in the restoration of. It has also identified a handful of species that can act as indicators of the health of our ecosystems. In addition, the Strategy looks to further work addressing overarching considerations affecting biodiversity recovery, including wilding, climate change, natural solutions, soil health and invasive species.

Further information can be found here:

<http://kentnature.org.uk/uploads/files/Nat-Env/Kent%20Biodiversity%20Strategy%202020.pdf>

Red Data Books

British Red Data Books (RDB) are an additional method for classifying the rarity of species, and are often seen as a natural progression from Biodiversity Action Plans.

RDB species have no automatic legal protection (unless they are protected under any of the legislation previously mentioned). Instead they provide a means of assessing rarity and highlight areas where resources may be targeted. Various categories of RDB species are recorded, based on the IUCN criteria and the UK national criteria based on presence within certain numbers of 10x10km grid-squares (see <http://www.jncc.gov.uk/page-3425>). As with Biodiversity Action Plans, where possible, steps should be taken to conserve RDB species which are to be affected by development.

Appendix B – Plates



✓ IMG_7528



✓ IMG_7529



✓ IMG_7530



✓ IMG_7531



✓ IMG_7532



✓ IMG_7533