

BPMA, Phoenix Place, Clerkenwell, London

Ecology Scoping Survey

Report for M3 Consulting

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Executive Summary

The Ecology Consultancy was commissioned by M3 Consulting to carry out an ecological scoping survey of the proposed development site at the British Postal Museum and Archive (BPMA) in Phoenix Place, Clerkenwell. The survey was carried out in order to assess the ecological value of the site and to provide recommendations for protecting, managing and enhancing the site for wildlife. The main findings of this report are as follows:

- The site is not designated as a statutory or non-statutory nature conservation site. The nearest statutory designated nature conservation site is St John's Wood Church Grounds Local Nature Reserve, approximately 3.8km west of the site.
- The site was dominated by a building and hardstanding, with small areas of ruderal habitat also present.
- The development proposal involves refurbishment of the existing building, which was assessed to have low potential to support roosting bats. If works are proposed to be undertaken on the external features of the building, including the lead flashing on the front of the building, reasonable measures should be undertaken to ensure no killing or injury, disturbance, or damage or destruction of a resting place for bats occurs. As such, in line with accepted guidance (BCT, 2007), it is recommended that two dusk emergence and/or dawn re-entry surveys for bats should be carried out to determine the presence or likely absence of a roost within the building. These surveys are to be carried out in the active bat season, which is between May and August.
- The site was considered to have negligible potential to support breeding birds. However in the unlikely event that nesting birds are present works should cease in the location of the nest and ecological advice be sought.

1 Introduction

BACKGROUND

- 1.1 The Ecology Consultancy was commissioned by M3 Consulting in February 2012 to carry out an ecological scoping survey of the proposed development site at the BPMA, Phoenix Place, Clerkenwell, in the London Borough of Islington.
- 1.2 This comprised a Phase 1 Habitat survey and protected species assessment. Survey findings are presented in this report, together with an ecological evaluation of the site, recommendations for any necessary Phase 2 (protected species) surveys and methods for protecting and managing the biodiversity value of the site.

SCOPE OF THE REPORT

- 1.3 This report is based on a field survey using standard Phase 1 survey methodology (JNCC, 2010), adapted to include a protected species scoping survey. This approach is designed to identify broad habitat types at a site, assess the potential of those habitats to support protected species, and to assist in providing an overview of the ecological interest of the site. It is generally the most widely used and professionally recognised method for initial ecological site appraisal.

SITE CONTEXT AND STATUS

- 1.4 The proposed development site at Phoenix Place is located in Clerkenwell, a district in the London Borough of Islington in north London. The site comprises a building and areas of hardstanding used for car parking. The site occupies an area of approximately 0.4ha and the National Grid Reference for the centre of the site is TQ 308 822.
- 1.5 The site is situated on Phoenix Place, opposite the Royal Mail Mount Pleasant Mail Centre. The site is bounded by Phoenix Place to the east, Gough Street to the west, residential properties to the north and a car park to the south. The wider surroundings are highly urbanised and are dominated by residential housing and commercial properties.
- 1.6 The site does not form part of any statutory or non-statutory designated nature conservation site. The nearest statutory designated nature conservation site is St John's Wood Church Grounds Local Nature Reserve (LNR), approximately 3.8km west of the site. The LNR contains a number of mature trees, formal gardens and a wildlife area.

DEVELOPMENT PROPOSALS

- 1.7 The development proposal involves the internal refurbishment of the existing building.

2 Methodology

HABITAT SURVEY

- 2.1 A walk-over habitat survey of the site was carried out on the 1st February 2012. Habitats were described and mapped following standard Phase 1 survey methodology (JNCC, 2010) as adapted for use in London by the Greater London Authority (GLA, 2002). The survey was conducted by an experienced ecologist.
- 2.2 A Habitat Map of the site is presented in Appendix 1 and photographs of the site are included in Appendix 2. Scientific names are given after the first mention of a species, thereafter, common names only are used. Nomenclature follows Stace (2010) for vascular plant species.

PROTECTED SPECIES ASSESSMENT

- 2.3 The potential of the site to provide habitat for protected species was assessed from field observations carried out at the same time as the habitat survey. The site was inspected for field signs indicative of the presence of protected species as follows:
- Inspection for the presence of features indicating potential for roosting bats associated with buildings such as cavities, roof voids, hanging tiles, unenclosed soffits, etc. Evidence such as the presence of bats, staining, droppings and feeding remains was also looked for; and,
 - Assessment of the presence of suitable nesting habitat for breeding birds, such as mature trees, dense scrub, hedgerows and buildings, and evidence of bird nesting including bird song, old nests and faecal marks.
- 2.4 The likelihood of occurrence of protected species is ranked as follows and relies on the findings of the current survey and an evaluation of existing data:
- Negligible – while presence cannot be absolutely discounted, the site includes very limited or poor quality habitat for a particular species or species group. No local records from a data search, surrounding habitat considered unlikely to support wider populations of a species/species group. The site may also be outside or peripheral to known national range for a species;
 - Low – on-site habitat of poor to moderate quality for a given species/species group. Few or no records from data search, but presence cannot be discounted on the basis of national distribution, nature of surrounding habitats, habitat fragmentation, recent on-site disturbance, etc;

- Medium – on-site habitat of moderate quality, providing all of the known key requirements of a given species/species group. Local records from the data search, within national distribution, suitable surrounding habitat. Factors limiting the likelihood of occurrence may include small habitat area, habitat severance, and disturbance;
- High – on-site habitat of high quality for a given species/species group. Local records provided by desk-top study. The site is within/peripheral to a national or regional stronghold. Good quality surrounding habitat and good connectivity; or,
- Present – presence confirmed from the current survey or by recent, confirmed, records.

2.5 The purpose of this assessment is to identify whether more comprehensive Phase 2 surveys for protected species are required.

2.6 The presence of invasive plant species for which national legislation exists is also considered. The relevant legislation and policies relating to protected species and habitats are set out in Appendix 3.

LIMITATIONS

2.7 It should be noted that whilst every effort has been made to provide a comprehensive description of the site, no investigation can ensure the complete characterisation and prediction of the natural environment.

2.8 This habitat survey and protected species assessment does not constitute a full botanical survey, or a Phase 2 pre-construction survey that would include accurate GIS mapping for invasive or protected plant species. This survey was carried out at a sub-optimal time of year for plants and habitats. However, the intense urban nature of the site limits the likelihood of the presence of species or habitats not recorded during the survey. This survey is considered robust despite the season.

2.9 The protected species assessment provides a preliminary view of the likelihood of protected species occurring on the site, based on the suitability of the habitat, and any direct evidence on the site. It does not represent a full and definitive survey of any protected species group. It is only valid at the time the survey was carried out. Additional surveys may be recommended if, on the basis of the preliminary

assessment or during subsequent surveys, it is considered reasonably likely that other protected species may be present within the site.

2.10 Despite these standard limitations, it is considered that this report reflects accurately the habitats present, their biodiversity values and the potential of the site to support protected and notable species.

3 Results

HABITAT SURVEY

Overview

- 3.1 The site comprised a single brick building surrounded by hardstanding used for car parking. The northern and southern perimeters of the site comprised brick walls, the northern of which was partially covered in ivy *Hedera helix*. The eastern boundary was formed by Phoenix Place. Vegetation present on site comprised buddleia *Buddleja davidii* and small areas of ruderal habitat (see Habitat Map, Appendix 1).

Buildings and hardstanding

- 3.2 The site contained a single building, part three-storey and part two-storey (see Photograph 1, Appendix 2). Hard standing, largely comprising a car park, was present to the north and south of the building.
- 3.3 The majority of the building was constructed with solid brick walls. The east facing three-storey section of the building had a flat roof covered with asphalt. The western section of the building had a pitched roof covered with corrugated sheeting, with a number of skylights and large windows. A flat roofed, felt-lined, two-storey walkway with open roof access joined the two sections of building.
- 3.4 An external inspection of the building identified no areas of damaged brickwork, however a section of loose lead flashing around an air vent on the east face of the building was present which could potentially be used by crevice dwelling bat species, (Photographs 3, Appendix 2). The building was accessed internally and neither section contained a separate roof void.

Ruderal vegetation

- 3.5 Ruderal habitat was present mostly in the hardstanding to the south of the building; growing in cracks and around the margins of the building (Photograph 5, Appendix 2). Dominant species included yellow corydalis *Pseudofumaria lutea* and annual mercury *Mercurialis annua*.

Scrub

- 3.6 A small area of scrub was present in the southeast of the site. This was comprised of a single large buddleia plant.

Wall

- 3.7 The northern wall had dense ivy cover along sections (Photograph 6, Appendix 2). This ivy was present along both sides of the wall.

PROTECTED SPECIES ASSESSMENT

- 3.8 The habitats at the site were evaluated as to their likelihood to provide sheltering, roosting, nesting and foraging habitat for all protected species. The evaluation (see Table 1 overleaf) was based on observations made during the field survey, an assessment of the suitability of on-site and adjoining habitat and information on the distribution of these species. Using these criteria, the following protected species are considered to be potentially present on site:

- Bats ; and,
- Breeding birds.

- 3.9 Bats are subject to both the London and Islington Biodiversity Action Plans.

Table 1: Assessment of potential presence of protected and notifiable species at the proposed development site

Species	Main legislation and policy (see Appendix 3)	Reason for consideration	Likelihood of occurrence
Bat species	Schedule 2 of the Conservation of Habitats and Species Regulations 2010. Schedule 5 of the Wildlife and Countryside Act, 1981 (as amended).	The building structure and age has the potential to support roosting bats. The adjacent back gardens may provide foraging resources for bats.	LOW: The building had features, notably gaps in flashing in the front of the building, which offer potential roosting opportunities for crevice dwelling bats. While the ivy cover present on the northern wall of the site is not dense or expansive enough to support roosting bats, the vegetated back gardens present adjacent to the north of the site could provide foraging and commuting habitat for bats. Taking these factors into account, alongside its urban context, the site has been assessed as having low potential to support roosting bats.
Breeding birds	Wildlife and Countryside Act, 1981 (as amended).	The building offers potential nesting sites for birds which breed in cavities and on ledges.	NEGLIGIBLE: The building contained no features such as ledges or cracks in the brickwork that could support bird species associated with human habitation, such as feral pigeons <i>Columba livia</i> or house sparrows <i>Passer domesticus</i> . The ivy cover on the northern wall of the site is not dense enough to support nesting birds.
Invasive plants			
Invasive species	Section 14 and Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).	Invasive species are widespread in many habitats, commonly found on disturbed sites and tall herb/ grassland/ scrub mosaics, such as those present within this site.	NEGLIGIBLE: No invasive species were recorded during the survey.

4 Conclusion and Recommendations

CONCLUSION

- 4.1 The site is not designated as a statutory or non-statutory nature conservation site and there are no statutory designated sites within 1km of the site.
- 4.2 The site was dominated by a single building and hardstanding. Very limited areas of vegetation were present, comprising an area of buddleia scrub and ruderal vegetation growing through cracks in the hardstanding. These are common urban habitats, limited in extent and not exceptional examples of their type in the context of the local area.
- 4.3 Habitats within the survey area have low potential to support roosting bats and negligible potential to support nesting birds. Recommendations for mitigating potential impacts on these species are provided below. The site exhibits no potential to support any other protected, BAP or otherwise notable species.

RECOMMENDATIONS

- 4.4 *Bats:* The building on site provides external features which could potentially be used by crevice dwelling bat species, such as common pipistrelle *Pipistrellus pipistrellus*. Given the urban context of the site, the potential for a bat roost to be present is assessed to be low. If works are proposed to be undertaken on the external features of the building, including the lead flashing on the front of the building, reasonable measures should be undertaken to ensure no killing or injury, disturbance, or damage or destruction of a resting place for bats occurs. In this case, in accordance with the Bat Conservation Trust Bat Surveys - Good Practice Guidelines (2007), it is recommended that a minimum of two dusk emergence and/or dawn re-entry bat surveys are carried out between May and August to assess the presence or likely absence of a summer bat roost within suitable features on the building.
- 4.5 *Birds:* There is negligible potential for the site to support nesting birds. However, in the unlikely event that nesting bird(s) are found, works within the location of the nest should cease and a suitably qualified ecologist contacted for advice on how to proceed.

References

BCT (2007) *Bat Surveys – Good Practice Guidelines*. Bat Conservation Trust, London.

HMSO (1981) *The Wildlife and Countryside Act (WCA)* (as amended).

HMSO (1994) *Biodiversity – the UK Action Plan* (Cm 2428) HMSO, London.

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JNCC (2010) *Handbook for Phase 1 Habitat Survey – A Technique for Environmental Audit*. England Field Unit, Nature Conservancy Council. Reprinted by Joint Nature Conservation Committee, Peterborough.

London Biodiversity Partnership, *London Biodiversity Action Plan*. [On-line]. Available from www.lbp.org.uk [Accessed 28.11.11].







Stace, C.A. (2010) *New Flora of the British Isles* (3rd Ed.). Cambridge University Press, Cambridge.

UK Biodiversity Partnership, *UK Biodiversity Action Plan: New List of Priority Species and Habitats*. [On-line]. Available from <http://www.ukbap.org.uk/NewPriorityList.aspx> [Accessed: 28.11.11].

Appendix 1: Habitat Map



Job title		Phoenix Place ECL Job no. 111138	
Client		M3 Consulting	
Drawing title		HABITAT SURVEY MAP	
Section:	N/A	Scale (at A3)	1:500
Date of survey	01/02/2012		
Surveyor	Sasha Dodsworth		
Drawn	GS/CC	Checked	CC
Approved	SD	Date	24/02/2012

- KEY**
-  Site boundary
 -  Ruderal vegetation
 -  Wall
 -  Scrub
 -  Buildings
 -  Hardstanding



This plan is provided solely for the purpose of supporting the description of the ecological features of the site as contained in the accompanying report

Project: Phoenix Place / Ecology Scoping Survey / Report for M3 Consulting / 6.5 Plan

Appendix 2: Site Photographs

Photograph 1

Eastern frontage of the building that dominates the site.



Photograph 2

The third storey of the western section of the building on site.



Photograph 3

Loose lead flashing around an air vent on the front of the building.



Photograph 4

Buddleia present in
hardstanding in the south
of the site.



Photograph 5

Ruderal vegetation growing
through cracks in the
hardstanding.



Photograph 6

Hardstanding car park and
wall present along the
northern boundary with
dense ivy cover in places.



Appendix 3: Legislation and Planning Policy

Important Notice: This section contains details of legislation and planning policy applicable in England and Wales only and is provided for general guidance only. While every effort has been made to ensure accuracy, this section should not be relied upon as a definitive statement of the law.

NATIONAL LEGISLATION AFFORDED TO SPECIES

The Wildlife and Countryside Act 1981 (as amended) is a key piece of national legislation which implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and implements the species protection obligations of Council Directive 2009/147/EC (formerly 79/409/EEC) on the Conservation of Wild Birds (EC Birds Directive) in Great Britain.

Bats

All species of bat are fully protected under The Conservation of Habitats and Species Regulations 2010 through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. all bats)
- Deliberate disturbance of bat species as:
 - a) to impair their ability:
 - (i) to survive, breed, or reproduce, or to rear or nurture young;
 - (ii) to hibernate or migrate
 - b) to affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place
- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

Bats are also currently protected under the Wildlife and Countryside Act 1981 (as amended) through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

How is the legislation pertaining to bats liable to affect development works?

A European Protected Species (EPS) Licence issued by the relevant countryside agency (e.g. Natural England) will be required for works liable to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Though there is no case law to date, the legislation may also be interpreted such that, in certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded de facto protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost¹.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the Wildlife and Countryside Act 1981 (as amended). Among other things, this makes it an offence to:

- Intentionally kill, injure or take any wild bird
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.

Certain species of bird, for example the barn owl, black redstart, hobby, bittern and kingfisher receive additional special protection under Schedule 1 of the Act and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC). This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young

¹ Garland & Markham (2008) Is important bat foraging and commuting habitat legally protected? Mammal News, No. 150. The Mammal Society, Southampton.

- Intentional or reckless disturbance of dependent young of such a bird

How is the legislation pertaining to birds liable to affect development works?

To avoid contravention of the Wildlife and Countryside Act 1981 (as amended), works should be planned to avoid the possibility of killing or injuring any wild bird, or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Those species of bird listed on Schedule 1 are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

The Natural Environment and Rural Communities (NERC) Act came into force on 1st October 2006. Section 40 of the Act requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act (Section 42 in Wales) requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity.' This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

UK Biodiversity Action Plan

In 1994 the UK Government published its response to the Convention on Biological Diversity that it signed along with over 150 other nations at the Rio Earth Summit in 1992. Biodiversity – the UK Action Plan (HM Government 1994) and subsequent publications (e.g. UK Steering Group 1995) set out a programme for the national Biodiversity Action Plan (BAP), including the development of targets for biodiversity, and the techniques and actions necessary to achieve them. The national BAP includes lists of species that are of

conservation concern, either because they are rare in an international or national context or have undergone serious declines in their populations in recent years. Species Action Plans have been prepared or are in preparation for a many of these species, whilst Habitat Action Plans are being produced for important or characteristic habitats identified in the plan.

Islington Local Biodiversity Action Plan

The following habitats and species are included within the Islington Biodiversity Action Plan:

- Bats



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