125 Shaftesbury Avenue

Preliminary Ecological Appraisal / Ecology Study

Prepared by Greengage

Submitted on behalf of VREF Shaftesbury SCS

November 2024

Client: VREF Shaftesbury SCS

Project: 125 Shaftesbury Avenue

Report: Preliminary Ecological Appraisal

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1.0 EXECUTIVE SUMMARY

Greengage Environmental Ltd (Greengage) was commissioned to undertake a Preliminary Ecological Appraisal (PEA) by VREF Shaftesbury SCS of a site known as 125 Shaftesbury Avenue in the London Borough of Camden, hereafter referred to as 'the site'.

This report has been produced as an update to the original PEA undertaken by Waterman in 2016[1], to provide up to date information to inform a planning application, which seeks: "*remodelling, refurbishment and extension of the existing building to provide Use Class E commercial and retail space, amenity terraces, a new public route, relocated entrances, cycle parking, servicing and rooftop plant along with associated highway, landscaping and public realm improvements and other associated works*".

This survey aimed to establish the ecological value of this site and the potential presence of legally protected species in order to inform appropriate mitigation, compensation and enhancement actions in light of proposed development works.

The habitats on site remain predominantly unchanged since the 2016 survey. The site extends to 0.359 hectares (ha) and comprised an 11-storey building and developed land; sealed surface (hardstanding).

The site walkover undertaken in July 2024, alongside analysis of data received from a desktop study, confirmed the following:

- One statutory designation of international importance within 10km of the site, the Lee Valley Special Scientific Interest (SSSI) / Special Protection Area (SPA) / Ramsar site;
- 33 non-statutory designated Sites of Importance for Nature Conservation (SINCs) within 2km of the site boundary, the closest being Pheonix Garden SINC situated 7m northeast of the site;
- Negligible suitability to support foraging and commuting bats on site, but low suitability immediately offsite within Phoenix Garden 7m northeast of the site boundary and considered within the Zone of Influence (ZoI) of the site;
- Low potential to support nesting birds at roof level and terrace areas of the building, but moderate potential immediately offsite within Phoenix Garden and in mature trees directly adjacent to the site and considered within the ZoI of the site.

Given the proposals on site are localised in nature, further surveys for any of the above-mentioned protected species is not considered necessary. Nevertheless, avoidance, mitigation and compensation actions to minimise the disturbance to foraging and commuting bats and nesting birds have been provided in Section 5.2, specifically including the implementation of a Construction Environmental Management Plan (CEMP) to mitigate for discharge of water or liquid waste, dust deposition, vibration and light spill on to the adjacent Pheonix Garden SINC and consideration to timings of works to avoid sensitive seasons for birds.

Several landscape enhancements have already been incorporated into the design which have biodiversity value including:

- Biodiverse green roofs;

- Terrace garden planting including drought tolerant species and tree planting; and
- Ground level amenity planting within the public realm.

To further enhance the site, the following measures have also been recommended for incorporation into the landscaping plans:

- Inclusion of native shrub planting and pollinator friendly species;
- Incorporation of night scented native shrub species to encourage night flying insects for foraging bats;
- Eight bird nest boxes should be installed on to the façade of the new buildings to provide additional nesting opportunities for birds;
- Additional habitat features should be added to the proposed green roof areas, including log piles, rope coils and water trays, to provide additional habitat for invertebrates; and
- Within landscaped areas, bee bricks/posts, insect hotels should be incorporated to provide suitable habitat for invertebrates.

Assuming the above key ecological mitigation and enhancement measures are adhered to, then the development should be compliant with the relevant legislation and policy. These measures should be detailed within an Ecological Management Plan (EMP) for the site. The EMP could be secured through planning condition.

As the site does not possess >25m^2 of semi-natural habitat, it is exempt from legislative biodiversity net gain requirements. However, the inclusion of the above ecological enhancement measures will constitute a significant improvement in the ecological value of the site above existing levels.

A separate Biodiversity Net Gain Assessment (BNGA), utilising the Statutory Biodiversity Metric, will still be undertaken to demonstrate the expected significant net gain for biodiversity, to assess alignment with the Camden biodiversity strategy[2] which seeks to "*achieve net gain in biodiversity through planning decisions that are supported by policy and guidance, and identify and deliver opportunities to increase biodiversity in urban areas*".

2.0 INTRODUCTION

Greengage Environmental Ltd (Greengage) was commissioned to undertake a Preliminary Ecological Appraisal (PEA) by VREF Shaftesbury SCS of a site known as 125 Shaftesbury Avenue in the London Borough of Camden, hereafter referred to as 'the site'.

This report has been produced as an update to the original PEA undertaken by Waterman in 2016, to provide up to date information to inform a planning application, which seeks: "*remodelling, refurbishment and extension of the existing building to provide Use Class E commercial and retail space, amenity terraces, a new public route, relocated entrances, cycle parking, servicing and rooftop plant along with associated highway, landscaping and public realm improvements and other associated works*".

This survey aimed to establish the ecological value of this site and the potential presence of legally protected species in order to inform appropriate mitigation, compensation and enhancement actions in light of proposed development works.

2.1 SITE DESCRIPTION

The survey area encompasses the site which extends to approximately 0.359 hectares (ha) and is centred on National Grid Reference TQ 29938 81120, OS Co-ordinates 529938, 181120.

The site comprises an 11-storey office building with terraces and flat roof areas as well as paved pedestrian areas around the perimeter and a concreted service driveway. The building was unoccupied at the time of the site walkover.

The site is situated within the highly urbanised location of Camden in central north London, approximately 420m south of Tottenham Court Road Station. The site is situated on a corner with Shaftesbury Avenue to the southeast, Charing Cross Road to the west, Phoenix Street to the north and Stacey Street to the east. The site is surrounded on every aspect by a mix of commercial and retail use buildings. Several mature London plane (*Platanus* × *acerifolia*) trees are situated directly offsite, adjacent to the eastern, western and southern site boundary.

The wider landscape context is dominated by similarly built office/commercial use buildings, however some pockets of greenspace are present nearby including street trees, Phoenix Garden 7m northeast, Soho Square Gardens 175m northwest, Victoria Embankment Gardens 720m southeast and Russel Square 730m northeast.

3.0 METHODOLOGY

The PEA was undertaken in accordance with guidance in the UK Habitat Classification System (UKHab)[3] version 2.0 and the Chartered Institute of Ecological and Environmental Management (CIEEM) (2017) *Guidelines for Preliminary Ecological Appraisal*[4], in accordance with *British Standard (BS) 42020: 2013: Biodiversity*[5]. The overall assessment consisted of:

- Site specific biological information gained from statutory and non-statutory consultation; and
- A site walkover comprising UKHab survey and protected/notable species scoping assessment.

The site-specific consultation provided the ecological context for the site walkover carried out on 11th July 2024.

The habitats were recorded and classified in accordance with UKHab methodology, using Primary Codes, with use of supplementary Secondary Codes [in square brackets], where considered to be appropriate.

The survey boundary and existing site is shown in Figure A.1 of Appendix A.

Greengage undertook the site walkover during dry and sunny weather conditions. Features within the site boundary and accessible features immediately bordering it were evaluated and the extent and distribution of habitats and plant communities were recorded and supplemented with Target Notes (TN) on areas or species requiring further commentary. Areas of habitat suitable for statutorily protected species were identified where present, and fauna using the area (or evidence of such) was recorded where seen.

3.1 DESKTOP REVIEW

A review of readily available ecological information and other relevant environmental databases (included Department for Environment, Food and Rural Affairs (DEFRA's) Multi-Agency Geographic Information for the Countryside (MAGIC) website[6]) was undertaken for the site with a search radius' of 2km. A radius of 5km and 10km were also checked for national and international statutory designated sites and associated Impact Risk Zones (IRZ) respectively. In addition, a biological records search from Greenspace Information for Greater London (GiGL) was reviewed to identify the location and citations of local non-statutory designated sites and presence of records for notable and protected species within 2km of the site. This provided the overall ecological context for the site, to better inform the site walkover.

3.2 ON SITE SURVEYS

Habitats

The extent and distribution of different habitats on site were identified and mapped according to the standard UKHab Survey methodology, supplemented with TN describing the dominant botanical species and any features of interest. Any present protected plant species and Invasive Non-Native

Species (INNS) were also noted. A habitat map has been produced to illustrate the results, as shown in Appendix A.

Species

The site walkover specifically included assessments to identify the potential value for protected, notable, and rare species at the site. This involved identifying potential habitats in terms of refugia, breeding sites and foraging areas in the context of species known to be present locally and regionally.

The likelihood of occurrence is ranked as follows:

- Negligible - While presence cannot be absolutely discounted, the site includes very limited or poor-quality habitat for a particular species. The site may also be outside the known national range for a species;
- Low - On-site habitat is poor to moderate quality for a given species, with few or no information about their presence from desk top study. However, presence cannot be discounted due to the national distribution of the species or the nature of on-site and surrounding habitats;
- Moderate - The on-site habitats are of moderate quality, providing most or all of the key requirements for a species. Several factors may limit the likelihood of occurrence, habitat severance, habitat disturbance and small habitat area;
- High - On-site habitat of high quality for given species. Site is within a regional or national stronghold for that particular species with good quality surroundings and good connectivity; and
- Present - Presence confirmed for the survey itself or recent, confirmed records from information gathered through desk top study.
- New guidance from the Bat Conservation Trust (BCT)[7] was published in September 2023 which ranks bat roosting and foraging suitability on a scale through, none, negligible, moderate and high as per Table 4.1 of the guidance. None relates to a site with 'no habitat features suitable for bats' and negligible relates to a site with no 'obvious habitat features likely to be used by bats'.

The species surveyed for included those listed below.

Badger (*Meles meles*)

The potential for badger to inhabit or forage within the study area was assessed. Evidence of badger activity includes the identification of setts (a system of underground tunnels and nesting chambers), grubbed up grassland (caused by the animals digging for earthworms, slugs, beetles etc.), badger hairs, paths, latrines and paw prints.

Bat Species (*Chiroptera*)

The site walkover was undertaken in daylight and the evaluation of bat potential comprised an assessment of features on site that aimed to identify characteristics suitable for bat roosts, foraging and commuting. In accordance Bat Conservation Trust's (BCT) *Good Practice Guidelines*[8] and methods given in CIEEM *Bat Mitigation Guidelines*[9] consideration was given to:

- The availability of access to roosts for bats;
- The presence and suitability of crevices and other places as roosts; and
- Signs of bat activity or presence.

Definite signs of bat activity were taken to be:

- The bats themselves;
- Droppings;
- Grease marks;
- Scratch marks; and
- Urine spatter.

Signs of possible bat presence were taken to be:

- Stains; and
- Moth and butterfly wings.

Potential Roosting Features (PRF) were noted during the site walkover examples of which include mature trees with holes, crevices or splits, caves, bridges, tunnels and buildings with cracks or gaps in brickwork or built features which act as PRFs themselves or serving as possible access/egress points to voids or cavities. PRFs were also assessed for their hibernation suitability which may be subject to change dependent on further survey results, if required.

Additionally, linear natural features such as tree lines, hedgerows and river corridors are often considered valuable for commuting and semi-natural habitats such as woodland, meadows and waterbodies can provide important foraging resources. Consideration was given to the presence of these features both immediately within and adjacent to the assessment area.

Great Crested Newt (*Triturus cristatus*)

An assessment was carried out to identify any potential habitats that may support great crested newt (GCN) and other native amphibians. The aquatic and terrestrial habitats required generally include small, still ponds or water bodies suitable for breeding; and woodland or grassland areas where there is optimal invertebrate prey potential.

Reptiles

The potential for reptile species on site was assessed during the site walkover. Possible species include grass snake (*Natrix helvetica*), smooth snake (*Coronella austriaca*), adder (*Vipera berus*), common and sand lizard (*Lacerta vivipara* and *L. agilis*) and slow worm (*Anguis fragilis*). These native reptile species generally require open areas with low, mixed-height vegetation, such as heathland, rough grassland, and open scrub or, in the case of grass snake, waterbody margins. Suitable well drained and frost-free areas are needed so they can survive the winter.

Dormouse (*Muscardinus avellanarius*)

During the site walkover the potential for dormouse to be present on site was assessed. This included observations for suitable habitat such as well-layered woodland, scrub and linking hedgerows, particularly those comprised of species offering suitable food sources such as honeysuckle (*Lonicera periclymenum*) and hazel (*Corylus avellana*), in addition to direct evidence such as characteristically gnawed hazelnuts, chewed ash keys and honeysuckle flowers, or nests.

Water Vole (*Arvicola amphibius)*

Water vole potential was assessed during the site walkover. The potential is identified by the presence of ditches, rivers, dykes and lakes with holes and runs along the banks. Latrines, footprints or piles of food can also be noted.

Otter (*Lutra lutra*)

Where desktop review or consultation indicates the presence of otter in a river catchment, the presence of water bodies with good cover and potential holt (den) sites would be noted. Spraint, footprints or food remains can also be noted.

White-clawed Crayfish (*Austropotamobius pallipes*)

The potential for white-clawed crayfish was assessed during the site walkover. The potential is defined by the type of watercourse present e.g. shallow watercourses with earth banks and rocky substrate on the channel bed are preferable.

Birds

During the site walkover, the potential for breeding, wintering and migratory birds was assessed. In particular, this includes areas of trees, scrub, heathland and wetlands that could support nests for common or notable species.

Invertebrates

As part of the site walkover the quality of invertebrate habitat and the potential for notable terrestrial and aquatic invertebrate species was considered. There is a wide variety of habitats suitable for invertebrates including wetland areas, heathland, areas of bare sandy soil, ephemeral brownfield vegetation and meadows.

Biodiversity Action Plan priority species/ Species of Principal Importance

Where consultation and desk-study indicates the presence of BAP priority species (Species of Principal Importance) not protected by statute, effort was made to establish the potential for the site to support these species.

London Invasive Species Initiative

During the site walkover, presence of species which were considered Invasive Non-Native Species (INNS) was assessed. These included those on the London Invasive Species Initiative (LISI) which require mitigation actions if found on site to prevent further colonisation/spread.

3.3 SURVEYORS

Alex Hurley, Consultant who undertook the site walkover and prepared this report, has a BSc in Zoology & Physiology and a MSc in Conservation Biology. Alex has over 6 years' experience working within the environmental management sector including planning and coordinating restoration management activities, developing environmental management plans and undertaking ecological surveys.

Sophie Trigg, Senior Consultant, who reviewed this report has a BSc (Hons) in Zoology and has six years of experience in ecological consultancy. Sophie has experience of a variety of survey and assessment types and holds a Natural England GCN Licence.

Paul White, Associate, who verified this report, has a Bachelor's degree in Marine Biology (BSc Hons), a Natural England GCN Licence and Dormouse Licence, and is an Associate member of CIEEM. Paul has over 16 years' experience in ecological surveying and has undertaken and managed numerous ecological surveys and assessments.

This report was written by Alex Hurley, reviewed by Sophie Trigg and verified by Paul White who confirms in writing (see the QA sheet at the front of this report) that the report is in line with the following:

- Represents sound industry practice;
- Reports and recommends correctly, truthfully and objectively;
- Is appropriate given the local site conditions and scope of works proposed; and
- Avoids invalid, biased and exaggerated statements.

3.4 CONSTRAINTS

The PEA was undertaken during an optimal time of year during ideal conditions by a suitably qualified ecologist. It was possible to access all areas of the site.

No significant constraints that stand to impact conclusions drawn in this report therefore presented themselves.

4.0 RESULTS

4.1 DESKTOP REVIEW

Designations

Consultations with the local biological record centres (GiGL) and the MAGIC dataset have confirmed that there are no statutory designations of national or international importance within the boundary of the site or within a 2km radius.

There is however the Lee Valley Ramsar and Special Protection Area (SPA) situated within a 10km radius. This site is a statutory designated site of international importance.

Records from GiGL also identified 33 non-statutory Sites of Importance for Nature Conservation (SINCs) within 2km of the site boundary, the closest being Pheonix Garden SINC situated 7m northeast of the site. SINCs are recognised by LPAs as important wildlife sites.

There are three tiers of SINC sites within London:

- Sites of Metropolitan Importance;
- Sites of Borough Importance (Borough I & II); and
- Sites of Local Importance.

Table 4.1 below gives the locations and descriptions of a selection of the nearest/most relevant local designations.

Table 4.1 Statutory and Non-Statutory Designated Sites within Search Radius

Site Name	Approximate Location	Description
Statutory		
Lee Valley Ramsar, SPA & SSSI	8.2km northeast	448ha site which support internationally important numbers of wintering gadwall and shoveler and nationally important numbers of other bird species. The site also supports diverse wetland flora and fauna. The site contains Walthamstow Reservoirs SSSI and Walthamstow Marshes SSSI.
Non-Statutory		
Phoenix Garden (SINC of Local Importance)	7m northeast	Site contains areas of open meadow, dense shrub, rockery and a pond. The site has been planted with a range of native wildflowers and the pond supports diverse vegetation.
Victoria Embankment Gardens: Main Garden	720m southeast	The site is made up of areas of amenity grassland, managed flower beds, shrubbery and non-native trees. 2

Site Name	Approximate Location	Description
(SINC of Local Importance)		ponds can also be found on site, one of which has been planted with native wetland plants.
Russell Square (SINC of Local Importance)	730m northeast	Site contains mature trees, the majority being London planes.
Lincoln's Inn Fields (SINC of Local Importance)	750m east	Site contains mature London planes, newly planted mixed species hedge and other areas of shrubbery.
St James's Square (SINC of Local Importance)	790m southwest	Site contains mostly non-native trees, shrubbery, flower beds and amenity grassland. Nest boxes, bird feeders and water bath are present.
River Thames and tidal tributaries (SINC of Metropolitan Importance)	820m southeast	The River Thames and tidal tributaries comprise a number of valuable habitats not found elsewhere in London. These include mud-flats, shingle beach, inter-tidal vegetation and islands. The site is of particular importance for wildfowl, waders and fish.
Victoria Embankment Gardens: Whitehall Garden (SINC of Local Importance)	900m southeast	Site contains amenity grassland, mature trees and shrubbery. A naturalistic planting of ornamental woodland flowers is being developed under the shrubs.
St James's Park, Green Park and Buckingham Palace Gardens (SINC of Metropolitan Importance)	920m south	Site comprises of three formal parks which contain important habitats such as old parkland trees and ornamental ponds. These support significant numbers of breeding waterfowl, locally and nationally uncommon plants, moths and other invertebrates.
Marlborough House Garden (SINC of Borough Grade I Importance)	1.01km southwest	The site contains a large lawn made up of acid grassland and contains an unusual abundance of low growing flowers for central London. At the edge of the garden there is also a shrubbery which contains mature trees.
Gordon Square (SINC of Borough Grade I Importance)	1.02km north	The site is a small London square which contains numerous trees predominantly London plane. Mostly non-native species are found in the shrubberies. Wildflowers have been planted in flower beds including primrose and bluebell.
Victoria Embankment Gardens: Temple Section (SINC of Local Importance)	1.07km southeast	The site is a small public park (0.27ha) which supports a good range of common birds. Contains mature trees including London plane and holly. There is dense

Site Name	Approximate Location	Description
		shrubbery and small lawn. Bird food and water basin are present.
Temple Gardens (SINC of Borough Grade II Importance)	1.15km southeast	One of the largest areas of green space in the city. The gardens contain open lawns, mature trees, shrubbery and flower beds. The grass contains species such as red fescue, crested dog's tail, lady's bedstraw and selfheal. The site supports goldfinch which are uncommon in the city as well as nuthatch and kestrel.
Coram's Fields (SINC of Local Importance)	1.15km northeast	The site is mostly aimed at providing facilities for children but contains mature London planes, beech hedgerows and acid grassland. An area to the east is being developed as a wildlife garden which will include a small pond.
Middle Temple Garden (Westminster section) (SINC of Borough Grade II Importance)	1.17km southeast	Site comprises of open lawns, a variety of mature trees, shrubbery and flower beds. The grassland contains species including red fescue, lady's bedstraw and selfheal. The site supports great tit which are uncommon in the city as well as nuthatch and kestrel. Bird boxes have been provided.

Biodiversity Action Plans

UK Biodiversity Action Plans (BAPs) have been developed which set priorities for nationally important habitats and species. To support the BAPs, Species/Habitat Statements (otherwise known as Species/Habitat Action Plans) were produced that provide an overview of the status of the species and set out the broad policies that can be developed to conserve them. A list of priority species of conservation importance was also developed.

The UK BAP was succeeded in 2012 by the UK-Post 2012 Biodiversity Framework which informed the creation of the Biodiversity 2020 strategy; England's contribution towards the UK's commitments under the United Nations Convention of Biological Diversity.

Despite this, the UK BAP priority species lists and conservation objectives still remain valid through integration with local BAPs (which remain valid), and in the form of the Habitats and Species of Principle Importance list (as required under section 41 of the Natural Environment and Rural Communities (NERC) Act).

There were no UK BAP priority habitats present on site or within the immediate vicinity, however the following UK BAP priority habitats were present within 1km of site:

- Deciduous woodland, closest 480m north; and
- Wood-pasture and Parkland, closest 790m south.

Local Biodiversity Action Plans (LBAPs) ensure that national action plans (the UK BAP/Biodiversity 2020) are translated into effective action at the local level and establish targets and actions for locally characteristic species and habitats.

Greater London BAP

The Greater London BAP lists 26 priority habitats to protect and enhance, which are of importance to London's nature conservation. In addition, Species Action Plans (SAPs) focus on conservation of individual species or groups of species in London. Notable features of the London BAP that are of relevance to this report are:

- The onus placed on the importance of built structures to local wildlife (HAP);
- Bats (SAP);
- Black redstart (*Phoenicurus ochruros*) (SAP); and
- House sparrow (SAP).

Camden BAP[10]

Notable features of the Camden BAP not covered above by the Greater London BAP that are of potential relevance to this report are:

- Green roofs (HAP); and
- Swift (*Apus apus*) (SAP).

The Camden Local Plan (2017): Policy A3 Biodiversity, The emerging Draft New Camden Local Plan (2024): Chapter 11 The Natural Environment and the relevant Camden Planning Guidance (CPG) policies are included in Appendix B.

Species Record

The information provided in the biological data search from GiGL identified records of a number of protected and BAP priority species within 2km search radius of the site. Table 4.2 below provides a summary of records of priority species relevant to the site.

Table 4.2 Records of Protected, Rare, or Notable Species within Search Radius within the Past 10 Years

Species	Legally protected[i]	Principal importance[ii]	Other notable[iii]	Relevant records within 2km
Mammals - Terrestrial				
Hedgehog (*Erinaceus europaeus*)	-	✓	✓	44 records of hedgehog with the closest being 92m south of the site in 2021. More recently they have been recorded 1.2km southwest in 2022.
Bats	✓	✓	-	Noctule (*Nyctalus noctula*), leisler's (*Nyctalus leisleri*), nathusius pipistrelle (*Pipistrelle nathusii*), common pipistrelle (*Pipistrellus pipistrellus*) and soprano

Species	Legally protected[i]	Principal importance[ii]	Other notable[iii]	Relevant records within 2km
				pipistrelle (*Pipistrelle pygmaeus*) all recorded within 2km between 2016 and 2021.
Reptiles				
Common lizard (*Zootoca vivipara*)	✓	✓	-	Common lizard was most recently recorded 851m south of the Site in 2017.
Notable Birds				
Swift (*Apus apus*)	-	✓	✓	143 records from 394m west in 2017, but most recently recorded 1.98km southeast in 2019.
Herring gull (*Larus argentatus*)	-	-	✓	833 records from 394m west in 2019, but most recently recorded 1.25km south in 2023.
Grey wagtail (*Motacilla cinerea*)	-	-	✓	294 records from 376m south in 2015, but most recently recorded 1.25km south in 2022.
House sparrow (*Passer domesticus*)	-	✓	✓	192 records from 214m east in 2004, but most recently recorded 318m east in 2013.
Back redstart (*Phoenicurus ochruros*)	✓	✓	-	14 records from 444m north in 2010, but most recently recorded 1.77km northeast in 2019.
Starling (*Sturnus vulgaris*)	-	✓	✓	579 records from 319m northwest in 2004, but most recently recorded 1.80km northwest in 2023.
Song thrush (*Turdus philomelos*)	-	-	✓	509 records from 768m southeast in 2017, but most recently recorded 1.80km northwest in 2022.
Invertebrates				
Common darter (*Sympetrum striolatum*)	-	-	✓	24 records with the closest 1.1km south in 2018. Most recently recorded 1.3km south in 2022.
White-letter hairstreak (*Satyrium w-album*)	-	✓	✓	Recorded 2km south in 2020.
Protected Plant Species				
Bluebell (*Hyacinthoides non-scripta*)	✓**	-	-	8 records from 1.11km west in 2013, but most recently recorded 1.17km northeast in 2015.
Nettle-leaved goosefoot (*Chenopodium murale*)	-	✓	✓	18 records with the closest being 953m northeast of site. Most recently been recorded 1.5km north in 2015.

i= Internationally/nationally protected by legislation - Schedule 2 or Schedule 5 under the Conservation of Habitats and Species Regulations 2017; Schedule 1, Schedule 5 or Schedule 8 under Wildlife and Countryside Act 1981, (as amended); Protection of Badgers Act 1992.

ii= Species of Principal Importance under the Natural Environment and Rural Communities Act 2006 and listed on the UK BAP.

iii =Identified on other notable species lists i.e. GB / England Red List species including Red Data Book Birds of Conservation Concern 5.
**in respect of section 13(2) only of the Wildlife and Countryside Act 1981*

The species listed above are primarily those known to be in the area that may be impacted by any proposals at the site, or that stand to benefit as a consequence of potential ecological enhancements at the site and inform site-specific mitigation and enhancement recommendations described in the following chapter.

Consultation with MAGIC also confirmed there are two granted European Protected Species Mitigation Licence (EPSML) for bats within 2km of the site, the closest being 1.0km northwest of the site. This EPSML was granted in 2015 for the destruction of a resting place for common pipistrelle (ref: 2014-6253-EPS-MIT).

4.2 DETAILED DESCRIPTION OF SITE: HABITATS

The habitats presented across the assessment site consist of the following UKHab categories, as mapped in Appendix A:

- Buildings (u1b5); and
- Developed land; sealed surface (u1b).

u1b5 - Buildings

The majority of the site comprises an 11-storey building (circa 1980's) of concrete construction with a one-layer red brick façade and aluminium framing (u1b5 on Figure A.1 in Appendix A and shown in Figure 4.1). The ground floor is occupied by retail space with the remaining 10 floors previously used as office space. The building was unoccupied at the time of the site walkover. The building comprises three roof terrace areas, all of which house air conditioning units whilst the several terraces are present on the sixth to nineth floor of a southeast, southwest and northwest facing aspect.

Figure 4.1 Building façade (left) and roof area (right)


u1b - Developed land; sealed surface

Hardstanding areas include paved access areas around the perimeter of the building as well as a concrete service driveway on the northeastern aspect of the building (u1b on Figure A.1 in Appendix A and shown in Figure 4.2). The site was largely clear of vegetation with only a few early colonising ephemeral/ruderal species present occasionally in cracks and around the edges of the building. Species present include Guernsey fleabane (*Erigeron sumatrensis*), common groundsel (*Senecio vulgaris*), annual meadow grass (*Poa annua*) and wall barley (*Hordeum murinum*).

Figure 4.2 Developed lands; sealed surface areas

Zone of Influence

Offsite habitats considered to be within the development's Zone of Influence (ZoI) due to their proximity to the site include the Phoenix Garden, a non-designated public garden, situated 7m northeast of the site (TN1 on Figure A.1 in Appendix A and shown in Figure 4.3), five mature London plane trees and two newly planted hornbeam (*Carpinus Betulus*) and European nettle trees (*Celtis australis*) (both less than 7.5cm diameter at breast height (DBH)), situated directly adjacent to the northeastern corner of the site (TN2 on Figure A.1 in Appendix A and shown in Figure 4.3) and several London plane street trees adjacent to the site situated along Shaftesbury Avenue and Charing Cross Road (TN3 on Figure A.1 in Appendix A).

Figure 4.3 Trees within the ZoI (left) and Phoenix Garden behind brick wall (right)


4.3 DETAILED DESCRIPTION OF SITE: SPECIES

Bats

The desk study returned records for five different species of bat within 2km of the site.

Foraging and commuting

The site is situated within a highly urbanised environment and is composed entirely of developed land: sealed surface and a building. As such, the site does not possess any natural/semi-natural habitats, except for a few early colonising ephemeral/ruderal species, which are unlikely to attract substantial numbers of invertebrate prey. The site is also subject to high levels of light pollution from street lighting and surrounding high rise office buildings. Some species of bats are highly photosensitive, with artificial lighting hindering their ability to forage and evade predators. This, therefore, further deters bats from using the site, limiting suitability to light tolerant species only e.g. *Pipistrellus* species and noctules.

Phoenix Garden, situated 7m northeast and considered to be within the ZoI of the site, comprises several natural habitats including open meadow, dense shrub and several mature trees which provide more suitable foraging and commuting habitat for bats. However, given its location, Phoenix Garden is likely subject to high levels of noise and artificial light pollution, again, limiting its suitability to light tolerant species only.

Therefore, the site is considered to provide negligible suitability to support foraging and commuting bats whilst the Phoenix Garden within the ZoI provides low suitability to support foraging and commuting bats.

Roosting

A detailed systematic daytime internal and external inspection of the building was undertaken to identify its suitability to support roosting bats.

No access/egress points to cavities or external PRFs were observed within the façade of the building largely owing to both being of concrete construction with a one layer brick façade and generally in good condition

Therefore, the site is considered to be of negligible suitability to support roosting bats and as such is not considered further in this report.

Birds

The desk study returned records for house sparrow, starling, swift, black redstart, herring gull, grey wagtail and song thrush all within 800m of the site.

The absence of any cover provided by semi-natural vegetation, except for a few early colonising ephemeral/ruderal species, on site mean the site offers very little in the way of foraging resources for bird species on site.

The flat roof and terrace areas of the building and may provide some limited nesting opportunities for larger bird species including feral pigeon (*Columba livia*) and herring gull. However, owing to the high levels of light and noise pollution in the area, the likelihood of any bird species choosing to nest in this location is reduced. Whilst the height afforded by the building and the proximity to urban green space are considered drivers for peregrine falcon nesting in urban locations, the roof lacks any suitable sheltered ledges for their nest building.

Habitats present within the ZoI, including the mature London plane trees at street level and directly adjacent to the northeastern corner of the site as well as trees and vegetation within Phoenix Garden, provide greater value for nesting birds and a food source for foraging birds during both the breeding and non-breeding season.

Therefore, the site is considered to offer low potential to support nesting birds whilst the ZoI provides moderate potential to support nesting birds.

Invasive/Non-native species

No invasive non-native species were observed during the site walkover.

Other Protected/Notable Species

The desk study either returned no records for other protected and notable species assessed for within a 2km radius and/or the habitats present on site were considered to be of negligible value to those species with limited connectivity to other suitable habitats within the wider landscape. Those species include:

- Badger;
- GCN;

- Reptiles;
- Dormouse;
- Water vole;
- Otter;
- White-clawed crayfish;
- Hedgehog;
- Common toad;
- Invertebrates of principal importance; and
- Protected plant species

As such, the above species are not considered further in this report.

5.0 EVALUATION AND DISCUSSION

5.1 BASELINE SUMMARY

The assessment site and its surroundings have potential to support the following ecological receptors of note, which could therefore be impacted upon by any future prospective development proposals, as indicated in Table 5.1 below. Comment on further recommendations for each receptor is provided; further detail and discussion can be found at paragraph 5.2 onward:

Table 5.1 Baseline Summary

Receptor	Presence/Potential Presence	Comments
Designated Sites: Statutory	Present within 8.2km	The internationally designated Lee Valley Ramsar, SPA & SSSI is located 8.2km from the site. Potential direct impacts arising from the construction phase of the development are not expected to impact the Ramsar/SPA/SSSI site due to the geographical distance and the presence of dense urban development and associated infrastructure between the sites.
Designated Sites: Non-Statutory	Present within 7m	Phoenix Garden SINC is situated within 7m of the site and is considered to be at risk from the construction phase of the development without due care and consideration. Construction impacts such as discharge of water or liquid waste, dust deposition, vibration and light spill will need to be assessed and mitigation measures established prior to the commencement of any construction works on site. These measures should be detailed within a Construction Environmental Management Plan (CEMP). Further information and recommendations are provided in Section 5.2.
Notable/Rare Habitats	Present within 480m	The closest UK BAP priority habitat is a parcel of deciduous woodland 480m west of the site. Potential direct impacts arising from the construction phase of the development are not expected to impact UK BAP priority habitats habitat due to the geographical

Receptor	Presence/Potential Presence	Comments
		distance, presence of dense urban development and associated infrastructure between the site and these UK BAP priority habitats.
Foraging bats	Low suitability (ZoI only)	The site was deemed to provide negligible suitability to support foraging and commuting bats on site due to the areas high level of light disturbance and lack of vegetation and therefore no further surveys are required. However, there was low suitability for foraging and commuting bats within the ZoI. Additional information and recommendations are provided in Section 5.2.
Birds	Low potential	Further detailed surveys are not considered necessary, however mitigation measures to minimise the impact of the development on active bird nests should be undertaken as detailed in Section 5.2.

5.2 DISCUSSION AND RECOMMENDATIONS

Discussion is provided below on the key ecological receptors that stand to be impacted/benefit from proposed works; high level commentary on appropriate mitigation, compensation and enhancement actions is also provided.

An Ecological Management Plan (EMP) and Construction Environmental Management Plan (CEMP) should be produced and implemented for the site providing greater detail on the below, which should be secured through planning condition in accordance with BS 42020: 2013 Biodiversity.

Designated sites

Statutory

The Lee Valley Ramsar/SPA/SSSI is located 8.2km from the site. Impacts associated with construction and recreation from this site can be ruled out due to the distance, presence of dense urban development and associated infrastructure between the site and the Ramsar/SPA/SSSI, as well as the relatively small and localised nature of the development. The Lea Valley Regional Park authority also has strategic polices designed to manage and regulate visitor numbers and distribution which mitigates for any increase in local residents.

Non-Statutory

The site is located within 7m of Phoenix Garden SINC (Local grade) and as such, is considered to be at risk from the construction phase of the development without due care and consideration.

Construction impacts such as discharge of water or liquid waste, dust deposition, vibration, noise and light spill will need to be carefully assessed and mitigation measures established prior to the commencement of any works on site and detailed within a CEMP. Specific measures include (but are not necessarily limited to):

- Controlling of surface water run-off or liquid waste to ground;
- Dust management during site clearance and construction, including wetting down bare ground, to minimise dust deposition to habitats within the SINC; and
- Lighting during construction should be kept to a minimum, with no light spill during the night directed towards habitats within the SINC.

Direct impacts associated with the operational phase of the development are considered highly unlikely given there will not be increase in the number of residents. The site is also set within an already highly urban context and Phoenix Garden is managed for recreation through the provision of designated footpaths.

Notable/Rare habitats

Deciduous woodland and wood-pasture and parkland UK BAP priority habitats were recorded within 1km, the closest parcel being within 480m of the site boundary. Direct impacts associated with construction and recreation from this site are considered highly unlikely due to the geographical distance, presence of dense urban development and associated infrastructure between the site and these UK BAP priority habitat parcels, as well as the relatively localised nature of the development. The deciduous woodland and wood-pasture and parkland UK BAP priority habitats are also managed for recreation through the provision of designated footpaths and cycling bridleways minimising the likelihood of impacts associated with increased footfall.

As such, no specific mitigation measures are required.

Birds

Birds, their eggs and their active nests are protected from intentional killing, destruction and damage (B). Therefore, should any works be proposed on the roof or terrace areas of the building, they should be conducted outside of the breeding bird season, which is typically recognised as March - August inclusive.

Where it is not possible to undertake these works outside of the breeding bird season, i.e. undertaken between September to mid-February inclusive, a suitably qualified ecologist should first complete a nesting bird check no more than 48 hours prior to the commencement of construction or clearance works. Should an active nest or nesting birds be discovered, then measures to ensure they are protected

should be employed (by enacting a suitably sized exclusion zone) until either the young have fledged or the nest is no longer active (SQE to confirm).

Biodiversity Enhancements

As the site does not possess >25m2 of semi-natural habitat it is considered exempt from legislative biodiversity net gain (BNG) requirements. However, the inclusion of the below ecological enhancement measures will constitute a significant improvement in the ecological value of the site above existing levels and are expected to provide demonstrable net gain for biodiversity as well as align with local planning policy.

The following enhancements are proposed in the landscaping strategy:

- Biodiverse green roofs;
- Terrace garden planting including drought tolerant species and tree planting; and
- Ground level amenity planting within the public realm.

To further enhance the site, the following measures have also been recommended for incorporation into the landscaping plans:

- Proposed shrub planting should include a mix of native species and pollinator friendly species, such as those found within the Royal Horticulture Society (RHS) Plants for Pollinators[11];
- Incorporation of night scented native shrub species such as night scented stock (*Matthiola bicornis*) and honeysuckle to encourage night flying insects for foraging bats;
- Eight bird nest boxes should be installed on to the façade of the new buildings or fixed onto suitable retained trees to provide additional nesting opportunities for birds. Bird boxes should be installed to specifically target Schedule 1 birds such as black redstart and UK BAP species such as house sparrow and swift. Examples include:
    - Deep open fronted boxes targeting black redstart, hung at least 2-4m from ground level and facing north or east;
    - House sparrow terraces should be positioned near areas of vegetation at a minimum of 2m from ground level with a small hole entrance (around 32mm in diameter); and
    - Swift boxes installed at the highest elevation possible with a clear drop zone below. These should also be installed alongside a swift call system to encourage occupation;
- Additional habitat features should be added to the proposed green roof areas, including log piles, rope coils and water trays, to provide additional habitat for invertebrates; and
- Within landscaped areas, bee bricks/posts and insect hotels should be incorporated in suitable locations to provide suitable habitat for invertebrates.

The incorporation of the proposed habitats and biodiversity enhancements above align with the Camden Local Plan (2017)[29] Policy A3's aim to protect and enhance biodiversity in urban developments, particularly in areas with limited existing greening, such as this very urban site. The landscape strategy

also supports the objectives of the emerging Camden Local Plan (2024)Error! Bookmark not defined. by integrating high-quality green infrastructure, such as biodiverse green roofs and a drought tolerant planting palette, that contributes to urban biodiversity and resilience to climate change.

Management and monitoring of all proposed habitats and enhancements should be detailed within the EMP.

6.0 SUMMARY & CONCLUSION

Greengage was commissioned by VREF Shaftesbury SCS to undertake a PEA of a site known as 125 Shaftesbury Avenue in the London Borough of Camden in order to establish the ecological value of this site and its potential to support notable and/or legally protected species.

The PEA identified value for notable and protected species including foraging and commuting bats and nesting birds.

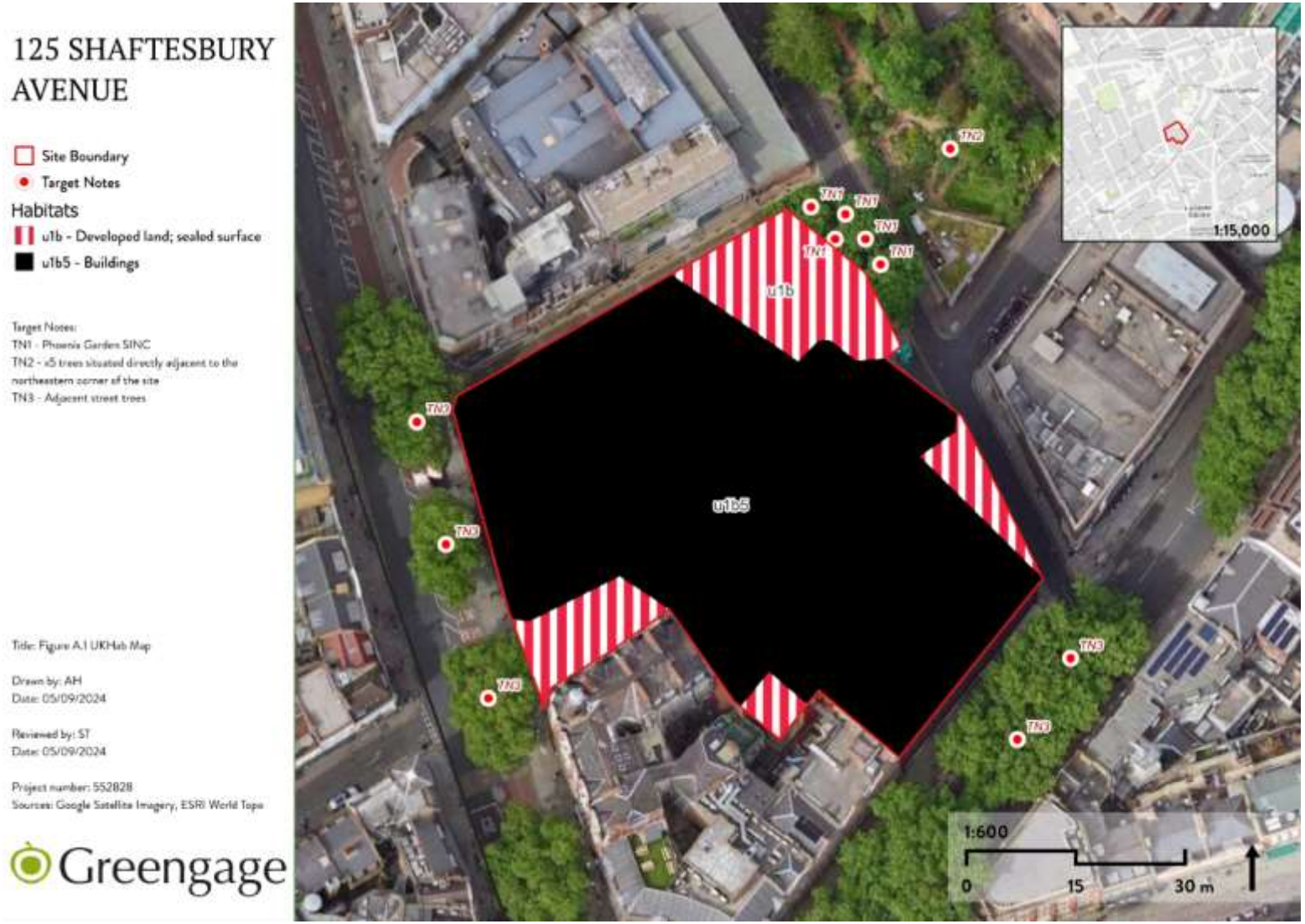
Ecological surveys for protected species are not considered necessary. However, avoidance, mitigation and compensation actions to minimise the disturbance to foraging and commuting bats and nesting birds have been provided in this report.

Key mitigation, compensation and enhancement actions are described to enable legislative and policy compliance (see context at Appendix B), aiming to achieve net gains in biodiversity for the site and align with biodiversity priorities set out in local policy.

Key actions should be included within EMP and CEMP documents for the site which could be secured through planning condition.

APPENDIX A SITE PLAN AND HABITAT MAP

Figure A.1 Pre-development (Baseline) Habitat Map



APPENDIX B RELEVANT LEGISLATION AND POLICY

B.1 LEGISLATION

Current key legislation relating to ecology includes The Environment Act[12] Wildlife and Countryside Act 1981 (as amended)[13]; The Conservation of Habitats and Species Regulations 2019 ('Habitats & Species Regulations')[14], The Countryside and Rights of Way Act 2000 (CRoW Act)[15], and The Natural Environment and Rural Communities Act, 2006[16].

The Environment Act, 2021

The Environment Act, 2021 will mandate the requirement for new development in England to deliver a minimum 10% biodiversity net gain (BNG), as measured by the agreed metric (the current relevant version being the Natural England metric 4.0), secured through planning condition as standard (as per schedule 14 of the Act). Approach to the delivery of BNG must follow the mitigation hierarchy, with avoidance of impact and on-site compensation/gains prioritised, ahead of the use of offsite biodiversity unit offsets, or the purchase of biodiversity credits.

The Act introduces the condition that no development may begin unless a biodiversity net gain plan has been submitted and approved by the local planning authority (LPA).

The Act also amends requirements of the NERC Act, 2006, adding the need to not just conserve, but enhance biodiversity through planning projects. Furthermore, it introduces the need for the LPA to have regard to relevant local nature recovery strategies and relevant species/protected site conservation strategies, when making their decision.

Under the Act, the enhancements must be maintained for at least 30 years.

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

The Conservation of Habitats & Species Regulations replace The Conservation (Natural Habitats, etc.) Regulations 1994 (as amended)[17], and transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('EU Habitats Directive')[18], and Council Directive 79/409/EEC on the Conservation of Wild Birds ('Birds Directive')[19] into UK law (in conjunction with the Wildlife and Countryside Act).

Regulation 43 and 47 respectively of the Conservation of Habitats & Species Regulations makes it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2 (European protected species of animals), or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 5 (European protected species of plant). Development that would contravene the protection afforded to European protected species requires a derogation (in the form of a licence) from the provisions of the Habitats Directive.

Regulation 63 (1) states: 'A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and

(b) is not directly connected with or necessary to the management of that site;

must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.'

Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) is the principal mechanism for the legislative protection of wildlife in Great Britain. This legislation is the means by which the Convention on the Conservation of European Wildlife and Natural Habitats[20] (the 'Bern Convention') and the Birds Directive and EU Habitats Directive are implemented in Great Britain.

The Countryside and Rights of Way Act 2000

The Wildlife and Countryside Act has been updated by the CRoW Act. The CRoW Act amends the law relating to nature conservation and protection of wildlife. In relation to threatened species it strengthens the legal protection and adds the word 'reckless' to the offences of damaging, disturbing, or obstructing access to any structure or place a protected species uses for shelter or protection, and disturbing any protected species whilst it is occupying a structure or place it uses for shelter or protection.

The Natural Environment and Rural Communities Act 2006

The Natural Environment and Rural Communities Act 2006 states that every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Biodiversity Action Plans provide a framework for prioritising conservation actions for biodiversity.

Section 41 of the Natural Environment and Rural Communities Act requires the Secretary of State to publish a list of species of flora and fauna and habitats considered to be of principal importance for the purpose of conserving biodiversity. The list, a result of the most comprehensive analysis ever undertaken in the UK, currently contains 1,149 species, including for example, hedgehog, and 65 habitats that were listed as priorities for conservation action under the now defunct UK Biodiversity Action Plan[21] (UK BAP). Despite the devolution of the UK BAP and succession of the UK Post-2010 Biodiversity Framework[22] (and Biodiversity 2020 strategy[23] in England), as a response to the Convention on Biological Diversity's (CBD's) Strategic Plan for Biodiversity 2011-2020[24] and EU Biodiversity Strategy (EUBS)[25], this list (now referred to as the list of Species and Habitats of Principal Importance in England) will be used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 41 of the Natural Environment and Rural Communities Act 2006 'to have regard' to the conservation of biodiversity in England, when carrying out their normal functions.

Biodiversity Action Plans

Non-statutory Biodiversity Action Plans (BAPs) have been prepared on a local and regional scale throughout the UK over the past 15 years. Such plans provide a mechanism for implementing the government's broad strategy for conserving and enhancing the most endangered ('priority') habitats and species in the UK for the next 20 years. As described above the UK BAP was succeeded in England by Biodiversity 2020 although the list of priority habitats and species remains valid as the list of Species of Principal Importance for Nature Conservation.

Regional and local BAPs are still valid however and continue to be updated and produced.

Detail on the relevant BAPs for this site are provided in the main text of this report.

Legislation Relating to Nesting Birds

Nesting birds, with certain exceptions, are protected from intentional killing, destruction of nests and destruction/taking of eggs under the Wildlife and Countryside Act 1981 (as amended) and the CRoW Act. Any clearance of dense vegetation should therefore be undertaken outside of the nesting bird season, taken to run conservatively from March to August (inclusive), unless an ecologist confirms the absence of active nests prior to clearance.

Legislation Relating to Bats

All UK bats and their roosts are protected by law. Since the first legislation was introduced in 1981, which gave strong legal protection to all bat species and their roosts in England, Scotland and Wales, additional legislation and amendments have been implemented throughout the UK.

Six of the 18 British species of bat have Biodiversity Action Plans (BAPs) assigned to them, which highlights the importance of specific habitats to species, details of the threats they face and proposes measures to aid in the reduction of population declines.

Although habitats that are important for bats are not legally protected, care should be taken when dealing with the modification or development of an area if aspects of it are deemed important to bats such as flight corridors and foraging areas.

The Wildlife & Countryside Act 1981 (WCA) was the first legislation to provide protection for all bats and their roosts in England, Scotland and Wales (earlier legislation gave protection to horseshoe bats only.)

All eighteen British bat species are listed in Schedule 5 of the Wildlife and Countryside Act, 1981 and under Annexe IV of the Habitats Directive, 1992 as a European protected species. They are therefore fully protected under Section 9 of the 1981 Act and under Regulation 43 of the Conservation of Habitats and Species Regulations 2019, which transposes the Habitats Directive into UK law. Consequently, it is an offence to:

- Deliberately capture, injure or kill a bat;
- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats;

- Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time);
- Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat; and
- Intentionally or recklessly obstruct access to a bat roost.

Legislation Relating to Reptiles

All species of reptile native to the UK are protected to some degree under national and/or international legislation, which provides mechanisms to protect the species, their habitats and sites occupied by the species.

Sand lizards and smooth snakes are European protected species and are afforded full protection under Section 9 of the Wildlife and Countryside Act 1981 and Regulation 43 of the Conservation of Habitats and Species Regulations 2019. However, these species are rare and highly localised. Their occurrence is not considered as relevant in this instance, as the ranges and specialist habitats of these species do not occur at this site.

The remaining widespread species of native reptiles (adder, grass snake, slow worm and viviparous lizard) are protected under part of Section 9(1) and all of Section 9(5) of the Wildlife and Countryside Act 1981. They are protected against intentional killing and injury and against sale, transporting for sale etc. The habitat of these species is not protected. However, in terms of development, disturbing or destroying reptile habitat during the course of development activities while reptiles are present is likely to lead to an offence under the Wildlife and Countryside Act 1981. It is therefore important to identify the presence of these species within a potential development site. If any of these species are confirmed, all reasonable measures must then be taken to ensure the species are removed to avoid the threat of injury or death associated with development activities.

Each species of native reptile has specific habitat requirements but general shared features include a structurally diverse habitat that provides for shelter, basking, foraging and hibernating.

All reptiles are BAP species and as such are also of material consideration in the planning process due to the NPPF.

Legislation Relating to Dormice

Dormice are given full protection under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Protection to the species is also afforded by Regulation 43 of the Conservation of Habitats and Species Regulations 2019, making the hazel dormouse a European Protected Species. These two pieces of legislation operate in parallel, although there are some small differences in scope and wording. Under the provisions of Section 9 of the Wildlife & Countryside Act, it is an offence to:

- Intentionally kill, injure or take a dormouse;
- Possess or control and live or dead specimen or anything derived from a dormouse (unless it can be shown to have been legally acquired);

- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a dormouse; and
- Intentionally or recklessly disturb a dormouse while it is occupying a structure or place which it uses for that purpose.

Regulation 43 of the Conservation of Habitats and Species Regulations 2019 makes it an offence to:

- Deliberately capture or kill a dormouse;
- Deliberately disturb a dormouse;
- Damage or destroy a breeding site or resting place of a dormouse; and
- Keep transport, sell or exchange, or offer for sale or exchange a live or dead dormouse or any part of a dormouse.

Legislation Relating to Great Crested Newts

Great crested newts are given full protection under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Protection to the species is also afforded by Regulation 43 of the Conservation of Habitats and Species Regulations 2019, making the great crested newt a European Protected Species. These two pieces of legislation operate in parallel, although there are some small differences in scope and wording. Under the provisions of Section 9 of the Wildlife & Countryside Act, it is an offence to:

- Intentionally kill, injure or take a great crested newt;
- Possess or control and live or dead specimen or anything derived from a great crested newt (unless it can be shown to have been legally acquired);
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a great crested newt; and
- Intentionally or recklessly disturb a great crested newt while it is occupying a structure or place which it uses for that purpose.

Regulation 43 of the Conservation of Habitats and Species Regulations 2019 makes it an offence to:

- Deliberately capture or kill a great crested newt;
- Deliberately disturb a great crested newt;
- Damage or destroy a breeding site or resting place of a great crested newt; and
- Keep transport, sell or exchange, or offer for sale or exchange a live or dead great crested newt or any part of a great crested newt.

Legislation Relating to Natura 2000 Sites and Habitats Directive Annex I/II Species

European Commission Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('EU Habitats Directive'), and Council Directive 79/409/EEC on the

Conservation of Wild Birds ('Birds Directive') form the cornerstones of nature conservation legislation across EU member states. Priority species requiring protection across Europe are listed in the Annexes of these Directives. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2019 and Offshore Marine Conservation Regulations, 2007 (as amended) transpose these directives into UK law and set the basis for the designations of protected sites (known as Natura 2000 sites; Special Areas of Conservation under the Habitat Directive and Special Areas of Protection under the Birds Directive) that are of importance for habitats, species or assemblages listed on the directive Annexes. In the UK Ramsar sites are also offered the same level of protection as SPAs and SACs however the qualifying species for the designation may differ; Ramsar sites being designated specifically as important wetland habitats.

Under article 6(3) of the Habitats Directive, where projects stand to have likely significant effect (in accordance with the European Court of Justice ruling of C-127/02 Waddenzee cockle fishing) upon the integrity of conservation objectives (i.e. conservation status of the qualifying species or habitats) within the designated sites then the Competent Authority must undertake an Appropriate Assessment.

B.2 PLANNING POLICY

National

National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2023[26] sets out the Government's planning policies for England, including how plans and decisions are expected to apply a presumption in favour of sustainable development. Chapter 15 of the NPPF focuses on conservation and enhancement of the natural environment, stating plans should 'identify and pursue opportunities for securing measurable net gains for biodiversity'.

It goes on to state: 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'. Alongside this, it acknowledges that planning should be refused where irreplaceable habitats such as ancient woodland are lost.

Regional

The London Plan[27]

Policy G1 Green infrastructure

1. London's network of green and open spaces, and green features in the built environment such as green roofs and street trees, should be protected, planned, designed and managed as integrated features of green infrastructure.
2. Boroughs should prepare green infrastructure strategies that integrate objectives relating to open space provision, biodiversity conservation, flood management, health and wellbeing, sport and recreation.

3. Development Plans and Opportunity Area Planning Frameworks should:
    1. identify key green infrastructure assets, their function and their potential function
    2. identify opportunities for addressing environmental and social challenges through strategic green infrastructure interventions.
4. Development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network.

Policy G5 Urban greening

1. Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.
2. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. The UGF should be based on the factors set out in Table 8.2, but tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development. (excluding B2 and B8 uses).
3. Existing green cover retained on site should count towards developments meeting the interim target scores set out in (B) based on the factors set out in Table 8.2.

Policy G6 Biodiversity and access to nature

1. Sites of Importance for Nature Conservation (SINCs) should be protected.
2. Boroughs, in developing Development Plans, should:
    a. use up-to-date information about the natural environment and the relevant procedures to identify SINCs and ecological corridors to identify coherent ecological networks
    b. identify areas of deficiency in access to nature (i.e. areas that are more than 1km walking distance from an accessible Metropolitan or Borough SINC) and seek opportunities to address them
    c. support the protection and conservation of priority species and habitats that sit outside the SINC network, and promote opportunities for enhancing them using Biodiversity Action Plans
    d. seek opportunities to create other habitats, or features such as artificial nest sites, that are of particular relevance and benefit in an urban context
    e. ensure designated sites of European or national nature conservation importance are clearly identified and impacts assessed in accordance with legislative requirements.
3. Where harm to a SINC is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:

a. avoid damaging the significant ecological features of the site

b. minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site

c. deliver off-site compensation of better biodiversity value.

4. 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.

5. Proposals which reduce deficiencies in access to nature should be considered positively.

Policy G7 Trees and woodlands

1. London's urban forest and woodlands should be protected and maintained, and new trees and woodlands should be planted in appropriate locations in order to increase the extent of London's urban forest – the area of London under the canopy of trees.

2. In their Development Plans, boroughs should:

   a. Protect 'veteran' trees and ancient woodland where these are not already part of a protected site

   b. Identify opportunities for tree planting in strategic locations

3. Development proposals should ensure that, wherever possible, existing trees of quality are retained [Category A and B]. If planning permission is granted that necessitates the removal of trees, there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments – particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy.

London Environment Strategy 2018[28]

The Mayor's Environment Strategy was published in May 2018. This document sets out the strategic vision for the environment throughout London. Although not primarily a planning guidance document, it does set strategic objectives, policies and proposals that are of relevance to the delivery of new development in a planning context, including:

Objective 5.1 Make more than half of London green by 2050

Policy 5.1.1 Protect, enhance and increase green areas in the city, to provide green infrastructure services and benefits that London needs now.

This policy states:

"New development proposals should avoid reducing the overall amount of green cover and, where possible, seek to enhance the wider green infrastructure network to increase the benefits this provides. [...] New developments should aim to avoid fragmentation of existing green space, reduce storm water

run-off rates by using sustainable drainage, and include new tree planting, wildlife-friendly landscaping, or features such as green roofs to mitigate any unavoidable loss".

This supports the 'environmental net gain' approach promoted by government in the 25 Year Environment Plan.

Proposal 5.1.1.d The London Plan includes policies to green streets and buildings, including increasing the extent of green roofs, green walls and sustainable drainage.

Objective 5.2 conserving and enhancement wildlife and natural habitats

Policy 5.2.1 Protect a core network of nature conservation sites and ensure a net gain in biodiversity

This policy requires new development to include new wildlife habitat, nesting and roosting sites, and ecologically appropriate landscaping will provide more resources for wildlife and help to strengthen ecological corridors. It states:

"Opportunities should be sought to create or restore priority habitats (previously known as UK Biodiversity Action Plan habitats) that have been identified as conservation priorities in London [and] all land managers and landowners should take BAP priority species into account".

Local

Camden Local Plan 2017[29]

Policy A3 Biodiversity

"The Council will protect and enhance sites of nature conservation and biodiversity. We 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

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

We 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".

The Camden Planning Guidance: Biodiversity (March 2018)[30]

The Council has prepared a number of other documents that provide advice and guidance on how our planning policies will be applied for certain topics, areas or sites known as Supplementary Planning Guidance (SPG). These documents do not have the same weight in decision making as Camden development plan documents but they are important supporting documents. They are available on the Council's website. The Camden Planning Guidance: Biodiversity (March 2018) is for planning proposals for major and minor developments proposed on sites where there is or may be biodiversity value. It supports policy A3 - Biodiversity in the Camden Local Plan (2017).

Draft New Camden Local Plan[31]

Policy NE1 – The Natural Environment

A. The Council will conserve and enhance Camden's natural environment. The Council will:

i. Protect and enhance the network of open spaces and local green spaces across the borough in accordance with Policy SC3 Open Space;

ii. Give strong protection to maintaining the openness and character of Metropolitan Open Land (MOL);

iii. Designate and protect nature conservation sites (including the Ancient Woodland on Hampstead Heath) and other features of biodiversity value, such as Sites of Importance for Nature Conservation, corridors and stepping-stones in accordance with NE2 Biodiversity;

iv. Support communities seeking the designation of Local Green Spaces through the neighbourhood planning process;

v. Protect non-designated spaces with nature conservation, townscape and amenity value, including gardens, where possible;

vi. 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;

vii. 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;

viii. Require all development to enhance biodiversity in line with Policy NE2 Biodiversity;

ix. Protect trees in Camden and seek to secure additional trees in accordance with Policy NE3 Tree Planting and Protection;

x. Secure improvements to green corridors, particularly where a development scheme is adjacent to an existing corridor;

xi. Encourage the delivery of highways greening measures in accordance with Policy T1 Safe, Healthy and Sustainable Transport;

xii. Require multi-functional Sustainable Urban Drainage Systems (SuDs) to be provided in accordance with Policy CC12 Sustainable Drainage;

xiii. Seek to improve opportunities for residents and the public to access and engage with nature, particularly in areas where such opportunities are lacking; and

xiv. Seek contributions from development to the delivery of the priorities and projects set out in the Local Nature Recovery Strategy, Camden Biodiversity Strategy and Camden Green Infrastructure Strategy.

Policy NE2 - Biodiversity

A. The Council will seek to ensure that development protects and enhances nature conservation and biodiversity in the Borough. The Council will:

i. Safeguard protected and priority habitats and species, Sites of Importance for Nature Conservation (SINC) and other features of biodiversity value such as wildlife corridors and stepping stones;

ii. Require all major schemes, and those that have the potential to impact biodiversity and designated sites, to prepare a baseline ecological assessment, and demonstrate how any impacts on biodiversity can be avoided or mitigated and establish how biodiversity enhancements will be maximized. Where

mitigation measures are proposed these should be delivered on-site, unless it can be demonstrated to the Council's satisfaction that this isn't achievable;

iii. Address the potential of both direct and indirect impacts on habitats and species, from factors such as shading, light pollution and risk of disturbance and expect development to follow the mitigation hierarchy with regards to these impacts (avoiding impacts where possible; where this is not feasible seek to mitigate impact; and only where the impact is not capable of being avoided or mitigated, seek compensation for the loss/harm);

iv. Resist development where it is likely to worsen deficiencies in access to natural greenspace;

v. Expect development to realise benefits for biodiversity through their layout, design and the materials used in their built and landscaping elements, taking account of the local ecological context, strategic and local opportunities for biodiversity gains identified in the Council's Biodiversity Strategy and emerging Nature Recovery Network, neighbourhood plans and Local Plan site allocations;

vi. Require biodiversity net gain of at least 10% on eligible sites, with preference given for on-site or near site solutions. The net gains will be secured for a period of at least 30 years;

vii. Recognise the biodiversity value offered by gardens;

viii. Seek biodiversity enhancements commensurate with the scale of proposed residential and non-residential extensions and alterations, including the provision of biodiverse green roofs and species features such as bird and bat boxes; and

ix. Secure long-term management plans and monitoring of schemes, where appropriate, to ensure that nature conservation objectives are met. We will also expect Construction Management Plans to provide information on how habitats will be protected during building work, where appropriate.

Policy NE3 – Tree Planting and Protection

A. The Council will seek to protect existing trees and secure additional tree planting in the borough. The Council will:

i. resist the loss of a tree, group of trees, area of woodland and/or vegetation of significant amenity, historic, cultural, and/or ecological value on, or adjacent to, a development site. The Council will also resist proposals which may threaten the continued wellbeing of such trees as specified above;

ii. make Tree Preservation Orders (TPO's) when necessary to protect specific trees, groups of trees, or woodlands, in the interests of amenity and biodiversity;

iii. ensure that where trees are to be retained on developments, these are positively integrated into the design and layout of the proposed scheme;

iv. require trees and vegetation, that are to be retained, to be satisfactorily protected both during and following the demolition and construction phase of development, in line with BS5837:2012 'Trees in relation to Design, Demolition and Construction';

v. require replacement trees and/or vegetation to be provided where the loss or harm to the wellbeing of significant trees and/or vegetation has been justified in the context of the proposed development; vi.

prioritise securing replacement trees and vegetation on-site. Where it can be demonstrated to the Council's satisfaction that replacement trees and vegetation cannot be provided on-site, a financial contribution will be secured to enable the planting and subsequent maintenance of replacement trees and vegetation off-site;

vii. require developments to incorporate additional trees and vegetation wherever possible, as part of a detailed landscaping scheme for the site. A detailed landscaping scheme and landscape management plan must be submitted for all major developments, including, but not limited to, details of the trees and vegetation to be planted, and proposals for how the landscaping scheme will be managed and maintained over the lifetime of the development

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