

6.9 Ecology

- 6.9.1 Chapter 14 of the 2022 ES reported the likely significant ecological effects of the development on existing receptors during the construction and operational phase and considered concentrations at new receptor locations introduced.
- 6.9.2 This Chapter has been prepared in order to outline the key changes in relation to the 2023 Consent and to identify changes to the findings and conclusions associated with the 2022 ES.

Legislation, Planning Policy and Guidance

- 6.9.3 A review of UK legislation, planning policy and guidance relevant to the proposals has been previously undertaken as part of the 2022 ES.
- 6.9.4 The pertinent environmental legislation outlined in Section 14.2 of the 2022 ES is detailed below. This includes legislation that has remained unchanged, as well as some policies that have undergone revisions.
- 6.9.5 No further legislative changes have been made since the amendments introduced in the Conservations of Habitats and Species (Amendment) (EU Exit) Regulations 2019 ensured the continuity of these regulations post-Brexit. This adjustment became fully operational on 1 January 2021.
- 6.9.6 Section 111 Amendment via the Environment Act 2021 (October 2022) introduces a provision for issuing licences to activities impacting protected species under “reasons of overriding public interest” (OPI). While safeguarding species remains critical, this provision allows development projects to proceed in exceptional circumstances where mitigation is considered adequate. For Ecologists, this change creates flexibility for balancing development with conservation priorities, particularly in complex or urbanised sites.
- 6.9.7 The NERC Act itself has not been amended since January 2022. However, obligations under section 40 have been strengthened through integration with the biodiversity net gain requirements in the Environment Act 2021.
- 6.9.8 The CRoW Act has not undergone any amendments since January 2022. However, its provisions are increasingly referenced in planning decisions due to their alignment with SSSI protection and biodiversity net gain requirements. For example, CRoW-protected species and habitats are now considered in the context of net gain and local nature recovery strategies, reinforcing their relevance in planning applications.
- 6.9.9 There have been no relevant amendments to the Town and Country Planning Act since January 2022. Nonetheless, Tree Preservation Orders (TPOs) and conservation areas are increasingly being evaluated in relation to biodiversity enhancement, particularly within the framework established by the Environment Act 2021.
- 6.9.10 Following the 2022 ES, the implementation of Mandatory Biodiversity Net Gain commenced in November 2023. The Biodiversity Net Gain requirements are applicable to the majority of developments, thereby ensuring that measurable enhancements to biodiversity are achieved through the creation or improvement of habitats.

- 6.9.11 The December 2024 revisions to the National Planning Policy Framework (NPPF) strengthen ecological protections while emphasising housing delivery, economic development, and climate resilience. Key updates relevant to the O2 Finchley Road Phase 1 development include enhanced requirements for cross-boundary strategic planning (paragraph 24), and stronger climate adaptation measures. The reduced footprint of Block N4 offers an opportunity for ecological enhancements, including green roofs, living walls, and pollinator-friendly planting, which could improve site biodiversity and ecological connectivity if planned collaboratively with local authorities.
- 6.9.12 The updated NPPF also emphasises climate resilience through requirements such as sustainable drainage systems (SuDS) for all developments (paragraph 182), tree-lined streets (paragraph 136), and flood risk management using a sequential, risk-based approach (paragraphs 172-177). These policies support the integration of climate-adaptive features at O2 Finchley Road, including urban greening, rain gardens, and permeable paving, helping manage water runoff while enhancing biodiversity. These features should be implemented, ensuring measurable BNG and policy compliance.
- 6.9.13 Camden Council is in the process of updating the Local Plan. The emerging Camden Local Plan is currently in its consultation stage. The Regulation 18 consultation took place in early 2024. Further consultation is anticipated in 2025, with adoption currently anticipated in Spring 2026. At this stage in the plan preparation process, the draft Local Plan policies carry limited weight. However, these will start to carry more weight as the plan moves towards adoption and so have been considered within the application documentation. The draft new Camden Local Plan sets out the Council's vision for future development in Camden for the next 15 years and includes the planning policies and site allocations to help achieve this. The Local Plan will cover the period from 2026 – 2041 and Chapter 11 covers the Natural Environment. No significant changes from the current local plan have been identified that would alter the assessment of ecology within the site.

Scheme Changes

- 6.9.14 The Proposed Development seeks changes to enhance and amend the Detailed Element (Plots N3E, N4 and N5) as approved in the 2023 Consent.
- 6.9.15 The changes associated with the Proposed Development are as follows:
- Additional height to a number of the blocks.
 - Reduction of typical floor to floor heights from 3250mm to 3150mm.
 - Reconfiguration of N4 and N5 for improved design rationalisation, leading to a smaller N4 building footprint and removal of N4D.
 - New mix for affordable units in N4, which works better with the site limitations and has a higher portion of three bed apartments to match LBC preference/requirements.
 - Market rent tenure is consolidated to buildings N5 and N3E only. Removal of market rent tenure from N4 allows this block to become fully affordable.
 - An increase in total residential units within Phase 1 and associated increase in affordable units.

Assessment Methodology and Significance Criteria

- 6.9.16 The following section outlines the methodologies applied to identify and assess the potential impacts and likely effects to result from the Proposed Development.
- 6.9.17 The methodology for assessing the ecological baseline and its corresponding value remains consistent. The data collected from this assessment is subsequently utilised in the biodiversity net gain evaluation. Furthermore, the conclusions and primary results derived from the biodiversity net gain assessment also remain unchanged.
- 6.9.18 Although the Preliminary Ecological Appraisal (2021) and the biodiversity net gain assessment were completed in 2021, the amendments included in the Proposed Development do not alter the recommendations and conclusions outlined in these reports. Consequently, the completion of new assessments is unnecessary, as these modifications do not impact the site's ecological integrity.

Extent of The Study Area

- 6.9.19 Section 14.4 of the 2022 ES details the parameters of the study area, including the Red Line Boundary. The boundaries of the study area have remained consistent since the release of the 2022 ES. The amendments included in the Proposed Development pertain to modifications in floor spaces N4 and N5, as well as the introduction of a new mix of residential units in N4. It is important to note that these alterations will not impact the area designated for the study site.

Method of Baseline Collection

- 6.9.20 The methodologies applied for the ecological assessments described in section 14.1.5 of the 2022 ES remain relevant and valid.
- 6.9.21 The methodologies applied in arboriculture reports have remained largely consistent since 2022, particularly in accordance with British Standard 5837:2012. This standard provides essential guidelines concerning the management of trees in relation to design, demolition, and construction activities.

Method of Assessment

Demolition & Construction Phase

- 6.9.22 The assessment of the construction impacts on habitat and protected species, in accordance with the published guidelines for Ecological Impact Assessment (EclA), has been revised from the CIEEM guidelines (2018 V1.1) to the CIEEM Guidelines Version 1.3, updated in September 2024. It is important to note that the revisions made in these guidelines do not materially affect section 14.4 as published in the 2022 ES.

Operational Phase

6.9.23 The assessment of the operational impacts on habitat and protected species, in accordance with the published guidelines for Ecological Impact Assessment (EiA), has been revised from the CIEEM guidelines (2018 V1.1) to the CIEEM Guidelines Version 1.3, updated in September 2024. It is important to note that the revisions made in these guidelines do not materially affect section 14.4 as published in the 2022 ES.

Significance Criteria

6.9.24 The significance criteria outlined in section 14.5 of the 2022 ES remains unchanged.

Consultation

6.9.25 No further consultation has been undertaken.

6.9.26 EIA Scoping Opinion provided by LBC and Natural England as consultees in section 14.3.1 of the 2022 ES remains unchanged.

Assessment of Effects, Mitigation and Residual Effects

Demolition & Construction Phase

6.9.27 This section identifies and assesses the scale and nature of the main effects arising from the Proposed Development during the construction phase.

Impacts to adjacent Non-statutory Designated Sites

6.9.28 The nature of the main effects arising from the Proposed Development will remain unchanged, as described in section 14.9 of the 2022 ES.

Mitigation

6.9.29 The Mitigation measures outlined in sections 14.9.8 to 14.9.11 of the 2022 ES will remain unchanged.

Residual Effect

6.9.1 The residual effect outlined in sections 14.9.12 in the original ES will remain unchanged.

Loss/change of habitats within the development scheme: habitat diversity

6.9.2 The nature of the main effects arising from the Proposed Development will remain unchanged, as described in section 14.9 of the 2022 ES.

Mitigation

6.9.3 The Mitigation measures outlined in sections 14.9.18 to 14.9.20 of the 2022 ES will remain unchanged.

Residual Effect

6.9.4 The residual effect outlined in sections 14.9.21 in the original ES will remain unchanged.

Loss/change of habitats within the development scheme: nesting birds

6.9.1 The nature of the main effects arising from the Proposed Development will remain unchanged, as described in section 14.9 of the 2022 ES.

Mitigation

6.9.2 The Mitigation measures outlined in sections 14.9.24 to 14.9.29 of the 2022 ES will remain unchanged.

Residual Effect

6.9.3 The residual effect outlined in sections 14.9.30 in the original ES will remain unchanged.

Operational Phase

6.9.4 This section identifies and assesses the scale and nature of the main effects arising from the Proposed Development during the operational phase.

Impacts to adjacent non-statutory Designated Sites

6.9.5 Impacts outlined in the 2022 ES regarding surface water run-off, foul sewage discharge, air quality and permanent lighting remain unchanged.

Mitigation

6.9.6 Mitigation outlined in section 14.9.35 of the 2022 ES remains unchanged.

Residual Effect

6.9.7 Residual effect described in 14.9.36 of the 2022 ES remains unchanged.

Severability

6.9.8 The updated severability plan shows the extent of severable area within Plot S8 within the Outline Element West. It is the applicants' very firm intention to deliver this plot in accordance with the approved parameter plans through the submission of reserved matters pursuant to the hybrid planning permission. This will maximise the public benefits that will result from the development. However, it is recognised that an extant planning permission (ref PWX0202103), together with an extant section 73 permission (ref 2023/1292/P), (collectively the "Builder's Merchant Scheme") exists in relation to this part of the Site, and as a consequence this area has been identified as severable. In order to ensure a robust approach, an assessment has been made of the environmental impacts that would potentially arise in the event that the Builder's Merchant Scheme is brought forward under those existing extant planning permissions rather than this area being developed pursuant to reserved matters under the hybrid consent.

6.9.9 The BNG assessment report has not considered the extent of the severable area within the final metric figures. This is due to the very small amount of landscaping included in this area as part of the Outline Landscape Plan, the removal of which would create only a very minor change to the final Site wide BNG score which is currently achieving an exceptional figure. Therefore the severability of this part of the Site would not cause a material change to the BNG assessment.

6.9.10 No other significant effects would arise in relation to ecology from the severance of the relevant area of Plot S8.

Limitation and Assumptions

6.9.11 Limitations and Assumptions outlined in 14.10 of the 2022 ES remain unchanged.

Summary & Conclusions

6.9.12 The Proposed Development has been assessed against the published 2022 ES. Since the publication of the ES, there have been changes to relevant policy frameworks and assessment methodologies, most notably the adoption of the mandatory Biodiversity Net Gain and the release of the new Statutory Biodiversity Metric tool. However, as this is a section 73 application, Statutory BNG does not apply and therefore has been addressed in relation to planning policy only. Therefore, these policy and methodological updates do not result in any material changes to the conclusions drawn in the original 2022 ES.

6.9.13 The PEA, which has a validity period of two years, remains current and applicable. Given the urbanised context of the development site, which is predominantly a car park with limited ecological value, the baseline ecological conditions are unlikely to have changed. Therefore, the original survey results, conclusions, and recommendations remain valid and fit for purpose.

6.9.14 The Proposed Development, while introducing changes to the architectural and functional layout of the Detailed Element of the O2 Masterplan scheme, do not expand the development's footprint. Therefore, there is no anticipated additional loss of habitats beyond what was originally assessed in the 2022 ES. However, the reduction in the footprint of Block N4 creates a potential opportunity for biodiversity enhancements through habitat creation and these are addressed within the updated Biodiversity Net Gain Assessment.

6.9.15 Overall, the Proposed Development does not materially alter the ecological assessment findings presented in the 2022 ES. The site's ecological baseline remains unchanged due to the urbanised, low-value nature of the existing environment. Consequently, the survey results, impact assessment conclusions, and mitigation recommendations remain valid.

6.9.16 There are also no material differences in effects arising from the relevant part of Plot S8 being severed and developed separately pursuant to the Builder's Merchant Scheme.

References

CIEEM (2024) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.3. Updated September 2024. Winchester: Chartered Institute of Ecology and Environmental Management.

Environment Act 2021, c. 30. Available at: <https://www.legislation.gov.uk> (Accessed: 16 December 2024).

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The Conservation of Habitats and Species Regulations 2017 (as amended). Available at: <https://www.legislation.gov.uk> (Accessed: 16 December 2024).

The Countryside and Rights of Way Act 2000 (CRoW Act), c. 37. Available at: <https://www.legislation.gov.uk> (Accessed: 16 December 2024).

The Natural Environment and Rural Communities Act 2006 (NERC Act), c. 16. Available at: <https://www.legislation.gov.uk> (Accessed: 16 December 2024).

The Town and Country Planning Act 1990, c. 8. Available at: <https://www.legislation.gov.uk> (Accessed: 16 December 2024).