

**252 FINCHLEY ROAD, LONDON**

**PRELIMINARY ECOLOGICAL ASSESSMENT**

A Report to: Gapland Ltd

Report No: RT-MME-120428-01

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## REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

This study has been undertaken in accordance with British Standard 42020:2013 “Biodiversity, Code of practice for planning and development”.

Report Version	Date	Completed by:	Checked by:	Approved by:
Final	31/08/2015	Indre Barsketyte MSc Grad CIEEM (Ecological Consultant) Charles Hamilton (Ecological Project Assistant)	Colin Bundy MCIEEM (Associate Director)	Dr Phil Fermor (Managing Director)

The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management’s Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

### DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client’s brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

### VALIDITY OF DATA

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

## NON-TECHNICAL SUMMARY

Middlemarch Environmental Ltd was commissioned by Douglas and King Architects on behalf of Gapland Ltd, to carry out a Preliminary Ecological Assessment at the site of a proposed apartment block in London. To fulfil this brief an ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey methodology) were undertaken.

The ecological desk study revealed no European statutory sites within 5 km of the survey area, three UK statutory sites and one ancient woodland within 2 km and twelve non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats. The closest statutory site is "Westbere Copse" Local Nature Reserve located 1,150 m west and the closest non-statutory site is Frogna Lane Gardens located 100 m east from the development site. The desk study also provided records of protected and notable species including bats, amphibians, reptiles, birds and invertebrates.

The walkover survey was undertaken on 10<sup>th</sup> August 2015 by Indre Barsketyte, Ecological Consultant. At the time of the survey, the site comprised of a large three-storey house, with a large back garden containing amenity grassland, scattered trees, shrub, a hedgerow and two sheds. The front garden comprised amenity grassland, shrub and hardstanding access roads and pathways.

The key ecological features on site in relation to the works proposed are scattered trees, and habitats suitable to support bats, birds and terrestrial mammals.

In order to ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

- R1 Habitat Loss and Enhancement:** In accordance with the provision of Chapter 11 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed works to maximise the ecological value of the site.
- R2 Trees:** Any trees on site, or overhanging the site, which are to be retained as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations". Protection should be installed on site prior to the commencement of any works on site.
- R3 Nesting Birds:** Vegetation and building clearance should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive. If this is not possible then any vegetation/buildings to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally.
- R4 Terrestrial Mammals including Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.
- R5 Roosting Bats:** A Daytime Bat Survey was undertaken (RT-MME-120428-02) and all recommendations within this report should be followed.
- R6 Foraging/Commuting Bats:** Bats are likely to use the hedgerow corridors on the site boundaries for foraging and commuting. Therefore, any lighting, either temporary or permanent, along the site boundaries should be kept to a minimum and directed away from these boundary features to maintain 'dark' areas and corridors. The lighting strategy for any future development of the site should involve the use of low level and directional lighting, such as bollard lighting, to help to minimise light spill.
- R7 Herpetofauna:** The clearance of suitable reptile and amphibian habitat (shrub, tree roots and any hedgerow habitat) should be undertaken under the supervision of an experienced ecologist. This will involve the clearance of vegetation in a directional manner to allow any herpetofauna to disperse and careful removal of any hibernacula. This should be completed when reptiles and amphibians are active. This is weather dependent but generally extends between March and October inclusive.
- R8 Cotoneaster, Butterfly-bush and Rhododendron:** The works must not cause cotoneaster, butterfly-bush and rhododendron to spread in the wild. It must be removed with care during vegetation clearance.

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## 1. INTRODUCTION

### 1.1 PROJECT BACKGROUND

In July 2015 Douglas and King Architects commissioned Middlemarch Environmental Ltd to undertake an initial ecological appraisal of the site of a proposed development at 252 Finchley Road, London. This assessment is required to inform a planning application associated with the construction of a new residential building containing twelve apartments.

To assess the existing ecological interest of the site an ecological desk study was carried out, and a walkover survey was undertaken on 10<sup>th</sup> August 2015. In addition, Middlemarch Environmental Ltd has been commissioned to undertake a Daytime Bat Survey, as detailed in report number RT-120428-02.

### 1.2 SITE DESCRIPTION AND CONTEXT

The development site is located at 252 Finchley Road, London, at National Grid Reference TQ 2566 8539. The site measures approximately 0.14 ha in size and is situated in a predominately residential area. At the time of the survey, the site comprised a large three storey brick house, surrounded by areas of amenity grassland and shrub. Species-poor intact hedgerow and scattered trees were also present at the boundaries of the site.

The wider landscape comprised residential housing to the north, east and west of the survey area with Finchley Road along the southern boundary.

### 1.3 DOCUMENTATION PROVIDED

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.1.

Document Name / Drawing Number	Author
Tree protection plan / 15073-BT1	Barrel Tree Consultancy
Proposed ground floor / FINc252_ga 101	Douglas and King Architects

**Table 1.1: Documentation Provided by Client**

The drawing "Proposed ground floor / FINc252\_ga 101" is included in Chapter 7.

## **2. METHODOLOGIES**

### **2.1 DESK STUDY**

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch Environmental Ltd then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - *MAGIC* website for statutory conservation sites;
- Greenspace Information for Greater London CIC

The desk study included a search for European statutory nature conservation sites within a 5 km radius of the site (extended to 10 km for any statutory site designated for bats), UK statutory sites within a 2 km radius and non-statutory sites and protected/notable species records within a 1 km radius.

The data collected from the consultees is discussed in Chapter 3. Selected raw data are provided in Appendix 1. In compliance with the terms and conditions relating to its commercial use, the full desk study data is not provided within this report.

The desk study also included a review of relevant local planning policy with regard to biodiversity and nature conservation (see Appendix 2).

### **2.2 PHASE 1 HABITAT SURVEY**

The walkover survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee (JNCC, 2010) and the Institute of Environmental Assessment (IEA, 1995). Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site. During the survey, the presence, or potential presence, of protected species was noted.

Whilst every effort is made to notify the client of any plant species listed on Schedule 9 of the Wildlife and Countryside Act (1981, as amended) present on site, it should be noted that this is not a specific survey for these species.

Data recorded during the field survey are discussed in Chapter 4.

### 3. DESK STUDY RESULTS

#### 3.1 INTRODUCTION

All relevant ecological data provided by the consultees was reviewed and the results from these investigations are summarised in Sections 3.2 and 3.3. Selected data are provided in Appendix 1.

#### 3.2 NATURE CONSERVATION SITES

Statutory and non-statutory nature conservation sites located in proximity to the survey area are summarised in Table 3.1.

Site Name	Designation	Proximity to Survey Area	Description
<b>UK Statutory Sites</b>			
Westbere Copse	LNR	1,150 m west	The site is mainly woodland, dominated by sycamore <i>Acer campestre</i> , oak <i>Quercus</i> sp., aspen <i>Populus tremula</i> and ash <i>Fraxinus excelsior</i> . The understorey is composed of snowberry <i>Symphoricarpos albus</i> , elder <i>Sambucus nigra</i> , elm <i>Ulmus</i> sp., blackthorn <i>Prunus spinosa</i> and hawthorn <i>Crataegus monogyna</i> , with ground plants which are tolerant of shade such as cow parsley <i>Anthriscus sylvestris</i> and ivy <i>Hedera helix</i> . Spring and summer meadows and a pond also present. Twenty-five species of birds and one hundred and fifty species of plants have been recorded. Frogs, toads and newts have also been recorded.
Belsize Wood	LNR	1,800 m east	The most common canopy trees are ash, sycamore and Swedish whitebeam <i>Sorbus intermedia</i> agg.. The understorey is dominated hawthorn and elder, and the ground level plants include butcher's-broom <i>Ruscus aculeatus</i> , enchanter's-nightshade <i>Circaea lutetiana</i> and nettles <i>Urtica</i> sp.. A number of common birds nest within the wood. There is a pond, bird feeding area, large insect house, stag beetle loggeries, and bird boxes. The wood supports a broad diversity of insect species.
Hampstead Heath Woods	SSSI/ASNW	1,900 m north east	Hampstead Heath Woods are examples of long-established high forest woodlands with an exceptional structure comprising an abundance of old and over-mature trees providing dead wood habitat for a range of invertebrate species. The site also includes an adjacent small valley containing an acidic flush with developing bog-moss communities. Ken Wood ASNW forms a large part of this SSSI.
<b>Non-statutory Sites</b>			
Frogna Lane Gardens	Local	100 m east	A small private communal garden with plenty of trees and an attractive pond.
160 Mill Lane Community Garden	Local	400 m south west	A small community garden with plenty of trees and shrubs and a very attractive pond.
King's College Hampstead Campus	Borough Grade II	510 m north west	University campus grounds with pleasant landscaping and wildlife friendly areas.
Hampstead Parish Churchyard	Borough Grade I	525 m north east	This churchyard contains a good number of fine mature trees and dense planted shrubberies. The grassland is indicative of old slightly acidic meadowland. There are also patches of diverse and well-established tall herbaceous vegetation.

**Table 3.1: Summary of Nature Conservation Sites (Continues)**

Site Name	Designation	Proximity to Survey Area	Description
Branch Hill	Borough Grade I	570 m north east	Areas of woodland and grassland that include the private grounds of three houses.
Hampstead Cemetery	Borough Grade I	615 m north west	Site contains large numbers of mature trees and a wildlife area in the north-east of the site. Many different types of butterflies can be found.
Gondar Gardens Covered Reservoir	Borough Grade II	730 m west	This is an undisturbed covered reservoir vegetated mostly with neutral grassland dominated by false oat-grass <i>Arrhenatherum elatius</i> , with a moderate diversity of common flowers. There are small areas of woodland on the slopes at the eastern and western ends.
Frognaal Court Wood	Borough Grade II	740 m south east	A small wood used by local residents.
Broadhurst Gardens Meadow	Borough Grade II	835 m south	A communal garden consisting of a meadow of varying grass heights and a perimeter belt of trees and shrubs.
West Hampstead Railsides, Medley Orchard and Westbere Copse	Borough Grade I	980 m south west	The site contains wooded railsides that include a nature reserve and an old orchard.
Hampstead Heath	Metropolitan	990 m north east	Comprises a range of habitats including one of London's few bogs, as well as wide expanses of grassland and ancient woodland.
Kilburn Grange Park	Local	990 m south west	A park with a good range of native trees and shrubs and a small wild area.
<b>Ancient Woodland Sites</b>			
Bishops Wood	ASNW	1,350 m north east	No information provided
<b>Key:</b> SSSI: Site of Special Scientific Interest LNR: Local Nature Reserve Metropolitan: Site of Metropolitan Importance. Borough Grade I: Site of Borough Importance Grade I. Borough Grade II: Site of Borough Importance Grade II. Local: Site of Local Importance. ASNW: Ancient Semi-Natural Woodland			

**Table 3.1 (Continued): Summary of Nature Conservation Sites**

### 3.3 PROTECTED / NOTABLE SPECIES

Table 3.2 and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Local BAP?	Legislation / Conservation Status
<b>Amphibians</b>						
Common toad <i>Bufo bufo</i>	4	2000	412 m north	✓	✓	WCA 5 S9(5)
Common frog <i>Rana temporaria</i>	18	2011	316 m north	-	-	WCA 5 S9(5)
<b>Reptiles</b>						
Slow worm <i>Anguis fragilis</i>	10	2013	800 m west	✓	✓	WCA 5 S9(1) WCA 5 S9(5)

**Table 3.2: Summary of Protected/Notable Species Records Within 1 km of Survey Area (Continues)**



Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Local BAP?	Legislation / Conservation Status
<b>Birds</b>						
Redwing <i>Turdus iliacus</i>	7	2010	921 m north	-	-	WCA1i
Fieldfare <i>Turdus pilaris</i>	2	2010	Potentially within 1 km	-	-	WCA1i
Peregrine <i>Falco peregrinus</i>	2	2006	†	-	✓	WCA1i
<b>Mammals - Bats</b>						
Nyctalus Bat <i>Nyctalus</i> sp.	1	2014	780 m west	#	✓	ECH 4, WCA 5, WCA 6
Leisler's bat <i>Nyctalus leisleri</i>	1	2014	780 m west	-	✓	ECH 4, WCA 5, WCA 6
Noctule <i>Nyctalus noctula</i>	2	2014	780 m west	✓	✓	ECH 4, WCA 5, WCA 6
Pipistrelle <i>Pipistrellus</i> sp.	9	2014	632 m north	#	✓	ECH 4, WCA 5, WCA 6
Common pipistrelle <i>Pipistrellus pipistrellus</i>	22	2014	565 m north	-	✓	ECH 4, WCA 5, WCA 6
Soprano pipistrelle <i>Pipistrellus pygmaeus</i>	2	2014	780 m west	✓	✓	ECH 4, WCA 5, WCA 6
Bats <i>Vespertilionidae</i>	1	2002	412 m north	-	✓	ECH 4, WCA 5, WCA 6
Natterer's bat <i>Myotis nattereri</i>	1	2002	Potentially within 1 km	-	✓	ECH 4, WCA 5, WCA 6
Brown long-eared bat <i>Plecotus auritus</i>	5	2006	Potentially within 1 km	✓	✓	ECH 4, WCA 5, WCA 6
<p><b>Key:</b>                      † Records are confidential and therefore proximity is not provided within the report.                      #: Dependent on species</p> <p>ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection.</p> <p>WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds).                      WCA 5 S9(1): Schedule 5 Section 9(1) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to intentional killing, injury or taking.                      WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal.                      WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods.</p> <p>Species of Principal Importance: Species of Principal Importance for Nature Conservation in England.                      Local BAP: Biological Action Plan Priority London</p> <p>Note. This table does not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).</p>						

**Table 3.2 (Continued): Summary of Protected/Notable Species Records Within 1 km of Survey Area**

In addition to the species listed in Table 3.2, the desk study provided records of the following (located within 1 km of the site):

### Birds

The desk study revealed records of four species of bird listed as Species of Principal Importance comprising lesser redpoll *Acathis cabaret*, spotted flycatcher *Muscicapa striata*, house sparrow *Passer domesticus* and skylark *Alauda arvensis*.

### Invertebrates

The desk study revealed records of sixteen species of butterflies and moths listed as Species of Principal Importance comprising moths: sawfly *Xanthia ictertia*, grey dagger *Acronicta psi*, knot grass *Acronicta rumicis*, ear moth *Amphipoea oculatea*, garden tiger *Arctia caja*, spinach *Eulithis mellinata*, double dart *Graphiphora augur*, ghost moth *Hepialus humuli*, brindled beauty *Lycia hirtaria*, white ermine *Spilosoma lubricipeda*, buff ermine *Spilosoma luteum* and cinnabar *Tyria jacobaeae*, and butterflies: small heath *Coenonympha pamphilus*, wall *Lasiommata megera*, white admiral *Limenitis camilla* and white-letter hairstreak *Satyrrium w-album*.

### 3.4 INVASIVE SPECIES

Table 3.3 provides a summary of invasive species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Legislation / Conservation Status
<b>Birds</b>				
Ring-necked parakeet <i>Psittacula krameri</i>	5	2014	820 m west	LISI 4
<b>Higher Plants (Flowering Plants)</b>				
Tree-of-heaven <i>Ailanthus altissima</i>	1	2003	810 m south west	LISI 3
Three-cornered garlic <i>Allium triquetrum</i>	2	2011	540 m east	LISI 3
Butterfly-bush <i>Buddleja davidii</i>	21	2013	400 m south west	LISI 3
Pink Purslane <i>Claytonia sibirica</i>	1	2003	750 m north east	LISI 5
Cotoneaster <i>Cotoneaster</i>	4	2003	460 m north west	LISI 2, WCA 9
Japanese knotweed <i>Fallopia japonica</i>	8	2007	500 m south east	LISI 3, WCA 9
Goat's-rue <i>Galega officinalis</i>	2	2007	500 m south east	LISI 4
Giant hogweed <i>Heracleum mantegazzianum</i>	1	2003	550 m north west	LISI 3
Bluebell <i>Hyacinthoides non-scripta x hispanica = H. x massartiana</i>	1	2009	540 m east	LISI 4
Indian balsam <i>Impatiens glandulifera</i>	1	2010	300 m south west	LISI 3
Small balsam <i>Impatiens parviflora</i>	2	2003	580 m north east	LISI 2
Parrot's-feather <i>Myriophyllum aquaticum</i>	1	2002	320 m east	LISI 3, WCA 9
Green alkanet <i>Pentaglottis sempervirens</i>	20	2013	300 m south west	LISI 6
Cherry laurel <i>Prunus laurocerasus</i>	12	2007	460 m north west	LISI 3

**Table 3.3: Summary of Invasive Species Records Within 1 km of Survey Area (Continues)**

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Legislation / Conservation Status
Turkey oak <i>Quercus cerris</i>	6	2012	540 m east	LISI 5
Evergreen oak <i>Quercus ilex</i>	6	2012	540 m east	LISI 5
Rhododendron <i>Rhododendron ponticum</i>	3	2003	550 m north west	LISI 2, WCA 9
False acacia <i>Robinia pseudoacacia</i>	5	2009	300 m south west	LISI 4
Snowberry <i>Symphoricarpos albus</i>	10	2010	310 m south east	LISI 2
New Zealand pigmyweed <i>Crassula helmsii</i>	1	1990	Potentially within 1 km	LISI 3
Pale galingale <i>Cyperus eragrostis</i>	3	2000	Potentially within 1 km	LISI 2
Canadian waterweed <i>Elodea canadensis</i>	2	1976	Potentially within 1 km	LISI 4
Gallant soldier <i>Galinsoga parviflora</i>	3	1994	Potentially within 1 km	LISI 3
Shaggy soldier <i>Galinsoga quadriradiata</i>	2	1994	Potentially within 1 km	LISI 3
Spanish bluebell <i>Hyacinthoides hispanica</i>	7	1999	Potentially within 1 km	LISI 4
Yellow archangel <i>Lamium galeobdolon subsp. argentatum</i>	1	1998	Potentially within 1 km	LISI 4
Perfoliate alexanders <i>Smyrniun perfoliatum</i>	2	2001	Potentially within 1 km	LISI 2
Johnson-grass <i>Sorghum halepense</i>	1	1998	Potentially within 1 km	LISI 2
<b>Higher Plants (Ferns)</b>				
Water fern <i>Azolla filiculoides</i>	1	1999	Potentially within 1 km	LISI 2
<p><b>Key:</b>  WCA9: Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Invasive, non-native, plants and animals.  LISI 1: London Invasive Species Initiative – Species not currently present nearby or of concern because of the high risk of negative impacts should they arrive. Should any species listed in this category appear in London then action should be taken rapidly.  LISI 2: London Invasive Species Initiative – Species of high impact or concern present at specific sites that require attention (control, management, eradication etc).  LISI 3: London Invasive Species Initiative – Species of high impact or concern which are widespread in London and require concerted, coordinated and extensive action to control/eradicate.  LISI 4: London Invasive Species Initiative – Species which are widespread for which eradication is not feasible but where avoiding spread to other sites may be required.  LISI 5: London Invasive Species Initiative – Species for which insufficient data or evidence was available from those present to be able to prioritise.  LISI 6: London Invasive Species Initiative – Species that were not currently considered to pose a threat or have the potential to cause problems in London.</p>				

**Table 3.3 (Continued): Summary of Invasive Species Records Within 1 km of Survey Area**

## 4. PHASE 1 HABITAT SURVEY

### 4.1 INTRODUCTION

The results of the Phase 1 Habitat Survey are presented in the following sections. An annotated Phase 1 Habitat Survey Drawing (Drawing C120428-01-01) is provided in Chapter 7. This drawing illustrates the location and extent of all habitat types recorded on site. Any notable features or features too small to map are detailed using target notes. Photographs taken during the field survey are presented in Chapter 8.

The survey was carried out on 10<sup>th</sup> August 2015 by Indre Barsketyte, Ecological Consultant. Table 4.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (°C)	20
Cloud (%)	100
Wind (Beaufort)	F0
Precipitation	Light Rain

**Table 4.1: Weather Conditions during Field Survey**

### 4.2 SURVEY CONSTRAINTS AND LIMITATIONS

No significant constraints were experienced at the time of the survey.

### 4.3 HABITATS

The following habitat types were recorded on site during the field survey:

- Amenity grassland;
- Buildings;
- Fences;
- Hardstanding;
- Scattered trees;
- Shrub;
- Species-poor intact hedgerow; and,
- Wall.

These habitats are described below. They are ordered alphabetically, not in order of ecological importance.

#### **Amenity grassland**

Amenity grassland dominated the back garden and had recently been mowed (Plate 1). There was also a small area at the front of the house within the shrub that was unmanaged and had a sward length of approximately 10-15 cm. Species included perennial rye grass *Lolium perenne*, meadow grass *Poa* sp., dandelion *Taraxacum officinale* agg., herb-robert *Geranium robertianum* and buttercup *Ranunculus repens*.

#### **Buildings**

The buildings on site consisted of a three storey brick house (Plate 2) with a mixture of hipped, pitched and flat roofs. A terrace was located on top of the garage (Target Note 6) and a single storey shed located along the northern boundary (Plate 3). There was also a small white round garden shed with a conical roof located on the western boundary (Plate 4).

#### **Fences**

Wooden panel fencing was present along the boundaries of the back garden (Plate 5). Ivy was noted to be growing on this fence. There was also an ornamental, 0.4 m high fence on the top of the garden wall between the garden and the house.

### Hardstanding

There was a tarmac access road/driveway leading to the garage (Plate 6) and paving slabs around the house and stairs to the front door and back garden.

### Scattered trees

A number of young to mature trees were scattered throughout the site but mainly along the boundaries (Plate 7). Species included birch *Betula pendula*, plum *Prunus domestica*, oak *Quercus* sp., ash *Fraxinus excelsior*, cherry *Prunus avium*, elm *Ulmus* sp. and London plane *Platanus occidentalis x orientalis = P. x hispanica*.

### Shrub

Shrub was located around the boundaries of the front and back gardens, and comprised a mixture of introduced and native species (Plate 8). These included bramble *Rubus fruticosus*, elder *Sambucus nigra*, rose *Rosa* sp., laurel *Prunus laurocerasus*, firethorn *Pyracantha* sp., holly *Ilex aquifolium*, rhododendron *Rhododendron* sp. (Target Note 5), bamboo *Bambuseae* sp., butterfly bush *Buddleia davidii* (Target Note 2), wall cotoneaster *Cotoneaster horizontalis* (Target Note 1) and cotoneaster *Cotoneaster* sp. (Target Notes 3 and 4).

### Species-poor intact hedgerow

A Leyland cypress *Cupressus x leylandii* hedgerow was located along the eastern boundary (Plate 9). It was approximately 2 m high and 1 m wide and was unmanaged at the time of the survey.

### Wall

There was a mixture of brick, concrete and stone walls present throughout the site where elevations in the landscape changed (Plate 10). It was found that ivy, rose and cotoneaster were growing on these walls.

## 4.4 FAUNA

During the survey field signs of faunal species were recorded. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

### Birds

The following bird species were observed on site during the field survey: woodpigeon *Columba palumbus* and robin *Erithacus rubecula*.

## 4.5 INVASIVE PLANT SPECIES

During the survey three species of invasive plants were recorded. They comprised cotoneaster, butterfly bush (Target Note 2) and rhododendron. There were two areas of cotoneaster in the front garden and one in the back garden on the north-western boundary (Plate 11). The butterfly bush was located in the left corner of the front garden, next to the house. The rhododendron was located in the back garden on the eastern boundary, in front of the hedgerow.

## 5. DISCUSSIONS AND CONCLUSIONS

### 5.1 SUMMARY OF PROPOSALS

It is understood that the proposals comprise the demolition of the buildings on site and the construction of a new residential block containing twelve apartments with associated hard and soft landscaping. The majority of the existing trees will be retained, primarily including those along the eastern perimeter and in the south-western corner.

### 5.2 NATURE CONSERVATION SITES

The desk study exercise identified no European statutory sites within 5 km of the survey area, three UK statutory sites and one ancient woodland within 2 km and twelve non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats. The significance of these sites to the proposed development is discussed below.

#### UK Statutory Sites

“Westbere Copse” LNR is the closest UK statutory site and is located 1,150 m west of the survey area. The remaining conservation sites are located 1,800 m or more from the survey area. Due to the small-scale nature of the development, the built-up nature of the intervening habitats and the distance between the UK statutory conservation sites and the survey area, it is unlikely that these site will be directly or indirectly impacted by the proposed development. The proposed plan falls within the SSSI Impact Risk Zone for the SSSI above, Hampstead Heath Wood, located 1900 m north east. The development also falls within the residential “category” of concern however the risk category only applies to residential development over 100 units and as the development is only comprising 12 units, it is therefore thought that the impacts will be of minimal concern. Therefore UK statutory sites are not a notable consideration in relation to the proposed development.

#### Non-Statutory and Ancient Woodland Sites

“Frognal Lane Garden” is the closest non-statutory site and is located 100 m east of the survey area and “Bishops Wood” ASNW is the closest ancient woodland site, located 1,350 m north east. The remaining conservation sites are located 400 m or more from the survey area. Due to the small scale nature of the development and the built up nature of the intervening habitats, it is unlikely that these sites will be directly or indirectly impacted by the proposed developments. Therefore, non-statutory and ancient woodland sites are not a notable consideration in relation to the proposed development.

### 5.3 HABITATS

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local BAP. It also takes into account the intrinsic value of the habitat. Those habitats which are considered to be of intrinsic importance and have the potential to be impacted by the site proposals are highlighted as notable considerations.

A discussion of the implications of the site proposals with regard to the habitats present on site is provided in the text below. A separate discussion of the value of the habitats on site to protected or notable species is provided in Section 5.4

#### Scattered Trees

The semi-mature and mature trees on site are of intrinsic value as they cannot be easily replaced in the short to medium term. As the majority of trees on site are to be retained, they are a notable consideration. A recommendation for the protection of these trees has been given in Section 6.2.

#### Species-poor intact hedgerow

Hedgerows’ are a Habitat of Principal Importance for Nature Conservation in England if they measure over 20 m in length and less than 5 m in width, consist predominantly of at least one woody UK native species, and any gaps measure less than 5 m in width. The hedgerow on site does not consist of a native woody species and as such does not satisfy these criteria. The hedgerow on site is not a habitat of principal importance and is not a notable consideration for the proposed development.

### Amenity grassland, buildings, fences, hardstanding, scrub and wall

The remaining habitats on site are well represented locally, have low-species diversity or can easily be replaced within the new development.

Habitats considered to be of relevance to the proposed development are summarised in Table 5.1

Habitat Type	Habitat of Principal Importance?	Local BAP Habitat?	Summary of Potential Impacts
Scattered Trees	-	-	Habitat loss and damage

**Table 5.1: Summary of Potential Impacts on Notable Habitats**

## 5.4 PROTECTED/NOTABLE SPECIES

The following paragraphs consider the likely impact of the site proposals on protected or notable species. This is based on those species highlighted in the desk study exercise (Chapter 3) and other species for which potentially suitable habitat occurs within or adjacent to the survey area.

### Mammals

#### Bat

The desk study revealed records of six species of bat within a 1 km radius of the survey area, with the closest record being located 412 m north from the survey area. The trees on site are generally in good condition and did not have features such as rot holes or cracked limbs that may be used by roosting bats. The buildings on site, however, do contain suitable roosting bat features, such as gaps under the roof/ridge tiles. For more information please refer to the Daytime Bat Survey Report (RT-120428-02). Therefore, roosting bats are a notable consideration and recommendation has been given within Section 6.3.

The trees, introduced shrubs and hedgerow may provide suitable foraging habitat for bats. The adjacent residential gardens may also provide suitable foraging habitat. Therefore, foraging bats are a notable consideration for the proposed development and a recommendation in regard to lighting has been given in Section 6.3.

#### Badger

The desk study revealed no records of badger within a 1 km radius of the survey area. No evidence of badger was noted on site at the time of the survey, such as latrines or setts. The majority of the site is unsuitable for sett building. The shrub and amenity grassland may provide suitable foraging habitat for badger, however it is isolated from other suitable habitat and limited in extent. There is no suitable habitat connected to the site in the wider landscape. Therefore, badger are not a notable consideration for the proposed development.

#### Hedgehog

The desk study revealed no records of hedgehogs within a 1 km radius of the survey area. The shrub may provide suitable foraging and refuge habitat for hedgehogs. The adjacent residential gardens may provide suitable habitat for hedgehogs. As hedgehogs are mobile mammals, they may pass through the site to access other suitable habitat in the wider landscape. Therefore, hedgehogs are a notable consideration for the proposed development and a precautionary recommendation has been given within Section 6.3.

### Reptiles

The desk study revealed records of slow worm within a 1 km radius of the survey area, located 800 m west. The unmanaged areas of the garden may provide some suitable foraging and refuge habitat for reptiles, however the grassland on site is too intensively managed to be of value to reptiles. The suitable habitats on site are very limited in extent and isolated from other suitable habitat in the wider landscape, therefore further survey work with regards to this species was deemed unnecessary. However a precautionary recommendation has been given within Section 6.3.

### Amphibians

The desk study revealed records of common frog and common toad within a 1 km radius of the survey area, with the closest record being located 316 m north. The unmanaged areas of the garden may provide suitable

terrestrial habitat for amphibians. However, reference to Ordnance Map Survey data and aerial imagery indicates that there are no water bodies within a 500m radius that may provide suitable breeding habitat for amphibians, therefore it is unlikely that amphibians will be present on site and consequently amphibians are not a notable consideration for the proposed development.

### Birds

The desk study revealed records of three species of bird listed as Schedule 1 on the Wildlife and Countryside Act 1981 (as amended). The specific breeding ranges and habitat requirements of these species mean that they are unlikely to nest within the survey area.

Numerous other more common bird species were also identified within the desk study, as well as various bird species being observed on site at the time of survey. If the proposed works are undertaken in the bird nesting season then there is potential for impact upon nesting birds and as such, a recommendation has been made in Section 6.3.

### Invertebrates

The desk study provided numerous records of notable invertebrates within a 1 km radius of the survey area. The larval food plants of some of these species were noted on site at the time of survey, such as dot moths feed on birch, knot grass feeds on ash and buff ermine feeds on plum. Given the commonality of these plant species, it is considered that the works should not adversely impact upon invertebrates in the long-term. Therefore, invertebrates are not a notable consideration for the proposed development.

### Other Species

The following protected species are not considered to be material considerations due to the lack of desk study records and absence of suitable habitats within the development site: dormouse, water vole, otter great crested newts, white-clawed crayfish and red squirrel.

### Summary

Species considered to be of relevance to the proposed development are summarised in Table 5.2.

Species / Species Group	Species of Principal Importance?	Local BAP Species?	Summary of Potential Impacts
Bats	#	#	Loss of suitable habitat, direct harm or injury, lighting.
Hedgehog	✓	✓	Loss of suitable habitat, direct harm or injury.
Birds	#	#	Loss of suitable habitat, direct harm or injury.
<b>Key</b> #: Species dependent			

**Table 5.2: Summary of Potential Impacts on Notable Species**

## 5.5 INVASIVE PLANT SPECIES

The desk study revealed thirty invasive species within a 1 km radius of the survey area. These included one bird species, one fern species and twenty eight flowering plant species.

Up to five invasive plant species were identified on site, comprising three different species of cotoneaster, including wall cotoneaster, butterfly-bush and rhododendron. The rhododendron on site was in too poor of a condition to identify to species level therefore a precautionary approach was implemented with regards to recommendations for this species. *Cotoneaster horizontalis* is listed as WCA 9 species and represents a threat to natural flora and fauna in Great Britain, due to its invasive nature. All these species are also LISI 2 and are therefore species of high impact and concern in London. Therefore, invasive species are a notable consideration and a recommendation has made in Section 6.4.

A summary of legislation and policy relevant to the ecology of the site is included in Appendix 2.



## 6. RECOMMENDATIONS

All recommendations provided in this section are based on Middlemarch Environmental Ltd's current understanding of the site proposals (Proposed ground floor – FINc252\_ga 101), correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

### 6.1 NATURE CONSERVATION SITES

There are no recommendations to be made in regard to nature conservation sites.

### 6.2 HABITATS

The following recommendations are made regarding the habitats present on site:

- R1 Habitat Loss and Enhancement:** In accordance with the provision of Chapter 11 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed works to maximise the ecological value of the site.
- Planting of habitats which will be of value to wildlife, such as:
    - native seed/fruit bearing species to provide foraging habitat for mammals and birds;
    - nectar-rich species to attract bees, butterflies and moths;
    - wildflower grassland margins to provide larval food for caterpillars and to attract butterfly and moth species such as wall and small heath; and,
    - species which attract night flying insects which will be of value to foraging bats, for example: evening primrose *Oenothera biennis*, goldenrod *Solidago virgaurea*, honeysuckle *Lonicera periclymenum* and fleabane *Pulicaria dysenterica*.
  - Inclusion of hedgehog passes under any fence lines to allow connectivity between the site and the wider area.
  - Provision of nesting/roosting habitat, such as installation of nest boxes for species such as house sparrow, dense scrub for species such as song thrush, and bat boxes for species such as pipistrelle.
- R2 Trees:** Any trees on site, or overhanging the site, which are to be retained as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations". Protection should be installed on site prior to the commencement of any works on site.

### 6.3 PROTECTED / NOTABLE SPECIES

To ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

- R3 Nesting Birds:** Vegetation and building clearance should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive. If this is not possible then any vegetation/buildings to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally.
- R4 Terrestrial Mammals including Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.
- R5 Roosting Bats:** A Daytime Bat Survey was undertaken (RT-MME-120428-02) and all recommendations within this report should be followed.

**R6 Foraging/Commuting Bats:** Bats are likely to use the hedgerow corridors on the site boundaries for foraging and commuting. Therefore, any lighting, either temporary or permanent, along the site boundaries should be kept to a minimum and directed away from these boundary features to maintain 'dark' areas and corridors. The lighting strategy for any future development of the site should involve the use of low level and directional lighting, such as bollard lighting, to help to minimise light spill.

**R7 Herpetofauna:** The clearance of suitable reptile and amphibian habitat (shrub, tree roots and any hedgerow habitat) should be undertaken under the supervision of an experienced ecologist. This will involve the clearance of vegetation in a directional manner to allow any herpetofauna to disperse and careful removal of any hibernacula. This should be completed when reptiles and amphibians are active. This is weather dependent but generally extends between March and October inclusive.

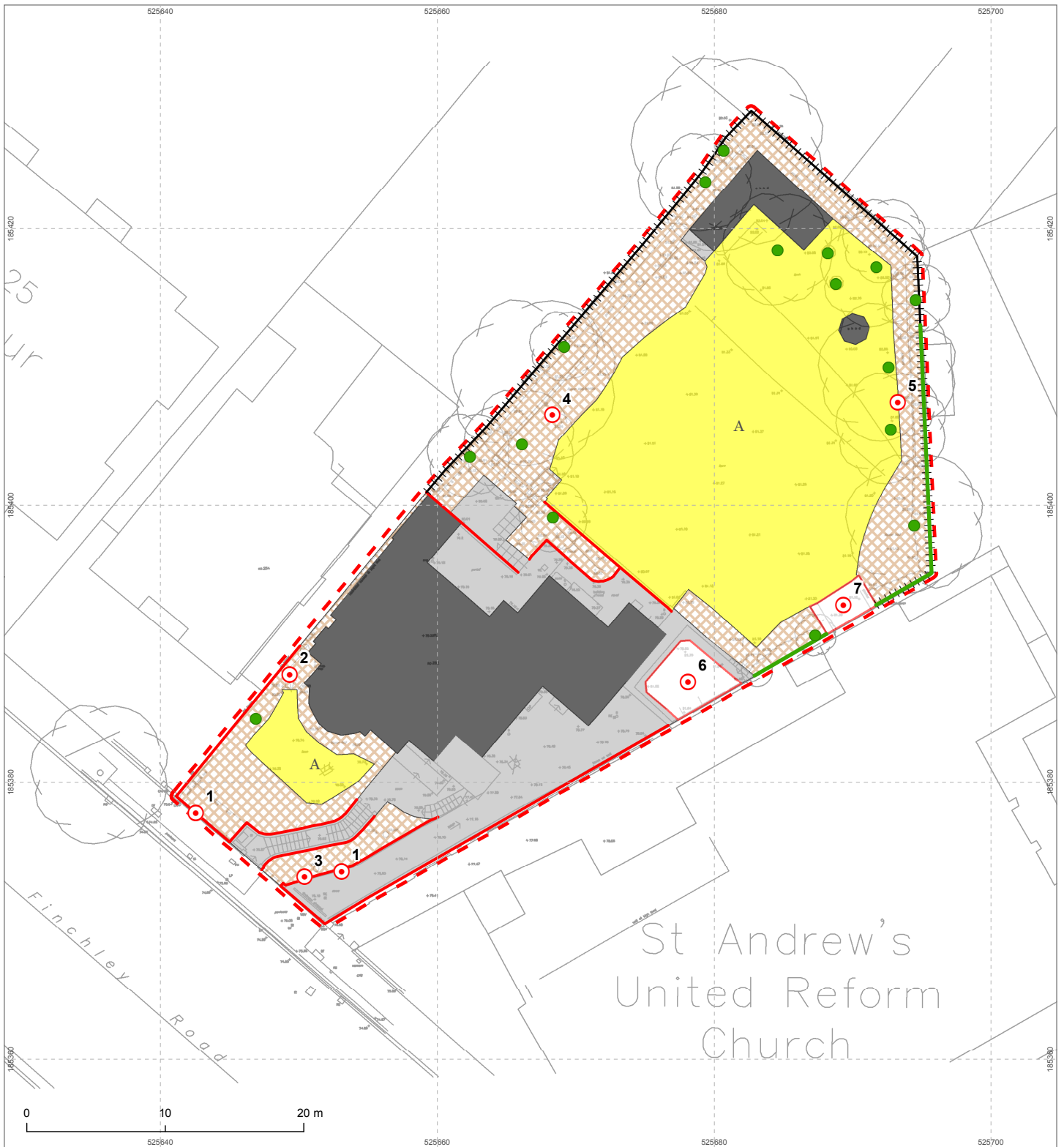
#### **6.4 INVASIVE PLANT SPECIES**

**R8 Cotoneaster, Butterfly-bush and Rhododendron:** To ensure compliance with the Wildlife and Countryside Act 1981 (as amended) the works must not cause these invasive species to spread.

## 7. DRAWINGS


Drawing C120428-01-01 – Phase 1 Habitat Map

Drawing FINc252\_ga 101 – Proposed ground floor



**Legend**

- Site boundary
  - Scattered tree
  - ||||| Fence
  - Species-poor intact hedgerow
  - Wall
  - Amenity grassland
  - Building
  - Hardstanding
  - Shrub
  - Other habitat
- ⊙ Target notes:
- 1 *Cotoneaster horizontalis*
  - 2 Buddleia
  - 3 *Cotoneaster* sp.
  - 4 *Cotoneaster* sp.
  - 5 *Rhododendron* sp.
  - 6 Other habitat: terrace
  - 7 Other habitat: pergola - poor condition

Project <b>252 Finchley road, London</b>	
Drawing <b>Preliminary Ecological Assessment</b>	
Client <b>Douglas and King Architects</b>	
Drawing Number <b>C120428-01-01</b>	Revision <b>00</b>
Scale @ A4 <b>1:400</b>	Date <b>August 2015</b>
Approved By <b>IB</b>	Drawn By <b>RP</b>
 <b>MIDDLEMARCH ENVIRONMENTAL</b>	
Triumph House, Birmingham Road, Allesley, Coventry CV5 9AZ T: 01676 525880 F: 01676 521400 E: admin@middlemarch-environmental.com	
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C120428-01-01



- Notes
1. All dimensions to be checked on site.
  2. All dimensions are to masonry unless otherwise stated (ie not plaster finishes)
  3. All information is to be checked and verified by the contractors and sub-contractors for accuracy and fit.
  4. Discrepancies or omissions to be brought to the attention of Douglas & King prior to construction.
  5. Do not scale from this drawing.

**Douglas and King Architects**

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 T +44 (0)20 7613 1366  
 info@douglasandking.com  
 www.douglasandking.com

Revision	Date	Notes



Project	FIN252 252 Finchley Road NW3 7AA	Drawing title	Proposal Ground Floor	Scale	1:100@A1	Date	March 2015
Client	Investland	Drawing no.	FIN252_ga 101	PLANNING			

## 8. PHOTOGRAPHS



**Plate 1: Amenity Grassland**



**Plate 2: Main Building**



**Plate 3: Shed**



**Plate 4: White Shed**



**Plate 5: Fences**



**Plate 6: Access Road**



**Plate 7: Scattered Trees**



**Plate 8: Shrub**



**Plate 9: Species-Poor Intact Hedgerow**



**Plate 10: Wall**



**Plate 11: Cotoneaster**

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- Middlemarch Environmental Ltd (2015) *Daytime Bat Survey. 252 Finchley Road, London*. RT-MME-120428-02.



## **APPENDICES**

APPENDIX 1: Summary of Statutory Nature Conservation Sites

APPENDIX 2: Overview of Relevant Legislation and Policy

**APPENDIX 1**

Summary of Statutory Nature Conservation Sites

Site Check Report Report generated on Wed Aug 12 2015

**You selected the location:** Centroid Grid Ref: TQ256854

The following features have been found in your search area:

#### Ancient Woodland (England)

**Wood Name**

BISHOPS WOOD

**Theme Name**

Ancient & Semi-Natural Woodland

**Theme ID**

1495665

**Area (Ha)**

14.62

**Wood Name**

KEN WOOD

**Theme Name**

Ancient & Semi-Natural Woodland

**Theme ID**

1495724

**Area (Ha)**

9.49

#### Local Nature Reserves (England)

**Reference**

1421538

**Name**

BELSIZE WOOD

**Hectares**

0.27

**Hyperlink**

[http://www.lnr.naturalengland.org.uk/special/lnr/lnr\\_details.asp?themeid=1421538](http://www.lnr.naturalengland.org.uk/special/lnr/lnr_details.asp?themeid=1421538)

**Reference**

1134179

**Name**

WESTBERE COPSE

**Hectares**

0.39

**Hyperlink**

[http://www.lnr.naturalengland.org.uk/special/lnr/lnr\\_details.asp?themeid=1134179](http://www.lnr.naturalengland.org.uk/special/lnr/lnr_details.asp?themeid=1134179)

#### Sites of Special Scientific Interest (England)

**Name**

HAMPSTEAD HEATH WOODS

**Reference**

1000124

**Natural England Contact**

EMILY DRESNER

**Natural England Phone Number**

0845 600 3078

**Hectares**

16.17

**Citation**

1003451

**Hyperlink**

<http://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=s1003451>

#### National Nature Reserves (England)

No Features found

#### Ramsar Sites (England)

No Features found

#### Special Areas of Conservation (England)

No Features found

#### Special Protection Areas (England)

No Features found

#### SSSI Impact Risk Zones – to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)

**1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?**

**2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:**

**All Planning Applications**

**Infrastructure**

Pipelines, pylons and overhead cables. Any transport proposal including road, rail and by water (excluding routine maintenance). Airports, helipads and other aviation proposals.

**Wind & Solar Energy**

**Quarry**

Planning applications for quarries, including: new proposals, Review of Minerals Permissions (ROMP), extensions, variations to conditions etc.

**Rural Non Residential**

**Residential**

Residential development of 100 units or more.

**Rural Residential**

Any residential development of 100 or more houses outside existing settlements/urban areas.

**Air Pollution**

Pig & Poultry Units. Any other development/ industrial or commercial process that could cause AIR POLLUTION.

**Combustion**

General combustion processes >20MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.

**Waste**

Landfill. Incl: inert landfill, non-hazardous landfill, hazardous landfill.

**Composting**

Any composting proposal with more than 75000 tonnes maximum annual operational throughput. Incl: open windrow composting, in-vessel composting, anaerobic digestion, other waste management.

**Discharges**

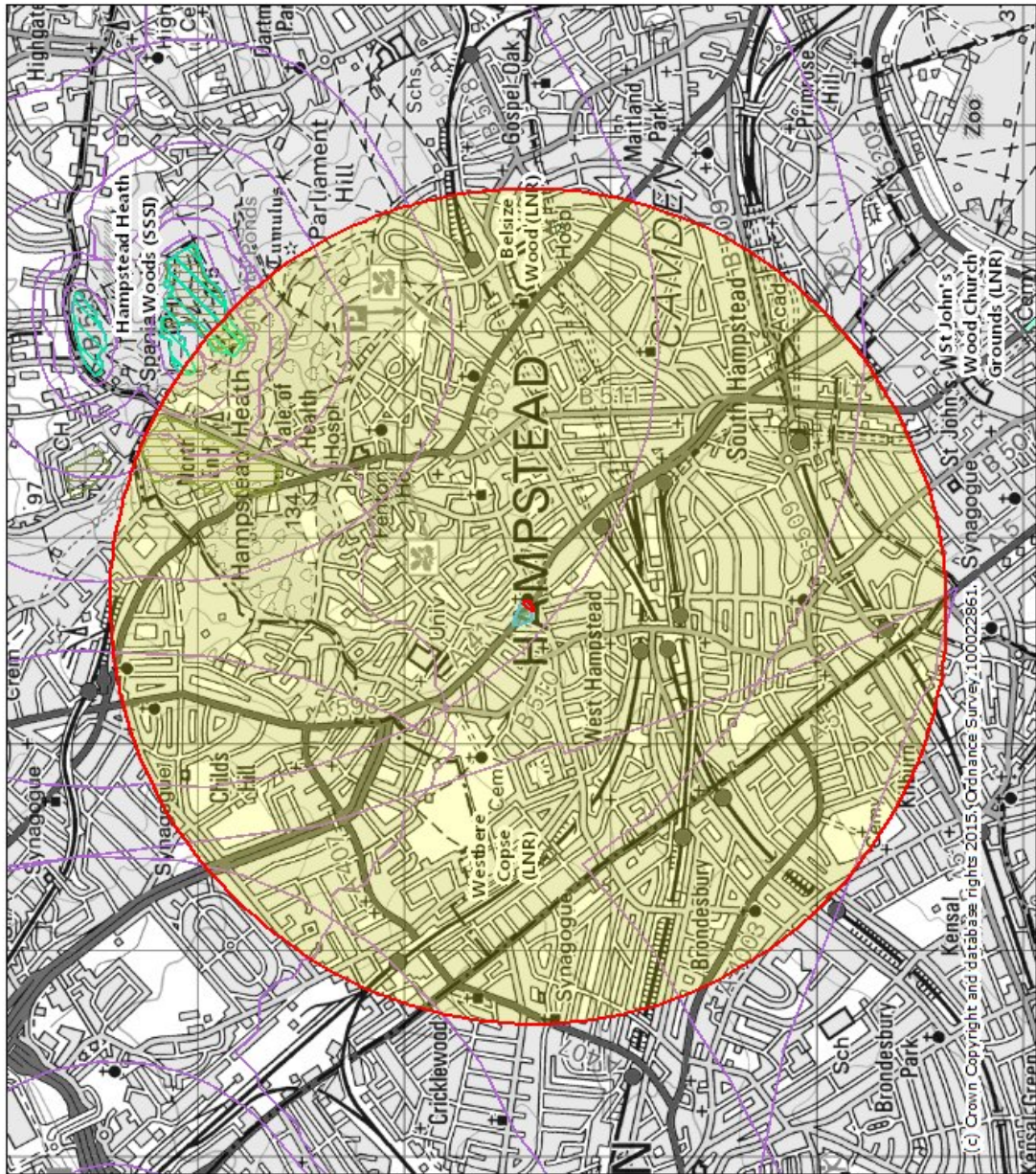
**Water Supply**

Large infrastructure such as warehousing / industry where total net additional gross internal floorspace following development is 1,000m<sup>2</sup> or more.

**Guidance**

[/Metadata\\_for\\_magic/SSSI IRZ User Guidance v2.2 MAGIC 05May2015.pdf](#)

**Magic** 252 Finchley Road, London



**Legend**

- Local Nature Reserves (England)
- National Nature Reserves (England)
- Sites of Special Scientific Interest (England)
- SSSI Impact Risk Zones – to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)
- Ancient and Semi-Natural Woodland
- Ancient Replanted Woodland

Projection = OSGRB36  
 xmin = 520700  
 ymin = 183000  
 xmax = 530800  
 ymax = 187900

Map produced by MAGIC on 12 August, 2015.  
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## **APPENDIX 2**

### Overview of Relevant Legislation and Policy

This section provides an overview of the framework of legislation and policy which underpins nature conservation and is a material consideration in the planning process in England.

## **GENERAL BIODIVERSITY LEGISLATION AND POLICY**

### **Conservation of Habitats and Species Regulations 2010, as amended (Habitats Regulations 2010, as amended)**

The Habitats Regulations 2010 consolidate and update the Conservation (Natural Habitats, &c.) Regulations 1994 and all its various amendments. The Habitats Regulations 2010 are the principal means by which the EEC Council Directive 92/43 (The Habitats Directive) as amended is transposed into English and Welsh law.

The Habitats Regulations 2010 place duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria are, in conjunction with the European Commission, designated as Sites of Community Importance, which are subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. The regulations also place a duty upon the government to maintain a register of European protected sites designated as a result of EC Directive 79/409/EEC on the Conservation of Wild Birds (The Birds Directive). These sites are termed Special Protection Areas (SPA) and, in conjunction with SACs, form a network of sites known as Natura 2000. The Habitats Directive introduces for the first time for protected areas, the precautionary principle; that is that projects can only be permitted having ascertained no adverse effect on the integrity of the site. Projects may still be permitted if there are no alternatives, and there are imperative reasons of overriding public interest.

The Habitats Regulations 2010 also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively. Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations.

The Habitats Regulations 2010 were amended in August 2012 to ensure clearer transposition of the provisions of Articles 2, 3, 4(4) (second sentence) and Article 10 of the Wild Birds Directive, by giving additional and specific duties to relevant bodies. A number of amendments were also made to transpose more clearly certain elements of the Habitats Directive.

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

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2010 (as amended), offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species. All relevant species specific legislation is detailed later in this Appendix.

### **The Countryside and Rights of Way (CRoW) Act 2000**

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

### **The Natural Environment and Rural Communities (NERC) Act 2006**

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CRoW Act 2000.

### **The Hedgerow Regulations 1997**

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

### **UK Biodiversity Action Plan**

The United Kingdom Biodiversity Action Plan (UK BAP), first published in 1994 and updated in 2007, was a government initiative designed to implement the requirements of the Convention of Biological Diversity to conserve and enhance species and habitats. The UK BAP contained a list of priority habitats and species of conservation concern in the UK, and outlined biodiversity initiatives designed to enhance their conservation status. Lists of Broad and Local habitats were also included. The priority habitats and species correlated with those listed on Section 41 and 42 of the NERC Act.

The UK BAP required that conservation of biodiversity was addressed at a County level through the production of Local BAPs. These were complementary to the UK BAP, however were targeted towards species of conservation concern characteristic of each area. In addition, a number of local authorities and large organisations have produced their own BAPs.

### **Species and Habitats of Material Consideration for Planning in England**

In 2011, the government published the 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' to replace the previous England Biodiversity Strategy. In 2012 the UK BAP was replaced by the UK Post-2010 Biodiversity Framework.

Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and species are now described as Species and Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

## **NATIONAL PLANNING POLICY FRAMEWORK AND PRACTICE GUIDANCE**

In early 2012, the National Planning Policy Framework (NPPF) replaced much previous planning policy guidance, including Planning Policy Statement 9: Biological and Geological Conservation. The government circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System, which accompanied PPS9, still remains valid. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 11, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and, where possible, provide net gains in biodiversity. Opportunities to incorporate biodiversity gains into a development should be encouraged.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused.

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG).

This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England. The guidance includes a section entitled 'Natural Environment: Biodiversity, ecosystems and green infrastructure' which sets out information with respect to the following:

- the statutory basis for minimising impacts on biodiversity and providing net gains where possible;
- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;



- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- the considerations for local (non-statutory) designated sites;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;
- how development can enhance biodiversity;
- how policy is applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured; and,
- the consideration of ancient woodlands and veteran trees in planning decisions.

## LOCAL PLANNING POLICY

### LONDON BOROUGH OF CAMDEN

<http://camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-policy/>

The Local Development Framework (LDF) is a collection of planning documents that (in conjunction with national planning policy and the London Plan) sets out the strategy for managing growth and development in the borough, including where new homes, jobs and infrastructure will be located. The LDF replaced the former Unitary Development Plan (UDP) in November 2010.

#### Core Strategy (2010-2025)

The Core Strategy is a central part of the LDF which sets out the key elements of the Council's planning vision and strategy for the borough. It was adopted at a Full Council meeting on the 8<sup>th</sup> November 2010. The policy of relevance to ecology is detailed below:

#### **Policy CS15 – Protecting and Improving our Parks and Open Spaces and Encouraging Biodiversity**

The Council will protect and improve Camden's parks and open spaces. We will:

- a) protect open spaces designated in the open space schedule as shown on the Proposals Map, including our Metropolitan Open Land, and other suitable land of 400sqm or more on large estates with the potential to be used as open space;
- b) tackle deficiencies and under-provision and meet increased demand for open space by:
  - providing additional open space at King's Cross;
  - securing additional on-site public open space in the growth areas of Euston, West Hampstead Interchange, Holborn and Tottenham Court Road, and other parts of Central London. Where the provision of on-site public open space is not practical on a particular site in these areas, the Council will require a contribution to the provision of additional public open space on identified sites in the vicinity. If it can be demonstrated to the Council's satisfaction that no such suitable sites are available, we will require improvements to other open spaces in the area;
  - securing improvements to publicly accessible open land on the Council's housing estates; and
  - securing other opportunities for additional public open space.
- c) secure from developments that create an additional demand for open space, where opportunities arise, improvements to open spaces, including to:
  - the facilities provided, such as play and sports facilities;
  - access arrangements; and
  - the connections between spaces.

The Council will protect and improve sites of nature conservation and biodiversity, in particular habitats and biodiversity identified in the Camden and London Biodiversity Plans in the borough by:

- d) designating existing nature conservation sites;
- e) protecting other green areas with nature conservation value, including gardens, where possible;
- f) seeking to improve opportunities to experience nature, in particular in South and West Hampstead, Kentish Town and central London, where such opportunities are lacking;
- g) expecting the provision of new or enhanced habitat, where possible, including through biodiverse green or brown roofs and green walls;
- h) identifying habitat corridors and securing biodiversity improvements along gaps in habitat corridors;

- i) working with The Royal Parks, the London Wildlife Trust, friends of parks groups and local nature conservation groups to protect and improve open spaces and nature conservation in Camden;
- j) protecting trees and promoting the provision of new trees and vegetation, including additional street trees.

The Council will preserve and enhance the historic, open space and nature conservation importance of Hampstead Heath and its surrounding area by:

- k) working with the City of London, English Heritage and Natural England to manage and improve the Heath and its surrounding areas;
- l) protecting the Metropolitan Open Land, public and private open space and the nature conservation designations of sites;
- m) seeking to extend the public open space when possible and appropriate;
- n) taking into account the impact on the Heath when considering relevant planning applications;
- o) protecting views from Hampstead Heath and views across the Heath and its surrounding area;
- p) improving the biodiversity of, and habitats in, Hampstead Heath and its surrounding area, where opportunities arise.

The Council will preserve and enhance the Regent's Canal by:

- q) balancing the differing demands on the Canal, its towpath and adjoining land;
- r) implementing opportunities to make the Canal a safer place;
- s) applying the guidance in the Regent's Canal Conservation Area Management Strategy;
- t) implementing opportunities to provide additional nature conservation areas and improve the role of the Canal and its adjoining land as a habitat corridor (green chain);
- u) working with British Waterways, Natural England, other land owners/developers, users and the local community to improve the Canal and towpath.

#### Local Plan

The Council is preparing a new draft Local Plan to ensure Camden has robust and up-to-date planning policies to deliver sustainable growth, sustainable communities and other local priorities. The Local Plan will replace the existing Core Strategy and Development Policies documents. The Council intends on publishing the draft of the Local Plan for comment in early 2015.

#### LONDON – GENERAL

<http://www.london.gov.uk/priorities/planning/london-plan>

#### **The London Plan (consolidated with alterations since 2011)**

The London Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London. Those policies of relevance to ecology are listed below:

#### **Policy 2.18 Green Infrastructure: the Multifunctional Network of Open and Green Spaces**

The Mayor will work with all relevant strategic partners to protect, promote, expand and manage the extent and quality of, and access to, London's network of green infrastructure. This multifunctional network will secure benefits including, but not limited to: biodiversity; natural and historic landscapes; culture; building a sense of place; the economy; sport; recreation; local food production; mitigating and adapting to climate change; water management; and the social benefits that promote individual and community health and well-being.

Development proposals should:

- a) incorporate appropriate elements of green infrastructure that are integrated into the wider network
- b) encourage the linkage of green infrastructure, including the Blue Ribbon Network, to the wider public realm to improve accessibility for all and develop new links, utilising green chains, street trees, and other components of urban greening.

#### **Policy 7.19 Biodiversity and Access to Nature**

This policy provides a framework for ensuring a proactive approach to the protection, enhancement, creation, promotion and management of biodiversity in support of the Mayor's Biodiversity Strategy. The policy identifies the importance of planning for nature from the beginning of any development process and taking opportunities for positive gains for nature through development proposals. The policy identifies that:

*“When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest, the following hierarchy will apply:*

- *avoid adverse impact to the biodiversity interest*
- *minimise impact and seek mitigation*
- *only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.”*

#### **Policy 7.21 Trees and Woodlands**

The Council states that trees and woodlands should be protected, maintained, and enhanced, following the guidance of the London Tree and Woodland Framework (or any successor strategy). In collaboration with the Forestry Commission the Mayor will produce supplementary guidance on tree strategies to guide each borough’s production of a tree strategy covering the audit, protection, planting and management of trees and woodland. This should be linked to the borough’s open space strategy. Existing trees of value should be retained and any loss as the result of development should be replaced following the principle of ‘right place, right tree’. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species. Boroughs should follow the advice of paragraph 118 of the NPPF to protect ‘veteran’ trees and ancient woodland where these are not already part of a protected site. Boroughs should develop appropriate policies to implement their borough tree strategy.

#### **Policy 7.24 Blue Ribbon Network**

This policy identifies strategically important linked spaces providing a transport corridor, drainage and flood management, a source of water, discharge of treated effluent, a series of diverse and important habitats, green infrastructure, heritage value, recreational opportunities and important landscapes and views. This Blue Ribbon Network includes the River Thames and the policy confirms that the appropriate use, maintenance and improvement of water should be the main consideration of with respect to development and use of the Blue Ribbon Network and its adjacent land.

#### **Policy 7.28 Restoration of the Blue Ribbon Network**

The Council states that development proposals should restore and enhance the Blue Ribbon Network by:

- a) taking opportunities to open culverts and naturalise river channels
- b) increasing habitat value; development which reduces biodiversity should be refused
- c) preventing development and structures into the water space unless it serves a water related purpose
- d) protecting the value of the foreshore of the Thames and tidal rivers resisting the impounding of rivers
- e) protecting the open character of the Blue Ribbon Network.

Within Local Development Frameworks boroughs should identify any parts of the Blue Ribbon Network where particular biodiversity improvements will be sought, having reference to the London River Restoration Action Plan.

#### **Supplementary Planning Guidance**

Supplementary Planning Guidance (SPG) documents provide further detail on particular policies in the London Plan. Those listed below will form part of the over-arching Green Infrastructure and Open Environments SPG.

#### **The East London Green Grid Framework (Consolidated with Alterations since 2004)**

This document (February 2008) provides context for open space enhancement in East London. SPG Implementation Point 10: Biodiversity, states that development should:

“...maximise the opportunities for habitat enhancement, restoration and recreation ensuring that they:

- Contribute to reducing the identified deficiency areas in access to nature
- Contribute to establishing a connected system of habitats
- Are guided by local Biodiversity Action Plan priorities and are appropriate to the ecological and landscape zone
- Connect people with London’s nature and balance nature conservation with access, archaeology and cultural heritage
- Contribute to providing ecosystems, for example flood management”.

### The All London Green Grid

The All London Green Grid SPG (March 2012) takes the principles of the East London Green Grid and applies them across London.

### Preparing Borough Tree and Woodland Strategies

This document (February 2013) sets out an approach to trees and woodland that:

- Covers the audit, protection and management of trees and woodland in line with Policy 7.21 of the London Plan
- Highlights the asset value of trees and woodland, both in financial terms and the broad range of economic and environmental benefits they provide
- Considers all the trees in a borough as a single unified resource – an ‘urban forest’
- Extends the concept of an ‘urban forest’ across boundaries so that the cumulative benefits of trees to Londoners can be enhanced

Takes a step by step approach to the management of trees and woodland.

### SPECIES SPECIFIC LEGISLATION

This section contains a summary of legislation with relation to the species present or potentially present in the survey area. The reader should refer to the original legislation for definitive interpretation.

#### Bats

Bats and the places they use for shelter or protection (i.e. roosts) receive European protection under The Conservation of Habitats and Species Regulations 2010, as amended (Habitats Regulations 2010, as amended). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2010 (as amended), states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2010 (as amended) for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* (rather than deliberately) kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly\** damage or destroy, or *obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly\** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

\*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The following bat species are Species of Principal Importance for Nature Conservation in England: Barbastelle Bat *Barbastella barbastellus*, Bechstein's Bat *Myotis bechsteinii*, Noctule Bat *Nyctalus noctula*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Brown Long-eared Bat *Plecotus auritus*, Greater Horseshoe Bat *Rhinolophus ferrumequinum* and Lesser Horseshoe Bat *Rhinolophus hipposideros*.

All bat species which occur within the county are priority species on the BAP Priority London.

The reader should refer to the original legislation for the definitive interpretation.

### **Birds**

The Conservation of Habitats and Species Regulations 2010 (as amended) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

### **Hedgehogs**

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a licence.

Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.