Appendices

11 Review of Bat Legislation and Policy

All species of British bat and their roosts are protected under British law by:

- The Conservation of Habitats and Species Regulations 2017
- The Wildlife & Countryside Act 1981 (as amended)
- The Natural Environment and Rural Communities Act 2006

Under the Conservation of Habitats and Species Regulations 2017 it is an offence to:

- Deliberately (or recklessly in Scotland) capture, injure or kill a bat.
- Deliberately (or recklessly in Scotland) disturb a bat in a way that would (significantly in Scotland) affect its ability to survive, breed or rear young (or hibernate or migrate in England, Wales and Northern Ireland) or (significantly in England, Wales and Scotland) affect the local distribution or abundance of the species.
- Damage or destroy a roost [this is an 'absolute' offence and need not be deliberate or intentional].
- Possess, control, transport, sell, exchange or offer for sale/exchange any live or dead bat or any part of a bat.

Under this legislation development work that could affect a bat or bat roost can only be permitted under a licence from Natural England.

1.5 Licences in respect of European Protected Species affected by development can be granted under Section 55(2) (e) of The Conservation of Habitats and Species Regulations 2017 (as amended), for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment.

1.6 Under Section 55(9) of the Regulations Natural England will not grant a license unless it is satisfied: (a)that there is no satisfactory alternative; and

(b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

Note: Natural England aim to process licence applications within 35 working days of receipt.

Planning policy requires new developments to take into consideration our local and national wildlife. With the objective to maintain or increase the viability of the site for wildlife. The existing proposals are considered to determine whether Habitat enhancements are offered and whether they are adequate to meet the policy requirements. Again, national, regional, county and borough policies are considered.

The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by minimizing impacts on biodiversity and delivering net gains in biodiversity where possible.

Ecological habitat enhancements measures need to be over and above any mitigation measures.

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Ecological habitat enhancements measures need to be over and above any mitigation measures.

12 Figures:



Figure 6: Amenity area with mature Oaks South of site

Date: 18/06/2019



Figure 7: Northern elevation of No. 3



Figure 8: Southern elevation of No. 3

Date: 18/06/2019

Ref: 6479



Figure 9: Schweggler Batbox 2F (multipurpose)



| Figure 10: Wall mounted Schweggler 2FE |
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Figure 11: Field Survey Results

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| Weather Condit | tions | warn | n kings Road | | Date | 29 July | | |
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Date: 18/06/2019

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| Start Time | 20.3 | | | Finish Time | |
| Air Temperature ("C) at Start of Survey | | <u> </u> | | Air Temperature (°C) at End of Survey | |
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| 21.12 | Soprino | C | SE- | | |
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| 21-34 | Nochole | | NS | | |
| 21-35 | Commen | F | | SW-NE | |
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| | Headcon | | Surveyor Name / Equipment | E.CLARK/BATLOGGER M |
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| leather Conditions | Modured 3 | Schud | Date | 07/08/19 |
| tart Time | 20:18 | | Finish Time | 22:03 |
| r Temperature ("C) at Start of | 20°C | an a | Air Temperature (°C) at End of | 1.5 |
| nset | 2033 | | Survey | 1 |
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| ne Track Time | Species Activity* | Comments | | |
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| Start Time | | 04 ; | 20 | | Finish Time | 05:50 . |
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| Sunset | | | | | Sunrise | 05:50 |
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| | tre of west side of building. | R to hanging tiles or soffit box, centre of west side of building | ₽ | SS Pip | 05:14 |
| | est side of building. | From south, C north west, along west side of building | C | 45 Pip | 05:13 |
| | ilding, from south to east. | Silent pass around north side of building; from south to east | т | 55 Pip · | 20:50 |
| or 3-4 mins. Seen not he a rd, too distant. Possible R offit box and dropping away). | side of second building (south west building), for 3-4 mins. Seen not heard, t here due to flight patterns (repeatedly up to soffit box and dropping away). | F around south east side of second building (south west building), for 3-4 mins. Seen not hea here due to flight patterns (repeatedly up to soffit box and dropping aw | F/R? | e N | 05:01 |
| • | ,eherPC north east. | Brief silent F north east of building, ther C north east | F | • ¢dia 55 | 04.58 |
| | 5 | Along northern treeline, flying east | Ŧ | 55 Pip | 04:57 |
| | | Brief and distant pass, not seen. | C | 55 Pip | 04:56 |
| | Comments _ | ¥. | Activity* | Species | Time |
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| <u>0</u> 5:50 | Sunrise | ſ | | | Sunset |
| 11 | Air Temperature (°C) at End of Survey | • | 13 | Air Temperature (°C) at Start of Sugvey | Air Temperatur Sugvey |
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| From south, C north past west side of building. | 55 Pip (| 05:28 5 |
| R to hanging tiles or soffit box, centre of west side of building. | 55 Pip | 05:14 - 5 |
| From south, C north west, along west side of building. | 45 Pip (| 05:13 |
| Silent pass around north side of building; from south to east. | - did 55 | 20:50 |
| F around south east side of second building (south west building), for 3-4 mins. Seen not heard, too distant. Possible K here due to flight patterns (repeatedly up to soffit box and dropping away). | ? F/R? | 05:01 |
| Brief silent F north east of building when C north east. | 55 (Alip ? * | 04-58 5 |
| Along northern treeline, flying east. | 55 Pip | 04:57 |
| Brief and distant pass, not seen. | 55 Pip 0 | 04:56 |
| Comments . | es Activity* | Time Species |

Author: Edward Clark

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Ref: 6479

Site Name and Building Number 3-5 Kings Road, Headcorn

Weather Conditions

Cloud: 70%, Wind: 1, Rain: 0

Date

19th August 2019

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Steve Stanley / EM Touch 2 Pro with iPad

Surveyor Name / Equipment

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Date: 18/06/2019

| Site Name | - | Head | on . | | Surveyor Name / Equipment | E.CLARK/BATLOGGER M | |
|---------------------------|------------------|---------|-----------|----------|--------------------------------|---------------------|---|
| Weather Condition | ons | TYLA | JAR | | Date | 14/08/19 | |
| tart Time | | 04: | 12 | | Finish Time | 05:42 | |
| Air Temperature Survey | (°C) at Start of | q°. | ~ | | Air Temperature (°C) at End of | | |
| Sunset | | | | | Survey Sunrise | 05:42 | i |
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