The Ecology Consultancy

Arthur Stanley House / Preliminary Ecological Appraisal / **Report for Llewelyn Davies**

The Ecology Consultancy

Arthur Stanley House, Fitzrovia, London

Preliminary Ecological Appraisal

Report for Llewelyn Davies

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Executive Summary

The Ecology Consultancy was commissioned by Llewelyn Davies to undertake a Preliminary Ecological Appraisal (PEA) of Arthur Stanley House in London.

The main findings of the PEA are as follows:

- The site is not subject to any statutory or non-statutory nature conservation designations. The nearest statutory designated site is Hampstead Heath Woods Site of Special Scientific Interest located 5.55km north-west. The nearest non-statutory designated site is Gordon Square Site of Importance for Nature Conservation located 0.60km north-east. The proposed development is not anticipated to have any impact on these sites or the features for which they are designated.
- The site was dominated by buildings and hard-standing. These habitats were considered to be of value within the immediate vicinity of the site only, but may assume value up to a local level where they support protected and/or notable species.
- The site has low potential to support breeding birds and negligible potential to support roosting bats.
- The development proposals involve the removal of the portacabins and the renovation and extension of the existing main building known as Arthur Stanley House.
- Recommended mitigation for the site to ensure compliance with legislation and best practice is as follows:
    - habitats with potential to support breeding birds should be removed during September to February inclusive, to avoid the main bird breeding season. Alternatively suitable nesting locations at roof level could be netted off outside of the breeding season to deter species using them in the long-term;
    - should the presence of a protected species be confirmed or suspected during works, these must cease immediately and the advice of a suitably qualified and experienced ecologist must be sought; and
    - butterfly-bush should be removed from the site due to its potential to damage buildings/structures and its ability to spread.
- Recommendations are made in Section 5 of this report to enhance the biodiversity value of the site, including installing bird boxes, landscape planting of recognised value to wildlife and Sustainable Drainage Systems (SuDS) such as green roofs and rain gardens.

1 Introduction

BACKGROUND

1.1 The Ecology Consultancy was commissioned by Llewelyn Davies to undertake a Preliminary Ecological Appraisal (PEA) of Arthur Stanley House in Fitzrovia, London.

SCOPE OF THE REPORT

1.2 The PEA is based on a desk study, and a field survey using standard Phase 1 survey methodology (JNCC, 2010). The Phase 1 survey is designed to identify the broad habitat types present, to assess the potential of habitats to support protected species and to assist in providing an overview of the ecological interest at a site. It is generally the most widely used and professionally recognised method for initial ecological site appraisal.

1.3 This appraisal has been prepared with reference to best practice guidance published by the Chartered Institute for Ecology and Environmental Management (CIEEM, 2013) and as detailed in British Standard 42020:2013 Biodiversity - Code of Practice for Biodiversity and Development (BSI, 2013).

SITE CONTEXT AND STATUS

1.4 The site is situated off Tottenham Street in Fitzrovia, London W1. It comprises the main building Arthur Stanley House plus two portacabins surrounded by areas of hard-standing. The site covers 0.11 hectares (ha) in total. The site is situated in a dense urban area in the centre of London and is surrounded by various commercial buildings. The nearest larger area of open greenspace is Regent's Park located approximately 0.70 kilometre (km) north-west. The River Thames is located approximately 1.78km south-east. The National Grid Reference for the centre of the site is TQ 293 817.

DESCRIPTION OF THE PROPOSALS

1.5 Current proposals for the site (Llewelyn Davies, 2014) involve the renovation and extension of the existing main building Arthur Stanley House. This will involve the removal of the portacabins and the loss of some areas of hard-standing. The development will provide a mix of affordable housing, market housing and commercial/office space. There is space available for soft landscaping including courtyard areas and roof terraces. It is proposed to install PV and solar thermal panels at roof level.

2 Methodology

DESK STUDY

2.1 A biological data search for the site and surrounding land within 1km of its boundary was requested from Greenspace Information for Greater London (GiGL) in November 2014. A search was also completed using an on-line mapping service for information on statutory designated sites (MAGIC, 2014).

2.2 Information sourced from the desk study included:

- statutory sites of nature conservation importance;
- non-statutory sites designated as Sites of Importance for Nature Conservation Importance (SINCs) at county level, recognised as being of local conservation importance and often recognised in Local Planning Authority (LPA) development plans;
- legally protected species[1]; and
- notable habitats[2] and species[3] which may be relevant to the site, including Habitats and Species of Principal Importance for the Conservation of Biodiversity in England as listed in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006[4] (hereby referred to as 'species or habitats of principal importance').

HABITAT SURVEY

2.3 The habitat survey following standard Phase 1 survey methodology (JNCC, 2010), was carried out on 21 November 2014 and covered the entire site, including boundary features. Habitats were described and mapped. A habitat map of the site is included in Appendix 1 together with photographs in Appendix 2. A list of plant species was

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1 Legally protected species include those listed in Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981; Schedule 2 of the Conservation of Habitats and Species Regulations 2010 (as amended); or in the Protection of Badgers Act 1992 (as amended).

2 Notable habitats include habitats of principal importance; Local Biodiversity Action Plan (LBAP) habitats; Ancient Woodland Inventory sites; and Important Hedgerows as defined by the Hedgerow Regulations 1997.

3 Notable species include species of principal importance; those listed on LBAPs; Birds of Conservation Concern (Eaton *et al.*, 2009); and/or Red Data Book/nationally notable species (JNCC, undated).

4 Section 41 (S41) of the NERC Act (2006) includes a published list of habitats and species which are of principal importance for the conservation of biodiversity in England. It is used to guide decision-makers such as LPAs in implementing their duty under section 40 of the NERC Act (2006), to have regard to the conservation of biodiversity in England, when carrying out their normal functions. Further details of the NERC Act can be found at: www.opsi.gov.uk/acts/acts2006/ukpga_20060016_en_1.

compiled (Appendix 3), together with an estimate of abundance made according to the DAFOR[5] scale.

2.4 Incidental records of birds and other fauna noted during the course of the habitat survey were also compiled. 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.

2.5 The survey, assessment and report were conducted and written by Rosie Marston BSc, MSc, ACIEEM, an ecologist with over two years' commercial experience who is competent in carrying out botanical surveys and protected species assessments.

PROTECTED SPECIES ASSESSMENT

2.6 An assessment of the site's potential to support protected species has been carried out, based on the results of the desk study, observations made during the site survey, an assessment of the suitability of on-site and adjoining habitat, and information on the distribution of these species. Those species considered potentially present owing to the presence of suitable habitat within the site were evaluated further, as follows:

- the presence of nesting habitat for breeding birds, such as mature trees, dense scrub, hedgerows, and buildings; and evidence of bird nesting including bird song, old nests, faecal marks etc.; and
- the presence of features in, and on trees, indicating potential for roosting bats *Chiroptera* such as fissures, holes, loose bark and ivy *Hedera helix* and those associated with buildings such as cavities, roof voids, hanging tiles, unenclosed soffits etc. A search for direct evidence, such as the presence of bats, staining, droppings and feeding remains was also carried out.

2.7 Due to the lack of suitable habitat and/or their known distribution, it is not considered that the site has potential to support any other protected species. Therefore, only those species listed above are included in the protected species risk assessment in Section 3 of this report.

[5] The DAFOR scale has been used to try and measure the frequency and cover of the different plant species as follows: Dominant (D) - >75% cover, Abundant (A) – 51-75% cover, Frequent (F) – 26-50% cover, Occasional (O) – 11-25% cover, Rare (R) – 1-10% cover, Locally Frequent (LF) is also used where the frequency and distribution is patchy.

2.8 The site was also assessed for its potential to support invasive plant species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended).

2.9 The likelihood of occurrence 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 given species/species group. Local records form 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 given a species/species group. Local records provided by desk study. The site is within/peripheral to a national or regional stronghold. Good quality surrounding habitat and good connectivity.
- **Present** – presence confirmed from the current survey or by recent, confirmed records.

2.10 The purpose of this assessment is to identify whether more comprehensive Phase 2 surveys for protected species or mitigation should be recommended.

SITE EVALUATION

2.11 The site has also been evaluated by broadly following guidance issued by the Institute of Ecology and Environmental Management (IEEM, 2006)[6] which evaluates sites

[6] now the Chartered Institute of Ecology and Environmental Management (CIEEM)

according to a geographic scale (significance at the international level down to the local level) and using a range of criteria for assigning ecological value, as follows:

- presence of sites or features designated for their nature conservation interest. Examples include internationally or nationally designated sites such as Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Sites of Special Scientific Interest (SSSIs), locally designated sites such as Local Nature Reserves (LNRs) and SINCs;
- biodiversity value, for example, habitats or species which are rare or uncommon, species-rich assemblages, species which are endemic or on the edge of their range, large populations or concentrations of uncommon or threatened species, and/or plant communities that are typical of valued natural/semi-natural vegetation types;
- secondary and supporting value, for example, habitats or features which provide a buffer to valued features or which serve to link otherwise isolated features;
- presence of legally protected sites or species; and
- species or habitats of principal importance.

LIMITATIONS

2.12 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.

Data Search

2.13 It is important to note that, even where data is held, a lack of records for a defined geographical area does not necessarily mean that there is a lack of ecological interest, the area may simply be under-recorded.

2.14 Where only four figure grid references are provided for protected species by recorders submitting data, their precise location can be difficult to determine and they could potentially be present anywhere within the given 1km x 1km National grid square.

Habitat Survey

2.15 The Phase 1 habitat survey 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.

Protected Species Assessment

2.16 The protected species assessment provides a preliminary view of the likelihood of protected species occurring on the site. This is based on the suitability of the habitat, known distribution of the species in the local area provided in response to our enquiries, and any direct evidence on the site. It should not be taken as providing 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 protected species may be present.

3 Results

DESK STUDY

Designated Nature Conservation Sites

3.1 The site itself does not receive any statutory[7] or non-statutory[8] nature conservation designations. Within a 1km radius of the site there are no statutory sites and six non-statutory sites (all SINCs). See Table 1 for details.

Table 1: Designated Nature Conservation Sites within 1km of the site

Site Name	Habitats/Species of Interest	Location
Non-statutory Designated Sites (SINCs)		
Sites of Metropolitan Importance		
Regent's Park	**Habitats:** Amenity grassland, pond/lake, scattered trees, scrub and secondary woodland. **Species:** Migrant and breeding birds including one of London's largest heronries and a nationally significant population of pochard *Aythya ferina.* Invertebrates including various butterflies.	0.83km north-west
Sites of Borough Grade II Importance		
Park Square Gardens	**Habitats:** Amenity grassland, flower beds, planted shrubbery, mature scattered trees and secondary woodland. **Species:** Breeding birds including garden warbler *Sylvia borin* and dunnock *Prunella modularis.*	0.70km north-west
Sites of Local Importance		
Gordon Square	**Habitats:** Amenity grassland, planted shrubbery and scattered trees. **Species:** Breeding birds including mistle thrush *Turdus viscivorus.*	0.60km north-east
Russell Square	**Habitats:** Amenity grassland, hedge, planted shrubbery and mature scattered trees.	0.69km east

[7] Principally sites receiving protection under the Wildlife and Countryside Act, 1981 (as amended) and including LNRs, SSSIs, SACs and SPAs, amongst others.

[8] They typically comprise a series of sites designated a county level that are recognised to be of local conservation importance and are often included in LPA development plans. In other areas of the country they are sometimes called SNCIs (Sites of Nature Conservation Importance), CWSs (County Wildlife Sites) or SBIs (Sites of Biological Importance). All are described generally as Local Wildlife Sites by the UK Government.

Table 1: Designated Nature Conservation Sites within 1km of the site

Site Name	Habitats/Species of Interest	Location
Phoenix Garden	**Habitats:** Amenity grassland, flower beds, planted shrubbery, pond/lake, scattered trees and tall herbs. **Species:** Plants and birds including tits and finches.	0.80km south-east
St. James's Garden	**Habitats:** Amenity grassland, planted shrubbery, scattered trees and tall herbs. **Species:** Plants including common stork's-bill *Erodium cicutarium* which is rare in inner London.	0.91km north

Protected, Rare and/or Notable Species

3.2 The data search returned records for a range of taxonomic groups. Below is a summary of the number of species that records were returned for and those that were considered most relevant to the site and could potentially be present are named.

Plants

3.3 The data search returned records for approximately 100 species of vascular and lower plant, however many of these were coarse resolution records that were only accurate to within 10km of the site. Due to the lack of suitable habitats present it was considered unlikely that any protected, rare or notable species would occur on site.

Invertebrates

3.4 The data search returned records for eight species of invertebrate, which were all butterflies and moths. Due to the lack of suitable habitats present it was considered unlikely that any protected, rare or notable species would occur on site.

Birds

3.5 The data search returned records for approximately 40 species of birds. Those species associated with urban habitats that could potentially occur on site include the following:

- herring gull *Larus argentatus* (Birds of Conservation Concern[9] (BoCC) red-list species, species of principal importance, London Biodiversity Action Plan (BAP)

[9] Birds of Conservation Concern status is prioritised into high concern (Red), medium concern (Amber) and low concern (Green) (Eaton *et al*, 2009). Red list species are those that are globally threatened according to the IUCN criteria; those whose population or range has declined rapidly in recent years; and those that have declined historically and have not shown a substantial recent recovery. Amber list species are those with an unfavourable conservation status in Europe; those whose population or range has declined moderately in recent years; those whose population has declined historically but made a substantial recent recovery; rare

priority species and a London Species of Conservation Concern) – three records including a 2004 record located 0.76km north;

- starling *Sturnus vulgaris* (BoCC red-list species, species of principal importance, London BAP priority species and a London Species of Conservation Concern) – 122 records including a 2006 record located 0.16km north;
- house sparrow *Passer domesticus* (BoCC red-list species, species of principal importance, London BAP priority species and a London Species of Conservation Concern) – 26 records including a 2007 record located 0.21km north;
- peregrine *Falco peregrinus* (Schedule 1 species under the Wildlife and Countryside Act 1981(as amended), London BAP priority species and London Species of Conservation Concern) – 8 records with confidential locations, as recent as 2010; and
- black redstart *Phoenicurus ochruros* (Schedule 1 species, BoCC amber-list species and London BAP priority species) – 35 records with confidential locations, between 1985-2005.

3.6 All species of bird are protected under the Wildlife and Countryside Act 1981(as amended) with Schedule 1 species receiving an additional level of protection – see Appendix 4).

Bats

3.7 The data search returned records for four species of bat including common pipistrelle *Pipistrellus pipistrellus,* Nathusius' pipistrelle *Pipistrellus nathusii,* noctule *Nyctalus noctula* and brown long-eared *Plecotus auritus.*

3.8 The closest was a 2007 record for common pipistrelle, located 0.16km north.

3.9 All species of bat are fully protected under the Wildlife and Countryside Act 1981 (as amended) and under The Conservation of Habitats and Species Regulations 2010 (as amended) (see Appendix 4 for the full details of the legislation).

breeders; and those with internationally important or localised populations. Green list species are those that fulfil none of the criteria.

3.10 All of the above species of bat are London BAP priority species. With the exception of common pipistrelle they are also all London Species of Conservation Concern. In addition noctule and brown long-eared bats are species of principal importance.

Invasive species

3.11 The data search returned records for over 20 recognised invasive plant species as listed on the London Invasive Species Initiative (LISI), some of which are also listed under Schedule 9 under the Wildlife and Countryside Act 1981 (as amended). Species associated with urban habitats that could potentially occur on site include butterfly-bush *Buddleia davidii* (LISI only) and Japanese knotweed *Fallopia japonica* (LISI and Sch9).

HABITAT SURVEY

Overview

3.12 The site comprised the main building Arthur Stanley House, two portacabins and other structures, surrounded by areas of hard-standing. A Habitat Map of the site showing locations of Target Notes (TN) is presented in Appendix 1, with photographs in Appendix 2.

Buildings/Structures and Hard-Standing

Building 1

3.13 Arthur Stanley House (Building 1) was a derelict high-rise tower block approximately 50m tall and brick-built (Photograph 1). It featured metal and timber-framed glass windows, some of which had been boarded up. It had a flat roof, some parts of which were clad with bituminous roofing felt. The chimney tower to the north of the building had an opening on it where some of the mesh cover was falling away (Photograph 2). Although the building had deteriorated internally, externally it was overall in general good condition and was fairly well-sealed from the elements. A very limited number of gaps were observed in the brickwork at roof level where there was some crumbling mortar (Photograph 3).

Building 2

3.14 Building 2 comprised two portacabins erected one on top of the other to provide a site office and canteen. Together these were approximately 7m high with metal framed glass windows and were in general good condition.

Building 3

3.15 Building 3 was a small brick structure with a bituminous felt roof.

Hard-standing

3.16 Areas of hard-standing surrounded the buildings and some bryophytes were beginning to colonise the areas with a layer of looser, more gravelly substrate to the north-east of Arthur Stanley House. Also in this area were some small plastic tubs with a small amount of Canadian fleabane *Conyza canadensis* growing out of them.

Scattered scrub

3.17 A single plant of butterfly-bush was present on the brick wall in the north-east corner of the site.

Target Notes

Target Note 1

3.18 Gaps in the brickwork of the building/crumbling mortar.

PROTECTED AND INVASIVE SPECIES ASSESSMENT

3.19 Where the habitats within the site were suitable to support protected species, they were evaluated as to their likelihood to provide sheltering, roosting, nesting and foraging habitat for those species. Those species considered potentially present, and their further evaluations, are:

- breeding birds; and
- bats.

3.20 The site was also assessed for its potential to support invasive plant species including those listed in Section 14 and Part 2 of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

3.21 The likelihood of these species being present is evaluated in Table 2 below. The relevant legislation and policies relating to protected species and invasive plant species are set out in Appendix 4.

Table 2: Assessment of potential presence of protected species and invasive plant species

Species	Main legislation and policy (see Appendix 4)	Reason for consideration	Likelihood of occurrence
Breeding birds	Wildlife and Countryside Act 1981 (as amended) - Schedules 1 to 8.	Suitable habitat for a limited range of breeding birds was present on site. The data search returned numerous records for bird species within 1km of the site, including rare and declining species utilising urban environments such as house sparrow and black redstart.	**LOW –** No evidence of breeding birds was noted during the Phase 1 survey. The relatively large areas of flat roof space and the openings into the building provided suitable nesting habitat for species of bird such as feral pigeon *Columba livia.* However, the adjacent land to the north-east was an active building site at the time of survey causing high levels of noise and disturbance. This could potentially reduce the likelihood of nesting birds being present during the breeding bird season, although some urban species such as feral pigeon habituate to such conditions. Whilst the building is relatively tall and derelict it was considered sub-optimal breeding habitat for rare species such as black redstart as it did not have a complex roof structure and was not a good example of its preferred habitat type (industrial infrastructure particularly along rivers and canals. Note: The River Thames is 1.78km from the site). In addition, there is no high quality foraging habitat in close proximity to the site.
Bats	Wildlife and Countryside Act 1981 (as amended) - Schedule 5. The Conservation of Habitats and Species Regulations 2010 (as amended) - Schedule 2.	Potentially suitable roosting habitat was present on site. The data search returned records for five bat species within 1km of the site, but no confirmed roost sites.	**NEGLIGIBLE** – The main on-site building Arthur Stanley House featured very few opportunities for roosting bats. Opportunities were limited to a small number of gaps in the external brickwork of the building due to crumbling mortar. There were no other habitats on site considered to be potentially suitable. The site was in a dense urban area largely devoid of green space which may be used for foraging, and there were no habitat corridors (such as street trees) leading to or from the site which bats might use to commute. The adjacent land to the north-east was an active building site at the time of survey causing a high amount of from noise and light pollution. Overall, despite a very limited number of features being present, the sites urban location, isolation from foraging/commuting habitat and high level of disturbance is thought to greatly reduce the risk of bats roosting on site.

Table 2: Assessment of potential presence of protected species and invasive plant species

Species	Main legislation and policy (see Appendix 4)	Reason for consideration	Likelihood of occurrence
Invasive plant 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 and commonly found in gardens. A number of commonly planted ornamental species are on the Schedule 9 list. The data search returned a number of records for invasive species within 1km of the site.	**LOW** – The site was dominated by buildings and hard-standing and this provided very little opportunity for invasive species to colonise. A single plant of butterfly-bush was growing out of the wall in the north-east corner of the site which although not listed as a Schedule 9 plant is listed on the London Invasive Species Initiative list.

4 Evaluation

SITE EVALUATION

4.1 Habitats and species on the site were evaluated following standard guidance on ecological impact assessment published by the Institute of Ecology and Environmental Management (IEEM, 2006) using the recommended geographic frame of reference – see Table 3. Key aspects of legislation regarding nature conservation are provided in Appendix 4.

Table 3: CIEEM Evaluation

Criteria	Remarks
Features of International Importance	The site is not subject to any international statutory nature conservation designations. The closest site of international importance is Lee Valley SPA and Ramsar located 8.09km north-east. No impact on the features for which it is designated is expected due to a lack of supporting habitats on-site and distance from the site.
Features of National Importance	The site is not subject to any national statutory nature conservation designations and it is not considered that any habitats or populations or assemblages of species within the site would meet the criteria for the designation of SSSIs at an appropriate geographic level[10]. The closest site of national importance is Hampstead Heath Woods SSSI, located 5.55km north-west. No impact on the features for which it is designated is expected for the same reasons as above.
Features of County (Greater London) Importance	The site is not subject to any non-statutory nature conservation designations such as a SINC and is not known to contain features that would meet the criteria for designation as a Local Wildlife Site following Defra (2006) guidance.
Features of District (Camden) Importance	The site is not thought to support any features of value at this level.
Features of Local (Fitzrovia) Importance	The site has the potential to support breeding birds that are protected and/or species of principal importance. Due to the limited extent of suitable habitat, it is considered likely that any populations of these species (if present) would be of importance up to a local level only.
Features of importance within the immediate vicinity of the site	The habitats present on site are common and widespread habitats of low conservation value but which may assume higher importance where they support protected and/or species of principal importance.
Social Importance	The site is a derelict building no social importance associated with its nature conservation features.

[10] JNCC Guidelines for selection of biological SSSIs (see http://jncc.defra.gov.uk/page-2303#download).

Table 3: CIEEM Evaluation

Criteria	Remarks
Economic Importance	The site is a derelict building with no economic importance associated with its nature conservation features.

PLANNING POLICY

4.2 On the basis of the survey it is considered that The Camden Core Strategy (Camden London Borough Council, 2010), Fitzrovia Area Action Plan (Camden Borough Council, 2014) and The London Plan (Greater London Authority, 2011 – revised 2013) contain a number of key nature conservation policies relevant to the site. A summary of these policies is outlined below and the full text given in Appendix 4.

Table 4: Regional and local planning policies relevant to the site

Policy	Relevance to the site
The Camden Core Strategy	
Policy CS15 – Protecting and improving our parks and open spaces and encouraging biodiversity The council will expect *'provision of new or enhanced habitat, where possible, including through biodiverse green or brown roofs and green walls'* and promote '*the provision of new trees and vegetation, including additional street trees'.*	There may be opportunities to create new areas of vegetation as part of the proposed development including biodiverse green roofs and green walls.
The Fitzrovia Area Action Plan	
Principle 2 – Public open space The Council will expect *'development in Fitzrovia that increases the use of open space to provide new on-site public open space'*	Given the densely built up nature of the area, opportunities may be limited to the creation of open space at roof level in combination with solar panels, gardens/amenity areas on terraces and in courtyards.
The London Plan	
Policy 2.18 Green Infrastructure: The Network of Open and Green Spaces *'Enhancements to London's green infrastructure should be sought from development and where a proposal falls within a regional or metropolitan park deficiency area…it should contribute to addressing this need.* *Development proposals should: a) incorporate appropriate elements of green infrastructure that are integrated into the wider network b) encourage the linkage of green infrastructure…to the wider public realm to improve accessibility for all and develop new links,*	The site falls within a regional or metropolitan park deficiency area. The proposed development should therefore contribute to addressing the need for enhancing London's green infrastructure.

Table 4: Regional and local planning policies relevant to the site

Policy	Relevance to the site
The Camden Core Strategy	
utilising green chains, street trees, and other components of urban greening'.	
Policy 5.11 Green Roofs and Development Site Environs *'Major development proposals should be designed to include roof, wall and site planting, especially green roofs and walls where feasible'*	There may be opportunities to create biodiverse green roofs and green walls as part of the proposed development.
Policy 5.13 Sustainable Drainage *'Development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so'. Drainage should be designed and implemented in ways that deliver…biodiversity, amenity and recreation'.*	There may be opportunities to incorporate SuDS into the proposed development that can deliver for biodiversity such as rain garden planters.
Policy 7.19 Biodiversity and Access to Nature *'Development proposals should: a) wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity b) prioritise assisting in achieving targets in biodiversity action plans (BAPs)…and/or improving access to nature in areas deficient in accessible wildlife sites'.*	There are opportunities for the proposed development to make a positive contribution to the protection, enhancement, creation and management of biodiversity. These opportunities could also assist in achieving targets of the London BAP, and improve access to nature in an area deficient in accessible wildlife sites.

5 Conclusions and Recommendations

CONCLUSIONS

5.1 The site is not subject to any statutory or non-statutory nature conservation designations. The nearest statutory designated site is Hampstead Heath Woods SSSI located 5.55km north-west. The nearest non-statutory designated site is Gordon Square SINC located 0.60km north-east. The proposed development is not anticipated to have any impact on the features for which they are designated due to distance and lack of supporting on-site habitats.

5.2 The site was dominated by buildings and hard-standing. These habitats were considered of value within the immediate vicinity of the site only, but may assume value up to a local level where they support protected and/or notable species.

5.3 The site has low potential to support breeding birds and negligible potential to support bats. Plant species considered invasive within London were confirmed as being present.

5.4 The development proposals involve the removal of the portacabins and the renovation and extension of the existing main building Arthur Stanley House, which have potential to support protected species therefore mitigation is recommended to ensure compliance with legislation.

RECOMMENDATIONS

Mitigation

Breeding birds

5.5 It is recommended that the proposed works are undertaken during September to February inclusive, to avoid any potential offences relating to birds during their main breeding season.

5.6 Alternatively, suitable nesting locations at roof level could be netted off outside of the breeding bird season to deter species using them over the long-term period. This approach would provide greater flexibility for the timing of the work.

5.7 Where netting is not used, and clearance work cannot reasonably be carried out outside of the main breeding season, a search for any nesting birds up to 48 hours prior to clearance must be undertaken. If any nests are found, they are to be protected until such time as the ecologist confirms that the young have fledged. This would involve setting up an exclusion zone/cordon to an appropriate area for the species concerned. Works may then proceed up to, but not within, this exclusion zone. If any nesting birds

are found at any time during clearance works when the ecologist is not present, work must stop immediately and an ecologist consulted immediately for advice on how to proceed.

Other protected species

5.8 No other protected species were considered likely to occur on site and/or be affected by the proposed development. However, should the presence of a protected species be confirmed or suspected during works, these must cease immediately and the advice of a suitably qualified and experienced ecologist must be sought.

London invasive plant species

5.9 It is recommended that butterfly-bush is removed from the site it has potential to damage the wall it is growing on and can readily spread by seed.

5.10 Although this species is not listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) it is an LISI Category 3 species which is considered to be a '*species of high impact or concern which are widespread in London and require concerted, coordinated and extensive action to control/eradicate. These species are species currently causing large scale impacts across London and LISI supports area or catchment wide partnership working to ensure this'* (London Invasive Species Initiative, 2014).

Compensation/Enhancement

5.11 There are opportunities to enhance the biodiversity value of the site beyond the baseline conditions. Those opportunities listed below have been targeted to benefit habitats and species of principal importance and implement national, regional and local planning policies.

Bird boxes

5.12 Recommendations to both compensate for the loss of habitats of potential value to breeding birds, and to enhance the site for this species group include the use of artificial bird boxes. The new on-site buildings could include specially designed features within its structure, for example bird bricks that can be incorporated into walls, soffits or along parapets.

5.13 It is recommended that Schwegler woodcrete boxes should be used as they include a broad range of designs, are long lasting compared to wooden boxes and insulate occupants from extremes of temperature and condensation.

5.14 The landscape planting should also include the provision of native tree and shrub species of value to foraging and nesting birds (see landscape planting below).

Landscape planting

5.15 Where possible planting schemes should incorporate native species and any non-native planting schemes should comprise a high percentage of species of recognised wildlife value. The use of invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) or typically 'aggressive' species should be avoided.

Sustainable Drainage Systems (SuDS)

5.16 The site comprises buildings and hard-standing and as such the use of SuDS schemes are recommended. A linked system comprising green roofs, green walls, rain water harvesting, rain gardens, vegetated swales, below ground drainage and porous surfacing utilising materials such as grasscrete[11] should be considered as part of the master-planning for the site (see examples below). Such systems can increase biodiversity as well as reduce surface water run-off at the site.

5.17 The creation of biodiverse green roofs are recommended as they will assist in delivering objectives of regional and local planning policies and potentially support London BAP species such as house sparrow and black redstart. In addition, the Fitzrovia Area Action Plan recognises that Fitzrovia is *'severely lacking in public open space and access to nature conservation interest'.*

5.18 Any proposals for green roofs should include a specification of proven ecological value for foraging birds and invertebrates as pioneered by the Green Roof Consultancy[12]. Such roofs are typified by substrates of varying type and depth, include dead wood habitat and open areas of vegetation, require low levels of maintenance, and are attractive to people as well as wildlife. They also provide opportunities for natural colonisation by plants and invertebrates. Such roofs are preferable to standard sedum

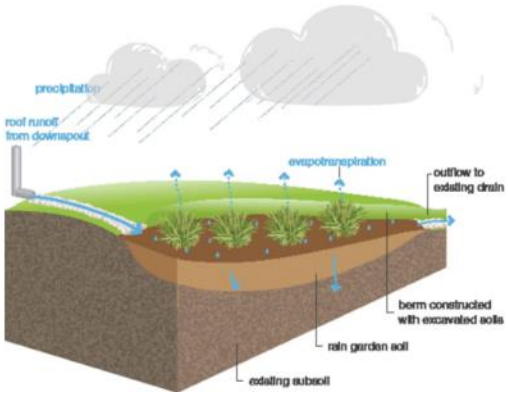
[11] Grasscrete comprises a range of cellular grassed pavement systems made from concrete or plastic and back-filled with recycled materials from the construction process and/or top-soil. The surface can be left to colonise naturally or can be planted with grass and low growing herbs.

[12] Green Roof Consultancy website http://greenroofconsultancy.com

species dominated roofs that deliver little in the way of biodiversity value and ecosystem services as they are typically less species-rich and have a shallower substrate depth[13].

5.19 There may be an opportunity to include rain gardens as part of landscape planting, including tree pits. Rain gardens should be designed to intercept water running off roofs (via drain pipes) and hard surfaces to reduce both the rate and volume of water discharging into the drainage system. These should be planted with species suitable for rain garden conditions and which provide both amenity and wildlife value.

Rain garden planter providing storm water/SuDS feature and amenity/visual value
(Image: The Green Roof Consultancy)



Cross section of typical domestic rain garden
(Image: Bray *et al.*, 2012)

Rain gardens in Toronto taking surface water from car park and pedestrian areas
(Photos: Dusty Gedge)

[13] Please note that the UK's Green Roof Code of Best Practice (GRO, 2014) advocates a minimum depth of 80mm for sedum based green roof installation which for pre-grown sedum mats includes the minimum mat thickness of 20mm. For wildflower based systems (as advocated here) a minimum depth of 100mm to 150mm will be required depending on the plant species specified.

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Appendix 1: Habitat Map

The Ecology Consultancy

Job title
Arthur Stanley House
ECL Job no. 141529 (141275)

Client
Llewellyn Davies

Drawing title
HABITAT SURVEY MAP

Section:	Scale (at A3)
N/A	1:200

Date of survey: 21/11/2014

Surveyor: Surveyor name

Drawn	Checked
RM	WM

Approved	Date
WM	27/11/2014

KEY

- Site boundary
- Buildings/structures
- Hardstanding
- Wall
- Scattered scrub
- Target note

N

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

Appendix 2: Photographs

Photograph 1
Building 1 (Arthur Stanley House).

Photograph 2
Mesh coming away from an opening on the chimney tower of Building 1, providing opportunities for nesting birds.

Photograph 3
Gaps in the brickwork of Building 1.

Appendix 3: Plant Species List

Plant Species List for Arthur Stanley House, Fitzrovia compiled from the Phase 1 habitat survey carried out on 21 November 2014.

Scientific nomenclature and common names for vascular plant follow Stace (2010). Please note that this plant species list was generated as part of a Phase 1 Habitat survey, does not constitute a full botanical survey and should be read in conjunction with the associated Phase 1 Report.

Abundance was estimated using the DAFOR scale as follows:

D = dominant, A = abundant, F = frequent, O = occasional, R = rare, L = locally

SCIENTIFIC NAME	COMMON NAME	ABUNDANCE
Buddleja davidii	Butterfly-bush	R
Conyza canadensis	Canadian fleabane	R

Appendix 4: Legislation and Policy

Important Notice: This section contains details of legislation and planning policy applicable in Britain only (i.e. not including the Isle of Man, Northern Ireland, the Republic of Ireland or the Channel Islands) 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.

A NATIONAL LEGISLATION AFFORDED TO SPECIES

The objective of the EC Habitats Directive[14] is to conserve the various species of plant and animal which are considered rare across Europe. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2010 (as amended) (formerly The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended).

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.

Since the passing of the Wildlife & Countryside Act 1981, various amendments have been made, details of which can be found on www.opsi.gov.uk. Key amendments have been made through the Countryside and Rights of Way (CRoW) Act (2000) and Nature Conservation (Scotland) Act 2004.

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Countryside and Rights of Way (CRoW) Act 2000
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Species and species groups that are protected or otherwise regulated under the aforementioned domestic and European legislation, and that are most likely to be affected by development activities, include herpetofauna (amphibians and reptiles), badger, bats, birds, dormouse, invasive plant species, otter, plants, red squirrel, water vole and white clawed crayfish.

Explanatory notes relating to species protected under The Conservation of Habitats and Species Regulations 2010 (as amended) (which includes smooth snake, sand lizard, great crested newt and natterjack toad), all bat species, otter, dormouse and some plant species) are given below. **These should be read in conjunction with the relevant species sections that follow.**

[14] Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora

- In the Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.
- The Conservation of Habitats and Species Regulations 2010 (as amended) does not define the act of 'migration' and therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered.
- In order to obtain a European Protected Species Mitigation (EPSM) licence, the application must demonstrate that it meets all of the following three 'tests': i) the action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment; ii) that there is no satisfactory alternative and iii) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

Bats

All species of bat are fully protected under The Conservation of Habitats and Species Regulations 2010 (as amended) 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[3]

  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 Mitigation (EPSM) 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 roost[15].

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 (or recklessly in Scotland) kill, injure or take any wild bird
- Intentionally (or recklessly in Scotland) take, damage or destroy (or, in Scotland, otherwise interfere with) 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.
- In Scotland only, intentionally or recklessly obstruct or prevent any wild bird from using its nest

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
- Intentional or reckless disturbance of dependent young of such a bird
- In Scotland only, intentional or reckless disturbance whilst lekking
- In Scotland only, intentional or reckless harassment

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[16]. 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.

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

[16] It should be noted that this is the main breeding period. Breeding activity may occur outside this period (depending on the particular species and geographical location of the site) and thus due care and attention should be given when undertaking potentially disturbing works at any time of year.

Invasive Plant Species

Certain species of plant, including Japanese knotweed *Fallopia japonica,* giant hogweed *Heracleum mantegazzianum* and Himalayan balsam *Impatiens glandulifera* are listed on Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) in respect to Section 14(2). Such species are generally non-natives whose establishment or spread in the wild may be detrimental to native wildlife. Inclusion on Part II of Schedule 9 therefore makes it an offence to plant or otherwise cause these species to grow in the wild.

How is the legislation pertaining to invasive plants liable to affect development works?

Although it is not an offence to have these plants on your land *per se*, it is an offence to *cause* these species to grow in the wild. Therefore, if they are present on site and development activities (for example movement of spoil, disposal of cut waste or vehicular movements) have the potential to cause the further spread of these species to new areas, it will be necessary to ensure appropriate measures are in place to prevent this happening prior to the commencement of works.

Plants: Injurious Weeds

Under the Weeds Act 1959 any land owner or occupier may be required prevent the spread of certain 'injurious weeds' such as spear thistle *Cirsium vulgare*, creeping thistle *Cirsium arvense*, curled dock *Rumex crispus*, broad-leaved dock *Rumex obtusifolius*, and common ragwort *Senecio jacobaea*. It is a criminal offence to fail to comply with a notice requiring such action to be taken. The Ragwort Control Act 2003 establishes a ragwort control code of practice as common ragwort is poisonous to horses and other livestock. This code provides best practice guidelines and is not legally binding.

B NATIONAL AND EUROPEAN LEGISLATION AFFORDED TO HABITATS

Statutory Designations: National

Nationally important areas of special scientific interest, by reason of their flora, fauna, or geological or physiographical features, are notified by the countryside agencies as statutory Sites of Special Scientific Interest (SSSIs) under the National Parks and Access to the Countryside Act 1949 and latterly the Wildlife & Countryside Act 1981 (as amended). As well as underpinning other national designations (such as National Nature Reserves which are declared by the countryside agencies under the same legislation), the system also provides statutory protection for terrestrial and coastal sites which are important within a European context (Natura 2000 network) and globally (such as Wetlands of International Importance). See subsequent sections for details of these designations. Improved provisions for the protection and management of SSSIs have been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales) and the Nature Conservation (Scotland) Act 2004.

The Wildlife & Countryside Act 1981 (as amended) also provides for the making of Limestone Pavement Orders, which prohibit the disturbance and removal of limestone from such designated areas, and the designation of Marine Nature Reserves, for which byelaws must be made to protect them.

Statutory Designations: International

Special Protection Areas (SPAs), together with Special Areas of Conservation (SACs) form the Natura 2000 network. The Government is obliged to identify and classify SPAs under the EC Birds Directive (Council Directive 2009/147/EC (formerly 79/409/EEC)) on the Conservation of Wild Birds). SPAs are areas of the most important habitat for rare (listed on Annex I of the Directive) and migratory birds within the European Union. Protection afforded SPAs in terrestrial areas and territorial marine waters out to 12 nautical miles (nm) is given by The

Conservation of Habitats & Species Regulations 2010 (as amended). The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a mechanism for the designation and protection of SPAs in UK offshore waters (from 12-200 nm).

The Government is obliged to identify and designate SACs under the EC Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora). These are areas which have been identified as best representing the range and variety of habitats and (non-bird) species listed on Annexes I and II to the Directive within the European Union. SACs in terrestrial areas and territorial marine waters out to 12 nautical miles are protected under The Conservation of Habitats & Species Regulations 2010 (as amended). The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a mechanism for the designation and protection of SACs in UK offshore waters (from 12-200 nm).

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and wise use, in particular recognizing wetlands as ecosystems that are globally important for biodiversity conservation. Wetlands can include areas of marsh, fen, peatland or water and may be natural or artificial, permanent or temporary. Wetlands may also incorporate riparian and coastal zones adjacent to the wetlands. Ramsar sites are underpinned through prior notification as Sites of Special Scientific Interest (SSSIs) and as such receive statutory protection under the Wildlife & Countryside Act 1981 (as amended) with further protection provided by the Countryside and Rights of Way (CRoW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. This effectively extends the level of protection to that afforded to sites which have been designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs).

Statutory Designations: Local

Under the National Parks and Access to the Countryside Act 1949 Local Nature Reserves (LNRs) may be declared by local authorities after consultation with the relevant countryside agency. LNRs are declared for sites holding special wildlife or geological interest at a local level and are managed for nature conservation, and provide opportunities for research and education and enjoyment of nature.

Non-Statutory Designations

Areas considered to be of local conservation interest may be designated by local authorities as a Wildlife Site, under a variety of names such as County Wildlife Sites (CWS), Listed Wildlife Sites (LWS), Local Nature Conservation Sites (LNCS), Sites of Biological Importance (SBIs), Sites of Importance for Nature Conservation (SINCs), or Sites of Nature Conservation Importance (SNCIs). The criteria for designation may vary between counties.

Together with the statutory designations, these are defined in local and structure plans under the Town and Country Planning system and are a material consideration when planning applications are being determined. The level of protection afforded to these sites through local planning policies and development frameworks may vary between counties.

Regionally Important Geological and Geomorphological Sites (RIGS) are the most important places for geology and geomorphology outside land holding statutory designations such as SSSIs. Locally-developed criteria are used to select these sites, according to their value for education, scientific study, historical significance or aesthetic qualities. As with local Wildlife Sites, RIGS are a material consideration when planning applications are being determined.

C NATIONAL PLANNING POLICY

National Planning Policy Framework

The National Planning Policy Framework replaced PPS9 and emphasises the need for sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and priority species. An emphasis is also made for the need for ecological networks via preservation, restoration and re-creation. The protection and recovery of priority species – presumably those listed as UK Biodiversity Action Plan priority species – is also listed as a requirement of planning policy. In determining planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from adverse harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

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.

D REGIONAL AND LOCAL PLANNING POLICY

The Camden Core Strategy 2010-2025

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 public 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.

The Fitzrovia Area Action Plan (2014)

Principle 2 - Public open space

The Council will expect development in Fitzrovia that increases the use of open space to provide new on-site public open space. Where on-site provision is not practical, public open space should be provided on an identified site in the vicinity. The Council will implement a range of proposals set out in this Plan to increase and enhance the availability of public open space in Fitzrovia, with particular priority given to green spaces and recreation space for older children.

The London Plan (2011 – Revised 2013)

POLICY 2.18 GREEN INFRASTRUCTURE: THE NETWORK OF OPEN AND GREEN SPACES

Strategic

A 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.

B The Mayor will pursue the delivery of green infrastructure by working in partnership with all relevant bodies, including across London's boundaries, as with the Green Arc Partnerships and Lee Valley Regional Park Authority. The Mayor has published supplementary guidance on the All London Green Grid to set out the strategic objectives and priorities for green infrastructure across London.

C In areas of deficiency for regional and metropolitan parks, opportunities for the creation of green infrastructure to meet this deficiency should be identified and their implementation should be supported, such as in the Wandle Valley Regional Park.

Planning decisions

D Enhancements to London's green infrastructure should be sought from development and where a proposal falls within a regional or metropolitan park deficiency area (broadly corresponding to the areas identified as "regional park opportunities" on Map 2.8), it should contribute to addressing this need.

E 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 5.10).

LDF preparation

F Boroughs should:

a follow the guidance in NPPF paragraphs 73 and 74 and undertake audits of all forms of green and open space and assessments of need. These should be both qualitative and quantitative, and have regard to the cross-borough nature and use of many of these open spaces

b produce open space strategies that cover all forms of open space and the interrelationship between these spaces. These should identify priorities for addressing deficiencies and should set out positive measures for the management of green and open space. These strategies and their action plans need to be kept under review. Delivery of local biodiversity action plans should be linked to open space strategies.

c ensure that in and through DPD policies, green infrastructure needs are planned and managed to realise the current and potential value of open space to communities and to support delivery of the widest range of linked environmental and social benefits

d In London's urban fringe support, through appropriate initiatives, the Green Arc vision of creating and protecting an extensive and valued recreational landscape of well-connected and accessible countryside around London for both people and for wildlife.

POLICY 5.11 GREEN ROOFS AND DEVELOPMENT SITE ENVIRONS

Planning decisions

A Major development proposals should be designed to include roof, wall and site planting, especially green roofs and walls where feasible, to deliver as many of the following objectives as possible:

a adaptation to climate change (ie aiding cooling)
b sustainable urban drainage
c mitigation of climate change (ie aiding energy efficiency)
d enhancement of biodiversity
e accessible roof space
f improvements to appearance and resilience of the building
g growing food.

LDF preparation

B Within LDFs boroughs may wish to develop more detailed policies and proposals to support the development of green roofs and the greening of development sites. Boroughs should also promote the use of green roofs in smaller developments, renovations and extensions where feasible.

POLICY 5.13 SUSTAINABLE DRAINAGE

Planning decisions

A Development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible in line with the following drainage hierarchy:

1 store rainwater for later use
2 use infiltration techniques, such as porous surfaces in non-clay areas
3 attenuate rainwater in ponds or open water features for gradual release
4 attenuate rainwater by storing in tanks or sealed water features for gradual release
5 discharge rainwater direct to a watercourse
6 discharge rainwater to a surface water sewer/drain
7 discharge rainwater to the combined sewer.

Drainage should be designed and implemented in ways that deliver other policy objectives of this Plan, including water use efficiency and quality, biodiversity, amenity and recreation.

LDF preparation

B Within LDFs boroughs should, in line with the Flood and Water Management Act 2010, utilise Surface Water Management Plans to identify areas where there are particular surface water management issues and develop actions and policy approaches aimed at reducing these risks.

POLICY 7.19 BIODIVERSITY AND ACCESS TO NATURE

Strategic

A The Mayor will work with all relevant partners to ensure a proactive approach to the protection, enhancement, creation, promotion and management of biodiversity in support of the Mayor's Biodiversity Strategy. This means planning for nature from the beginning of the development process and taking opportunities for positive gains for nature through the layout, design and materials of development proposals and appropriate biodiversity action plans.

B Any proposals promoted or brought forward by the London Plan will not adversely affect the integrity of any European site of nature conservation importance (to include special areas of conservation (SACs), special protection areas (SPAs), Ramsar, proposed and candidate sites) either alone or in combination with other plans and projects. Whilst all development proposals must address this policy, it is of particular importance when considering the following policies within the London Plan: 1.1, 2.1-2.17, 3.1, 3.3, 5.14, 5.15, 5.17, 5.20, 6.3, 7.14, 7.15, 7.25 and 7.26. Whilst all opportunity and intensification areas must address the policy in general, specific locations requiring consideration are referenced in Annex 1.

Planning decisions

C Development Proposals should:

a wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity

b prioritise assisting in achieving targets in biodiversity action plans (BAPs), set out in Table 7.3, and/or improving access to nature in areas deficient in accessible wildlife sites

c not adversely effect the integrity of European sites and be resisted where they have significant adverse impact on European or nationally designated sites or on the population or conservation status of a protected species or a priority species or habitat identified in a UK, London or appropriate regional BAP or borough BAP.

D On Sites of Importance for Nature Conservation development proposals should:

a give the highest protection to sites with existing or proposed international designations17 (SACs, SPAs, Ramsar sites) and national designations18 (SSSIs, NNRs) in line with the relevant EU and UK guidance and regulations

b give strong protection to sites of metropolitan importance for nature conservation (SMIs). These are sites jointly identified by the Mayor and boroughs as having strategic nature conservation importance

c give sites of borough and local importance for nature conservation the level of protection commensurate with their importance.

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

1 avoid adverse impact to the biodiversity interest

2 minimize impact and seek mitigation

3 only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.

LDF preparation

F In their LDFs, Boroughs should:

a use the procedures in the Mayor's Biodiversity Strategy to identify and secure the appropriate management of sites of borough and local importance for nature conservation in consultation with the London Wildlife Sites Board.

b identify areas deficient in accessible wildlife sites and seek opportunities to address them

c include policies and proposals for the protection of protected/priority species and habitats and the enhancement of their populations and their extent via appropriate BAP targets

d ensure sites of European or National Nature Conservation Importance are clearly identified.

e identify and protect and enhance corridors of movement, such as green corridors, that are of strategic importance in enabling species to colonise, re-colonise and move between sites

E BIODIVERSITY ACTION PLANs (BAPs)

The UK BAP was published in 1994 to comply with obligations under the Convention on Biological Diversity (The Biodiversity Treaty, 1992). It described the UK's biological resources and committed to developing detailed plans to conserve these recourses i.e. Habitat Action Plans and Species Action Plans. The most up to date targets and actions, including latest

[17] Designated under European Union Council Directive on the conservation of wild birds (79/409/EEC) 1992, European Union Council Directive on the conservation of natural habitats and of wild fauna and flora (92/43/EEC) 1992 and Ramsar Convention on wetlands of international importance especially as waterfowl habitat 1971

[18] Designated under the Wildlife and Countryside Act 1981 as amended by the Countryside Rights of Way Act 2000

progress reports, for UK HAPs and SAPs can be viewed on the DEFRA website[19]. Running parallel to this, Local Planning Authorities (LPAs) promoted habitat and species conservation at a county and district/borough level through their development of Local BAPs (LBAPs).

Since the publication of these BAPs, new strategies and frameworks have resulted in the devolvement of biodiversity issues and changes in the terminology used to describe these habitats and species in England. This has been brought about through the replacement of the previous England Biodiversity Strategy with *Biodiversity 2020: A Strategy For England's Wildlife and Ecosystem Services* (2011) and the replacement of the UK BAP itself with the *UK Post-2010 Biodiversity Framework* (2012).

All previous UK BAP species and habitats are still of material consideration in the planning process but are now referred to as Habitats and Species of Principal Importance for the Conservation of Biodiversity in England as listed in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The promotion of priority habitats and species in LBAPs are also of material consideration in the planning process.

The London BAP is delivered by the London Biodiversity Partnership for important habitats and species within the Greater London area. For more details on the London BAP visit http://www.lbp.org.uk/index.htm.

[19] DEFRA website http://ukbars.defra.gov.uk/plans/national.asp?S=&L=1&O=&SAP=&HAP=&submitted=1&flipLang=&txtLogout

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