39 Fitzjohns Avenue Ltd

39a Fitzjohns Avenue & Maresfield Gardens Camden

Preliminary Ecological Appraisal & Preliminary Roost Assessment

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Report control

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Executive summary

Location	39a Fitzjohn's Avenue & 46 Maresfield Gardens, NW3 (OS GR: TQ 265850
Previous surveys	None
Survey	Preliminary Ecological Appraisal, incorporating Preliminary (daytime) Roost Assessment
Conclusions	The land to the west of No 39a comprises a neglected area with mature trees and scrub, which has been subjected to modification (earthworks) in the past. As such, it is of some local biodiversity value, although there appear to be no notable or protected plants or animals present. The building which comprises No 39a has very little potential to accommodate bats. Several trees possess features (including dense ivy cover) which may serve as bat roosts.
Recommendations	The proposed development offers an opportunity to implement a biodiverse landscaping scheme, including habitat to favour some key urban species likely to be in the broader area. Felling / removal of trees should not take place within the bird nesting season. As a precaution, a licenced bat worker is present should it be necessary to modify / demolish the roof to the building. Prior to the removal of several of the trees, an inspection / activity survey is undertaken in order to ensure that bats or their roosts are not compromised. Consideration is given to the effect that lighting may have upon biodiversity features within the development. Monitoring of biodiversity takes place during years 1, 3 and 6 following the completion of the development.

1. Introduction

1.1. Ecology Network Ltd was commissioned by 39 Fitzjohns Avenue Ltd on 28th February 2023 to undertake a Preliminary Ecological Appraisal & Preliminary Roost Assessment of land adjacent to 39a Fitzjohn's Avenue & 46 Maresfield Gardens, NW3 (OS Grid Ref: TQ 26494 85008; Fig 1).

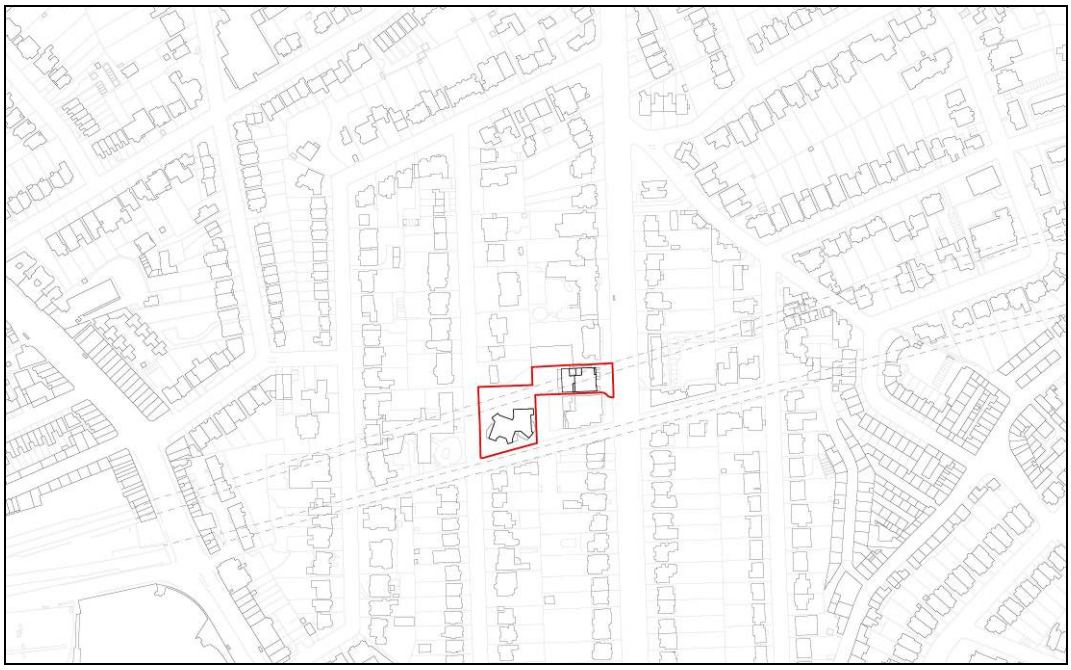

Fig 1 Location plan, land adjacent to 39a Fitzjohn's Avenue & 46 Maresfield Gardens

1.2. The site (Fig. 2) comprises 0.5 ha land within an urban part of NW London. Two substantial properties occupy the eastern part of the site, the most southerly dating from 1885 (No 39), with the second property being an extension to the north, constructed in the mid-1900s and further modified in the 1960s (No 39a). Immediate to the west of No 39 is a substantial formal garden[1], and to the west of No 39a a derelict asphalt tennis court. Beyond both these gardens is a parcel of land of some 0.2ha, (referred to in this report as the 'western area', but elsewhere may be referred to as the land adjacent to 46 Maresfield Gardens), which includes some open areas, but in the main comprises mature trees and scrub. Large mature trees mark the boundaries of the properties (Fig. 3).

[1] At the time of the survey, this was in a unmanaged state, and with a security fence being installed

Fig 2 Aerial photograph, land adjacent to 39a Fitzjohn's Avenue & 46 Maresfield Gardens

Fig 3 The tennis court of No 39a as viewed from the top of the fire escape. The view to the western area is mostly obscured by the boundary trees, but the made ground entrance track from Maresfield Gardens can be seen in the top right hand corner.

1.3. At the time of the surveys, the properties were occupied (by 'property guardians'). The buildings appeared to be intact, although No 39 has been subject to some demolition to the rear.

1.4. No 39 is the subject of a separate planning consent (2020/2169/P) and consequently the dwelling, garden and boundary features are not included within this assessment.

1.5. This report documents both the results of a desk study relating to ecology and also the observations made during a site visit. Given that it was evident that the most relevant ecological issue was likely to be bat related, a preliminary roost assessment was undertaken in conjunction with the preliminary ecological appraisal.

2. Building layout and setting

2.1. No 39a is predominately of brick construction (Fig. 4) occupying a footprint of some 18 x 17m. It comprises 3 storey's with its frontage to the east on to Fitzjohns Avenue. The northerly extent of the building comprises a two storey extension.

Fig 4 Front (east) elevation of 39a Fitzjohn's Avenue. No 39a is to the right.

2.2. The roof of both sections of the building is of similar construction, comprising an asphalt flat roof, with the walls extending past the roof to form a 50cm parapet. In the main, 10cm thick concrete coping stones cap the parapet brickwork.

2.3. It is understood that there is no basement to the building.

3. Policy

3.1. 'Biodiversity 2020' is the national strategy for England's wildlife and ecosystem services, which in 2011, superseded the UK Biodiversity Action Plan (BAP).

3.2. Although the UK BAP, and in particular the local BAPs that came out of it, still forms a useful reference point, current focus is more on safeguarding and enhancing biodiversity through habitats rather than on individual species.

3.3. This approach was reinforced within 'Making Space for Nature' (the 'Lawton' report, 2010), which stressed that our wildlife sites are too small and too isolated. Lawton called for greater steps to reconnect people to nature by enhancing ecological networks within urban environments, including wildlife-friendly management of green spaces, and by embedding biodiversity considerations in the need to adapt to climate change (Recommendation 7).

3.4. More recently, there is a drive to achieve biodiversity net gain (BNG) through the Town & Country planning process. This is closely aligned to the delivery of Local Nature Recovery Strategies (set out within the Environment Act, 2021), a new system of spatial strategies that will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits.

3.5. In terms of national conservation policy, 7 of the 18 British types of bat are priority species covered by Biodiversity Action Plans[2], which remain as an important and valuable reference source, highlighting the importance of certain species, detailing the threats they face and outlining measures to aid in the reduction of population declines.

3.6. At a more local level, Policy GG2 of The London Plan[3] refers to promoting "the creation of new green infrastructure and urban greening, including aiming to secure net biodiversity gains where possible".

3.7. Under Policy G6, 'Biodiversity and access to nature', Para B4 states "seek opportunities to create other habitats, or features such as artificial nest sites, that are of particular relevance and benefit in an urban context".

[2] http://jncc.defra.gov.uk/page-5170 (as on 28/4/21)
[3] Adopted March 2021

3.8. Policy G5 specifies that urban greening should be a fundamental element of site and building design, by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Whilst the London Plan points to the Boroughs to develop an Urban Greening Factor (UGF) to identify the appropriate amount of biodiversity enhancement for each development, draft UGF guidance has been produced by the Mayor[4].

3.9. At the borough level, the Camden Local Plan (adopted July 2017) is currently the key strategic planning document for Camden. The relevant sections of Policy A3 Biodiversity state:

> The Council will protect and enhance sites of nature conservation and biodiversity. We will:
> a. ... safeguard protected and priority habitats and species;
> b. grant permission for development unless it would ... adversely affect the status or population of priority habitats and species;
> c. seek the protection of other features with nature conservation value, including gardens, wherever possible;

3.10. The Camden Local Plan also states that "the Council aims to maximise opportunities for biodiversity in and around developments in order to deliver a net gain in biodiversity and a range of wider environmental benefits" (Para 6.59)

3.11. Aspirations to safeguard and enhance local biodiversity are also delivered in 'Creating Space for Nature in Camden' (2022), the current biodiversity action plan for the borough.

3.12. The plan identifies sites (both statutory and non-statutory) designated for nature conservation, as well as identifying types of habitats and species which are important within the borough[5].

3.13. Actions required for the delivery of Camden's biodiversity objectives are listed on the web[6]. Those that relate to individual types of animals or plants are restricted to hedgehogs and bats. With respect to habitats, targets include identifying areas for creation, and thereby increasing the area, of flower-rich meadows and species-rich woodland. There is also an action to promote tree planting on private land.

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4 https://www.london.gov.uk/publications/urban-greening-factor (as on 10/5/23)

5 Which are defined as those being within Section 41 of the Natural Environment and Rural Communities Act (2006).

6 https://www.camden.gov.uk/wildlife-areas#lgnl

3.14. In relation to planning, there is an action to ensure developments in Camden result in increased biodiversity.

4. Legislation

4.1. Whilst wildlife legislation covers a range of species and habitats within the UK, that most likely to be relevant to this setting is as follows:

4.2. All birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 (as amended), Part 1. It is thus an offence to intentionally:

- Kill, injure or take any wild bird.
- Take, damage or destroy the nest of any wild bird while it is in use or being built.
- Take or destroy the egg of any wild bird.
- (Intentionally or recklessly) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

4.3. The presence of breeding birds should be considered a constraint if vegetation clearance is undertaken during the bird breeding season (March - August).

4.4. Common lizards, slow worms and grass snakes are all protected by Section 9(1) and 9(5) of the Wildlife and Countryside Act, 1981 (as amended). This makes it an offence to intentionally kill or injure any individual of these species.

4.5. It is therefore a criminal offence to undertake major works that may result in the death or injury of a native reptile where these animals are known to be present.

4.6. Great crested newts (GCNs) and all bats are protected under Section 9 of the Wildlife and Countryside Act, 1981 (as amended) and Regulation 43 of the Conservation of Habitats and Species Regulations, 2017, which transposes the Habitats Directive into UK law.

4.7. This makes it an offence to:

- deliberately kill, injure or take (capture) any bat or GCN
- deliberately disturb bats or GCNs in such a way as to be likely significantly to affect:

  - the ability of any significant group of bats or GCNs to survive, breed, or rear or nurture their young, or
  - the local distribution or abundance of that species.
- damage or destroy a bat or GCN breeding site or resting place.
- intentionally or recklessly damage, destroy or obstruct the access to any place used by bats or GCNs for shelter or protection (even if the animals are not in residence).

4.8. This legislation applies to all life stages.

4.9. The words 'deliberately' and 'intentionally' include actions where a court can infer that a defendant knew that an action would almost inevitably result in an offence, even if that was not the primary purpose of the act.

4.10. The offence of damaging or destroying a breeding site or resting place is an absolute offence. Such actions do not have to be deliberate for an offence to be committed.

4.11. European Protected Species licences are available from Natural England under certain circumstances which permit activities that would otherwise be considered an offence.

4.12. Consequently, attention should be given to dealing with the modification or development of an area or structure if aspects of it may be deemed important to bats or GCNs.

5. Method & approach

5.1. No previous ecological reports were provided in relation to the site. The desk study included interrogating species data within a 1km radius of the site obtained from Greenspace Information for Greater London (GIGL) and referring to the government MAGIC website for information related to statutory sites. Aerial photographs (obtained from Google maps), facilitated an appreciation of the site and its setting in relation to the surrounding habitat.

5.2. An understanding of the proposed development was obtained via communication with Buro Four[7], ensuring that the survey focussed upon the area which would be directly affected by the proposal and hence most likely to be subjected to impact. This is the area west of the house,

[7] Craig Lightfoot

shown in Drawing 3169A_001 (dated 28/4/20), which accompanied Planning Application 2020/2172/P.

5.3. A site visit was undertaken on 21/3/23, incorporating a UKHab (Phase 1 equivalent) survey. Observations on the habitat variation were documented, focussing especially upon the vegetated area west of the gardens (ie adjacent to Mansfield Road). There was no compressive assessment of species, but dominant plants were noted (using a DAFOR[8] classification), as well as those that may give an indication of habitat type. Relevant plants and features were photographed and documented as Target Notes.

5.4. Prior to the survey, note was made of the weather conditions, including the temperature which was ascertained using a K-type thermocouple digital thermometer.

5.5. The field survey included visually assessing the exterior of the building for any potential for notable plants or animals[9]. Although such potential was limited because of the nature of the building, the presence of bats could not be automatically eliminated and so the building (in particular the roof fabric) was assessed for suitability (including potential for entry and general permeability) for bats as well as looking for their evidence (such as droppings, staining) which may have persisted in sheltered parts of the buildings' exterior. A powerful torch[10] and binoculars[11] were used. It was not found necessary to use an endoscope.

6. Limitations

6.1. The survey was undertaken outside the optimum period for flowering plants, so in the main, plant identification relied upon vegetative characteristics.

6.2. Although access to the flat roof was possible and the outer parts of the much of the parapet could be viewed with binoculars from the fire escape, some parts of the parapet were beyond sufficient magnification to assess gaps from ground level. This limitation is factored in to the recommendations (see Para 8.15).

[8] A qualitative assessment of classifying plant species according to whether they are **D**ominant, **A**bundant, **F**requent, **O**ccasional or **R**are, within any particular area

[9] It was understood that the building was occupied and not derelict, and given its flat roof structure, an internal inspection was not deemed necessary

[10] ThruNite Mini TN30 (max 3660 lumens)

[11] Celestron 71331 Nature DX 10x32

7. Results

Desk study

7.1. Biological records revealed little of significance close to the site[12]: The nearest records of protected species or Species of Conservation Concern are that of tawny owl *Strix aluco* (195m from site, 2022 record) and noctule *Nyctalus noctula*, Nathusius pipistrelle *Pipistrellus nathusii*, soprano pipistrelle *P. pygmaeus* and common pipistrelle *P. pipistrellus* bats (248m from site, 2020 record).

7.2. Other recent (since 2020) records are of swift *Apus apus*, (811m), large-leaved lime *Tilia platyphyllos* (885m), stag beetle *Lucanus cervus* (659m), hedgehog *Erinaceus europaeus* (893m), frog *Rana temporaria* (951m), pipistrelle, Jersey tiger moth *Euplagia quadripunctaria* (970m). The nearest records for notable plants date from 2011: spreading bellflower *Campanula patula* and field woundwort *Stachys arvensis* (687m).

7.3. The closest record for great crested newt *Triturus cristatus* is at the edge of the search area and dates from 2002.

7.4. The nearest statutory wildlife site is over 4km to the north (The Hampstead Heath Woods SSSI), while the south-western corner of Hampstead Heath lies just within the search area, as the only Metropolitan SINC. Frognal Court Wood (Borough Grade II) is the closest SINC to the site at some 200m to the west.

7.5. There are no statutory or non-statutory sites of geological interest within the search area.

7.6. Inspection of aerial photographs failed to reveal any waterbodies within the vicinity and to the north, from where amphibians may migrate (there appears also to be no water bodies to the south (apart from two swimming pools), west and east, but even if present, these would be of less significance since Fitzjohns Avenue, Nutley Terrace and Maresfield Gardens would serve as barriers to dispersal (Fig. 5).

[12] It is emphasised that with regard to species records, 'absence of evidence is not evidence of absence'

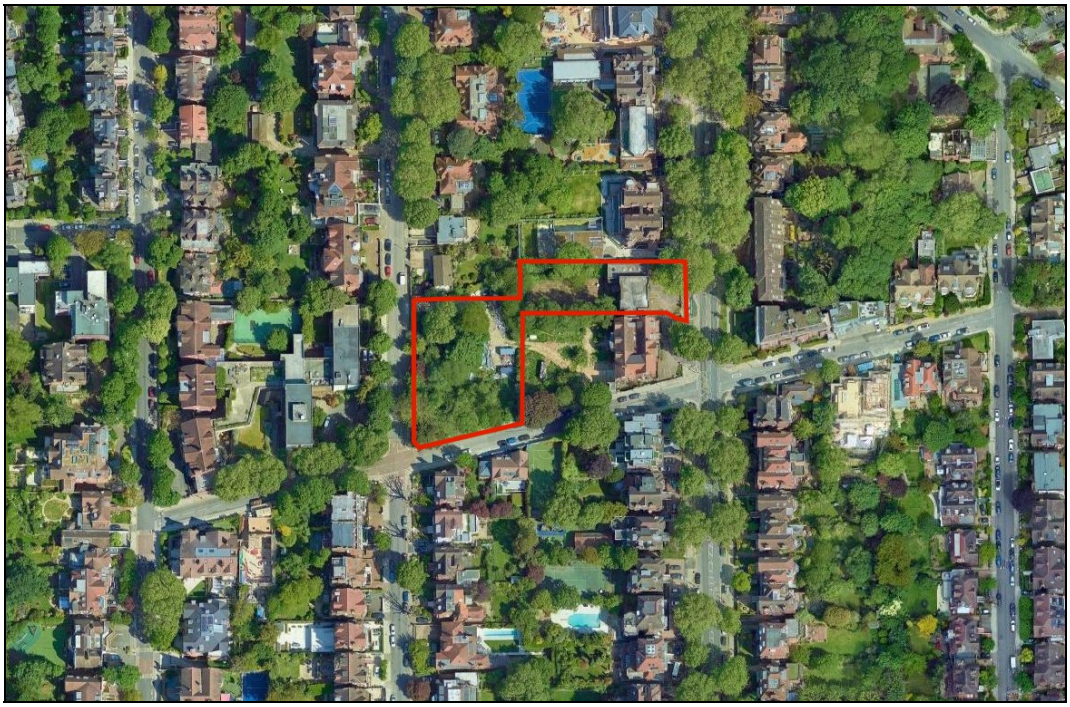

Fig 5 Aerial photograph showing the site boundary (red line) in relation to the surrounding area. The two swimming pools are visible towards the lower edge of the photo. No other water bodies are visible.

Site inspection

7.7. The site survey took place on 21 March 2023. It was cold (14ºC)[13], dry with a slight breeze and overcast (100% cloud cover).

7.8. The site comprises the following UKHab habitat categories:

- h3d Bramble scrub - areas of bramble and shrubs within the western area, and along northern margin (Phase 1 equivalent A2.2)
- w1g Other woodland, broadleaved - the area of dense mature trees within the western section (Phase 1 equivalent A1.3.2)
- u1f-81 Sparsely vegetated urban land - in the western section there are areas of mounded earth (which could alternatively be classified as spoil (u1c), other than it has been colonised by plants) (Phase 1 equivalent J1.3)
- u1f-847 Introduced shrub - ornamental planting adjacent to house (Phase 1 equivalent J1.4)
- u1b5 Developed land, sealed surface (buildings) - the lean to and No 39a Fitzjohns Avenue (Phase 1 equivalent J3,6)

[13] Temperature was measured using a K-type thermocouple

- u1b6 Developed land, sealed surface - the tennis court, paths and the trackways and cleared areas in the western section (Phase 1 equivalent J4)
- u1c-839Artificial unvegetated - unsealed surface (Phase 1 equivalent J4)
- h2a6 Native hedgerow

7.9. These are shown in Fig 6a. Target Note locations are shown in Fig. 6b.

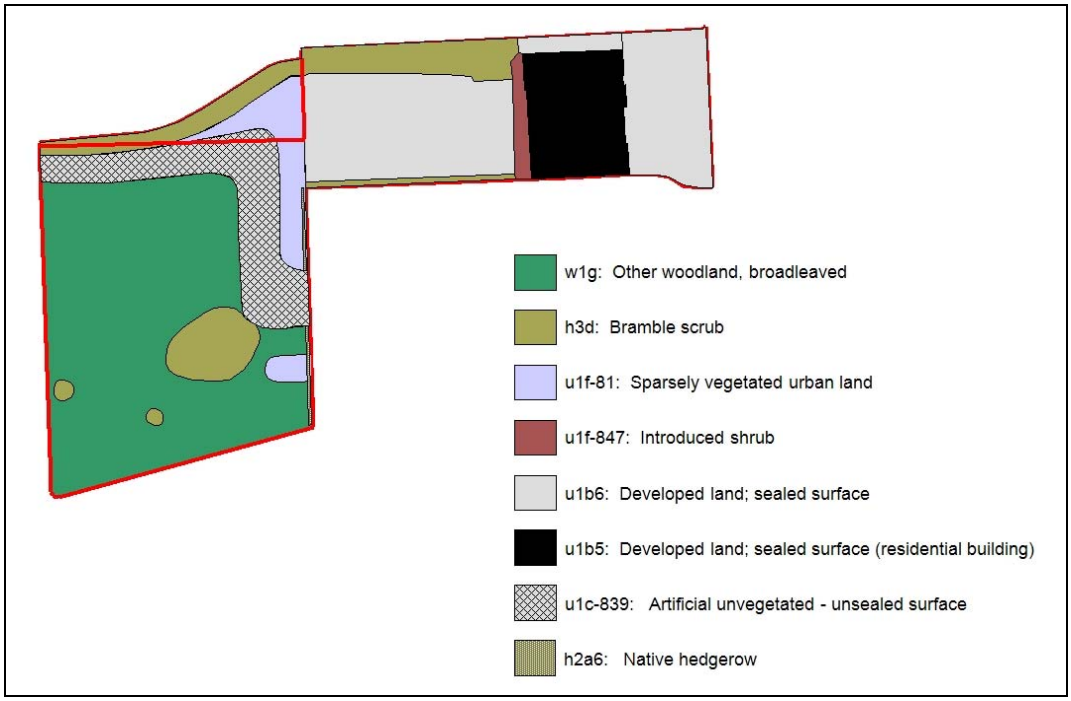

Fig 6a UKHab habitat plan.

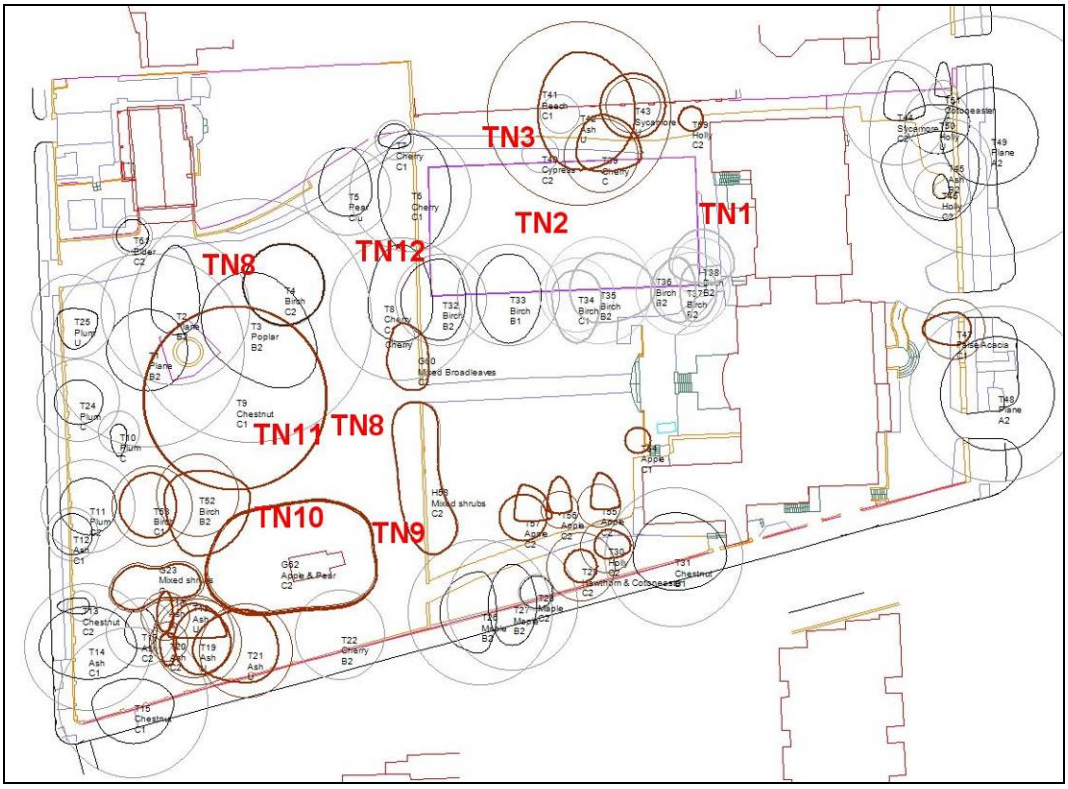

Fig 6b Location of trees, showing canopy spread, including those proposed for removal (dark brown). Target note locations (TN) also shown.

Site inspection - Gardens

TN1

The former tarmac path between the tennis court and house is largely colonised by plants (Fig. 7). Other than the area occupied by a lean-to, there is a ground layer of ivy *Hedera helix* (D), herb Robert *Geranium robertianum* (D), creeping buttercup *Ranunculus repens* (A), cleaver *Galium aparine* (O), rye grass(?) *Lolium* sp. (D), rose *Rosa* sp. (F) and dock *Rumex* sp. (O). Holly *Ilex aquifolium* and ornamental species (including cherry laurel *Prunus laurocerasus*) occupy a 2m strip immediately adjacent to the house.

Fig 7 Overgrown tarmac path between house and tennis court

TN2

The tarmac of the disused tennis court (Fig. 8) is largely overgrown with moss *Brachythecium rutabulum(?)* (D) and *Mnium* sp.(?) (D), but with complete encroachment by ivy at the western end and along the margins of the court. Some cats ear *Hypochoeris* sp (O) and ragwort(?) *Senecio jacobaea* (?) (R) and herb Robert is also present.

Fig 8 Derelict tennis court. Moss covering visible to the centre right of the photo, as is the encroachment of ivy at the margins

TN3

A narrow strip of unmanaged land between the tennis court and northern boundary, which has been flytipped. Groundcover is heavily dominated by ivy, with dense bramble *Rubus fruticosus* at the western end. Frequent shrubs / trees comprising sycamore *Acer pseudoplatanus*, cherry *Prunus* sp., leylandii and cypress, with some holly and elder *Sambucus nigra*.

TN4 - TN7 - N/A

Site inspection - Western area

Separated from and to the west of the gardens / tennis court of No 39 and 39a by an old wall is an overgrown area with many mature trees and dense shrubs as well as more open areas. A proportion of the area has been cleared and an access track emanates from Maresfield Gardens. An old but functioning ventilation shaft to the railway is fenced off.

TN8

Hardcore / bare ground track into the site (Fig. 3).

TN9

Mound of 'top-soil'(?), presumably derived from the cleared parts of this area. Dominated by nettle *Urtica dioica*. A large mammal burrow (Fig. 9) has been excavated, which splits into three separate tunnels. No mammal hairs were found.

Fig 9 Large mammal burrow (likely to be a fox earth) within earth mound in western area

TN10

Area devoid of trees and shrubs, comprising dense bramble (D), but also ivy (D), nettle (F), dock (F), ground-elder (locally A) (Fig. 10), stinking iris *Iris foetidissima* (O), cleaver *Gallium aparine*(?) (F), comfrey *Symphytum officinale* (F), dandelion (O), grass (unidentified) (O), herb Robert (F), creeping thistle *Circium vulgare* (O), wood avens *Geum urbanum* (O) and green alkanet *Pentaglottis sempervirens* (F).

Fig 10 Large patch of ground-elder in part of the western area otherwise dominated by bramble and ivy.

TN11

Most of the mature trees (such as the sweet chestnut *Castanea sativa*, silver birch *Betula pendula*. and poplar *Populus* sp.) are centred around the ventilation shaft, within a dense understory of privet *Ligustrum* sp., cherry *Prunus* sp., holly, cherry laurel along with a dense ivy ground layer. Goat willow *Salix caprea* is also within the vicinity.

TN12

Bank (Fig. 11) formed from mounded 'top-soil'(?) dominated by green alkanet (D) and including creeping buttercup (D), cleaver (F), herb Robert (F), stinking iris (O), thistle (F) and red dead-nettle *Lamium purpureum* (F).

Fig 11 Bank within western area along boundary to tennis court

7.10. No evidence of Japanese knotweed *Fallopia japonica* was evident throughout the site[14]

7.11. Crow *Corvus corone*, pigeon *Columba palumbus*, magpie *Pica pica* and blue-tit *Cyanistes caeruleus* were incidentally noted during the survey

7.12. The site comprises a structurally varied habitat - particularly in the western area, where there are 'wooded' areas, areas of dense scrub or bramble, open vegetated areas and areas of bare ground. As this type of habitat has the potential to accommodate common reptiles (most notably slow work *Angulis fragilis* but also common lizards *Zootoca vivipara* and grass snakes *Natrix helvetica*), an inspection was undertaken. Slow worms are most likely to be found[15] beneath refugia, including artificial objects, many of which are strewn across the site. A variety of refugia were carefully inspected (Figs. 12 - 17) by slowly upturning them.

[14] The survey was not a comprehensive invasive species survey, and although there is a degree of confidence that Japanese knotweed is absent, given the time of year, this cannot be guaranteed

[15] It is around March that slow worms are emerging from hibernation. However, the optimum time of day to undertake an inspection is early in the morning when slow worms are seeking to absorb the early morning heat. This reptile inspection was undertaken around 17.00.

Fig 12 Example of potential refugia inspected for slow-worms within the western area

Fig 13 Example of potential refugia inspected for slow-worms within the western area

Fig 14 Example of potential refugia inspected for slow-worms within the western area

Fig 15 Example of potential refugia inspected for slow-worms within the western area

Fig 16 Example of potential refugia inspected for slow-worms within the western area

Fig 17 Example of potential refugia (old mattress) inspected for slow-worms within the western area

7.13. No slow worms were found and no common lizards or grass snakes were observed during the survey.

7.14. Although the overgrown and wooded area may serve as suitable foraging and/or hibernation habitat for amphibians (including great crested newts), no water bodies are present on site.

Preliminary roost assessment - No 39a building

7.15. No 39a is a relatively recent extension to No 39 to the south. Of brick construction, the main part of the building comprises three storeys, while a section to the north is two storey (Fig. 3). The main features are the windows, but otherwise there is little detail to the walls which could serve to accommodate bats (for example, no weep holes within the brickwork were noted, no ornamental hanging tiles etc), with the pointing in sound condition throughout and no apparent structural defects (cracks).

7.16. In the case of this building, the main opportunity for bats would be in relation to the roof, despite it being of flat construction. Accessed by the fire escape to the rear of the building and then using a short ladder, the roof and internal face of the parapet was inspected in some detail.

7.17. The surface of the roof is of felt / asphalt construction (Fig. 18) and is without any tears or defects. The mortar bed to the parapet coping was inspected. It was mostly intact, although some gaps were present (Fig. 19). Many of the gaps were occupied by cobwebs, but where cobwebs were absent from the gaps, it was possible to inspect them for evidence of bats (droppings), which may well have persisted into the winter due to the gaps being very sheltered by the coping stones. Very occasional gaps within the parapet brickwork (Fig. 20) were inspected the same way. No droppings or other evidence of bats was observed.

Fig 18 The uppermost flat roof to No 39a, showing the surrounding parapet

Fig 19 Mortar beneath the coping stones to the parapet mostly intact, but occasional gap is present (in this photograph, just above the tip of the pen)

Fig 20 A rare gap in the parapet brickwork interior face

7.18. The lower roof of the two storey part of the building (to the north) was of identical construction (other than the presence of 4 large integrated domed light wells - Fig. 21) and was inspected the same way. As with the upper section of roof, very few gaps were present within the mortar to the coping stones, and evidence of bats within those inspected was absent.

Fig 21 Roof to the two-storey northernmost part of No 39a, with light wells

7.19. The mortar to the exterior of the main roof parapet could only be inspected by using binoculars. Some gaps were noted, but no droppings were visible. This inspection was limited to those parts of the roof within view from the top of the fire escape (Fig. 22): Much of the exterior of the parapet was not visually accessible, and the binoculars of insufficient strength to detect gaps, let alone droppings, from ground level.

Fig 22 The exterior face of the roof parapet - as viewed from the top of the fire escape

Preliminary roost assessment - Trees

7.20. Many of the mature trees have the capacity to accommodate bats either through the presence of dense ivy and/or through defects within the tree itself (knot holes, pruning wounds etc). The inspection focussed upon those trees identified for removal[16] as part of the application, but also included observations on some of the trees to be retained:

T9 - the bark of this mature sweet chestnut possesses fissures, but these are unlikely to be of sufficient depth to accommodate bats. Several knot holes are, including at the main fork of the stem (at about 8m), where there is also a dense concentration of ivy. If these penetrate the tree to any depth, they may be suitable to accommodate bats.

[16] Tree removal plan, dated 22/2/23, as received from CL on 13/3/23

T52 - Dense ivy on silver birch of a form that has the capacity to accommodate bats

T21 - Ash with little potential for bats

T19/20 - Ash with dense ivy of a form that has the capacity to accommodate bats (Fig. 23).

Fig 23 Dense ivy growth on ash T19/20, typical of many of the mature trees in the western area/

T53 - Silver birch with insufficient ivy cover to accommodate bats. The tree also lacks other features which may accommodate bats.

T30 - This holly bears considerable ivy growth, but not of sufficient density to support bats. The crevice in the trunk was inspected, even though it is unlikely that bats would use a feature at such a low height.

T29 - Intergrowing hawthorn *Crataegus monogyna* (?) and cotoneaster (?). The eastern stem presents little opportunity for bats. The western stem has dense ivy growth. However, its proximity to the road and low stature make it unlikely to accommodate bats, especially since there are so many other more suitable trees available.

T39, T40, T41, T43 & T59 - The cherry, cyprus, beech, sycamore and holly along the northern site boundary (adjacent to the tennis court) have limited potential to accommodate bats.

T42 - the ash at the northern site boundary lacks the dense ivy growth present on so many of the other larger trees. It does however, possess holes which have the potential to accommodate bats (Fig. 24).

Fig 24 Holes in the ash T42 along the northern boundary

8. Discussion & recommendations

8.1. In the main, the biological record data did not reveal any information which indicates the potential for the presence of any plants of note associated with the site.

8.2. The biological data confirmed the presence of the more common species of bat within the broader area, as well as hedgehogs and stag beetle which is not unexpected. Although not fully protected under the Wildlife and Countryside Act 1981, hedgehogs and stag beetle serve as an important charismatic 'keystone' species within urban areas.

8.3. The tennis court of No 39a offers little in the way of biodiversity value. Of more interest is the neglected area to the west (a) because of its extent and (b) because of its diverse habitat and structure, this diversity providing a range of spaces and microclimates in which common urban animals (including birds) may flourish.

8.4. However, none of the plants noted are of any particular rarity - all being commonly found within gardens and / or neglected green spaces within this part of London. In addition, the site is relatively isolated from surrounding habitat (ie the adjacent gardens), being severed by roads

on 3 sides. It may be this isolation which has prevented the establishment of animals which would otherwise find the habitat favourable. But it is likely also that some of these animals may simply not be within the vicinity. For example, the nearest record for slow worm is some 1.5km away (Fig. 25).

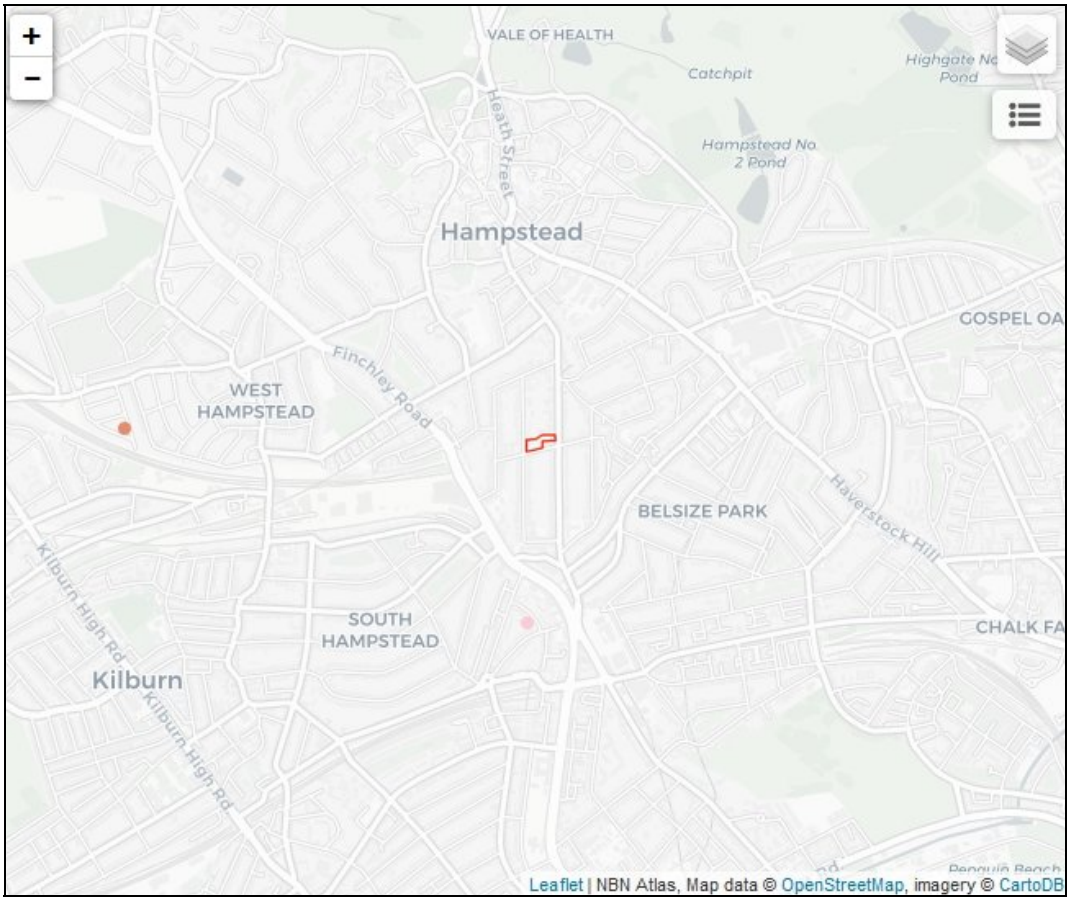

Fig 25 Single record of slow worm (the brown dot towards the left margin of the picture) nearest to the site (centre of picture) (screenshot from the National Biodiversity Network on-line atlas, as on 5/4/23)

8.5. Although the site appears to not support any species of note, with its biodiversity limited by its isolation, and is neither a statutory or non-statutory wildlife site (SINC), there is some 'local' value in its generally 'wild' and unmanaged state. However, any benefit accrued by its (theoretical) lack of people access, is compromised by frequent unauthorised entry[17].

8.6. So in terms of Camden's objective to 'protect and enhance sites of nature conservation and biodiversity' (see Para 3.9), protected or priority

[17] Dainotas (site manager), pers. comm. It is this unauthorised access on to the western part of the site that precipitated the need to erect a security fence around the eastern part of the site.

species are unlikely to be present, therefore there is a presumption to grant permission for development.

8.7. However, the policy also aims to seek to protect 'other features with nature conservation value, including gardens, wherever possible'. As indicated above, there is an element of conservation value of the site, albeit limited to the immediate locality. This may be ameliorated by a net gain in biodiversity (see below), as indeed is the vision of Camden (see Para 3.10).

8.8. The footprint of the proposal for the dwellings in the western area involves the loss of a substantial mature tree (the sweet chestnut) and some smaller trees (including birch) but in the main is within an area currently occupied by dense bramble - most of the trees within the western area are to remain.

8.9. Furthermore there is the potential to implement a landscaping scheme which includes not only further planting of native trees, but also a mosaic of habitat 'pockets' (to include for example, areas of meadow flora, scrubby areas, standing dead wood / dead wood piles etc).

8.10. Whilst the habitat created will be of biodiversity value in its own right, it is intended to focus on creating elements which favour both hedgehogs and stag beetle.

8.11. As part of the vision to create a 'biodiversity-rich' landscaping scheme (which will contribute to the desirability of the new residences), consideration will be given to the lighting scheme, both in terms of street lighting on the access roads and pathways, but also in terms of light shed by the buildings themselves, in order to contribute to an environment that supports nocturnal insect activity and bat foraging.

8.12. The PRA identified a number of trees which have the capacity to support bats, either due to dense ivy cover and / or due to structural elements of the tree itself. In relation to the trees that have been identified for removal, in order to safeguard bats and their roosts, the following is proposed, prior to felling:

T9 - undertake activity (emergence / return) surveys OR inspect with a cherry picker

T52 - undertake activity (emergence / return) surveys

T19/20 - undertake activity (emergence / return) surveys

T42 - undertake activity (emergence / return) surveys OR inspect with a cherry picker

8.13. Should evidence of bats be noted (during visual inspection) and / or use by bats confirmed by the activity survey, the felling of the tree will be suspended until a solution is found to proceed in compliance with wildlife legislation. This may involve applying to Natural England for a mitigation licence.

8.14. The clearance / felling of any trees needs to be undertaken outside of the bird nesting season

8.15. Inspection of the building fabric and roof of No 39a found no evidence of use by bats and very little potential for the building to accommodate bats. It was not possible to fully examine the external face of the parapet. Consequently, if the roof is to be modified, as a precaution it is recommended that a licenced bat worker is present when the coping stones to the parapet are removed. Should evidence of bats be noted, work will be suspended until a solution is found to proceed in compliance with wildlife legislation. This may involve ensuring that the new structure is bat-friendly and/or applying to Natural England for a mitigation licence.

8.16. The client is keen to create a development which contributes to net gain in the longer term. As part of this, a program of biodiversity monitoring with be implemented which involves inspection / assessment every two years following the granting of consent until the completion of the entire development, and thereafter in years 1, 3 and 6 following completion. This would comprise:

- inspection of the 'dead wood' habitat for stag beetle
- assessing presence of hedgehogs (through use of camera traps and/or footprint tunnels)
- static bat detector surveys to establish extent of foraging across the site

9. Conclusions

9.1. The area adjacent to 46 Maresfield Gardens provides a degree of biodiversity interest in as much as it comprises a diversity of habitats and has been left unmanaged for some years.

9.2. None of the habitats are 'priority' habitats: Individually, they are common to gardens and/or derelict sites within London.

9.3. Many of the trees within the site contain structural features and/or dense ivy cover which provide potential as bat roosts. Apart from this, no notable plants or animals appear to be present.

9.4. Prior to clearance / felling, inspection and/or nocturnal survey of some of the trees will be required, to asses if they are serving as bat roosts.

9.5. Removal of trees should only be undertaken outside of the bird nesting season.

9.6. The disused tennis court to No 39a is of negligible biodiversity interest.

9.7. The building at No 39a is of brick construction, without 'ornament' and in sound condition, with a flat roof (and parapet) also in sound condition. There is very little opportunity for the building to accommodate bats.

9.8. However, should any work be undertaken which involves modification to the roof, it is recommended that a licence bat worker is present.

9.9. Opportunities exists to implement a landscaping scheme that uses native species and provides a range of habitat types, which will in turn encourage hedgehogs, stag beetle and bats (all animals of conservation concern). Post development monitoring of the same is recommended.

10. Report conditions

10.1. This report is produced solely for the benefit of 39 Fitzjohns Avenue Ltd and no liability is accepted for any reliance placed upon it by any other party unless specifically agreed in writing otherwise.

10.2. This report is prepared for the proposed uses stated in the report and should not be used in a different context without reference to Ecology Network Ltd. In time, improved practices, new information or amended legislation may necessitate a re-assessment. Opinions and information provided in this report are on the basis of Ecology Network Ltd using due skill and care in the preparation of the report.

10.3. This report refers, within the limitations stated, to the environment of the site in the context of the surrounding area at the time of the inspections. Environmental conditions can vary and no warranty is given as to the possibility of changes in the environment of the site and surrounding area at differing times.

10.4. This report is limited to those aspects reported on, within the scope and limits agreed with the client under our appointment. It is necessarily restricted and no liability is accepted for any other aspect. It is based on the information sources indicated in the report. Some of the opinions are based on unconfirmed data and information and are presented as the best obtained within the scope for this report.

10.5. Reliance has been placed on the documents and information supplied to Ecology Network Ltd by others but no independent verification of these has been made and no warranty is given on them. No liability is accepted or warranty given in relation to the performance, reliability, standing etc of any products, services, organisations or companies referred to in this report.

10.6. Whilst skill and care have been used, no investigative method can eliminate the possibility of obtaining partially imprecise, incomplete or not fully representative information, particularly due to timescale, seasonal and weather related conditions. Thus we cannot guarantee that the survey or monitoring undertaken as part of the commission completely define the degree or extent of, for example, species abundance or habitat management efficacy which may be described.

10.7. Although care is taken to select monitoring and survey periods that are typical of the environmental conditions being measured, within the overall reporting programme constraints, measured conditions may not be fully representative of the actual conditions. Actual environmental conditions are typically more complex and variable than the investigative approaches indicate in practice, and the output of such approaches cannot be relied upon as a comprehensive or accurate indicator of future conditions.

10.8. The potential influence of our assessment and report on other aspects of any development or future planning requires evaluation by other involved parties.

10.9. The performance of environmental mitigation measures is influenced to a large extent by the degree to which the relevant environmental considerations are incorporated into the final design and specifications and the quality of workmanship and compliance with the specifications on site during construction. Ecology Network Ltd accept no liability for issues with performance arising from such factors.