

Ecological Assessments

# Ecological Assessment

124 Theobalds Road, London, WC1X 8TA

Environmental Statements  
(Biodiversity)

Species Surveys

Phase I Habitat Survey

National Vegetation  
Classification

Planning Guidance

Habitat Regulation Assessment

Protected Species Licensing

42020 CEMP: Biodiversity

BREEAM LE01 - 05



**Cover Photo:** The Application Site, 124 Theobalds Road.

**REPORT STATUS**

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Prepared by	PR	JC	PR
Signature			
Reviewed by	VM/CLIENT	VM/CLIENT	VM/CLIENT
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# 1 INTRODUCTION

## 1.1 BACKGROUND

1.1.1 This Ecological Assessment has been prepared by Ecology Practice on behalf of Theobald Investment Ltd ('the Applicant') in support of a full planning application for the refurbishment and extension of the existing commercial building at 124 Theobalds Road, London, WC1X 8RX ("the Site").

1.1.2 Accordingly, the description of development for the full planning application is as follows:

*"Refurbishment and extension of the existing building to provide additional commercial, business and service use (Class E) including external alterations, introduction of a rooftop terrace, new hard and soft landscaping, provision of cycle parking, provision of publicly accessible café space, and other associated works."*

1.1.3 The assessment follows guidance provided by CIEEM (2018<sup>1</sup>) and complies with recommendations in BS42020<sup>2</sup> and BS8683<sup>3</sup>.

### **Pre-application Consultation Overview**

1.1.4 The proposals have been through a pre-application consultation process in relation to the design development of the proposals. The following pre-application meetings have taken place with London Borough of Camden:

- Pre-application meeting 1 – 7th December 2023
- Pre-application meeting 2 - 16th May 2024

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<sup>1</sup> **Chartered Institute for Ecology and Environmental Managers (2018)** Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine v1.2 (April 2022). Chartered Institute of Ecology and Environmental Management, Winchester.

<sup>2</sup> **The British Standards Institution 2013** BS 42020:2013 Biodiversity - Code of practice for planning and development. Published by BSI Standards Limited 2013. ISBN 978 0 580 77917 6

<sup>3</sup> **The British Standards Institution 2021** BS 8683 Process for designing and implementing Biodiversity Net Gain – specification. Published by BSI Standards Limited 2021. ISBN 978 0 539 01986 5

## **Site Details**

- 1.1.5 124 Theobalds Road ('The Site') is located in the London Borough of Camden (LBC) and covers an area of 0.24 hectares.
- 1.1.6 The current building was completed in 1955 and comprises a basement, ground and eight upper floors with a total floorspace of approximately 11,937 sqm.
- 1.1.7 The Site fronts Theobalds Road to the south and is bounded by Boswell Street to the west and New North Street to the east (refer to Figure 1).

## **1.2 DEVELOPMENT OVERVIEW**

- 1.2.1 The proposals comprise the refurbishment of the existing building to provide an additional 600 sqm of commercial, business and service use (Class E) floorspace. This will be achieved by a high-quality front extension and by infilling the existing atrium at levels 6-8.
- 1.2.2 External alterations are proposed to the facades. Cycle parking provision will be provided at lower ground floor level. A landscaped forecourt and rear yard, a sunken courtyard and a communal roof top terrace will also be provided. Refer to Figure 2 for more detail on the proposals.

## **1.3 REGULATORY FRAMEWORK**

### **Legislation**

- 1.3.1 This report has been prepared taking relevant statutory instruments into account; including domestic legislation such as Acts of Parliament, and Regulations to comply with European Directives. This is described in full in 6.1, and in summary as follows:
- The Environment Act 2021
  - The Conservation of Habitats and Species Regulations 2017 (as amended)
  - Wildlife and Countryside Act 1981 (as amended)
  - Protection of Badgers Act 1992

- Countryside and Rights of Way (CROW) Act 2000
- Natural Environment and Rural Communities (NERC) Act 2006
- ODPM Circular 06/2005 Biodiversity and Geological conservation (withdrawn March 2014, but report remains compliant)

## **Priority Species**

1.3.2 As well as species and habitats formerly protected through statute, this assessment will consider ‘Habitats and Species of Principal Importance’, otherwise referred to as ‘Priority Habitats and Species’, if present<sup>4</sup>. In accordance with obligations set out in Section 40 of the NERC Act 2006, the planning authority refers to these habitats and species as material considerations, which are defined in a List through Section 41 of the Act.

## **National Planning Policy Framework (NPPF)**

1.3.3 National policy for nature conservation is determined through the NPPF 2023<sup>5</sup> and with respect to habitats and biodiversity, is covered under Section 15 Conserving and Enhancing the Natural Environment. In particular:

- Habitats and biodiversity (para 185)
- Local Planning Authority principles (para 186)
- Site protection (para 187)

1.3.4 The principles of Net Gain are enshrined in the NPPF para 180 (d), “...minimising impacts on and providing net gains for biodiversity ...”.

## **Biodiversity Net Gain**

1.3.5 Within Part 6: Nature and Biodiversity of the Environment Act 2021<sup>6</sup>, section 98, entitled “Biodiversity gain as condition of planning permission” states that “Schedule 14 makes provision for biodiversity gain to be a condition of

<sup>4</sup> <https://data.jncc.gov.uk/data/bdd8ad64-c247-4b69-ab33-19c2e0d63736/UKBAP-UKListPriorityHabitatsSpecies-V1.4-2010.xls> (accessed November 2023)

<sup>5</sup> **National Planning Policy Framework 2023.**  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>6</sup> **The Environment Act 2021** Part 6: Nature and Biodiversity.

planning permission in England”’. Schedule 14 contains the requirement for biodiversity net gain, as detailed below.

### **Biodiversity gain objective**

- 1.3.6 Schedule 14 (1,1) states that, ‘this schedule makes provision for grants of planning permission in England to be subject to a condition to secure that the biodiversity gain objective is met’.
- 1.3.7 The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage that is specified in local planning policy<sup>7</sup>. DEFRA has produced the Statutory Biodiversity Metric, a tool to measure the biodiversity losses and gains that result from development projects (2023)<sup>8</sup>. Local requirements are discussed in 3.4.

### **UK Biodiversity Policy**

- 1.3.8 There is a ‘Biodiversity Duty’ for local authorities set out in the NERC Act 2006 Sections 40 and 41, guiding national policy for priority habitats and species (i.e., the S41 List), and importantly linking these to both the National Biodiversity Action Plan for the UK and local Biodiversity Action Plans (BAPs).
- 1.3.9 The UK BAP describes the UK’s biological resources and commits a detailed plan for the protection of these resources. Although not statutorily binding, nonetheless it provides policy direction at a national, regional and local scale. It currently has 391 Species Action Plans, 45 Habitat Action Plans and 162 Local Biodiversity Action Plans with targeted actions. This list, a result of the most comprehensive analysis ever undertaken in the UK, contains 1149 species and 65 habitats that have been listed as priorities for conservation action.

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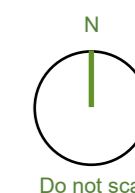
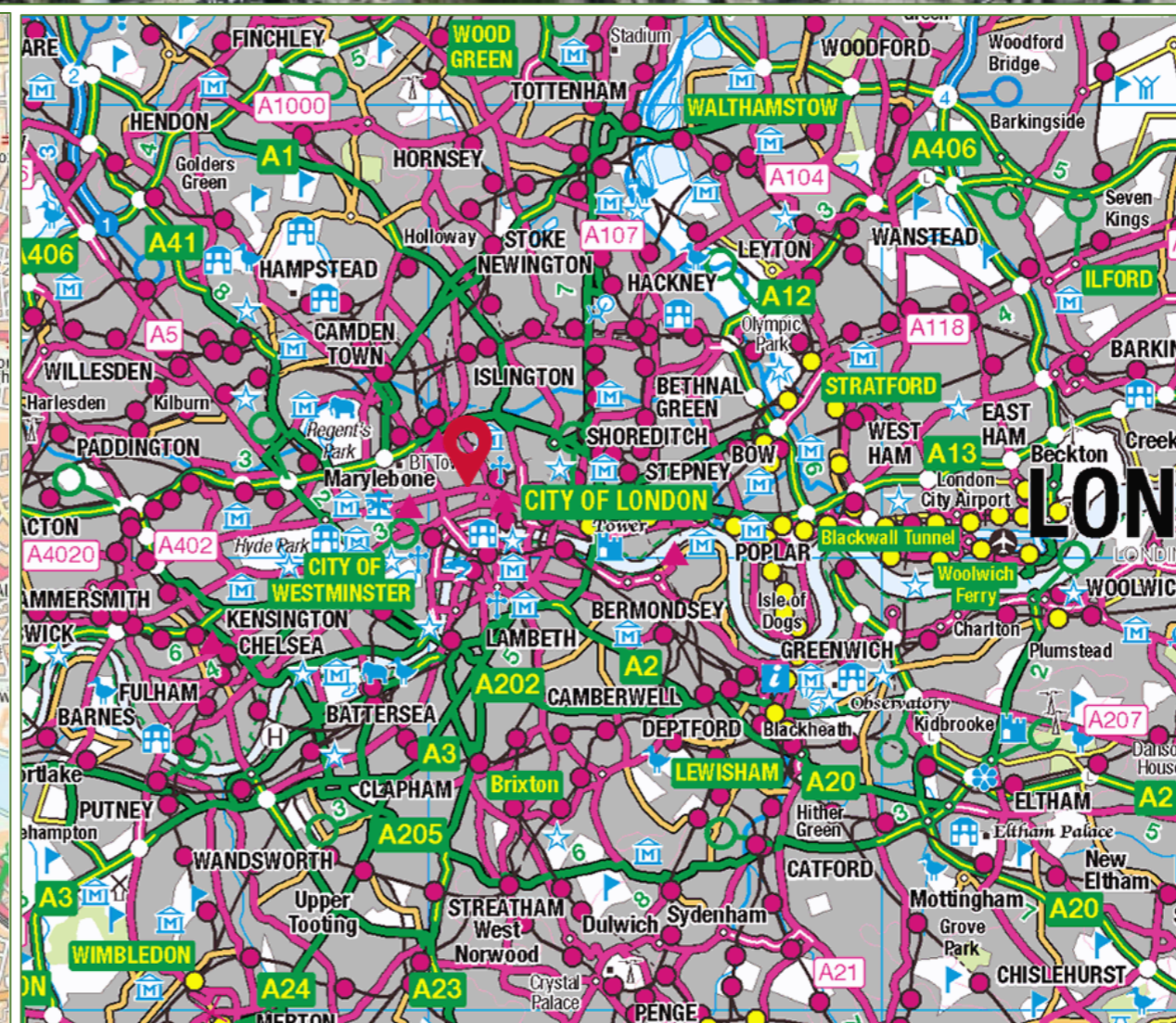
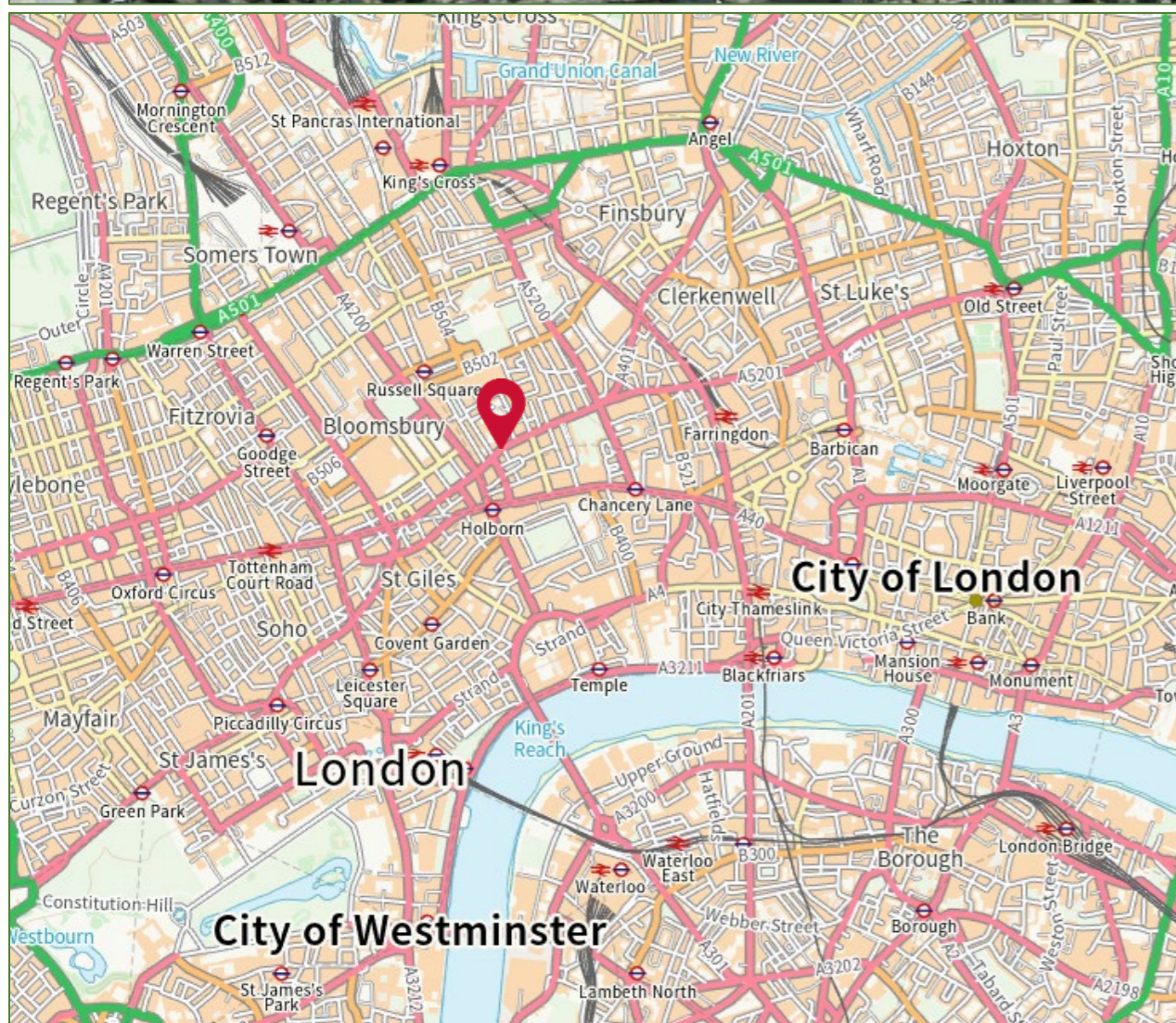
<sup>7</sup> The Environment Act was passed in 2021 and it requires a 10% net gain from new development. The small sites metric will become mandatory in April 2024.

<sup>8</sup> DEFRA (November 2023) The Statutory Biodiversity Metric. User Guide (draft)

# Figure 1 Site Location



Application Site

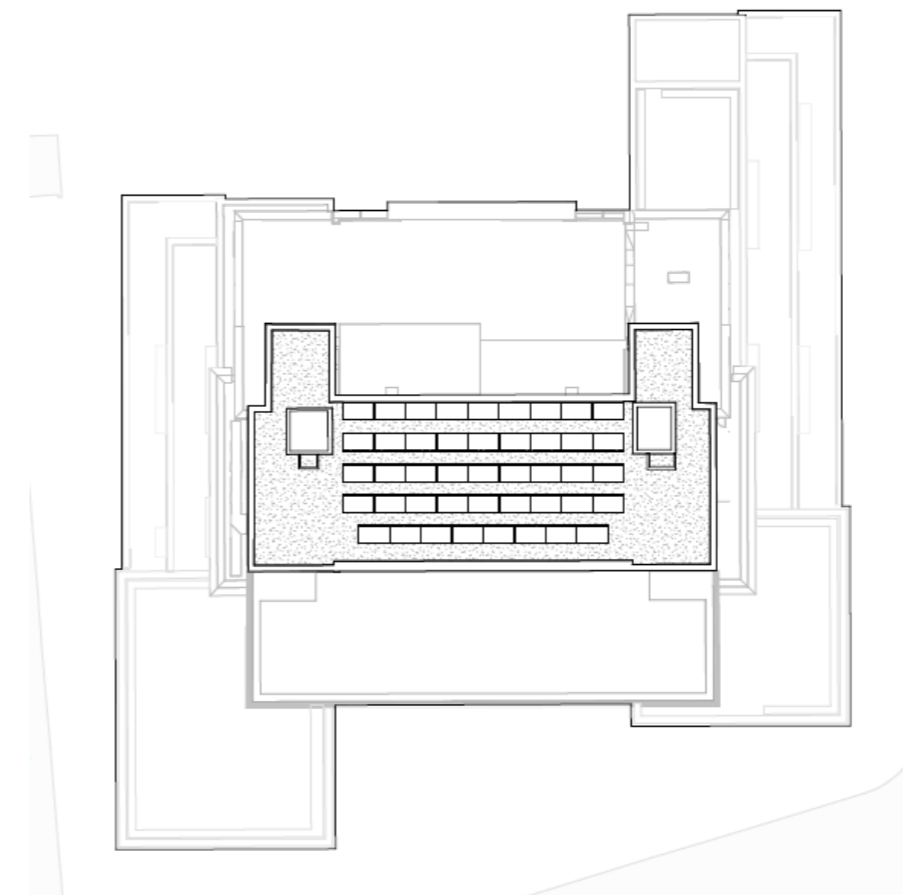
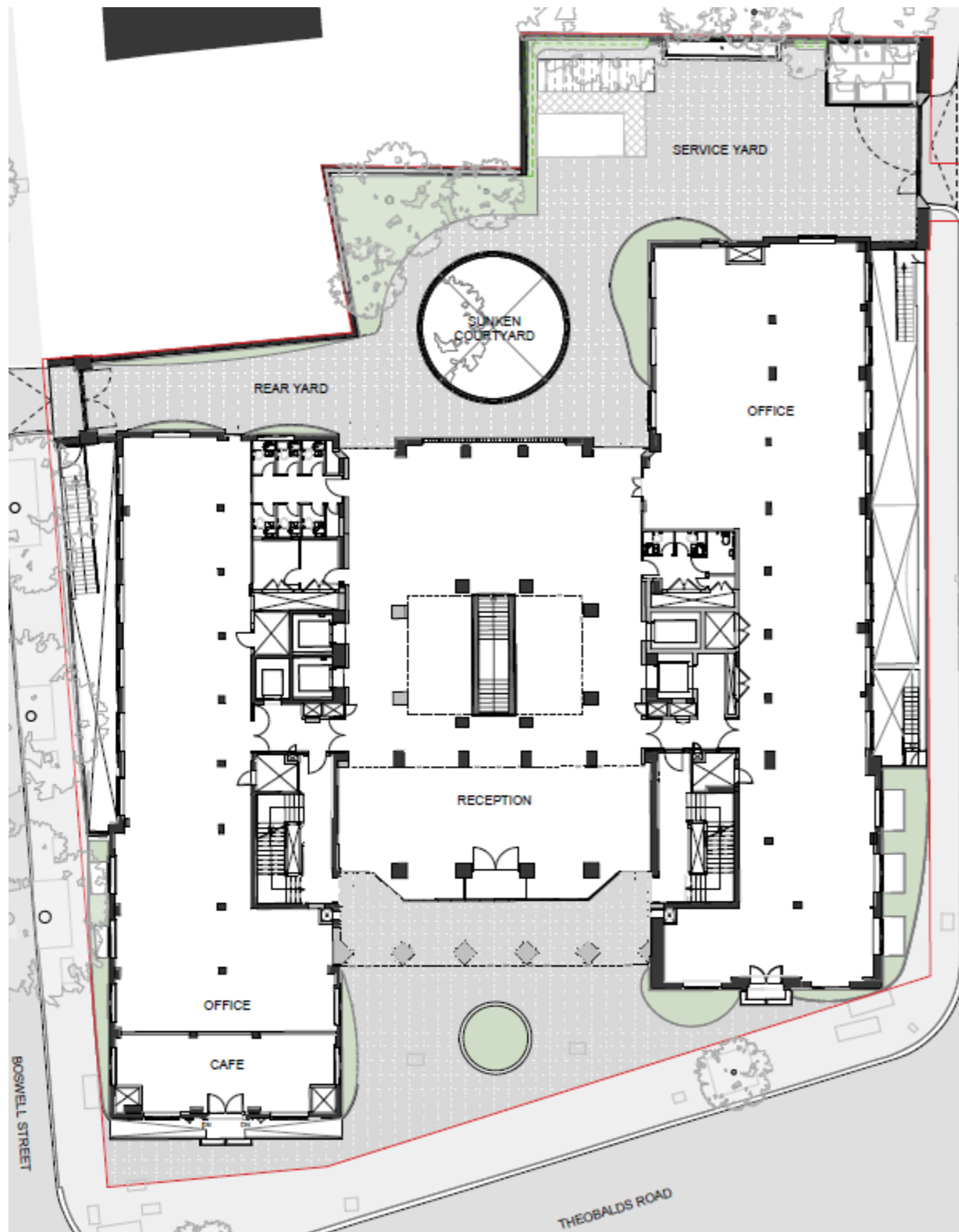


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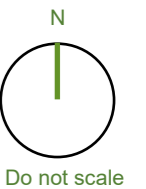
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**Figure 2  
Proposals**



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## 2 METHODS

### 2.1 DESKTOP

2.1.1 A desk study was carried out by collecting records from Greenspace Information for Greater London CIC (GiGL). The Area of Search (AoS) was 2km, GiGL provided records for protected and priority species and sites including:

- Statutory sites
- Non-statutory sites (Sites of Importance for Nature Conservation [SINCs/LWSs])
- Non-statutory sites (proposed)
- Protected species
- London Invasive Species
- Notable Thames Structures
- Priority Habitats
- Open Space

2.1.2 The Department of the Environment and Rural Affairs (DEFRA) Map and Geographic Information Centre (MAGIC) website<sup>9</sup> was searched for information on:

- Statutory Designations within 5km Area of Search (AoS) of the Site,
- Distribution of Priority Habitats was collected within a 1km AoS.
- Relevant European Protected Species licences data was searched for within a 2km AoS.

2.1.3 Local planning policies with respect to Biodiversity for this Site have been reviewed so that recommendations comply and are detailed in section 3.4.

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<sup>9</sup> <https://magic.defra.gov.uk/>

## 2.2 FIELDWORK

### **Phase I Habitat Survey**

2.2.1 An initial visit was carried out on 23<sup>rd</sup> April 2024, during which a Phase I habitat survey and UK habitat classification survey was undertaken. The survey was carried out by Philip Roskell MSc, an experienced Ecologist. The survey involved identifying and mapping the dominant habitat types following the UK habitat classification survey methodology<sup>10</sup>. Dominant plant species were noted (including aliens), as were any uncommon species or species indicative of habitat types, but not all species would have been visible and there was no attempt to compile exhaustive species lists.

2.2.2 During this field survey, attention was paid to habitats and features that may provide opportunities for protected species to be present at other times of year and thus inform the recommendations for further survey where appropriate.

### **Preliminary Roost Assessment (PRA)**

2.2.3 During the Phase I habitat survey, all built structures were assessed for their suitability to support roosting bats. The building inspection was undertaken in accordance with the standard methods described in the Bat Workers Manual (2004)<sup>11</sup> and Collins (2023)<sup>12</sup>. The building inspection comprised the following elements:

- i) An external survey for evidence of Potential Roost Features (PRFs) such as loose tiles, gaps within brickwork, features leading to a potential cavity, and possible entry/exit points into the building. A thorough search for signs of bat activity (e.g., discarded prey items, bat droppings) was carried out.
- ii) An internal inspection was carried out to determine whether roosting opportunity exists for bats, and to identify potential or actual bat access points and roosting spaces (where possible). A systematic search for

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<sup>10</sup> UKHab Ltd (2023) UK Habitat Classification Version 2.0 (at <https://www.ukhab.org>)

<sup>11</sup> Joint Nature Conservation Committee 2004 Bat Workers Manual (3<sup>rd</sup> Edition)

<sup>12</sup> Collins, J. (ed) 2023 Bat Surveys for Professional Ecologists: Good Practice Guidelines (4<sup>th</sup> edition). The Bat Conservation Trust, London: ISBN-978-1-7395126-0-6

evidence (e.g., droppings, discarded prey items) was carried out to assess if bats could be, or have historically been, using the building.

## 2.3 PERSONNEL

**Table 1: Personnel**

Name	Contribution	Qualification
Philip Roskell	Phase I Survey PRA Report Writing	MSc., BSc

## 2.4 CONSTRAINTS

2.4.1 The survey was undertaken outside the optimum field season for a Phase I and some species may not have been visible at the time of survey. However, the dominant species were readily identifiable allowing the correct habitats and/or communities to be determined with the survey being undertaken by an experienced ecologist.

2.4.2 Preliminary Roost Inspections can be undertaken at any time of year. The building is in use as an office block and offered no internal roof spaces/cavities therefore a thorough external survey was undertaken. Philip Roskell MSc undertakes numerous Preliminary Roost Assessments and follow-up night-time activity surveys each year. He has a comprehensive knowledge of bat ecology and is a member of his local bat group and works as a volunteer bat carer.

## 3 DESK STUDY RESULTS

### 3.1 SITE DESIGNATIONS

#### **Statutory**

##### **International Designations**

- 3.1.1 There are no statutory designations of international importance within the Site or within the 5km AoS.

##### **National Designations**

- 3.1.2 There are 6 Local Nature Reserves within the 5km AoS but none are present within the Site or adjacent to the Site. The nearest, Camley Street Nature Park (LNR), is located c.1.6km north of the Site. These sites will not be impacted by the proposed works. Refer to Figure 3.

### 3.2 HABITATS

#### **Priority Habitat**

- 3.2.1 The Site does not lie within or immediately adjacent to any priority habitat, but the data search returned deciduous and broadleaved woodland priority habitat types within the 1km AoS, the nearest of which is c.350 east of the Site. The priority habitats are shown in Figure 4. None of these priority habitat sites will be impacted by the proposed works.

#### **SINCs**

- 3.2.2 GiGL returned records of SINCs within a 2km search area. The Site lies within an Area of Deficiency. Several Sites of Importance for Nature Conservation of Local importance exist within the AoS. The nearest of which, Russel Square, is located c.380m northwest of the Site. Refer to Figure 5.

### 3.3 SPECIES

- 3.3.1 The data search returned 409 records of protected and notable species within a 1km AoS and 179 records listed under the London Invasive Species Initiative (LISI). The vast majority of records/species are not relevant to this assessment

given the lack of, or current potential for, suitable habitat at the Application Site, this includes Schedule 9 invasive species, and those species listed on the LISI. The key points to not are:

- No protected species were found on or adjacent to the Site.
- Records were retrieved for peregrine falcon (*Falco peregrinus*) and black redstart (*Phoenicurus ochruros*) were obtained within the AoS, both of which are Schedule 1 breeding birds that are found in urban environments.
- There are records of bats within 2km of the Site.

## 3.4 LOCAL PLANNING POLICY

3.4.1 The local planning authority is London Borough of Camden (LBC). Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

3.4.2 The Statutory Development Plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 comprises:

- The London Plan (2021);
- Camden Local Plan (2017).

3.4.3 The Council consulted on the draft new Local Plan from 17 January to 13 March 2024. The Council are currently considering all the responses received and will publish an updated version of the Local Plan for further consultation later this year. At this stage the policies contained within the draft Local Plan carry no weight in the determination of this planning application.

3.4.4 Relevant GLA Supplementary Planning Guidance (SPGs/SPDs) which form material considerations for the application include:

- Urban Greening Factor LPG (February 2023).

3.4.5 The following policies are of relevance to biodiversity.

## **Policy A2 Open Space**

- 3.4.6 The Council will protect, enhance and improve access to Camden's parks, open spaces and other green infrastructure.

### **Protection of open spaces**

- 3.4.7 In order to protect the Council's open spaces, we will:

- a) protect all designated public and private open spaces as shown on the Policies Map and in the accompanying schedule unless equivalent or better provision of open space in terms of quality and quantity is provided within the local catchment area;
- b) safeguard open space on housing estates while allowing flexibility for the re-configuration of land uses. When assessing development proposals we will take the following into account:
  - the effect of the proposed scheme on the size, siting and form of existing open space and the functions it performs;
  - whether the open space is replaced by equivalent or better provision in terms of quantity and quality; and
  - whether the public value of retaining the open space is outweighed by the benefits of the development for existing estate residents and the wider community, such as improvements to the quality and access of the open space.
- c) resist development which would be detrimental to the setting of designated open spaces;
- d) exceptionally, and where it meets a demonstrable need, support small scale development which is associated with the use of the land as open space and contributes to its use and enjoyment by the public;
- e) protect non-designated spaces with nature conservation, townscape and amenity value, including gardens, where possible;
- f) conserve and enhance the heritage value of designated open spaces and other elements of open space which make a significant contribution to the character and appearance of conservation areas or to the setting of heritage assets;

- g) give strong protection to maintaining the openness and character of Metropolitan Open Land (MOL);
- h) promote and encourage greater community participation in the management of open space and support communities seeking the designation of Local Green Spaces through the neighbourhood planning process;
- i) consider development for alternative sports and recreation provision, where the needs outweigh the loss and where this is supported by an up-to-date needs assessment;
- j) preserve and enhance Hampstead Heath through working with partners and by taking into account the impact on the Heath when considering relevant planning applications, including any impacts on views to and from the Heath; and
- k) work with partners to preserve and enhance the Regent's Canal, including its setting, and balance the differing demands on the Canal and its towpath.

#### New and enhanced open space

3.4.8 To secure new and enhanced open space and ensure that development does not put unacceptable pressure on the Borough's network of open spaces, the Council will:

- l) seek developer contributions for open space enhancements using Section 106 agreements and the Community Infrastructure Levy (CIL). The Council will secure planning obligations to address the additional impact of proposed schemes on public open space taking into account the scale of the proposal, the number of future occupants and the land uses involved;
- m) apply a standard of 9 sqm per occupant for residential schemes and 0.74 sqm for commercial and higher education developments while taking into account any funding for open spaces through the Community Infrastructure Levy;
- n) give priority to securing new public open space on-site, with provision off-site near to the development only considered acceptable where provision

on-site is not achievable. If there is no realistic means of direct provision, the Council may accept a financial contribution in lieu of provision;

- o) ensure developments seek opportunities for providing private amenity space;
- p) give priority to play facilities and the provision of amenity space which meet residents' needs where a development creates a need for different types of open space;
- q) seek opportunities to enhance links between open spaces recognising the multiple benefits this may bring;
- r) tackle deficiencies to open space through enhancement measures; and
- s) seek temporary provision of open space where opportunities arise.

### **Policy A3 Biodiversity**

3.4.9 The Council will protect and enhance sites of nature conservation and biodiversity. The Council will:

- a) designate and protect nature conservation sites and safeguard protected and priority habitats and species;
- b) grant permission for development unless it would directly or indirectly result in the loss or harm to a designated nature conservation site or 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;
- d) assess developments against their ability to realise benefits for biodiversity through the layout, design and materials used in the built structure and landscaping elements of a proposed development, proportionate to the scale of development proposed;
- e) secure improvements to green corridors, particularly where a development scheme is adjacent to an existing corridor;
- f) seek to improve opportunities to experience nature, in particular where such opportunities are lacking;
- g) require the demolition and construction phase of development, including the movement of works vehicles, to be planned to avoid disturbance to

habitats and species and ecologically sensitive areas, and the spread of invasive species;

- h) secure management plans, where appropriate, to ensure that nature conservation objectives are met; and
- i) work with The Royal Parks, The City of London Corporation, the London Wildlife Trust, friends of park groups and local nature conservation groups to protect and improve open spaces and nature conservation in Camden.

### Trees and vegetation

3.4.10 The Council will protect, and seek to secure additional, trees and vegetation. The council will

- j) resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation;
- k) require trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development in line with BS5837:2012 'Trees in relation to Design, Demolition and Construction' and positively integrated as part of the site layout;
- l) expect replacement trees or vegetation to be provided where the loss of significant trees or vegetation or harm to the wellbeing of these trees and vegetation has been justified in the context of the proposed development;
- m) expect developments to incorporate additional trees and vegetation wherever possible.

## **London Plan**

### **Policy G6: Biodiversity and access to nature**

- i) SINCs should be protected.
- ii) Boroughs, in developing Development Plans, should:
  - Use up-to-date information about the natural environment and the relevant procedures to identify SINCs and ecological corridors to identify coherent ecological networks.

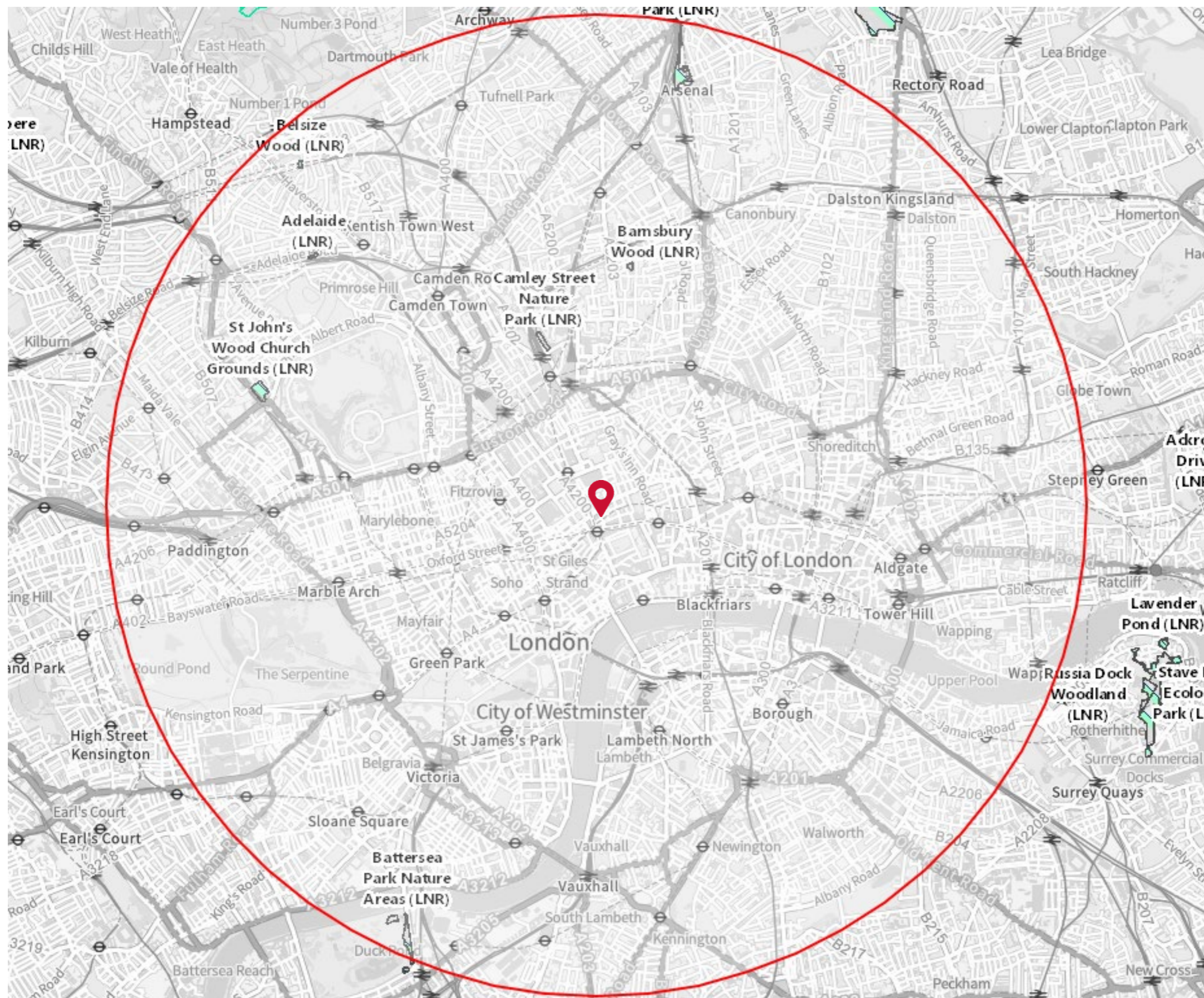
- Identify areas of deficient in access to nature (i.e. areas that are more than 1km walking distance from an accessible Metropolitan or Borough SINCE) and seek opportunities to address them.
  - Support the protection and conservation of priority species and habitats that sit outside the SINCE network and promote opportunities for enhancing them using Biodiversity Action Plans.
  - Seek opportunities to create other habitats, or features such as artificial nest sites, that are of particular relevance and benefit in an urban context.
  - Ensure designated sites of European or national nature conservation importance are clearly identified and impacts assessed in accordance with legislative requirements.
- iii) Where harm to a SINCE is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimised development impacts:
- Avoid damaging the significant ecological features of the site
  - Minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site
  - Deliver off-site compensation of better biodiversity value.
- iv) Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.
- v) Proposals which reduce deficiencies in access to nature should be considered positively.

### **Policy G5: Urban Greening**

- 3.4.11 Policy G5 requires all major development to include urban greening as 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.

- 3.4.12 The policy introduces the use of an Urban Greening Factor (UGF) calculator to evaluate the quality and quantity of urban greening provided by a development proposal.

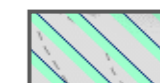
# Figure 3 Statutory Designations



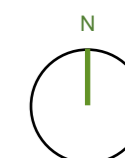
Application Site



5km AoI



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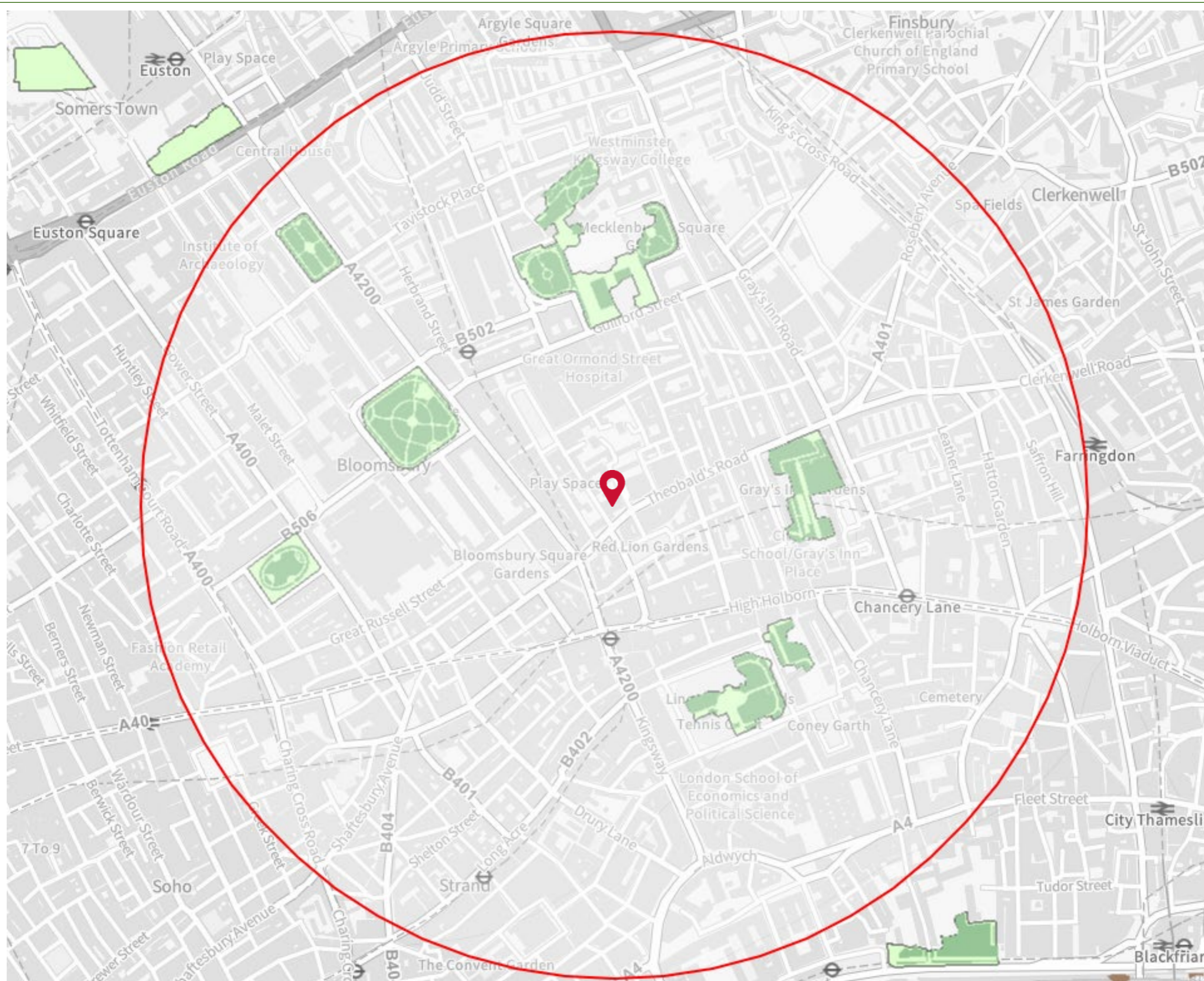
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# Figure 4 Priority Habitats



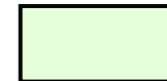
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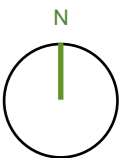
1km AoS



Deciduous  
Woodland



Broadleaved  
Woodland



Do not scale

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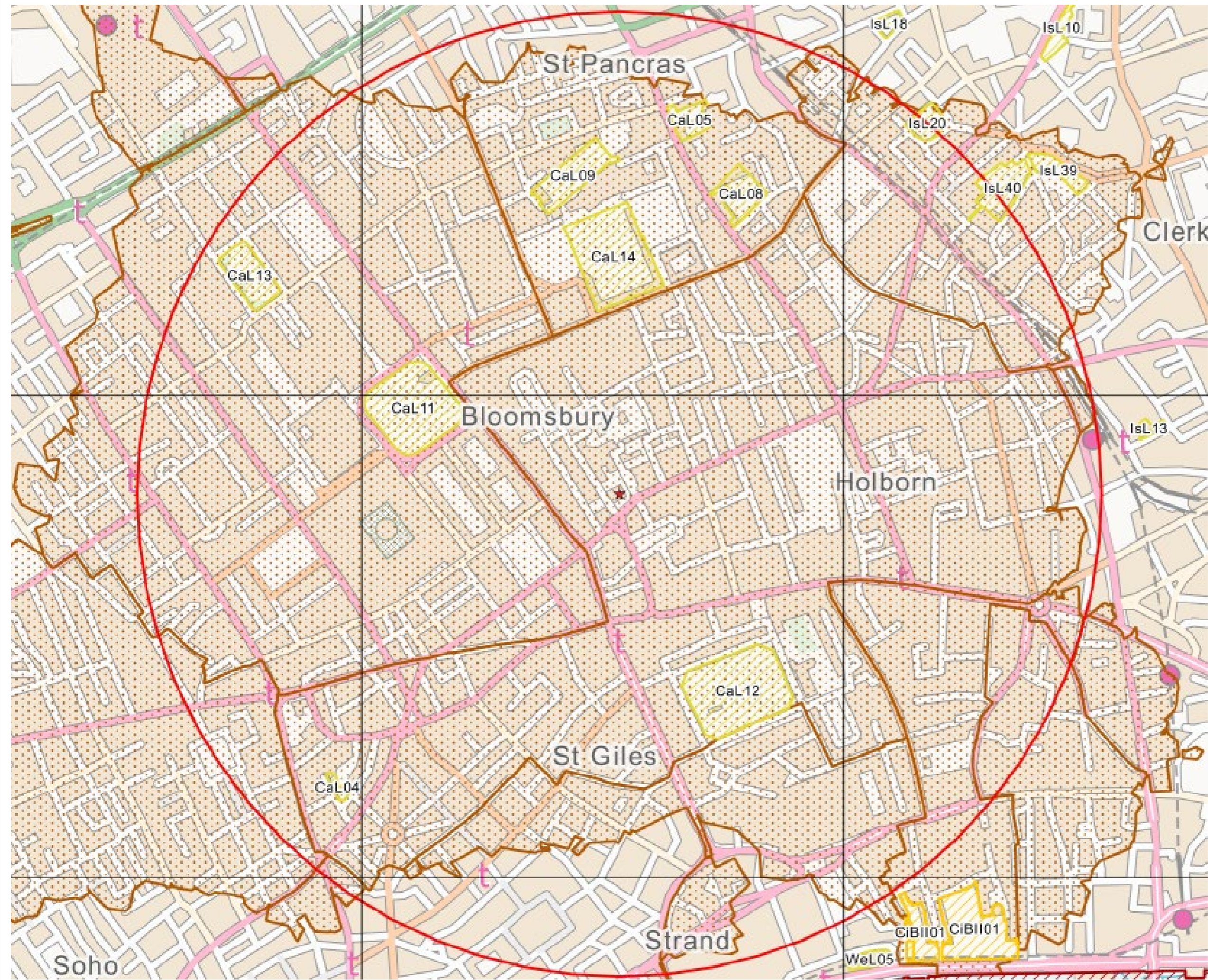
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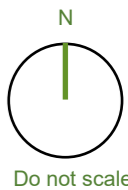
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Figure 5  
SINC



- Search Buffer
- Search Centre Point
- Metropolitan Importance
- Borough Importance Grade 1
- Borough Importance Grade 2
- Local Importance
- Areas of Deficiency



Client	Theobald Investment Ltd.	
Project title	124 Theobalds Road	Project ID 299-01
Subject	Ecological Assessment	
Drawing number	29901-06EcoA_A	
Drawing date	29/04/24	Version A
Drawn by	PR	

## 4 FIELDWORK RESULTS

### 4.1 PHASE 1 HABITAT SURVEY

#### **Site Summary**

- 4.1.1 The Site comprises a large, detached office building of modern construct with large stone facades and limited ecological value.
- 4.1.2 The Site is situated within a highly urbanised environment, with limited habitat of value to biodiversity noted.
- 4.1.3 A Phase I map is shown in Figure 6.

#### **U Urban**

##### **u1b5 Buildings**

- 4.1.4 The Site contains a large 9 storey building comprised of offices and amenities. The building has a flat roof with plant rooms and open-air plant as well as office terraces. The building is constructed with modern materials throughout. The terraces had no vegetation and comprised wooden decking and artificial grass.

##### **u1b developed land, sealed surface**

- 4.1.5 Outdoor spaces were sealed with impervious materials as a result of urban development.

##### **u1 (847 introduced shrub)**

- 4.1.6 One of the terraces contained small planters with introduced shrub. The total area of introduced shrub was less than 25m squared and therefore is subject to DEFRA de minimis exemption for biodiversity net gain.

#### **Others**

- 4.1.7 A highly urbanised built environment surrounds the Site on all aspects, offering limited opportunity to biodiversity within the immediate surrounding environment.

- 4.1.8 The buildings are generally unsuitable to breeding birds and no evidence of historical nesting was observed during the survey. Much of the areas are protected with bird netting to prevent nesting however, some potential exists for a bird (e.g. pigeon) to create a nest on the flat roofs of the buildings. No evidence was found during the Phase I survey.
- 4.1.9 A preliminary roost assessment with regards to bats was undertaken and is detailed in 4.3 below.

## 4.2 HABITAT CONFORMITY TO OTHER CATEGORIES

### International Qualifying Features

- 4.2.1 N/A

### Priority Habitats

- 4.2.2 No Priority Habitat is present on or immediately adjacent to the Site.

## 4.3 PRELIMINARY ROOST ASSESSMENT

### **External Survey**

- 4.3.1 During the external survey the building showed a distinct lack of cracks, crevices, and gaps that may offer potential to roosting bats. The building was in good condition with well-sealed windows and doors offering no access to internal cavities or inside spaces. The stonework and mortar were intact and offered no opportunities for roosting. Vents were positioned around the building, but these have mesh barriers preventing access to the inside spaces. The stone walls were searched for signs of bat activity (e.g. droppings) which would be easily visible if present, but no evidence was found. There was no evidence of bat activity (droppings, discarded prey items, staining) around the entirety of the building.

### **Internal Survey**

- 4.3.2 Internally, there were no loft or roof spaces. The inside spaces consisted of office spaces which were in use and in good condition. No bats were present.

Office spaces largely comprised glass surrounds which were well fitted and fully sealed offering no opportunities for bats to gain access.

- 4.3.3 As such, the building was afforded negligible roosting potential as per the Bat Conservation Trust guidelines<sup>12</sup>.

## 4.4 SITE PHOTOGRAPHS



*Photo 1: Roof terraces had no vegetation.*



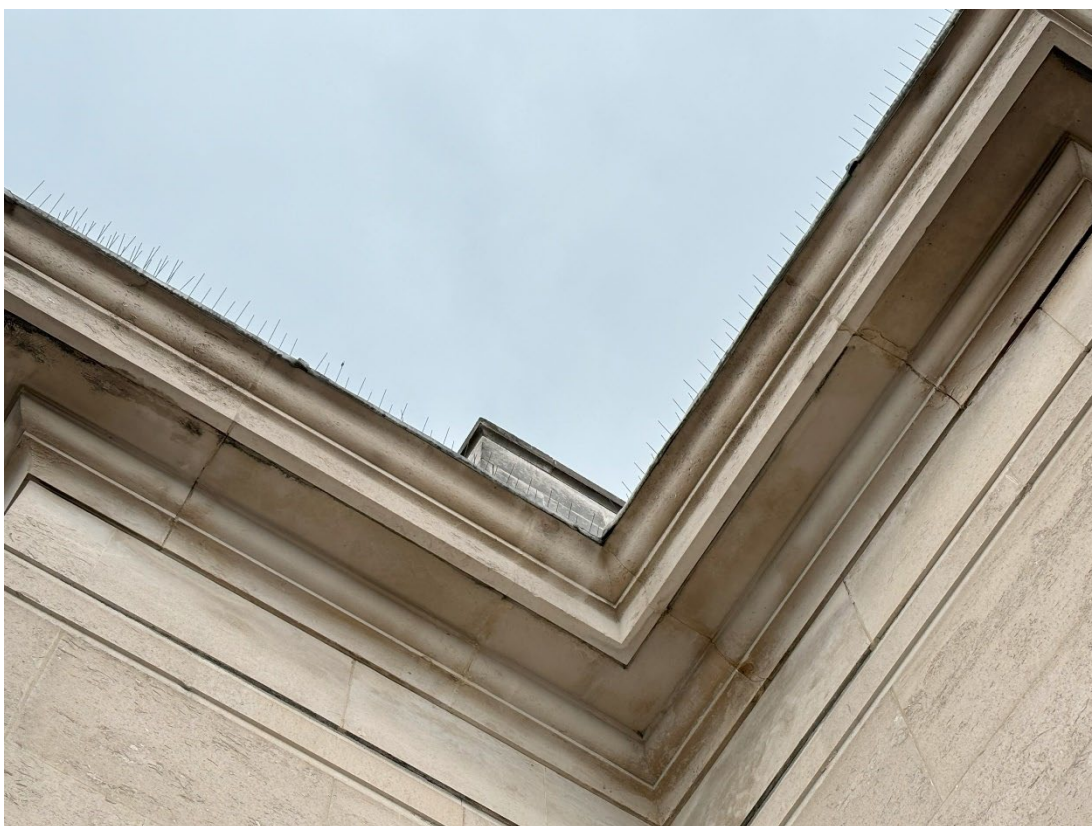
*Photo 2: Outside areas consisted of developed land, sealed surfaces.*



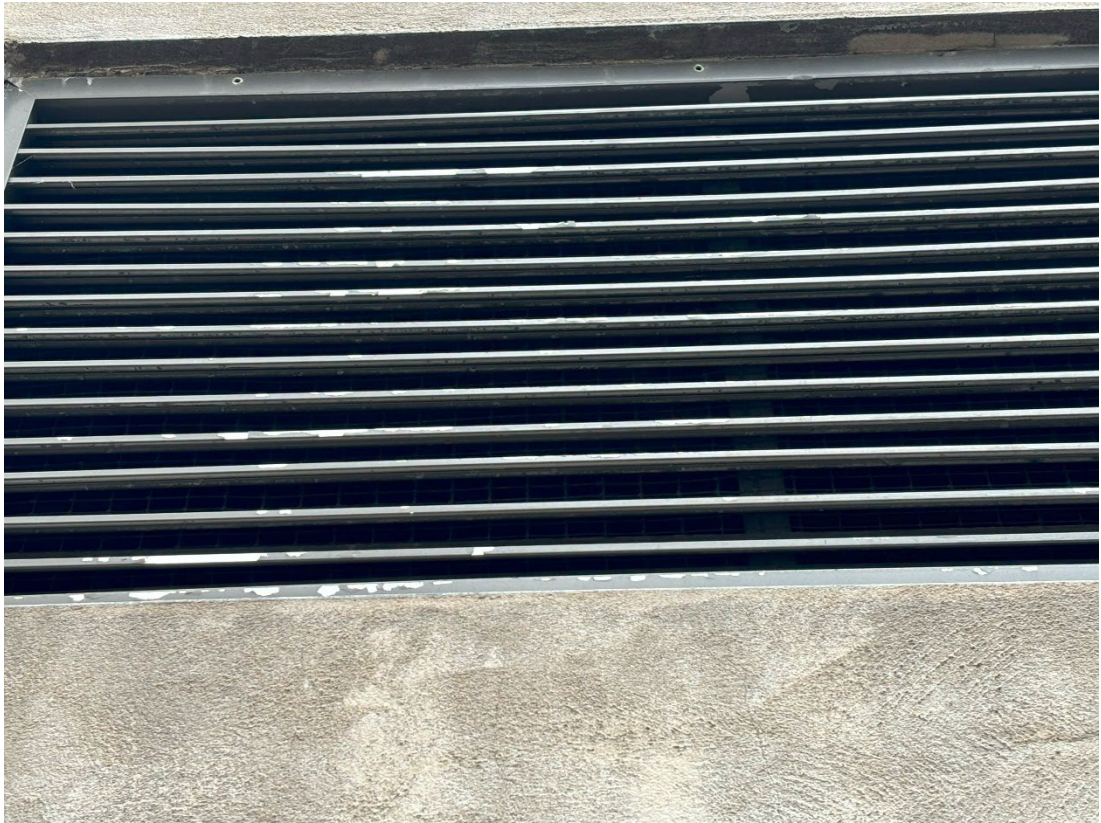
*Photo 3: A few introduced shrub planters were present on the roof terraces.*



*Photo 4: The building is of modern construct with no suitable nesting or roosting opportunities.*



*Photo 5: The building was in good condition with no cracks / gaps offering no roosting potential. Bird netting and deterrent spike were positioned around the building to prevent nesting / perching.*



*Photo 6: Vents were present around the building, but these had mesh behind preventing any access to internal spaces.*

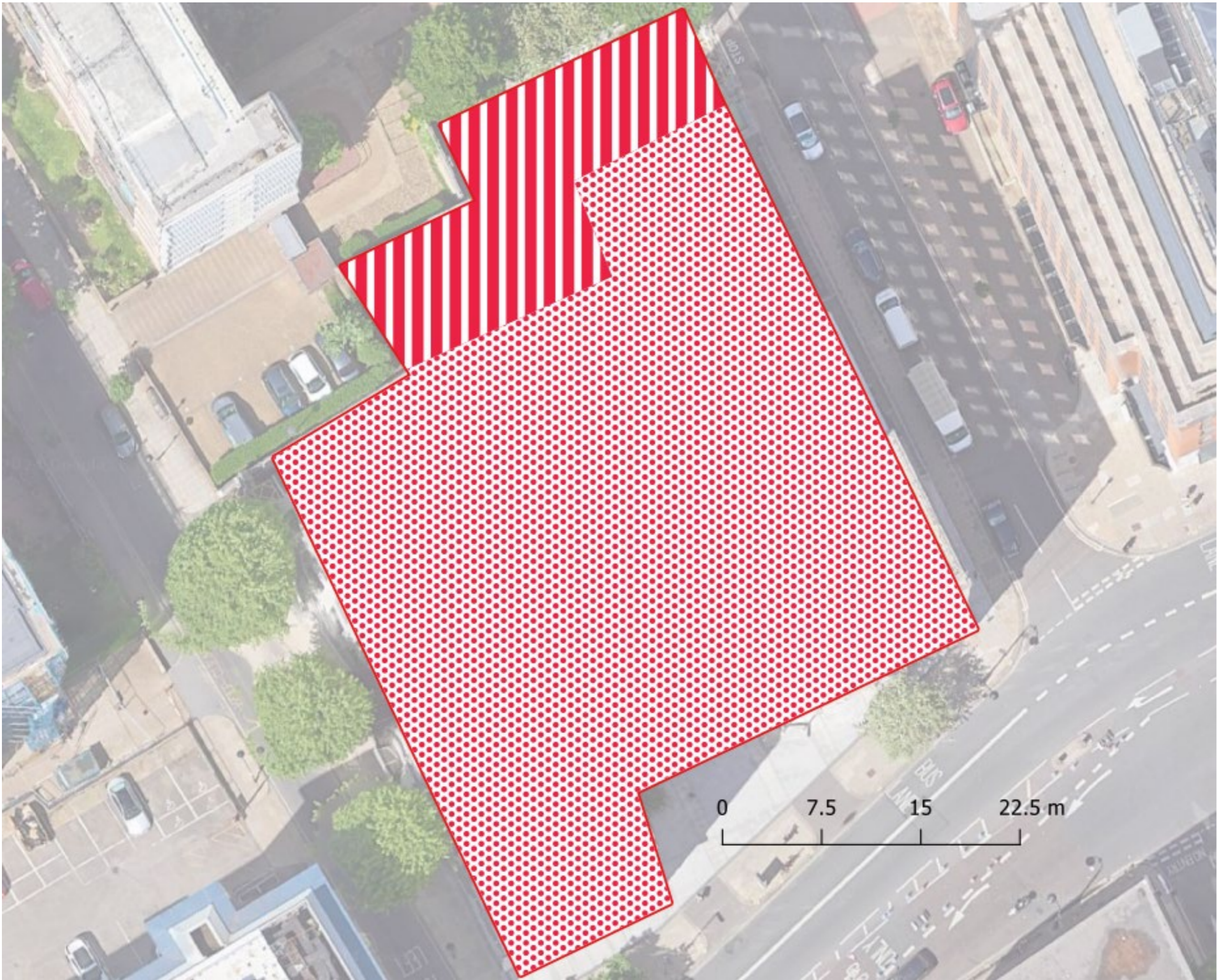





*Photo 7: Windows and doors were well sealed and offered no access to internal spaces.*

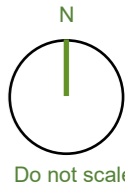


*Photo 8: No evidence of bat activity (e.g., droppings) was found on external surfaces and walls.*

Figure 6  
Habitat Map



-  Site Boundary
-  Buildings (u1b5)
-  Developed land (u1b)



Client	Theobald Investment Ltd.	
Project title	124 Theobalds Road	Project ID 299-01
Subject	Ecological Assessment	
Drawing number	29901-05EcoA_A	
Drawing date	26/04/24	Version A
Drawn by	PR	

## 5 ASSESSMENT & MITIGATION

### 5.1 SUMMARY

5.1.1 The following is a summary of the impacts that are likely at the Site and how mitigation has been proposed, together with some explanation why some features have been discounted from further assessment.

5.1.2 This summary has been included to ensure the complexity of mitigation does not overshadow any item, but each subject of mitigation should be carefully read in full in later sections to avoid missing any detail.

**Table 2: Summary of Mitigation/Recommendations**

Feature	Importance	Mitigation/Recommendations
<b>Breeding Birds</b>	Site	RAMs
<b>BNG</b>	Site	Enhancements
<b>UGF</b>	Site/Local	Enhancements

**Table 3: Features not assessed further**

Feature	Reason for omission
<b>Designated Sites</b>	Proposals will not affect any designated site due to nature, scale, and distance.
<b>Habitats</b>	The Site is entirely developed land, sealed surface. Some introduced shrub planters were present which will be retained and enhanced in the development. Less than 25m <sup>2</sup> of vegetation was present which is subject to DEFRA de minimis exemption for BNG.
<b>Priority Habitat</b>	Deciduous woodland and wood pasture and parkland are located c.350m from the Site and will not be impacted due to nature, scale, and distance.
<b>Bats</b>	No suitable habitat present on the Site and no evidence of bat activity found during the site survey. The surrounding highly urbanised environment offers limited foraging opportunities for bats.

## 5.2 BREEDING BIRD ASSEMBLAGE

### **Status**

- 5.2.1 There were no nesting birds present during the site survey and no evidence of historical nesting was found. Overall, the building offered limited habitat for nesting birds however some of the flat roof areas could provide suitable opportunities for birds (e.g. pigeons) to nest during the nesting season.

### **Legislation**

- 5.2.2 All breeding birds are protected by Part 1 of the Wildlife and Countryside Act 1981 from deliberate or reckless damage or destruction of the bird's nest or eggs or killing or injury of any unfledged young.

### **Unmitigated Impacts**

- 5.2.3 While unlikely, works could damage or destroy bird breeding habitat, potentially causing damage or destruction of a nest, eggs, and unfledged young.

### **Recommendations**

- 5.2.4 Works to affect bird breeding habitat or nests themselves should not take place during the breeding period. If any nest is discovered during the works, it must not be disturbed during the breeding season. Where a nest is found and removal of the nest is necessary during the breeding season between 1<sup>st</sup> March and 31<sup>st</sup> August, a nesting bird check should be undertaken to determine that nesting birds are absent prior to removal of habitat.

## 5.3 BIODIVERSITY NET GAIN

### **Status**

- 5.3.1 Although the onsite baseline vegetation accounts for less than 25m<sup>2</sup> and is therefore subject to the DEFRA de minimis exemption, it is good practice for development to secure measurable net gains for biodiversity as per the NPPF.

## **Legislation**

- 5.3.2 The Environment Act 2021 now makes it unlawful for development to result in a net loss.
- 5.3.3 The NPPF para 180[d] requires developments to identify and pursue opportunities for securing measurable net gains for biodiversity.
- 5.3.4 The London Plan Policy G6 requires developments to achieve a net gain in biodiversity.

## **Unmitigated impacts**

- 5.3.5 A small area <25m of introduced shrub, a low ecological value habitat, could be lost due to the development.

## **Recommendations**

- 5.3.6 Rooftop planters can be incorporated into the development to enhance the existing introduced shrub and provide habitat that attracts bees and pollinators. The proposals will include a mixture of hard and soft landscaping on the roof terraces.
- 5.3.7 Ground areas will be a mixture of amenity grassland, hard and soft landscaping.
- 5.3.8 Proposals include an estimated 500m<sup>2</sup> of landscaping at ground floor comprising amenity grassland with scattered trees, and an additional 700m<sup>2</sup> of landscaping is proposed upon the new and upgraded roof terraces.
- 5.3.9 Landscape proposals will result in a significant Biodiversity Net Gain at the Site.

**Table 4: BNG Statutory Metric Draft Headline Results**

FINAL RESULTS		
<b>Total net unit change</b> <small>(Including all on-site &amp; off-site habitat retention, creation &amp; enhancement)</small>	<i>Habitat units</i>	0.61
	<i>Hedgerow units</i>	0.00
	<i>Watercourse units</i>	0.00
<b>Total net % change</b> <small>(Including all on-site &amp; off-site habitat retention, creation &amp; enhancement)</small>	<i>Habitat units</i>	12205.44%
	<i>Hedgerow units</i>	0.00%
	<i>Watercourse units</i>	0.00%
<b>Trading rules satisfied?</b>	Yes ✓	

- 5.3.10 There are also opportunities for habitat enhancement through provision of wildlife boxes, as described below.

### Bat boxes

- 5.3.11 There is potential for one bat box to be installed. The bat box should be installed in an area where it will not be exposed to undue disturbance whilst being accessible for occasional maintenance. The area below the box (up to 1m below) must be free of clutter e.g., branches/foliage in order for bats to safely enter/exit the box. It is recommended that boxes are of the self-cleaning variety to reduce the need for annual cleaning.

- 5.3.12 The boxes recommended to use on site are:

- One 2FN Schwegler bat box (or similar, self-cleaning)

- 5.3.13 The exact location should be identified on site following construction, in consultation with the suitably qualified ecologist.

### Bird boxes

- 5.3.14 To provide suitable habitat for breeding birds, a nesting box can be placed in a suitable location on the rooftop. A suitable nest box includes the Vivara Pro Seville 32mm Woodstone Nest Box; these are suitable for a wide range of small passerine species but unsuitable for species such as pigeons, crows or gulls. This nest box can be attached to walls, facing away from prevailing wind.

- 5.3.15 The exact location of the bird box should be identified on site following construction, in consultation with the suitably qualified ecologist.

## 5.4 URBAN GREENING FACTOR

### **Status**

- 5.4.1 Although there is little baseline vegetation within the site boundary, opportunities for urban greening exist on site.

### **Legislation**

- 5.4.2 Under Policy G5: Urban Greening of the London Plan, all major development should incorporate urban greening during site and building design.

### **Unmitigated impacts**

- 5.4.3 A small area <25m of introduced shrub, a low ecological value habitat, could be lost due to the development.

### **Recommendations**

- 5.4.4 Whilst the proposals do not constitute a 'major' development, an UGF assessment has been undertaken.
- 5.4.5 Rooftop planters can be incorporated into the development to enhance the existing introduced shrub and provide habitat that attracts bees and pollinators.
- 5.4.6 Integrating urban greening into the design process will enable Policy G5 to be met whilst also providing biodiversity net gains at the site.
- 5.4.7 Based on proposals to include 500m<sup>2</sup> of ground landscaped areas and 700m<sup>2</sup>.of roof terrace landscaped areas a draft UGF score of 0.23 was calculated.
- 5.4.8 More detailed landscaping proposals detailing flower-rich perennial planting and groundcover planting for further increase the UGF score for the Site.

**Table 5: Draft UGF score**

Urban Greening Factor Calculator				
Surface Cover Type	Factor	Area (m <sup>2</sup> )	Contribution	Notes
Semi-natural vegetation (e.g. trees, woodland, species-rich grassland) maintained or established on site.	1	0.0651	0.0651	
Wetland or open water (semi-natural; not chlorinated) maintained or	1		0	
Intensive green roof or vegetation over structure. Substrate minimum settled depth of 150mm.	0.8		0	
Standard trees planted in connected tree pits with a minimum soil volume equivalent to at least two thirds of the projected canopy area of the mature	0.8		0	
Extensive green roof with substrate of minimum settled depth of 80mm (or 60mm beneath vegetation blanket) - meets the requirements of GRO Code 2014.	0.7		0	
Flower-rich perennial planting.	0.7		0	
Rain gardens and other vegetated sustainable drainage elements.	0.7		0	
Hedges (line of mature shrubs one or two shrubs wide).	0.6		0	
Standard trees planted in pits with soil volumes less than two thirds of the projected canopy area of the mature tree.	0.6		0	
Green wall - modular system or climbers rooted in soil.	0.6		0	
Groundcover planting.	0.5		0	
Amenity grassland (species-poor, regularly mown lawn).	0.4	1200	480	
Extensive green roof of sedum mat or other lightweight systems that do not meet GRO Code 2014.	0.3		0	
Water features (chlorinated) or unplanted detention basins.	0.2		0	
Permeable paving.	0.1		0	
Sealed surfaces (e.g. concrete, asphalt, waterproofing, stone).	0	855	0	
<b>Total contribution</b>			<b>480.065</b>	
<b>Total site area (m<sup>2</sup>)</b>				<b>2055</b>
<b>Urban Greening Factor</b>			<b>0.233608321</b>	

## 6 APPENDICES

### 6.1 LEGISLATION

#### **The Environment Act 2021**

6.1.1 The Act deals with targets to improve air quality, biodiversity, water, and waste reduction and resource efficiency. Nature and Biodiversity is dealt with directly in Part 6, which is aimed at:

- Strengthened biodiversity duty
- Biodiversity net gain to ensure developments deliver at least 10% increase in biodiversity, unless exempt.
- Local Nature Recovery Strategies to support a Nature Recovery Network
- Duty upon Local Authorities to consult on street tree felling
- Strengthen woodland protection enforcement measures
- Conservation Covenants
- Protected Site Strategies and Species Conservation Strategies to support the design and delivery of strategic approaches to deliver better outcomes for nature
- Prohibit larger UK businesses from using commodities associated with wide-scale deforestation
- Requires regulated businesses to establish a system of due diligence for each regulated commodity used in their supply chain, requires regulated businesses to report on their due diligence, introduces a due diligence enforcement system

#### **Conservation of Habitats and Species Regulations 2017 (as amended)**

6.1.2 These Regulations consolidate the Conservation (Natural Habitats, &c.) Regulations 1994 and amend the 2010 Regulations, and together they transpose the European Habitats Directive into domestic law. The Regulations provide for the designation and protection of 'European sites' (referred to in this assessment as international sites), the protection of 'European protected

species', and the adaptation of planning and other controls for the protection of such.

- 6.1.3 Under the Regulations, UK competent authorities have a general duty to have regard to the EC Habitats and Birds Directives. They require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Under Regulation 63, where any proposed plan or project is likely to have an effect on a Natural 2000 site or qualifying feature for a site, then the competent authority (normally the local planning authority) will carry out an Appropriate Assessment of those effects, referred to as a Habitats Regulations Assessment (HRA).

### **Species**

- 6.1.4 The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority, including the planning authority, is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild populations of the species concerned: these three elements form the basis of the three derogations 'tests' to be applied to satisfy European legislation.

### **Wildlife and Countryside Act 1981**

- 6.1.5 The principle statutory instrument that governs nature conservation in England is the Wildlife and Countryside Act 1981 as amended (WCA 1981).
- 6.1.6 The WCA 1981 consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and the Birds Directive in Great Britain. It is complimented by the Wildlife and Countryside (Service of Notices) Act 1985,

which relates to notices served under the 1981 Act, and the Habitats Regulations 2017 (as amended), which implement the Habitats Directive.

- 6.1.7 Containing four Parts and seventeen Schedules, the Act covers protection of wildlife (birds, and some animals and plants), the countryside, National Parks, and the designation of protected areas, and public rights of way.
- 6.1.8 Amendments to the Act have been made and there is a statutory quinquennial review of Schedules 5 and 8 (protected wild animals and plant respectively), undertaken by the country agencies and co-ordinated by the Joint Nature Conservation Committee. There have been 6 reviews with the 7th commenced in 2021.

### **Protection of Badgers Act 1992**

- 6.1.9 There are very few Acts of Parliament that are dedicated to one species with conservation as part of the aim. This Act supplements the WCA 1981 by affording protection to badgers against disturbance and their setts against unlawful damage and destruction. It provides a licensing system to allow works to proceed in a sensitive manner.

### **Countryside and Rights of Way (CRoW) Act 2000**

- 6.1.10 The CRoW Act 2000 places a duty on Government Departments and the National Assembly for Wales to have regard for the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the 1992 Rio Convention on Biological Diversity. The Act makes various amendments to the WCA 1981 including increasing SSSI protection, management and policing.
- 6.1.11 DEFRA published the first 'list' in 2002 under Section 74 of the CRoW Act 2000, which was identical with the UK BAP list at the time, now superseded by the Natural Environment and Rural Communities Act 2006 Section 41 list (see below).

## **Natural Environment and Rural Communities (NERC) Act 2006**

- 6.1.12 The NERC Act 2006 makes provision in respect of biodiversity, pesticides harmful to wildlife and the protection of birds, and in respect of invasive non-native species.
- 6.1.13 Section 40 of the Act lays a duty on authorities to have regard to the purpose of conserving biodiversity in compliance with the UN Biodiversity Convention in 1992. This is otherwise known as the 'Biodiversity Duty' and refers in particular to those Habitats & Species of Principle Importance listed in Section 41 of the Act. Guidance for local authorities on implementing the Biodiversity Duty is provided in DEFRA (2007).

### **Section 41 List**

- 6.1.14 For the purposes of conserving biodiversity, habitats and species of principle importance are listed through the provisions set out in Section 41 of this Act (replacing Section 74 of the CRow Act 2000), referred to in this chapter as the Section 41 List. DEFRA 2007 references the UK and local Biodiversity Action Plans (BAPs) (see below) as the source of data for the Section 41 List. This assessment uses the List, as updated by the UK BAP, as a key guide for identification of ecological features to be affected by proposals, and to guide and weigh recommendations and mitigation.
- 6.1.15 The Section 41 List has been further refined by DEFRA 2007, where seven sectors have been selected where public bodies and other stakeholders can make a significant contribution to biodiversity conservation, through their Biodiversity Duty. Habitats and species relevant to each sector have been identified to help non-conservation professionals consider where the List might apply to them. Of these seven, two are relevant to this assessment i.e. Land Use Planning and Regional & Local Government. The List was last updated in 2010 and referenced here as Natural England 2010.

## **ODPM Circular 06/2005 Biodiversity and Geological conservation** (withdrawn but report remains compliant)

- 6.1.16 This Circular provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. With the onset of the National Planning Policy Framework in March 2012, this remains as the principal source of statutory interpretation of the legislation listed above.
- 6.1.17 The Circular is presented in four Parts, of which the first three are relevant here. The Circular requires updating since the publication of the National Planning Policy Framework in March 2012 replaced Planning Policy Statements (see below), but should be applied as follows:

### Part I: Internationally Designated Sites

- This Part provides guidance on implementation of the Conservation of Species and Habitat Regulations 2010 (updating the Habitat Regulation 1994), in compliance with the Habitats Directive. The principal is maintenance of the Natura 2000 suite of sites. Helpful definition of derogation from the Habitats Directive and the ‘three tests’ is provided.
- The principal of compensation is included, although this will be subject to strict testing under the ‘three tests’ system and is unlikely to be effective at an international level.

### Part II: Nationally Designated Sites

- This Part focusses on Sites of Special Scientific Interest (SSSI) and provides guidance on interpretation of the Wildlife and Countryside Act 1981 (as amended, inc. the CROW Act 2000).

### Part III: Conservation of habitats and species outside designated areas

- Part III pulls together statutory instruments and the route through which their protection is linked to Biodiversity Action Plans in the UK, both nationally and locally.

- 6.1.18 Section 84 of this Circular states that the habitats and species listed in the S41 List are capable of being a material consideration.
- 6.1.19 Section 85 refers to the CRow 2000 Act, Section 74, which has been superseded by the S41 List and requires updating. The importance of the S41 List in principle is set out here.
- 6.1.20 Section 95 identifies forthcoming DEFRA advice on Local Wildlife Sites. DEFRA 2006 subsequently defines local wildlife sites and their management, linking local wildlife sites to the Conservation of Habitats and Species Regulations 2010 (Regulation 39[3]) where they are referred to as 'Stepping Stones'. This is a key link for local wildlife site protection via the Natural Environment White Paper, and Lawton 2010, and subsequently informing the England Biodiversity Strategy for 2020 , all of which provide policy guidelines for protection of stepping stones integral to ecological networks, the latter as referred to most recently in the National Planning Policy Framework 2012 (see earlier).

## 6.2 VALUED RECEPTORS

6.2.1 Valued receptors do not include features protected by statute (e.g., badger) as such features are valued within a separate context, i.e., proposals must be lawful to proceed irrespective of the ecological value of the feature.

**Table 6: Valued Receptor**

Value	Description
<b>International</b>	<ul style="list-style-type: none"> <li>• An internationally designated site or candidate site (SPA, pSPA, SAC, cSAC, pSAC, Ramsar site, Biogenetic Reserve) or an area which the country agency has determined meets the published selection criteria for such designation, irrespective of whether or not it has yet been notified.</li> <li>• A viable area of a habitat type listed in Annex I of the Habitats Directive, or smaller areas of such habitat which are essential to maintain the viability of a larger whole.</li> <li>• Any regularly occurring population of an internationally important species, which is threatened or rare in the UK. i.e. it is a UK Red Data Book species or listed as occurring in 15 or fewer 10km squares in the UK (categories 1 and 2 in the UK BAP) or of uncertain conservation status or of global conservation concern in the UK BAP.</li> <li>• A regularly occurring, nationally significant population/number of any internationally important species.</li> </ul>
<b>National</b>	<ul style="list-style-type: none"> <li>• A nationally designated site (SSSI, ASSI, NNR, Marine Nature Reserve) or a discrete area, which the country conservation agency has determined meets the published selection criteria for national designation (e.g. SSSI selection guidelines) irrespective of whether or not it has yet been notified.</li> <li>• A viable area of a priority habitat identified in the UK BAP, or of smaller areas of such habitat which are essential to maintain the viability of a larger whole.</li> <li>• Any regularly occurring population of a nationally important species which is threatened or rare in the region or county (see local BAP).</li> <li>• A regularly occurring, regionally or county significant population/number of any nationally important species.</li> <li>• A feature identified as of critical importance in the UK BAP.</li> </ul>
<b>Regional</b>	<ul style="list-style-type: none"> <li>• Viable areas of key habitat identified in the Regional BAP or smaller areas of such habitat which are essential to maintain the viability of a larger whole;</li> <li>• Viable areas of key habitat identified as being of Regional value in the appropriate Natural Area profile;</li> <li>• Any regularly occurring, locally significant population of a species listed as being nationally scarce which occurs in 16-</li> </ul>

Value	Description
	<p>100 10km squares in the UK or in a Regional BAP or relevant Natural Area on account of its regional rarity or localisation;</p> <ul style="list-style-type: none"> <li>• A regularly occurring, locally significant number of a regionally important species;</li> <li>• Sites which exceed the County-level designations but fall short of SSSI selection guidelines, where these occur.</li> </ul>
<b>County / Metropolitan</b>	<ul style="list-style-type: none"> <li>• Semi-natural ancient woodland greater than 0.25 ha;</li> <li>• County/Metropolitan sites and other sites which the designating authority has determined meet the published ecological selection criteria for designation, including Local Nature Reserves selected on County / metropolitan ecological criteria (County/Metropolitan sites will often have been identified in local plans);</li> <li>• A viable area of habitat identified in County BAP;</li> <li>• Any regularly occurring, locally significant population of a species which is listed in a County/Metropolitan “red data book” or BAP on account of its regional rarity or localisation;</li> <li>• A regularly occurring, locally significant number of a County/Metropolitan important species.</li> </ul>
<b>District / Borough</b>	<ul style="list-style-type: none"> <li>• Semi-natural ancient woodland smaller than 0.25 ha;</li> <li>• Areas of habitat identified in a sub-County (District/Borough) BAP or in the relevant Natural Area profile;</li> <li>• District sites that the designating authority has determined meet the published ecological selection criteria for designation, including Local Nature Reserves selected on District/ Borough ecological criteria (District sites, where they exist, will often have been identified in local plans)</li> <li>• Sites/features that are scarce within the District/Borough or which appreciably enrich the District/Borough habitat resource;</li> <li>• A diverse and/ or ecologically valuable hedgerow network;</li> <li>• A population of a species that is listed in a District/Borough BAP because of its rarity in the locality or in the relevant Natural Area profile because of its regional rarity or localisation;</li> <li>• A regularly occurring, locally significant number of a District / Borough important species during a critical phase of its life cycle.</li> </ul>
<b>Parish / Neighbourhood</b>	<ul style="list-style-type: none"> <li>• Areas of habitat considered to appreciably enrich the habitat resource within the context of the Parish or neighbourhood, e.g. species-rich hedgerows.</li> <li>• Local Nature Reserves selected on Parish ecological criteria.</li> </ul>
<b>Site</b>	<ul style="list-style-type: none"> <li>• Ecological resource not meeting any of the above criteria, of importance within the context of the application site only.</li> </ul>

the ecology Practice

WILLOWGATE  
WELSH NEWTON COMMON  
HEREFORDSHIRE  
NP25 5RT  
TELEPHONE: 01989 770400  
[www.ecologypractice.co.uk](http://www.ecologypractice.co.uk)