

# PRELIMINARY ECOLOGICAL APPRAISAL

Ref: 1089

Gondar Gardens, Site to the Rear of 12 Sarre Road,  
London, NW2 3SL

## EXECUTIVE SUMMARY

ECOassistance were commissioned to carry out a Preliminary Ecological Appraisal at a site known as: Gondar Gardens, Site to the Rear of 12 Sarre Road, London, NW2 3SL. This report has been produced to inform the project team of ecological considerations with regards to an upcoming planning application at the site.

The main findings of this Preliminary Ecological Appraisal are:-

- The habitats to be lost through development are minimal in size and of low distinctiveness;
- One large bush near to the site boundary has potential to contain nesting birds;

The key recommendations of this Preliminary Ecological Appraisal are that:

- The site will be subject to a mandatory BNG assessment;
- Any works which might directly impact potential bird nesting habitats should avoid the nesting bird season or be undertaken after a site survey has shown nesting birds are absent;

Enhancements to increase biodiversity at the site in line with national planning policy include:

- Bird and bat box.

|                       |                 |                     |
|-----------------------|-----------------|---------------------|
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| Site Surveyor(s):     | Edward Clark    | Principal Ecologist |

#### DISCLAIMER

This report considers the instructions and requirements of the client and is not intended for and should not be relied upon by any third party.

In accordance with current good practice guidance, the results contained within this report can be relied on for decision-making purposes without the need to be updated for twelve-to-eighteen months providing there is no significant change in land use or land management in that time.

Interpretations and recommendations contained in this report represent the author's professional opinions. They are based on currently accepted industry practices and personal experience. This is a working document and must be updated if development proposals change, or new information become available.

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# INTRODUCTION

## THE SITE

ECOassistance were commissioned by Norma Jones (Hereafter referred to in this report as: the client) to undertake a Preliminary Ecological Appraisal (PEA) at a site known as: Gondar Gardens, Site to the Rear of 12 Sarre Road, London, NW2 3SL (Hereafter referred to in this report as: the site).

The site is in London; in the southeast region of England. The site is within the Camden Council Local Planning Authority (LPA). The grid reference for the approximate centre of the site is: TQ 24763 85206.

A PEA has been commissioned to inform a planning application at the site for:

*Erection of a two storey single family dwelling house in the rear garden fronting Gondar Gardens, with rear garden, bin and bike store*

The location of the proposed development area is shown in the site plan in Figure 1 below. The existing and proposed site layouts are shown in Figure 2.

Figure 1: Site location plan



Figure 2: Existing and proposed layout plan



## OBJECTIVES

1. The PEA survey and report details identified ecological constraints, opportunities and considerations associated with the impacts of the proposed scheme. The report details further ecological works that will need to be undertaken to inform potential ecological impacts.

The objectives of the PEA report are to:-

- Provide ecological baseline data for the application site including the likely presence of protected species and habitats;
- Assess the likely impacts of the proposed scheme on protected species and habitats within the application site and within the Zone of Influence (Zoi);
- Provide recommendations for ecological surveys that are required prior to submission of the planning application;
- Identify statutory and non-statutory sites located within the Zoi of the proposed scheme and compensation and/or enhancement measures that can be used to minimise impact.

## PEA SURVEY METHODOLOGY

The PEA survey and report have been completed in accordance with guidance produced by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2017a).

## PEA DESK SEARCH

During a desk-based search the Multi-Agency Geographic Information for the Countryside (MAGIC) governmental website which provides geographic information in map form was used to:

- Identify and locate waterbodies within 250m of the site boundaries;
- Search for records of protected species within 2km of the site including any granted European Protected Species Licenses (EPSL) for great crested newt *Triturus cristatus* and hazel dormouse *Muscardinus avellanarius*; and
- Search for local statutory and non statutory land-based designations within 2km of the site.

An aerial map search using freely available resources was undertaken to assess habitat connectivity of the site to the wider area and identify habitats of value near to the site.

A search for previous planning applications including ecological survey work at the site was undertaken and included if deemed to be relevant.

## PEA SITE SURVEY

The initial site visit was undertaken by ecologist Edward Clark. Edward has more than 25 years professional and voluntary ecological survey experience and holds Natural England (NE) protected species survey licenses, NPTC licenses and has held or been named on mitigation licenses for badger *Meles meles*, great crested newt (GCN) and UK resident bat species *Chiroptera spp.*

The site visit took place on 29/07/24 during fair weather conditions and lasted <1 hour. During the survey visit all on-site habitats were recorded and assessed for their potential to support protected species. Where surrounding habitats were accessible these were also recorded and assessed.

The need for further protected species surveys has been determined based on the suitability of the habitat identified within the application site and ZoI. The expected impacts of the proposed development have been taken into consideration throughout the assessment.

All on site habitats have been classified and mapped using UK Habitat Classification (UKHab) version 2.

The PEA survey considers the potential for protected and notable habitats and species including habitats and species of principle importance and those that are invasive and non native. Target notes for areas within and adjacent to the site which have potential to contain these are listed beneath the PEA site habitat map.

The report considers the potential for all notable and protected species to be present and/or impacted by the proposal but where species and potential habitats are absent and the potential for impact is negligible they will not be referred to in this report.

## CONSTRAINTS AND LIMITATIONS

The desk and field surveys are not comprehensive because species and habitat types especially ephemeral or migratory species may be present but under recorded or may be/have been missed entirely. A data search from the Local Ecological Records Centre (LERC) was not commissioned and is not likely to be required at this stage of the application; but will be required to support a EPSL application should one be needed at a later date.

Measurements taken from online mapping tools may not be exactly accurate, but this is the most proficient method available to the desktop surveyor. Measurements have been rounded-up or rounded-down to the nearest whole number for reporting.

Records of protected species are often submitted with six figure grid reference co-ordinates which is only accurate to within 100m.

It is standard practice to assess trees and structures from the ground to identify PRF for bats but there could be PRF that are high up or obscured from view which are not visible from the ground.

## RESULTS

### DESK SEARCH

### WATERBODIES

There are no waterbodies located within 250m of the site.

### STATUTORY DESIGNATED SITES

There are no Sites of Special Scientific Interest (SSSI) within 2km of the site.

The site is within a SSSI impact risk zone but the proposed application type does not meet criteria requiring further consultation with NE.

### NON STATUTORY DESIGNATED SITES

The Westbere Copse Local Nature Reserve (LNR) is located c.267m northwest of the site. The following notable species and habitats have been recorded at the LNR<sup>1</sup>:

*Spring and summer meadows, woodland path, pond with dipping platform, field lab, stag beetle loggeries, bird feeding station.*

*25 species of birds have been recorded and 150 species of plants. Frogs, toads and newts are found here. Foxes.*

### WOODLAND

There are a number of broadleaf woodland parcels present in the surrounding area as indicated with green shading in Figure 3 below. The dark green shading shows which areas are included on the Priority Habitats Inventory – Deciduous Woodland (England).

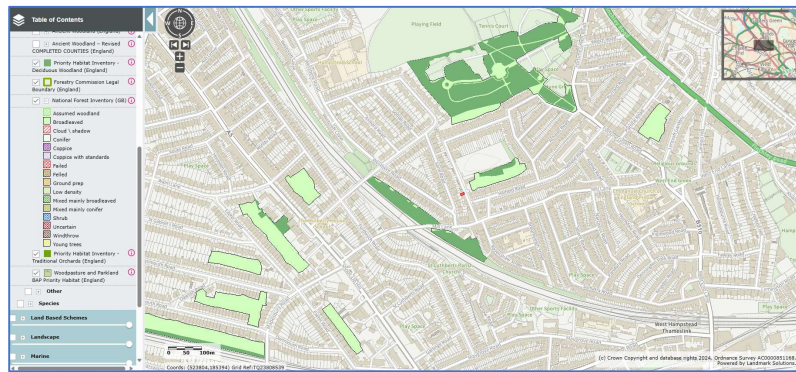
The nearest woodland is located c.25m east-northeast and is separated from the site by the Gondar Gardens Road and the garden habitat of several domestic dwellings.

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<sup>1</sup> [\*Designated Sites View \(naturalengland.org.uk\)\*](http://Designated Sites View (naturalengland.org.uk))



**Figure 3: Woodland parcels present in the wider area**



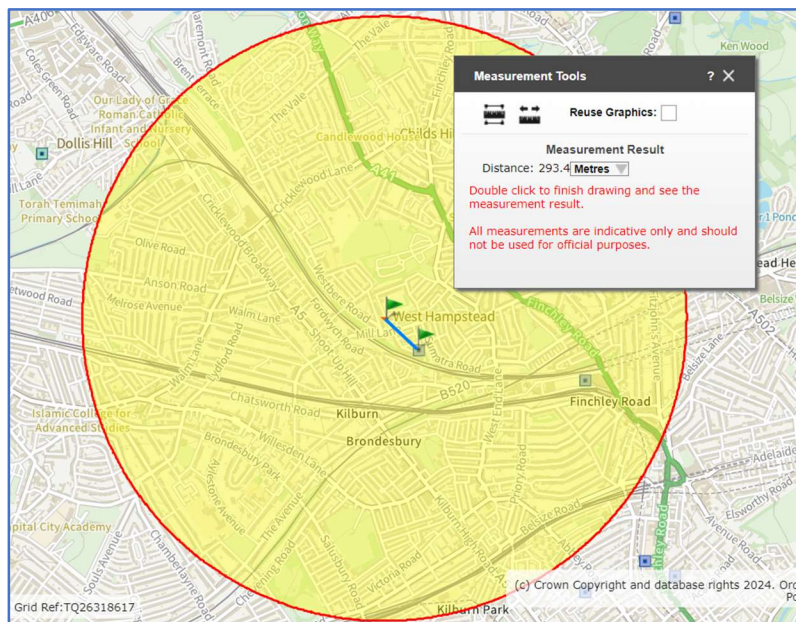
## PROTECTED SPECIES

There are no records of GCN within 2km of the site.

There are no records of dormouse within 2km of the site.

There are two records of European Protected Species Licence (EPSL) application for bats which have been granted within 2km of the site, these are shown in Figure 4 below. The nearest record, located c.293m southeast of the site, is indicated. The record is for the destruction of a resting place for common pipistrelles *Pipistrellus pipistrellus*. The only other species to have been recorded within 2km is soprano pipistrelle *Pipistrellus pygmaeus*.

**Figure 4: Distance to nearest record of EPSL granted for bats**



## SITE SURVEY

The site is within a dense residential area. The habitats that are present within the site are consistent with those of the neighbouring properties in the immediate surrounding area.

The site boundaries are demarcated mostly by timber fencing and a brick wall.

The habitats that are present are detailed in the habitat map in Figure 5 below. Target notes for Figure 5 detail where any potential habitats for protected and or notable species are located. These are described in Table 1 below.

Figure 5: Habitat Map

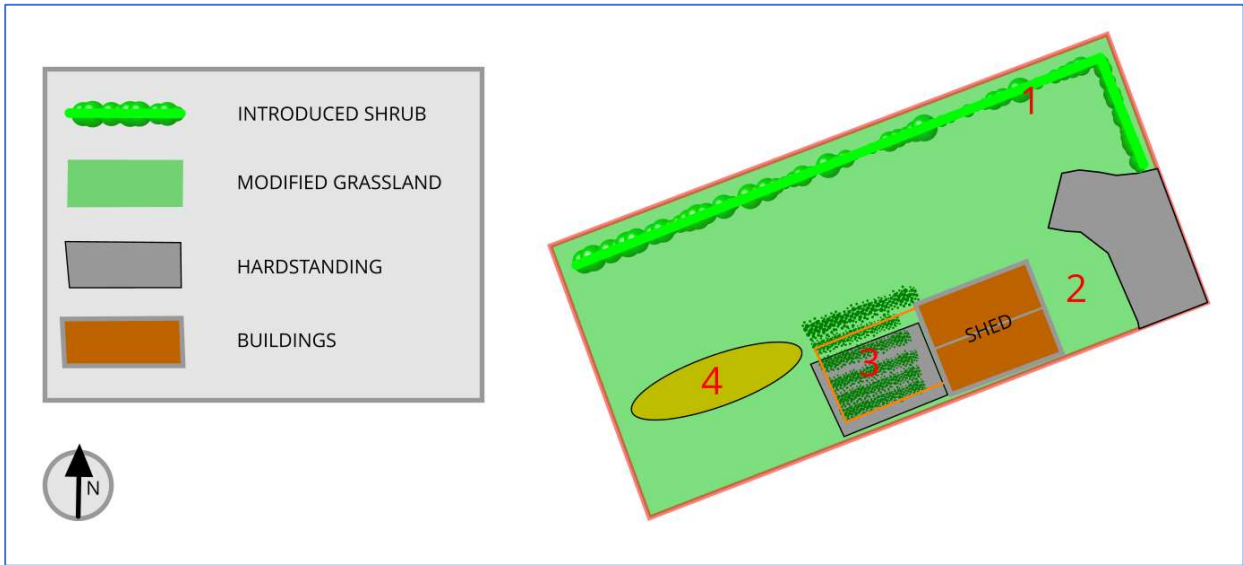
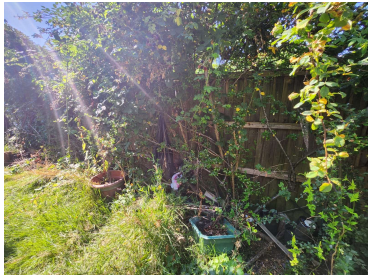



Table 1: PEA survey target notes

| Target Note | Description   | Image   |
|-------------|---|---|
| 1           | <p>Sparse ornamental planting along the line of a timber fence on the northern and eastern site boundaries. The hedging is not mature and does not offer potential nesting opportunities for birds or roosting habitats for bats.</p> <p>In the northeastern corner of the site a small holly <i>Ilex aquifolium</i> bush has established. At the base of the holly a very small amount of bramble <i>Rubus fruticosus</i> is present - likely due to a lack of recent management.</p> <p>The holly has potential to be used by nesting birds. It is not of sufficient size or age to contain potential roosting features (PRF) for bats.</p> |  |

|   |  |   |
|---|--|---|
| 2 | <p>The eastern end of the site is filled with stacked and stored items and discarded rubbish pile, both of which have clearly restricted the ongoing management of the modified grassland habitat.</p> <p>The piles of items cover the ground between the hardstanding and the shed in the eastern corner.</p> |     |
| 3 | <p>A well-established grapevine <i>Vitis sp.</i> is prominent in the centre of the site. It has been grown over a timber pergola which in turn sits over a concrete area of hardstanding immediately to the west of the shed.</p>  |   |
| 4 | <p>A habitat pile for invertebrates and potentially small mammals/rodents has been created at the western end of the site. The habitat pile comprises the uprisings resulting from a recent (&lt;2 years) cut of the grapevine.</p>  |  |

## CONCLUSIONS AND RECOMMENDATIONS

### HABITATS

The entire site measures approximately 50-55m<sup>2</sup> and contains habitats of low distinctiveness including modified grassland, hardstanding, a small holly bush and some ornamental planting.

The previously developed land within the site including the shed and hardstanding surrounding it measures a total of c.10m<sup>2</sup>. The proposed garden area of the new development measures approximately a total of c.10-12m<sup>2</sup>. The total measurement of habitat to be lost within the footprint of the new building is therefore estimated to be c.38m<sup>2</sup>. As this is c.13m<sup>2</sup> more than the de minimis threshold for exemption from mandatory BNG requirements the site must be subject to a BNG assessment.

The BNG assessment will provide an outline strategy for how to achieve +10% biodiversity net gain at the site through development in line with planning policy.

### AMPHIBIANS

The desk search shows no potential breeding ponds for GCN within 250m of the site and no records of GCN within 2km.

The habitats within the proposed development area have negligible potential to be used by GCN due to the unsuitable surrounding habitats; particularly a lack of available breeding ponds. For the same reasons, the likeliness of other more widespread amphibians being present is very low but not negligible, as these animals can survive for longer and range further between breeding ponds as well as make use of ornamental ponds that are unsuitable for GCN.

The potential for impacts to GCN during the proposed works is negligible.

### DORMOUSE

There are no records of dormouse within 2km and woodland parcels present in the wider area although near to the site are separated from it by the Gondar Gardens Road and further residential garden habitat to the east. There is a very minimal amount of suitable habitat within the site comprising a <1m<sup>2</sup> patch of bramble scrub and a small holly bush. These are not large enough to support a dormouse colony and as they are not connected to further habitat outside of the site have negligible potential to contain dormouse.

The potential for impacts to dormouse during the proposed works is negligible.

### BIRDS

All nesting birds are afforded legal protection by the Wildlife and Countryside Act 1981 (as amended). In addition, species listed on Schedule 1 of the Act are afforded protection from disturbance whilst nesting. Some species are listed as Species of Principal Importance under NERC Act 2006 and may be on the RSPB's Bird of Conservation Concern list.



There is potential for birds to nest in the holly bush within the site. Any impacts including works to remove the holly bush should be undertaken outside of the bird nesting season.

It is recommended that an integrated bird box is installed at between 3-5m height.

## BATS

All UK bat species are afforded legal protection by the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Some species are listed as Species of Principal Importance under the NERC Act 2006.

There are no records of non light averse species of bats within 2km of the site. The site is within a densely urban surrounding area with a proliferation of artificial lighting. The vegetated habitats within the site are isolated modified grassland and scrub habitats within the site provide some low value potential foraging habitat and it is unlikely that light averse species would be present.

The loss of the low value potential foraging habitat within the site is unlikely to have any discernible impact on the conservation of local bat species if present.

The potential for impacts to bats is negligible.

It is recommended that an integrated bat box could provide new roosting and foraging habitats for local bat species and improve the site for bats in line with National Planning Policy.

Bat boxes should be erected in a sheltered location at between 3-4m height. Care must be taken to provide an unobstructed flight path to the entrances of bat boxes. Examples of suitable bat boxes are provided in the appendix.

## REPTILES

The grassland within the site has some superficial suitability to contain reptiles due to what appears to be a recent lack of management. The presence of the habitat pile and the stored items improves the suitability of the on-site habitats. These habitats are isolated with no suitable connecting habitat adjacent to the site. It is apparent from the lack of species diversity in the grassland sward that up until recently the grassland was managed on a regular basis.

There is no potential for reptiles to colonise the minimal amount of suitable habitats within the site. The potential for reptiles to be present is negligible.

## BADGERS

Badger *Meles meles* are protected in the UK under the Wildlife and Countryside Act, 1981 and receive additional protection under the Protection of Badgers Act 1992.

There are no field signs indicating the presence of burrowing mammals in particular badger whose field signs are conspicuous.

## OTHER MAMMALS

All wild mammals are afforded legal protection under the Wild Mammal (Protection) Act 1996 (as amended).

Hedgehog *Erinaceus europaeus* are protected in the UK under the Wildlife and Countryside Act, 1981. They are a Priority Species under the UK Post-2010 Biodiversity Framework and are on the IUCN Red List for British Mammals which means they are vulnerable to extinction.

The property is bordered on two sides by roads and on the other two sides by residential gardens. The site is within an urban setting and is densely residential.

The potential for hedgehog or other mammals to be present within the site is negligible.

## REFERENCES

Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4<sup>th</sup> edition). The Bat Conservation Trust, London.

BCT & ILP (2018). Bats and artificial lighting in the UK: Bats and the Built Environment series. Guidance Note 08/18. Bat Conservation Trust, London and the Institution of Lighting Professionals, Warwickshire.

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(1981) Wildlife and Countryside Act 1981. H.M.S.O., London.

Bat Workers Manual, JNCC, Peterborough. Joint Nature Conservation Committee (2016). Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit. JNCC, Peterborough.

National Planning Policy Framework. H.M.S.O., London. Rose, F (2006)

<https://magic.defra.gov.uk/MagicMap.aspx>

<https://records.nbnatlas.org/>

### Review of Protected Species UK Legislation and Policy

The level of protection afforded to protected species varies dependent on the associated legislation. A full list of protected species and their specific legal protection is provided within the Schedules and/or Sections of the associated legislation. Case law may further clarify the nature of the legal protection afforded to species.

The legal protection afforded to protected species overrides all planning decisions. European Protected Species (EPS) - and the Conservation of Habitats and Species Regulations 2010 (as amended)

European Protected Species (EPS) are afforded the highest level of protection through the Conservation of Habitats and Species Regulations 2017. EPS are also afforded legal protection by parts of the Wildlife and Countryside Act 1981 (as amended).

In general, any person and/or activity that:

- Damages or destroys a breeding or resting place of an EPS. (This is sometimes referred to as the strict liability or absolute offence);

- Deliberately captures, injures or kills an EPS (including their eggs);

- Deliberately disturbs an EPS, and in particular disturbance likely to impair animals' ability to survive, breed or nurture young, their ability to hibernate and migrate and disturbance likely to have a significant effect on local distribution and abundance;

- intentionally or recklessly disturbs an EPS while occupying a structure or place used for shelter and/or protection (Wildlife and Countryside Act 1981)<sup>1</sup> (as amended); and

- Intentionally or recklessly obstructs access to any structure or place that an EPS uses for shelter or protection (Wildlife and Countryside Act 1981) (as amended). may be guilty of an offence.

The legislation applies to bat roosts even when they are not occupied.

Actions affecting multiple animals can be construed as separate offences and therefore penalties can be applied per animal impacted.

Under certain circumstances licences can be granted by the Statutory Nature Conservation Organisation (Natural England in England) to permit actions that would otherwise be unlawful.

There are some very specific defences associated with the Conservation of Habitats and Species Regulations 2017. However, these are unlikely to apply to construction related projects. The Sections of the Regulations provide further details of these defences.

The Wildlife and Countryside Act (1981) includes defence for those aspects of the legislation that apply to an EPS. These defences are unlikely to apply to construction related projects and do not apply to those acts included in the Conservation of Habitats and Species Regulations 2017 (as amended). The Schedules of the Act provide further details of defences.



Local authorities have obligations under sections 40 and 41 of the Natural Environment and Rural Communities Act (NERC) 2006 to have regard to the purpose of conserving biodiversity in carrying out their duties. The majority of EPS are listed on Section 41 the NERC Act.

The Natural Environment and Rural Communities Act 2006 (as amended)

Section 41 (S41) of the Natural Environment and Rural Communities (NERC) Act (2006) requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers, including local and regional authorities, in implementing their duty under Section 40 of the act to have regard to the conservation of biodiversity in England when carrying out their normal functions. S41 lists 56 habitats and 943 species of principal importance. Section 42 of the NERC Act relates to Wales.

Wildlife and Countryside Act 1981 (as amended)

The level of protection afforded to species listed on the Wildlife and Countryside Act 1981 (as amended) varies considerably.

‘Fully protected species’, such as bats, are afforded the highest level of protection. Any person who intentionally kills, injures, or takes ‘fully protected species’, or who intentionally or recklessly damages or destroys a structure or place used for shelter and/or protection, disturbs the animal whilst occupying a structure and/or place used for shelter and protection, or obstructs access to any structure and/or place used for shelter or protection is likely to have committed an offence.

The National Planning Policy Framework

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

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

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

## APPENDIX 2: BAT AND BIRD BOX DESIGNS AND SITE PHOTOS

