




Planning, Environment & Design

Midland Crescent Ecological Impact Assessment Update

January 2013



Quality Management

Job No	CS/061096		
Project	Midland Crescent		
Location	Finchley Road, London		
Title	Ecological Impact Assessment Update		
Document Ref	REV2	Issue / Revision	
File reference	F:\ZENV\!Projects\CS061095_Midland_Crescent_Ecology\B.Work_Tasks\2 Report Update\Midland_Crescent__Report_FINAL 07.11.2012.docx		
Date	January 2013		
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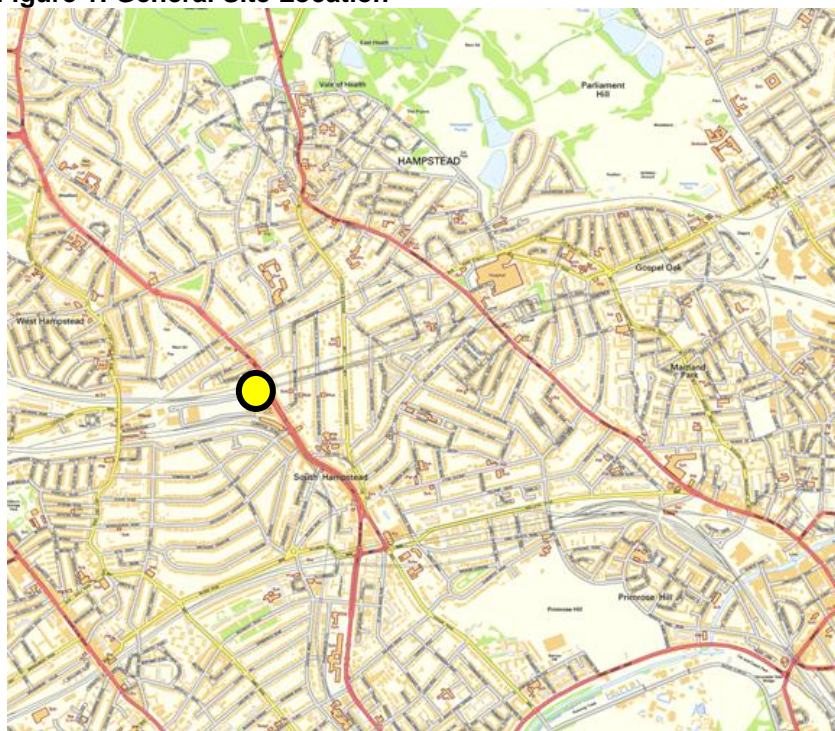
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1. Introduction

- 1.1 Capita Symonds Ltd (CSL) was commissioned by Stadium Capital Holdings to undertake an ecological appraisal of a parcel of land located along Finchley Road, London at central Ordnance Survey Grid Reference TQ 261 848. From herein this parcel will be referred to as the 'Site'.
- 1.2 The general location of the Site is highlighted by the yellow circle in *Figure 1* below.

Figure 1: General Site Location



Source: Contains Ordnance Survey data © Crown copyright and database right 2012

The Site

- 1.3 The Site comprises a triangular-shaped plot situated between two railway lines and a road. It is primarily composed of scrub vegetation with areas of rough grassland and hard standing. The eastern extent of the Site is bordered by a busy high street (Finchley Road), with Thameslink overground rail lines travelling east to west to its north and south. The habitats on Site, in order of abundance, comprise: scrub (butterfly-bush and bramble), semi-mature scattered trees, buildings, hard standing, and rough grassland.

The Surrounding Area

- 1.4 The Site is bordered on all sides by high rise buildings (Central London), railway lines, and arterial roads. The vegetation fringing the wider railway network is frequently truncated by bridges and tunnel. The surrounding residential streets are frequently lined with street trees. There is a small parcel of broad-leaved woodland to the north of the Site, this is a designated Site of Interest for Nature Conservation (SINC).

Description of Development

- 1.5 The current proposal is to clear the vegetation within the Site and construct a mixed-use residential property. Peripheral vegetation may be retained where desirable.

Aims

- 1.6 The aims of the ecological appraisal are to:
- i. identify the ecological habitats of value at the Site, and assess the potential for protected species to be present, through the completion of an extended Phase 1 habitat survey, see *Appendix A Phase 1 Habitat Survey Plan CS061095_ECO_001*
 - ii. provide recommendations for further protected and notable species surveys, as necessary;
 - iii. identify significant features for retention and protection, where possible;
 - iv. identify features for enhancement, where possible; and
 - v. provide outline recommendations for mitigation and / or compensation as necessary.

2. Methodology

2.1 In order to enable an assessment of the likely developmental impacts, sufficient detail is required on the underlying ecological factors, which support the natural habitats and wild species. This is also necessary for:

- informing the design process;
- identifying suitable mitigation;
- managing existing habitats and species; and
- planning the creation and / or enhancement of habitats.

Baseline Information

2.2 Baseline information for this ecological appraisal was collected from the following sources:

- Greenspace Information for Greater London (GiGL) was commissioned to provide a data search of all / any designated sites and protected species records within a 1 km radius of the Site;
- London Borough of Camden, was contacted to provide further details of the Site's current nature conservation status;
- Previous ecological reports / updates; and
- Google Earth – use and analysis of aerial photographs and street view images.

2.3 Contextual information was obtained from the following sources (relevant contextual information is included in *Appendix C*):

- UK Biodiversity Action Plan (UK BAP);
- Previous Ecological Records of the Site;
- Local Biodiversity Action Plan (LBAP); and
- London Plan.

Extended Phase 1 Habitat Survey

2.4 Phase 1 habitat survey methodology¹, as approved by Natural England (NE), was used in order to survey the Site with signs of protected or notable species being sought by direct observation or by assessment of habitat suitability. The Extended Phase 1 habitat survey and report has been undertaken and prepared by a graduate member of the Institute of Ecology and Environmental Management (IEEM).

¹ Joint Nature Conservation Committee (revised reprint 2010) Handbook for Phase 1 habitat survey – A technique for environmental audit.

2.5 The survey specifically provided information on:

- habitat types - (see *Appendix A Phase 1 Habitat Survey Plan CS061095_ECO_001*);
- features of nature conservation interest (locally rare plants; signs of protected species; character of the habitat and its suitability for supporting protected species); and
- features of ecological interest were target noted and site photographs taken (see *Appendix B*).

Limitations

2.6 Due to dense scrub being present, access to the western point of the Site was restricted. However the prevailing habitats encountered elsewhere on the Site have allowed for an assessment to be made for the purposes of this report.

2.7 The survey was undertaken in mid-October at which point some plant species may not have been evident, however, broad habitats types were easily distinguished, and provided ample information of the Site and its potential to support protected species. In addition to this, recent habitat and species information collated during previous visits to the Site have been reviewed.

3. Baseline Situation

- 3.1 The objectives of establishing the ecological baseline are twofold:
- i. to describe aspects of the natural environment and to identify important and protected species that could be adversely affected by the development proposals; and
 - ii. to characterise features that could be positively enhanced, created, restored or managed, by establishing the occurrence, distribution and extent of ecological features on site and in the surrounding area; and / or those species that could be positively managed to enhance their conservation status, distribution and abundance.
- 3.2 Natural and semi-natural habitats usually support the greatest diversity of wildlife. Important species and habitats are those protected by international or national legislation, those that have been identified in the Species and Habitat Review Report 2007 as priority species and habitats, and those identified as locally distinctive in a LBAP (e.g. 'local keystone', 'flagship' and 'umbrella species').

Desk Study

- 3.3 GiGL was contacted for information on designated sites and protected / notable species within the study area. The locations and information on the designated sites are detailed in *Appendix D*
- 3.4 Historical CSL Ecological Reports of the Site, which includes a review of the proposed structure's shadowing impact upon the neighbouring SINC (*Appendix E*).

Internationally and Nationally Designated Sites

- 3.5 There are no international or nationally designated sites within the 1 km study area of the Site.

Locally Designated Sites

- 3.6 Locally designated sites include Sites of Interest for Nature Conservation (SINC). SINC's are sites considered particularly important for nature conservation within the London Borough of Camden, although not afforded statutory protection they comprise a material consideration when planning applications are being determined.

3.7 There are seven SINC's within the 1 km study area as detailed in *Table 3.1* below.

Table 3.1 Locally Designated Sites within the Study Area

Site name	Site reference (refer to Appendix D)	Approx. distance from Site	Reason for selection
West Hampstead Railsides, Medley Orchard and Westbere Copse	CaBI06	0.02km	Wooded railside habitat which includes a small nature reserve and an old orchard.
Frognal Court Wood	CaBI03	0.1km	Small wood
Broadhurst Gardens Meadow	CaBI02	0.5km	Meadow Habitat with scattered trees and scrub vegetation.
Green Triangle	CaBI08	0.6km	Community organic garden
Hampstead Parish Churchyard	CaBI08	0.7km	Churchyard habitat comprising of vegetated walls, tombstones, scattered trees and grassland.
Frognal Lane Gardens	CaL07	0.75km	Private communal garden comprising of scattered trees, grassland, a pond and planted shrubbery.
160 Mill Lane Community Garden	CaL03	0.9km	Small Community garden comprising of scattered trees, scrub, grassland and a pond.

Source: GiGL (2012) - SINC – Site of Interest for Nature Conservation

Significant Species of Flora and Fauna

- 3.8 Legislation relating to protected species potentially present within the Site is provided in *Appendix C*.
- 3.9 GiGL provided records of rare and protected species recorded within the study area, dating between 1999 and 2010, the species most likely to be found within the habitats on Site have been summarised within *Table 3.2* below.

Table 3.2: Protected and Notable Species within the Study Area of the Site

Species	Species Status	Distance recorded from Site	Date
Mammals			
Hedgehog	LBAP NERC SPI	603 m North West	2000
Common Pipistrelle	LBAP CHSR2 WCA5	157 m West	2007
Birds			
House Sparrow	LBAP NERC SPI	159 m East	2000
Song Thrush	LBAP	666 m South	1999
Reptiles and Amphibians			
Common Toad	LBAP NERC SPI WCA5*	992 m West	2002
Common Frog	WCA5*	159 m North East	1999
Invertebrates			
Stag Beetle	LBAP NERC SPI WCA5*	515 m East	1999
Plants			
Chamomile	LBAP NERC SPI	523 m South	2003

Source: GiGL (2012). LBAP – London Biodiversity Action Plan; NERC SPI – Natural Environment and Rural Communities Act 2006 Section 41 Species of Principal Importance; CHSR2 – Conservation of Habitats and Species (Amendment) Regulations 2012, Schedule 2; WCA5 – Wildlife and Countryside Act 1981 (as amended), Schedule 5 * denotes partial protection.

4. Survey Information

4.1 An Extended Phase 1 habitat survey of the Site was undertaken on 18 October 2012. Results of the survey are illustrated on *Figure CS061095_ECO_001 (Appendix A)* and detailed in the accompanying target notes and photographs presented in *Appendix B*.

4.2 The habitats encountered during the Site visit and the protected species potentially present are described within the following text.

Habitat Types & Potential Protected / Notable Species

4.3 The following section details habitats present on the Site and protected / notable species that could potentially be present within the habitats identified.

Scrub

4.4 The Site is composed predominantly of butterfly-bush and bramble scrub (approximately 45%), these species are found throughout the Site. Part of the Site (*TN1 –Appendix B*) has been recently cleared of scrub vegetation, beyond this area are several large patches (*TN2, TN3 and TN7 - Appendix B*) of dense and scattered butterfly-bush intermixed with sapling trees and bramble, these are likely to support common invertebrate and breeding bird species with low potential for foraging / commuting bat species due to the limited connectivity to this site to other suitable foraging areas.

Scattered trees

4.5 Situated within multiple areas of the Site (*TN7, TN8 and TN9 – Appendix B*) are stands of scattered broadleaved sapling trees, species include: sycamore (*Acer pseudoplatanus*), ash (*Fraxinus excelsior*) and hawthorn (*Crataegus monogyna*). Due to their young age and stem diameter of less than 75mm, the trees do not conform to BS5837:2012² tree survey standard. These are young, sound and do not contain suitable crevices and hollows to support roosting bat species. They do however offer limited potential to support nesting birds.

Buildings and other structures

4.6 Situated within the Site are two small structures, (*TN4 and TN10 –Appendix B*), these have limited potential to support breeding bird species and roosting bat species due to their sound nature. However along the redline boundary of the Site (*TN11 – Appendix*

² BS5837:2012 *Trees in Relation to Design, Demolition and Construction - Recommendations*

B) on the southern side of the neighbouring building, an area of roofing felt, held by strips of cladding was observed. Due to the condition of the roofing felt and the folds and gaps evident, it has been assessed with low potential to support roosting bat species namely crevice dwelling bats such as pipistrelle species.

Hardstanding

- 4.7 The Site consists of two small parcels of hardstanding; located in and around TN1 (see *Appendix B*) built to support signage boards. This area contains bollards, steps, and debris (such as fencing, litter, steel pillars and bolts). Although comprised of hardstanding, the surrounding vegetation has recently been trimmed and removed, creating habitat piles, these habitat piles contain low potential to support nesting bird species. The remaining area contains limited potential to support protected species

Grassland

- 4.8 Situated within the Site are small, discrete areas of rank grassland (*TN1, TN5, TN8 and TN9 - Appendix B*). These areas offer potential to support common invertebrate and nesting bird species. There is negligible potential for the Site to support basking and foraging reptiles and low potential for foraging and commuting bat species due to limited foraging cover. This Site has low potential to support foraging badgers due to the presence of man-made barriers (railway lines, palisade fencing etc) and poor connectivity to the wider environment.

5. Nature Conservation Evaluation

- 5.1 Following the findings of the Extended Phase 1 habitat survey, the Site is considered to be of low ecological value to nature conservation due to the limited amount of woodland, scrub and grassland habitat within the wider environment. Although the Site has limited connectivity to the wider environment and is surrounded by active roads and railway lines, its location within London, heightens the importance of these habitats for protected species, as such this Site contains moderate potential to support common breeding birds and invertebrate species.

6. Potential Impacts

- 6.1 The current proposal is to clear the grassland and scrub habitats within the boundary of the Site. The Site will then be re-landscaped with formal hardstanding prior to the construction of a multi-use building.
- 6.2 The proposed works will have moderate impact through habitat loss for common breeding birds and invertebrate species. The loss of the grassland habitat will reduce the potential foraging habitat for badgers and reptiles, and the reduction of habitat for invertebrates will impact upon the foraging availability of bats.
- 6.3 During the proposed works within the Site, the proposed structure is likely to be built adjoining the existing wall of the neighbouring building to the north (see *TN11 – Appendix B*). There is low potential of disturbing roosting bat species within this area, see *Section 7 - Mitigation, Compensation and Enhancement*.
- 6.4 The proposed building will present limited shading onto the neighbouring woodland SINC during periods of the spring and autumn. This is discussed in detail within *Appendix E* for further details. Methods of safeguarding the habitats within the adjacent SINC are provided within *Section 8 – Safeguards relating to adjacent SINC*.

7. Mitigation, Compensation and Enhancement

- 7.1 The extent of the proposed works precludes the retention of the majority of vegetation currently present on the Site.
- 7.2 To retain and enhance the Site's ecological value and species diversity, the following measures are recommended:
- i. green roof is to be incorporated into the design to replace the lost refuge and foraging habitat for invertebrates, bird and bat species (see *Appendix E* for Historical recommendations on green roof design).
 - ii. artificial refuge features such as insect, bat and bird boxes to be incorporated within the new building and installed in appropriate places around the proposed building. It is also considered that partially buried timbers are included within partially shaded areas at ground level to provide habitat for invertebrate species.
 - iii. Landscaping design should incorporate the creation of native scrub edge habitats in order to replace all nesting bird habitat and invertebrate refuge lost.
- 7.3 This will be beneficial for the potential occupants of the proposed structure and to the local environment and residents through the creation of an aesthetically pleasing green eco-building within a heavily built up area. Further details as to green roof and landscaping vegetation / design suitability – see *Appendix E* for historical recommendations on green roof design.

Species-specific Recommendations

- 7.4 It is important that detrimental impacts to all species and their habitats are kept to a minimum and that legislation is upheld with regard to protected species (see *Appendix C*).
- 7.5 If any protected species are found on Site, all works must cease and a suitably qualified ecologist will need to be contacted before any further works continue.

Breeding birds

- 7.6 Wild birds, their eggs and dependent young are protected under relevant legislation as detailed in *Appendix C*.

- 7.7 It is considered that due to the presence of trees, scrub and grassland habitats, that the Site holds moderate potential to support nesting birds. To avoid any risk of disturbing nesting birds if present on Site, it is recommended that works involving vegetation clearance (including lopping, trimming or felling of trees) are scheduled to avoid the bird breeding season, (generally agreed to occur between March and August inclusive – dependent on seasonal conditions).
- 7.8 If it is not possible to clear vegetation outside of the bird breeding season, it is recommended that all vegetation required for removal is checked by an ecologist for active nests no more than 72 hours prior to vegetation clearance. If active nests are identified, no works may be undertaken in the vicinity of the nest until the birds have fledged. The active nests must be cordoned off to the specified area required for the species of bird concerned. Works may then proceed up to, but not within, this cordon.

Bats

- 7.9 The trees surveyed within the Site offer negligible potential to support roosting bats due to their young sound nature and lack of suitable features and therefore no further bat surveys are deemed necessary.
- 7.10 Due to the open roofing felt cladding present on the neighbouring building, offering suitable folds / crevices to support roosting bats, it is recommended that this area is checked by a suitably qualified ecologist prior to the commencement of proposed works as a precautionary measure.
- 7.11 In the unlikely event of bats being discovered within the Site during proposed works, all works must cease and Natural England contacted for further advice.

8. Safeguards relating to adjacent SINC

- 8.1 Due to the presence of the proposed structure within Site, it will cause a level of overshadowing upon the neighbouring SINC, this was reviewed within a historical ecological report, conducted by CSL – see *Appendix E*. An extract is shown below:

“...Review of sunlight and shade models suggest that the proposed building will present maximum shading during the winter months with the eastern portion of the embankment shaded during entire day during the winter solstice. Late March presents a shortening of the building’s shadow limited to the south eastern quarter of the embankment. Shading during the mid-summer solstice is restricted to the proposed development area and to the adjacent railway line to the north...”

- 8.2 Shading impacts are likely to result in a negligible change to the SINC’s biological diversity and its nature conservation contribution at a Borough level. It is recommended that appropriate local management prescriptions are devised and implemented on the SINC with the involvement of the local community to provide mitigation and enhancement to the area.

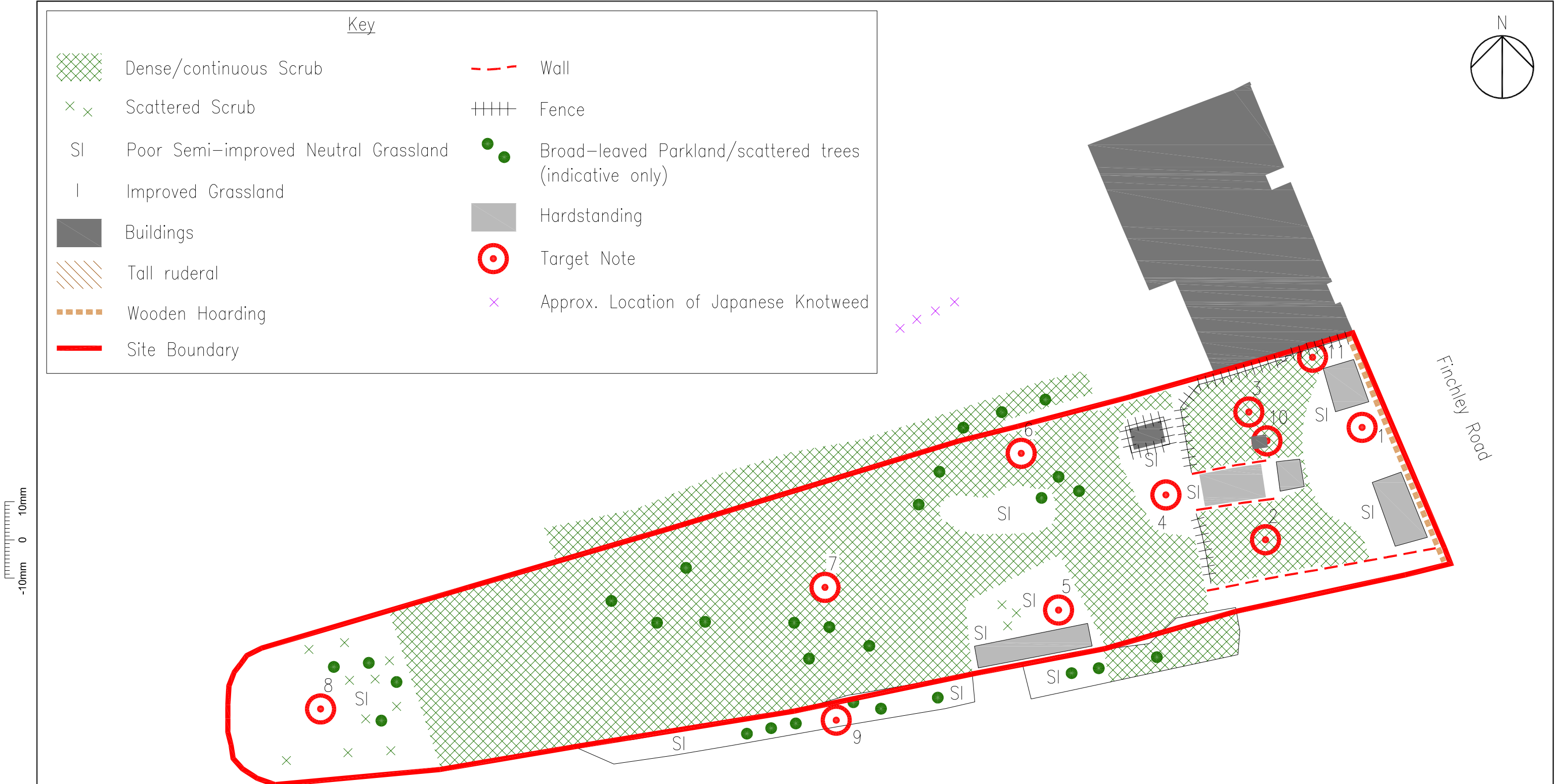
- 8.3 Suggested management opportunities include:

- i. localised thinning / coppicing of trees, shrubs, ivy and bramble;
- ii. plant, species of local provenance, to improve the habitat for invertebrate and bird species through enhancement of habitat and plant species diversity;
- iii. the installation and maintenance of wildlife refugia: and
- iv. the control of Japanese knotweed and scrub development.

9. Conclusion

- 9.1 The Site is dominated by existing dense scrub vegetation and hardstanding and as such offers a low ecological value due to its location and habitats present on Site. Peripheral areas of soft-estate provide opportunities for nesting birds, invertebrates, foraging reptiles and bats.
- 9.2 The Site is considered to hold common vegetation resources (such as butterfly bush, sycamore and rank grassland species) which readily colonise and grow in abandoned areas and therefore they have been assessed as offering generally low ecological value within the Site's relatively isolated and disturbed context. In line with the mitigation, compensation and enhancement measures, as set out above, it has been assessed that the proposed works are unlikely to result in a significant ecological impact to the wider environment. The removal of the scrub vegetation and construction of the proposed structure will remove all the vegetation currently on Site, but with the provision of a well designed native landscape planting and the provision of nesting boxes and possibly a green roof, would sufficiently reduce the overall net loss of habitats within the local environment.
- 9.3 The proposed structure will cause an overshadowing impact upon the neighbouring SINC, methods to mitigate this impact are described within *Section 8 – Safeguards relating to the adjacent SINC* and within *Appendix E*.

Appendix A – Phase 1 Habitat Survey CS\061096_ECO_001





MIDLAND CRESCENT							
FIGURE 1: PHASE 1 HABITAT SURVEY						CAPITA SYMONDS	
DRAWN BY	CHECKED BY	PASSED BY	DATE	SCALES @ A3 SIZE	ISSUE STATUS		
GP	MG	NE	OCT 12	N.T.S.	Preliminary	DRAWING NUMBER CS061095_ECO_001	REV.

REV	DR	CH	PA	DATE

Appendix B – Site Photographs & Target Notes


The following table presents photographs highlighting several areas and habitats within the Site. To be read in conjunction with Phase 1 habitat plan *CS061095_ECO_001*;

Date of visit: 18 October 2012, 09.00 to 12.00 hrs Surveyor: Martin Green, Grad IEEM		
Target Note Reference (TN)	Comment	Photograph
TN1	Area of grassland vegetation, this area contains level hardstanding, with bollards, steps, two platforms for signage boards, and debris (such as fencing, litter, steel pillars, bolts etc) this area has limited potential to support protected species.	
TN2	Area of dense butterfly-bush vegetation	No photograph available
TN3	Area of dense butterfly-bush vegetation with a small structure (see TN10), and an area of cleared vegetation to the back (adjacent to the redline boundary).	

TN4	<p>Small fenced off structure, believed to be an electrical station or storage unit, this is surrounded with rough grassland, and ruderal vegetation. Beyond this small structure there are patches of Michaelmas-daisies and <i>Melilot spp.</i></p>	
TN5	<p>Area of semi-improved grassland, with two sets of steps, one old, overgrown and disused which has been superseded by recently build and installed set of steps with a small platform.</p>	

TN6	Area of low dense bramble, with scattered butterfly-bush and broadleaved tree species.	
TN7	Dense butterfly-bush vegetation, with a thick carpet of bramble. With small pockets of sycamore and ash tree species.	

TN8	Area of semi-improved grassland intermixed with scattered broadleaved trees.	 A photograph showing a railway track with gravel bedding. The area above the track is covered in semi-improved grassland with scattered broadleaved trees and shrubs. A utility pole is visible in the background.
TN9	Railway verge containing semi-improved grassland species and patches of Michaelmas-daisies.	 A photograph of a railway verge. The ground is covered with semi-improved grassland and patches of Michaelmas-daisies. There are some trees and shrubs in the background.

TN10	Small Structure, which contains limited potential to support roosting and nesting bird and bat species.	
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Appendix C – Summary Table of Relevant Legislation and Planning Policy

Species	Legislation	Offences	Licensing procedures
Bats <i>European protected species</i>	Conservation of Habitats and Species Regulations 2010 Reg 41	Deliberately ¹ capture, injure or kill a bat; deliberate disturbance ² of bats; or damage or destroy a breeding site or resting place used by a bat. [The protection of bat roosts is considered to apply regardless of whether bats are present.]	A Natural England (NE) development licence is required in England to permit any works that could potentially commit an offence. The licence application involves a detailed submission to NE of baseline survey information, reasoned statements, method statements, mitigation and monitoring. The licence, including collection of the survey data and writing of all the supporting information can take from three to six months to complete. Upon submission, NE allows 30 working days to review the application and make a decision. Please be aware that not all applications are granted and delays can be likely. Please note surveys for this species group are seasonally constrained. Mitigation can also be seasonally constrained.
	Wildlife and Countryside Act 1981 (as amended) S.9	Intentionally or recklessly obstruct access to any structure or place used for shelter or protection or disturb a bat in such a place.	A licence from NE is required for surveys (scientific purposes) that would involve disturbance of bats or entering a known or suspected roost site.

¹ Deliberate capture or killing is taken to include “accepting the possibility” of such capture or killing
² Deliberate disturbance of animals includes in particular any disturbance which is likely a) to impair their ability (I) to survive, to breed or reproduce, or to rear or nurture their young, or (ii) in the case of animals of hibernating or migratory species, to hibernate or migrate; or b) to affect significantly the local distribution or abundance of the species to which they belong.
 Lower levels of disturbance not covered by the Conservation of Habitats and Species Regulations 2010 remain an offence under the Wildlife and Countryside Act 1981 although a defence is available where such actions are the incidental result of a lawful activity that could not reasonably be avoided.

Species	Legislation	Offences	Licensing procedures
Birds	Wildlife and Countryside Act 1981 (as amended) S.1	<p>Intentionally kill, injure or take any wild bird; intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built; intentionally take or destroy the nest or eggs of any wild bird.</p> <p>[Special penalties are liable for these offences involving birds on Schedule 1 (e.g. most birds of prey, kingfisher, barn owl, black redstart, little ringed plover).]</p> <p>Intentionally or recklessly disturb a Schedule 1 species while it is building a nest or is in, on or near a nest containing eggs or young; intentionally or recklessly disturb dependent young of such a species.</p>	<p>No licences are available to disturb any birds in regard to development.</p> <p>Licences are available in certain circumstances to damage or destroy nests, but these only apply to the list of licensable activities in the Act and do not cover development.</p> <p>General licences are available in respect of 'pest species' but only for certain very specific purposes e.g. public health, public safety, air safety.</p>
Rabbits, foxes and other wild mammals	Wild Mammals (Protection) Act 1996	Intentionally inflict unnecessary suffering to any wild mammal.	<p>Natural England provides guidance in relation to rabbits (TIN003, Rabbits- management options for preventing damage, July 2007) and foxes (which are also protected under the Wildlife and Countryside Act 1981 from live baits and decoys, see TAN43 April 2005 and TAN08 April 2005) as well as other wild mammals; see Natural England's website for the list of 'Regulatory Guidance, Best Practice and Information'.</p> <p>Lawful and humane pest control of these species is permitted.</p>
Designation	Legislation	Protection	Guidance
Special Area of Conservation (SAC)	<p>Conservation of Habitats and Species Regulations 2010</p> <p>Convention on Wetlands of International Importance especially as Waterfowl Habitat 1971 (the Ramsar Convention).</p>	<p>Planning controls are effected through Part 2 of the Conservation of Habitats and Species regulations 2010 (Reg 21) and Part 6 (Regs 61-67).</p> <p>Development Plan.</p>	Formal Appropriate Assessment is required before undertaking, or giving consent, permission or other authorisation for a plan or project which is likely to have a significant effect on such a site.

Species	Legislation	Offences	Licensing procedures
Site of Special Scientific Interest (SSSI)	Wildlife and Countryside Act 1981 (as amended)	<p>It is an offence to carry out or permit to be carried out any potentially damaging operation.</p> <p>SSSIs are given protection through policies in the Local Development Plan.</p>	<p>Owners, occupiers, public bodies and statutory undertakers must give notice and obtain the appropriate consent under S.28 before undertaking operations likely to damage a SSSI.</p> <p>S.28G places a duty on all public bodies to further the conservation and enhancement of SSSIs.</p> <p><i>Planning Policy Statement 9: Biodiversity and Geological Conservation</i> (ODPM 2005) for England.</p>
Local Nature Reserve (LNR)	National Parks and Access to the Countryside Act 1949 S.21	LNRs are given protection through policies in the Local Development Plan.	<p>LNRs are generally owned and managed by local authorities.</p> <p>Development proposals that would potentially affect a LNR would need to provide a detailed justification for the work, an assessment of likely impacts, together with proposals for mitigation and restoration of habitats lost or damaged.</p> <p><i>Planning Policy Statement 9: Biodiversity and Geological Conservation</i> (ODPM 2005) for England.</p>

Habitats & Species	Legislation	Guidance
Species and Habitats of Principal Importance for the Conservation of Biodiversity	Natural Environment & Rural Communities Act 2006 S.40 (which superseded S.74 of the Countryside & Rights of Way Act 2000).	<p>S.40 of the NERC Act 2006 sets out the duty for public authorities to conserve biodiversity in England and Wales.</p> <p>Habitats and species of principal importance for the conservation of biodiversity are identified by the Secretaries of State for England, in consultation with NE and are referred to in S.41 of the NERC Act. The list of habitats and species was updated in 2008:</p> <p>England: http://www.ukbap-reporting.org.uk/news/details.asp?x=45</p> <p>The habitats and species listed are not necessarily of higher biodiversity value, but they may be in decline. Habitat Action Plans and Species Action Plans are written for them or are in preparation, to guide their conservation.</p> <p>Ecological impact assessments should include an assessment of the likely impacts to these habitats and species.</p>
Biodiversity Action Plan (BAP) Habitats & Species	No specific legislation, unless it is also a species or habitat of principal importance as described above.	<p>The Biodiversity Action Plan (BAP) is the UK's initiative to maintain and enhance biodiversity in response to the Convention on Biological Diversity signed in 1992.</p> <p>The original BAP list of species and habitats, prepared over 10 years ago, was used to form the new list of species and habitats of principal importance. However some of the species have been taken off the new list and additional species and habitats have been included.</p> <p>There are National, County and Local BAP's.</p>
National Planning Policy Framework (NPPF)		<p>The central message of the NPPF is a "<i>presumption in favor of sustainable development</i>" (paragraph 14) within plan-making and decision-taking. This presumption runs throughout all aspects of the NPPF, however, the following statements are particularly pertinent to planning decisions in the context of nature conservation at the subject Site:</p> <p><i>"The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible"</i> (paragraph 109);</p> <p><i>"If significant harm [from a proposed development] cannot be avoided, adequately mitigated, or, as a last resort, compensated for..planning permission should be refused" and "opportunities to incorporate biodiversity in and around developments should be encouraged"</i> (paragraph 118);</p> <p><i>"Planning decisions should ensure that..adequate site investigation information, prepared by a competent person, is presented"</i> (paragraph 121); and</p> <p><i>"[planning] decisions should limit the impact of light pollution from artificial light on..nature conservation"</i> (paragraph 125)</p>

Appendix D – Desk Study Data – Statutory and Non-statutory Maps

Midland Crescent, London Borough of Camden, 22 October 2012

GiGL

