125 Shaftesbury Avenue

Preliminary Ecological Appraisal

SEPTEMBER 2016

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This document has been prepared and checked in accordance with
Waterman Group's IMS (BS EN ISO 9001: 2008, BS EN ISO 14001: 2004 and BS OHSAS 18001:2007)

Issue	Date	Prepared by	Checked by	Approved by
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Comments

Disclaimer

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We disclaim any responsibility to the client and others in respect of any matters outside the scope of the above.

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1. Introduction

Waterman Infrastructure & Environment Limited (Waterman IE) was commissioned by Almacantar Shaftesbury S.á.r.l (hereafter the 'Applicant') to undertake a Preliminary Ecological Appraisal (PEA) of 125 Shaftesbury Avenue (hereafter the 'Site'); a building located within the London Borough of Camden (LBC), as shown in **Figure 1**.

The Site is approximately 0.35ha in area and is centred on National Grid Reference TQ 299 811.

The Site comprises a nine storey building. The building is fully occupied and comprises retail use on the ground floor and mezzanine, and office use on the first to ninth storeys. The basement is used for ancillary, office and retail use and car parking. The building is of concrete construction with a one-layer brick façade. There are terraces on multiple floors, internal courtyards and multiple roof spaces present.

The Site is bound by:

- Charing Cross Road to the west;
- Shaftesbury Avenue and Stacey Street to the east;
- Mixed use buildings and Shaftesbury Avenue to the south; and
- Mixed use buildings and Phoenix Street to the north.

The development proposals (hereafter referred to as the 'Development') comprise of the remodelling, refurbishment and extension of the existing building to provide retail and office entrances on the ground floor, and office floor space on the upper storeys. The Development includes extending the height of the existing building by two storeys, from ground plus nine to ground plus 11 storeys, albeit the 11th storey is significantly smaller when compared to the 10th storey. The proposed basement would involve the reduction of the ancillary retail space to include bike storage and changing facilities, a sub-station and building maintenance rooms. Plant rooms would also be primarily located in the basement and seventh storey with additional air conditioning, and roof plant above the seventh floor and photovoltaics on the roof above the eleventh storey. The Development would also provide improvements to the public realm, highways, servicing and landscaping.

The purpose of this PEA is to:

- Establish and evaluate the current ecological value of the Site;
- Identify any ecological issues, highlighted through the PEA that could constrain the Development in relation to relevant nature conservation planning policy and legislation;
- Make recommendations for further survey and assessment work, if required, to enable the Development works to be carried out; and
- Recommend initial ecological mitigation in association with the PEA, where required, and identify opportunities for ecological enhancement, in line with planning policy and legislation and to inform the design process.

2. Legislation and Planning Policy

2.1 Legislation

Specific habitats and species receive legal protection in the UK under various pieces of legislation, including:

- The Conservation of Habitats and Species (Amendment) Regulations 2010[1];
- The Wildlife and Countryside Act 1981 (WCA) (as amended)[2];
- The Countryside and Rights of Way (CRoW) Act 2000[3]; and
- The Natural Environment and Rural Communities (NERC) Act 2006[4].

Where relevant, this PEA takes account of the legislative protection afforded to specific habitats and species.

2.2 Planning Policy

2.2.1 National Planning Policy

National Planning Policy Framework, 2012

The National Planning Policy Framework[5] (NPPF) was adopted in March 2012. Section 11 (outlined below) of the NPPF 'Conserving and Enhancing the Natural Environment' effectively replaces Planning Policy Statement 9: Biodiversity and Geological Conservation. However, Government Circular 06/05, Biodiversity and Geological Conservation: 'Statutory Obligations and Their Impact within the Planning System'[6], remains valid and is referenced in the NPPF.

The NPPF encourages the planning system to contribute to and enhance the natural and local environment. This should be achieved by:

- "*Protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *Recognising the wider benefits of ecosystem services;*
- *Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government's commitment to halt the overall decline in biodiversity, including by establishing ecological networks that are more resilient to current and future pressures;*
- *Preventing both new and existing development from contributing to or being put at an unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*
- *Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate*".

The NPPF also requires that Local Planning Authorities (LPAs), when determining planning applications, should seek to conserve and enhance biodiversity, by applying the following principles:

- "*Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted; and*

[1] HMSO (2010) 'The Conservation of Habitats and Species Regulations (as amended)'
[2] HMSO (1981) 'Wildlife and Countryside Act 1981 (as amended)'
[3] HMSO (2000) 'The Countryside and Rights of Way Act'
[4] ODPM (2006) 'Natural Environment and Rural Communities Act'
[5] Department of Communities and Local Government (March 2012) 'National Planning Policy Framework, 2012'.
[6] Office of the Deputy Prime Minister (August 2005) 'Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

- *Opportunities to incorporate biodiversity in and around developments should be encouraged*".

The NPPF also advises that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Planning Practice Guidance, 2014

The Government's Planning Practice Guidance[7] (NPPG) is intended to provide guidance to LPAs and developers on the implementation of the planning policies set out within the NPPF. The guidance of most relevance to ecology and biodiversity is the Natural Environment Chapter, which explains key issues in implementing policy to protect biodiversity, including local requirements.

2.2.2 Regional Planning Policy

The London Plan: The Spatial Development Strategy for London (consolidated with alterations since 2011), 2015

The London Plan: 'The Spatial Development Strategy for London'[8] (London Plan) sets out the overall strategic plan, setting out a framework for development over the next 20 to 25 years and includes a number of policies relating to ecology. Key to the London Plan is Policy 7.19 'Biodiversity and Access to Nature' which sets out the Mayor's policy in relation to biodiversity and access to nature. In outline, it includes the following:

"*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;*

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 improve access to nature in areas deficient in accessible wildlife sites;*
- *c) Not adversely affect 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".*

The Mayor's Biodiversity Strategy: Connecting with London's Nature, 2002

The Mayor's Biodiversity Strategy[9] complements the adopted London Plan. It sets out how London's biodiversity can be protected. Relevant policies within the Biodiversity Strategy include:

- Policy 1: "*The Mayor will work with partners to protect, manage and enhance London's biodiversity*";
- Policy 3: "*The Mayor will encourage and promote the management, enhancement and creation of green space for biodiversity, and promote public access and appreciation of nature*";

[7] Department for Communities and Local Government. (2014). *National Planning Practice Guidance*. DCLG, London.
[8] Mayor of London (2015) *London Plan, Spatial Development Strategy for Greater London*. *March 2015*. Available from http://www.london.gov.uk/priorities/planning/londonplan
[9] Mayor of London (2002): 'The Mayor's Biodiversity Strategy: Connecting with London's Nature'

- Policy 5: "*The Mayor will seek to ensure that opportunities are taken to green the built environment within development proposals and to use open spaces in ecologically sensitive ways. This is particularly important in areas deficient in open spaces and in areas of regeneration*"; and
- Policy 13: "*The Mayor is committed to increasing the funding for biodiversity projects in London, and wishes to ensure that major new development projects include provision for biodiversity".*

Supplementary Planning Guidance for Sustainable Design and Construction, 2014

The Mayor republished the Supplementary Planning Guidance (SPG) for 'Sustainable Design and Construction' in April 2014[10]. The SPG refers to nature conservation and biodiversity and suggests that in order to conserve and enhance the natural environment and biodiversity, there should be no net loss in the quality and quantity of biodiversity across a site. The SPG also states that developments should be designed so the biodiversity is enhanced and connectivity between patches of urban habitat is increased. The design of the development should reduce indirect adverse impacts of the development on species, habitats and landscapes.

2.2.3 Local Planning Policy

Camden Local Development Framework, Camden Core Strategy, 2010-2025 (Adopted November, 2010)

Policy CS15 of LBC's Core Strategy[11] sets out relevant requirements to protect and improve parks, open spaces and to encourage biodiversity. Specifically, policy CS15 sets out to:

- "*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;'*
- *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:*
  - Designating existing nature conservation sites;
  - Protecting other green areas with nature conservation value, including gardens, where possible;
  - Seeking to improve opportunities to experience nature, in particular in South and West Hampstead, Kentish Town and central London, where such opportunities are lacking;
  - Expecting the provision of new or enhanced habitat, where possible, including through biodiverse green or brown roofs and green walls;
  - Identifying habitat corridors and securing biodiversity improvements along gaps in habitat corridors;
  - 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;
  - Protecting trees and promoting the provision of new trees and vegetation, including additional street trees."

Also relevant to the Development and this report, Policy CS15, with regards to habitat creation, states:

"*There are limited opportunities to provide new ground-level habitats in the borough due to lack of space. Whilst the provision of habitat at ground level is important, there are opportunities on new and existing buildings to provide habitats in the form of green or brown roofs and green walls. We will expect developments to provide opportunities for biodiversity within the fabric and curtilage of buildings. Where redevelopment occurs on sites adjacent to existing wildlife sites we will expect developers to provide*

[10] Greater London Authority (April 2014) Sustainable Design and Construction Supplementary Planning Guidance, London.
[11] London Borough of Camden (LBC) (2010) Camden Local Development Framework, Camden Core Strategy, 2010-2025, Pre-Adoption Version, September 2010

additional habitat of an appropriate scale. We will favour the provision of habitat for species identified in the Camden and London Biodiversity Action Plans. Where we secure additional land for nature conservation we will work with local nature conservation groups and social and corporate volunteers that help protect and enhance these new spaces in addition to the Council's existing Local Nature Reserves. Please see the Council's Camden Planning Guidance supplementary document for information on ways to improve biodiversity and on our areas of nature conservation deficiency."

Camden Local Development Framework, Camden Development Policies, Adopted November 2010[12]

DP31 (Provision of, and improvements to, open space and outdoor sport and recreation facilities) of the Development Policies supports Policy CS15 of the Core Strategy; however, this focusses primarily on open space, not biodiversity.

DP22 (promoting sustainable design and construction) sets out an approach that should minimise the effects of climate change, promote the creation of habitats and conservation of biodiversity.

2.2.4 Camden Planning Guidance 3 - Sustainability

Camden Planning Guidance 3 – 'Sustainability'[13] (CPG 3) provides specific guidance on biodiversity. CPG 3 outlines the following key messages:

"Proposals should demonstrate:

- *How biodiversity considerations have been incorporated into the development;*
- *If any mitigation measures will be included; and*
- *What positive measures for enhancing biodiversity are planned".*

The CPG 3 document also contains guidance with regards to the provision of brown roofs, green roofs and green walls. The document provides descriptions of each habitat in addition to the different types and when they should be applied. The key messages of this guidance are:

- "*All developments should incorporate green and brown roofs;*
- *The appropriate roof or wall will depend on the development, the location and other specific factors; and*
- *Specific information needs to be submitted with applications for green / brown roofs and walls."*

2.3 Biodiversity Action Plans

2.3.1 UK Post-2010 Biodiversity Framework

The Environment Departments of all four governments in the UK work together through the Four Countries Biodiversity Group. Together they have agreed, and Ministers have signed, a framework of priorities for UK-level work for the Convention on Biological Diversity. Published on 17 July 2012, the 'UK Post-2010 Biodiversity Framework'[14] covers the period from 2011 to 2020. This now supersedes the UK Biodiversity Action Plan (UK BAP)[15]. However, many of the tools developed under UK BAP remain of use, for example, background information about the lists of priority habitats and species. The lists of priority species and habitats agreed under UK BAP still form the basis of much biodiversity work in the countries.

[12] Camden Development Policies: London Borough of Camden (LBC) (2010) Camden Local Development Framework, Camden Core Strategy, 2010-2025, Pre-Adoption Version, September 2010
[13] LBC (2011) Camden Planning Guidance 3: Sustainability.
[14] JNCC and DEFRA (on behalf of the Four Countries' Biodiversity Group). 2012. UK Post-2010 Biodiversity Framework. July 2012. Available from: http://jncc.defra.gov.uk/page-6189
[15] HMSO (1994) *Biodiversity The UK Action Plan*

Although the UK Post-2010 Biodiversity Framework does not confer any statutory legal protection, in practice many of the species listed already receive statutory legal protection under UK and / or European legislation. In addition, the majority of Priority national (English) BAP habitats and species are now those listed as Habitats of Principal Importance (HoPI) and Species of Principal Importance (SoPI) in England (listed under Section 41 of the NERC Act 2006[16]). For the purpose of this report, habitats and species listed under Section 41 of the NERC Act are referred to as having superseded the UK BAP. All public bodies have a legal obligation or 'biodiversity duty' under Section 40 of the NERC Act 2006 to conserve biodiversity by having particular regard to those species and habitats listed under Section 41.

From the findings of the Ecological Data Search and 'Extended' Phase 1 Habitat Survey, there are no HoPI or SoPI which are considered to be of value on or immediately adjacent to the Site.

2.3.2 Local Biodiversity Action Plans

As part of the action plan process, local BAPs (LBAPs) must also be produced for every local authority in the UK. The Site is covered by the London BAP[17] (LBAP) and Camden BAP[18] (CBAP). The London and Camden BAPs set out the framework for the protection, conservation and enhancement of wildlife within London and the London Borough of Camden.

From the findings of this PEA, the following Habitat Action Plans (HAP) and Species Action Plans (SAP) are considered relevant:

- House sparrow (LBAP & CBAP);
- Starling (LBAP & CBAP);
- All UK Bat Species (SAP) (CBAP); and
- Built Environment (HAP) (CBAP).

2.4 Preliminary Ecological Appraisal

This section summarises the methodologies used for undertaking the PEA based on current guidelines[19]. This included an ecological data search, 'Extended' Phase 1 Habitat Survey and an external building inspection for roosting bats. The basis for evaluating the ecological resources is also described in this section.

2.4.1 Ecological Data Search

The aim of an ecological data search is to collate existing ecological records for the Site and adjacent areas. Obtaining existing records is an important part of the evaluation process because it provides additional information that may not be apparent during a site survey.

An ecological data search was undertaken in September 2015, during which all records of protected species and / or other notable fauna and flora within 2km of the centre of the Site were requested from Greenspace Information for Greater London (GiGL) / ecountability. Given the scale and context of the Site, together

[16] Natural Environment and Rural Communities Act' Section 41 '*Habitats and Species of Principal Importance'* (2010): http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx

[17] The London Biodiversity Partnership (2004) London Biodiversity Action Plan: http://ukbars.defra.gov.uk/archive/plans/LondonBAPLondon BAP_plans.asp?London_BAPLondon BAP=%7B5215DDB3%2DA164%2D46E3%2DA8E3%2DC8858A6F54AC%7D&CO=

[18] London Borough of Camden (2013) Camden Biodiversity Action Plan. http://www.camden.gov.uk/ccm/content/leisure/outdoor-camden/wildlife-and-nature-conservation/camden-biodiversity-action-plan.en

[19] Chartered Institute of Ecology and Environmental Management (2013). *Guidelines for Preliminary Ecological Assessment.* Technical Guidance Series.

with the limited habitats recorded, it was considered that undertaking a search of records within 2km of the centre of the Site would provide sufficient data to inform this PEA.

Records of important statutory and non-statutory sites designated for their nature conservation value were also requested from GiGL / ecountability within 2km of the Site and also obtained from the Multi-Agency Geographic Information for the Countryside (MAGIC)[20]. Sites with statutory, national or international designations could typically include Local Nature Reserves (LNR), notified or candidate Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR), Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites.

In addition, SoPI and HoPI on Section 41 of the NERC Act, as well as the LBAP and CBAP, were reviewed for the habitats and species of importance, to assign an ecological context to the Site.

2.4.2 'Extended' Phase 1 Habitat Survey

An 'Extended' Phase 1 Habitat Survey of the Site was undertaken on 30th October 2015 using the Joint Nature Conservancy Council (JNCC, 2010)[21] standard 'Phase 1' survey technique. The Phase 1 Habitat Survey methodology was 'Extended' by undertaking an assessment of the Site's potential to support protected and / or notable faunal species. All habitat types within the Site were mapped (**Figure 2**). Where access allowed, adjacent habitats were also mapped to assess the ecological value of the Site within the wider landscape.

2.4.3 External Building Inspections for Bat Roost Potential

An external building inspection for bats was undertaken at the Site in combination with the 'Extended' Phase 1 Habitat Survey. The survey was based on current best practice guidelines[22].

An assessment of the building was made in terms of its suitability to support roosting bats. The survey consisted of a visual inspection of the exterior of each building for evidence of bat use (e.g. droppings, scratch marks, staining and sightings). A number of factors were considered, including presence of features suitable for use by roosting bats, proximity to foraging habitats or cover and potential for disturbance. Notes were made relating to relevant characteristics of features providing potential access points and roosting opportunities for bats. Based on the findings of the external inspections, a potential rating for each building to be used as a bat roost was assigned.

2.4.4 Evaluation

The PEA evaluation of habitats and species is based on published guidance[23] and does not constitute a full Ecological Impact Assessment (EcIA). The value of specific ecological features is assigned using a geographic frame of reference, i.e. international and European value being the most important, followed by national, regional, metropolitan / county / vice-county, district, borough and local value. For purposes of this PEA, features which are assessed to have below a district, borough or local value, are assigned a geographical frame of reference of either Site value or where the feature has low or limited ecological value, a negligible ecological value has been assigned.

Value judgements are based on various characteristics that can be used to identify ecological resources or features likely to be important in terms of biodiversity. These include site designations (such as SSSIs), or for undesignated features, the size, conservation status (locally, nationally or internationally), and the

[20] Multi Agency Geographical Information for the Countryside. (MAGIC) [On-line]. Available from http://magic.defra.gov.uk/
[21] JNCC (2010). Handbook for Phase 1 Habitat Survey. Nature Conservancy Council.
[22] Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London. ISBN-13 978-1-872745-96-1
[23] CIEEM (2016). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, Second Edition. Chartered Institute of Ecology and Environmental Management, Winchester.

quality of the ecological resource. In terms of the latter, 'quality' can refer to habitats (for instance if they are particularly diverse, or a good example of a specific habitat type), other features (such as wildlife corridors or mosaics of habitats) or species populations or assemblages.

Value judgements are also based on the Ecologist's academic and professional qualifications, in addition to past experience of undertaking similar assessments.

2.4.5 Constraints and Limitations

Although the Site survey was conducted outside of the optimal season for survey (April to September) when the majority of plant species are visible, the timing of the survey was considered suitable given the context of the Site within its surroundings and the habitats it supports. All plants were identified through their floristic (where possible) and vegetative characteristics.

All other contractors, designers and the client should be aware of the following: the design recommendations within this report are assessed to be the most effective ecological solution at this stage of the project. No other pre-construction information has been provided, obtained or referred to during the preparation of this report (including, but not limited to, services information, geotechnical reports and ordnance reports). In deciding whether and how to progress with this project, it will be incumbent upon the client, designers and contractors to obtain and refer to relevant pre-construction and maintenance information, as required by the Construction (Design and Management) Regulations to ensure compliance. Waterman can assist with the development and co-ordination of this design to support effective risk management on this project, upon request.

3. Results

3.1 Ecological Data Search

3.1.1 Designated Sites

Statutory Sites

The Site is not subject to any statutory ecological designations. Furthermore, there are no statutory designated sites located within 2km of the Site.

Non-Statutory Sites

The Site is not subject to any non-statutory designations. However, there are 31 non-statutory sites within a 2km radius of the Site. Within London, Sites of Importance for Nature Conservation (SINCs) are recognised in three tiers including; Sites of Metropolitan Importance (SMI), Sites of Borough Importance (grade borough I and borough II) (SBI I and SBI II), and Sites of Local Importance (SLI). Non-statutory designated sites within 1km of the Site are summarised in **Table 1** below.

Table 1: Desk-based Study Records of Designated Sites within 1km of the Site

Site Name	Designation	Approximate Distance from Centre of the Site	Description / Citation
Non-statutory Sites / Designations			
River Thames and Tidal Tributaries	SMI	0.9km south	The Thames, London's most famous natural feature, is home to many fish and birds; creating a wildlife corridor running right across the capital.
St James's Park	SMI	1km south-west	These three formal parks and gardens together form a very large area of open space in central London, where a range of habitats support a surprising diversity of birds and other wildlife.
Marlborough House Garden	SBI I	0.1km west	The large lawn of the Commonwealth Secretariat's garden contains a surprising range of wild flowers, probably the best in Westminster.
Russell Square	SLI	0.9km north-east	One of the largest London squares, with good numbers of mature trees.
Lincoln Inn Gardens	SLI	0.9km east	The largest of the London squares is well known for its magnificent old plane trees, some of the first to be planted in Britain.

3.1.2 Protected and Other Notable Species

A summary of the most significant records of legally protected or otherwise notable species of flora and fauna within 2km of the Site are summarised in **Table 2** below. Full results can be obtained from the data providers but cannot be presented in this report as a result of copy right.

Table 2: Desk-based Study Records of Flora and Fauna within 2km of the Site

Species	Distance from Centre of the Site	Protection / Status
Amphibians Common frog *Rana temporaria*	Closest record of an amphibian to the Site is 1,162m north. The latest record is dated 2004.	All common amphibians receive partial protection under the Wildlife and Countryside Act 1981 (as amended).
Bats Serotine *Eptesicus serotinus* (LBAP), Leisler's *Nyctalus leisleri* (LBAP & CBAP), Noctule *Nyctalus noctula* (S41, LBAP & CBAP), Nathusius' pipistrelle *Pipistrellus nathusii* (LBAP & CBAP), common pipistrelle *Pipistellus pipistrellus* (LBAP & CBAP), soprano pipistrelle *Pipistrellus pygmaeus* (S41, LBAP & CBAP), long-eared species *Plecotus* sp. (S41 & LBAP) and unknown bat species *Vespertilionidae* sp (LBAP).	The closest record of a bat is located 338m north. The latest record is dated 2012.	All bat species are fully protected under The Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). **S41 – listed under Section 41 of the NERC Act 2006.** **LBAP – Species listed on the London Biodiversity Action Plan.** **CBAP – Species listed on the Camden Biodiversity Action Plan.**
Birds Lesser black-backed gull *Larus fuscus*, herring gull *Larus argentatus* (S41 & LBAP), house sparrow *Passer domesticus* (S41 & LBAP), black redstart *Phoenicurus ochruros* (S1, LBAP), song thrush *Turdus philomelos* (LBAP & S41), starling *Sturnus vulgaris* (LBAP & S41), dunnock *Prunella modularis* (LBAP & S41) and swift *Apus apus* (LBAP)	In total, 8 bird species considered relevant to the Site (associated with highly urbanised areas) are present within the 2km search area. None of the records are directly from the Site itself.	All breeding birds (with some exceptions for pest species) are protected under current UK legislation through the **Wildlife and Countryside Act 1981 (as amended)**. Schedule 1 (S1) Species of the Wildlife & Countryside Act 1981 (as amended): birds and their young, for which it is an offence to intentionally or recklessly disturb at, on or near an 'active' nest. S41 – bird species listed under S41 of the NERC Act 2006. **LBAP – species listed on the London Biodiversity Action Plan.**
Invertebrates Purple emperor *Apatura iris* (LBAP), White ermine *Spilosoma lubricipeda* (S41 & LBAP), cinnabar *Tyria jacobaeae* (S41 & LBAP), stag beetle *Lucanus cervus* (S41, LBAP), grey dagger *Acronicta psi* (LBAP & S41), knot grass *Acronicta rumicis* (S41 & LBAP), centre-barred sallow *Atethmia centrago* (S41 & LBAP), dark brocade *Blepharita adusta* (S41), goat moth	Within 2km of the Site. None of the records are from the Site itself.	LBAP – species listed on the London Biodiversity Action Plan. S41 – Species listed under S41 of the NERC Act 2006.

Species	Distance from Centre of the Site	Protection / Status
Cossus cossus (S41 & LBAP), small square-spot *Diarsia rubi* (S41 & LBAP), August thorn *Ennomos quercinaria* (S41 & LBAP), ghost moth *Hepialus humuli* (S41 & LBAP), rustic *Hoplodrina blanda* (S41 & LBAP), brindled beauty *Lycia hirtaria* (S41 & LBAP), shoulder-striped wainscot *Mythimna comma* (S41 & LBAP), large wainscot *Rhizedra lutosa* (S41) and mullein wave *Scopula marginepunctata* (S41 & LBAP).		
Flora Annual knawel *Scleranthus annuus* (S41, LBAP), cornflower *Centaurea cyanus* (S41), chamomile *Chameamelum nobile* (S41 & LBAP), bluebell *Hyacinthoides non-scripta* (S8), black poplar *Populus nigra* subsp. *betulifolia* (LBAP) and triangular club-rush *Schoenoplectus triqueter* (S41, LBAP & S8).	Within 2km of the Site. None of the records are from the Site itself.	S8 – Schedule 8 of The Wildlife and Countryside Act 1981 (as amended). S41 – Species listed under S41 of the NERC Act 2006 LBAP – species listed on the London Biodiversity Action Plan.
Invasive Species Ring-necked parakeet *Psittaclua krameri* (S9), oak processionary *Thaumetopoea processionea,* tree-of-heaven *Ailanthus altissima,* three-cornered garlic *Allium triquetrum,* butterfly-bush *Buddleja davidii,* wall cotoneaster *Cotoneaster horizontalis,* Japanese knotweed *Fallopia japonica* (S9), knotweed *Falloipa japonica x sachalinensis = F. x bohemica,* gallant soldier *Galinsoga parviflora,* shaggy soldier *Gallinsoga quadriradiata,* giant rhubarb *Gunnera tinctoria,* giant hogweed *Heracleum mantegazzianum* (S9), Spanish bluebell *Hyacinthoides hispanica,* highclere holly *Ilex aquifolium x parado = I. x altaclerensis,* orange balsam *Impatiens capensis,* Indian balsam *Impatiens glandulifera,* small balsam *Ipatiens parviflora,* blue passionflower *Passiflora caerulea,* foxglove-tree *Paulownia tomentosa,* green alkanet *Pentaglottis sempervirens,* cherry laurel *Prunus laurocerasus,* Turkey oak *Quercus*	Within 2km of the Site.	Species noted are listed under the London Invasive Species Initiative. S9 – species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

Species	Distance from Centre of the Site	Protection / Status
cerris, evergreen oak *Quercus ilex,* rhododendron *Rhododendron ponticum,* false-acacia *Robinia pseudoacacia* (S9), perfoliate Alexanders *Smyrnium perfoliatum* and snowberry *Symphoricarpos albus.*		

3.2 'Extended' Phase 1 Habitat Survey

3.2.1 Habitats

The following habitat types, described in more detail below, were identified on the Site during the 'Extended' Phase 1 Habitat Survey:

- Buildings; and
- Hardstanding.

A description of the habitats on and adjacent to Site are described below and illustrated on **Figure 2.**

Buildings

The building is currently fully occupied. The existing building comprises of retail floorspace on the mezzanine and ground levels with office use on the first to ninth floors. The basement is used for ancillary office and retail use and car parking. The building is of concrete construction with a one-layer brick façade (**Appendix A – Plate 1**) with double glazed windows (**Appendix A - Plate 2**). Present on the sixth to the ninth storeys are three separate groups of terraces (**Appendix A – Plate 5**). The terraces are of south-east, south-west and north-west aspect. The building includes three large roof terrace spaces, all obtaining protruding plant housings containing air conditioning units.

The one-layer brick façade runs up to the edge of all windows and parapet walls. This results in a tight, gapless construction, significantly limiting any access opportunities into the building for roosting bats and breeding birds. Moreover, window sills are either narrow or non-existent, limiting any appropriate perching habitat for breeding birds. At the corner of Phoenix Street and Stacey Street, the building has an overhang covering the northern delivery entrance into the basement. The roof of the overhang is covered with aluminium panels. Within the panels, a single section has broken (**Appendix A – Plate 3; Target Note 3**), revealing an estimated 30cm gap between the cladding and main concrete building structure. This may provide access for roosting bats and breeding birds. However, the habitat provided is deemed to be inappropriate for both bat and bird species. This is due to:

- the entrance location, which is of northern aspect, amongst high levels of disturbance and away from significant vegetation cover;
- the entrance size, which is too small for common breeding bird species such as feral pigeon; and
- the size of the cavity behind the aluminium panel, which is deemed to be exposed to gusts of wind and exposed to high levels of artificial light, providing inappropriate habitat with regards to roosting bats.

In total, there are 15 terraces and 3 roof spaces present on the building. All terraces and roof spaces are gravel covered with concrete slabs marking walkways and borders (**Appendix A – Plate 4 & 5; Target**

Note 2). Emerging through gaps within the gravel and between concrete slabs are multiple ephemeral plant species. Species recorded include: great willowherb *Epilobium hirsutum,* herb Robert *Geranium robertianum,* purple nightshade *Solanum xanti,* ragwort *Jacobaea vulgaris* and Himalayan honeysuckle *Leycesteria formosa.* Such species composition is consistent throughout the roof spaces and terraces and is sparsely distributed. Furthermore, present upon each roof space are multiple protruding plant structures (**Appendix A – Plate 4**). Each structure is of modern construction and well maintained. As such, the structures do not obtain any suitable features for roosting bats or breeding birds. Furthermore, due to the lack of vegetation upon the terraces and roof spaces, there is limited foraging opportunities for bat and bird species.

As above, all habitats associated with the building are considered to lack any significant value for ecology owing to the habitats present being common and widespread and located within a heavily urbanized area of London. The building is therefore considered to be of **negligible** ecological value.

Hardstanding

Hardstanding across the Site between the buildings is used mostly for pedestrian access, with the exception of an internal courtyard, which can only be accessed through the building. This courtyard obtains a similar floral composition to those upon roof spaces.

To the south-west of the Site, upon an area of hardstanding within the Site boundary, there is a single permanent planter containing a chusan palm *Trachycarpus fortunei.* This planter is amongst several mobile planters, containing smaller specimens of chusan palm. The size of these plants is restricted owing to the low volume of substrate available within the plant pot. The planters are therefore considered to offer no ecological value.

As above, this habitat lacks any value for ecology and is therefore considered to be of **negligible** ecological value.

Adjacent Habitat

Bordering the Site boundary are 17 London plane trees, planted along the pavements. These trees are of varying age, though all are semi-mature. The trees lack any cracks or crevices providing any roosting potential for bat species. The trees do however offer perching and nesting opportunities for common species of breeding bird. As such, this habitat is considered to be of **Site** value.

Directly adjacent to the south of the Site is a well maintained Georgian building complex (**Appendix A – Plate 6 & 7; Target Note 1**). The buildings in this area were viewed from the roof terraces of the building present on the Site. Both the roof and windows are in excellent condition. It is expected that they are regularly maintained. As such, there are no missing roof tiles or gaps within window frames, limiting access opportunities into the building for bat and bird species. There are, however, perching opportunities for common species of breeding bird. The habitat is therefore considered to be of **Site** value.

3.2.2 Protected and other Notable Fauna

As a result of the 'Extended' Phase 1 Habitat Survey, external building inspection and a review of the ecological data search, an assessment is made below on the potential of the Site to support:

- Bats; and
- Birds.

Bats

The ecological data search returned numerous records of at least 8 bat species within 2km of the Site, the closest of which is of a soprano pipistrelle located 340m north of the Site (2012).

There are no trees on the Site. The trees adjacent to the Site do not offer any value for roosting bats given that no potential roosting features were recorded. The trees adjacent to the Site have the potential to provide foraging opportunities for bats. However, owing to the highly urbanized location of the trees and their isolation from other green infrastructure, they are not likely to be an important resource for the local bat population. The trees adjacent to the Site are therefore considered to be of **negligible** potential to support roosting bats.

The building on the Site does not offer any features suitable for roosting bats. This is because of its modern construction and its condition. As such, the building on the Site is assessed as having **negligible** potential to support roosting bats.

Breeding Birds

The ecological data search returned multiple records of birds within 2km of the Site.

All trees adjacent to the Site offer perching and nesting opportunities for common species of breeding birds within the breeding bird season (March to August). The trees adjacent to the Site are therefore assessed as having **Site** value.

No nests for breeding birds were recorded on or inside the building on the Site during the visit. The building does not present significant perching or nesting opportunities, as there is a lack of vegetation and ledges on the building throughout the Site. Moreover, owing to the heavily urbanized location of the Site, there are ample perching opportunities on buildings directly adjacent and in the surrounding area; this habitat is therefore considered common and widespread. The building is thus not assessed as being of significant ecological value. As such, the building is of **negligible** value with regards to breeding birds.

Black redstarts have been recorded within 2km of the centre of the Site; however, the exact recorded locations are confidential to protect this species. The Site is currently considered unsuitable to support black redstarts owing to the lack of suitable foraging and nesting habitat present appropriate for this species. As such, the Site is of **negligible** value to black redstarts.

Other Protected Species

The Site is considered to be of **negligible** value to all other protected and notable species and thus no further consideration is given to such species in this PEA.

4. Discussion and Recommendations

The potential ecological impacts of the proposed Development are discussed below based on the available scheme plans and the data received.

No important ecological features are present at the Site. However, measures have been made to minimise any potentially detrimental ecological impacts. In addition, ecological enhancement measures in line with planning policy, guidance and legislative requirements are outlined below.

It must be noted that the results of this PEA have been used to inform the emerging scheme. As no important ecological features have been recorded on the Site it is assessed that a full Ecological Impact Assessment (EcIA) would not be required to support the proposed planning application for this non Environmental Impact Assessment (EIA) Development.

4.1.1 Designated Sites

No statutory designated sites were returned as part of the data search within the 2km search area. However, 31 non-statutory sites were noted. All non-statutory sites are located at least 100m from the Site and it is therefore considered that they would not be subject to any construction-related impacts arising from the Site.

4.1.2 Habitats

Habitats adjacent to the Site are considered to be of **Site** value with regards to common breeding bird species; namely: buildings and scattered trees. All habitats present on the Site are considered to offer **negligible** potential to support any protected and / or notable fauna and flora.

In line with the NPPF, Regional Planning Policy and Local Planning Policy, the following protection measure will be adhered to during the construction phase of the Development:

- The trees present adjacent to the Site will be retained and appropriately protected in accordance with BS 5837:2012 - 'Trees in relation to design, demolition and construction – Recommendations'[24];

To increase the ecological value of habitats at the Site and in line with planning policy, the following enhancements will be implemented within the Development:

- The installation of bird and bat bricks (details below) into buildings;
- Use of species of biodiversity value within soft landscaping to provide foraging opportunities for local fauna; and
- Where new landscaping is to be undertaken as part of the Development proposals, horticultural practice should include the use of peat-free composts, mulches and soil conditioners. The use of pesticides (herbicides, insecticides, fungicides and slug pellets) should be discouraged to prevent fatal effects on the food chain, particularly to invertebrates, birds and / or mammals. Any pesticides used should be non-residual.

4.1.3 Protected and other Notable Fauna

Breeding Birds

All species of wild bird in the UK (apart from certain pest species) are protected under Part 1 Section 1(1) of the Wildlife and Countryside Act, 1981 (as amended). However, *all* species are protected during the

[24] BSI (2012): *BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations*.

breeding season against intentional killing, injuring or taking. This also includes damaging or destroying nests in use, and taking or destroying eggs.

If any trees adjacent to the Site boundary require arboricultural works, this will be undertaken outside the breeding bird season (March to August). If this is not possible, a check for any signs of nesting birds within the trees will be undertaken by an ecologist prior to the works commencing, to prevent any disturbance to breeding birds and the contravention of legislation. If active nests are found or if birds are suspected to be breeding during this check, a suitable buffer zone will be maintained around the nest to prevent disturbance until the young have fledged.

As detailed above, bird nesting bricks will be implemented to enhance bird nesting provision for S41, LBAP and CBAP species.

The following bird nesting bricks are to be implemented:

- Two standard bird nesting bricks – such nesting bricks provide a deep internal cavity and can be installed into the brickwork of the buildings. The standard nesting brick type is appropriate for a multitude of small bird species but is specifically appropriate for house sparrow. The bird nesting bricks should be placed no lower than 4m above ground level and be applied at a northern, eastern or western aspect; and
- Two starling nesting bricks – such nesting bricks provide a deep internal cavity and can be installed into the brickwork of the buildings. The starling nesting brick type is directly designed to house starlings. The bird nesting bricks should be placed no lower than 4m above ground level and be applied at a northern, eastern or western aspect.

Bats

All bat species are fully protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

The building on the Site was not found to contain any features that could support roosting bat species. Therefore, no further survey work with regards to roosting bats is required before Development works commence.

In line with the NPPF, regional and local planning policy, enhancement of the Site for bats will be provided. Bat roosting bricks will be installed to enhance the Site for foraging and commuting bats in addition to providing roosting habitats for S41, LBAP and CBAP species.

Four bat roosting bricks will be provided within the Development. Such roosting bricks provide a deep internal cavity and can be installed directly into the façade of the buildings. The bat roosting brick is appropriate for most UK bat species and is appropriate for species likely to be present within the local area such as pipistrelles. The exact location of the bat bricks would be specified by an ecologist but will face vegetated habitats and be away from public accessible roof spaces (if included). The bricks will be orientated facing between south-east and south-west, and at least 4m above ground level with a clear aspect.

5. Conclusions

No statutory designated sites were returned as part of the data search within the 2km search area. All non-statutory sites are located at least 100m from the Site and it is therefore considered that they would not be subject to any construction-related impacts arising from the Site.

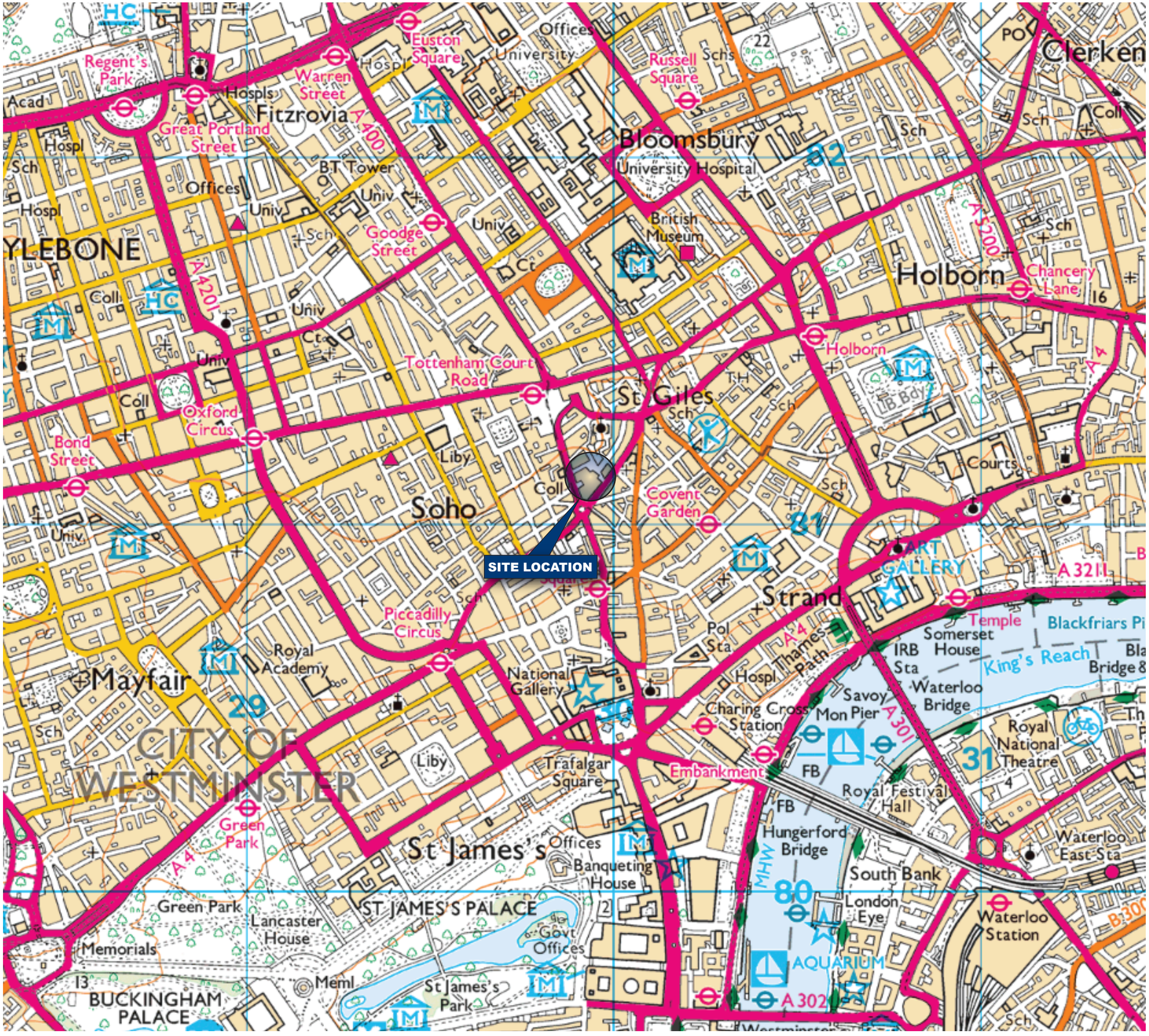
All habitats on the Site were assessed as having **negligible** ecological value. The Site contains a limited number of flora species. Adjacent buildings and scattered trees are assessed to be of **Site** value only. To enhance the habitats present at the Site, enhancements as part of the Development design process include the provision of bird and bat brick habitats, retention of adjacent scattered trees and the use of native and / or species of biodiversity value within soft landscaping.

Any arboricultural work at or adjacent to the Site will be undertaken outside of the breeding bird season (therefore undertaken between October and February). If this is not possible, a watching brief will be necessary to ensure that legislation is adhered to with respect to breeding birds.

To enhance the Site for bats and birds, measures will be applied through the habitat enhancements detailed above and the provision of bat and bird bricks.

If there is a significant period of time (most LPAs consider this period to be 18 months to two years) between the preparation of this PEA and the Development commencing, the ecological value of the Site may change and should be subject to an updated PEA.

FIGURES



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Project Details	WIE10216-100: 125 Shaftesbury Avenue
Figure Title	Figure 1: Site Location
Figure Ref	WIE10216-100_GR_EC_1A
Date	November 2015
File Location	\\s-lncs\wiel\projects\wie10216\100\graphics\ec\issued figures

Development Boundary at Ground Floor Level

Building

Hardstanding

Scattered Trees

Target Notes:

1 Georgian Building Complex

2 Terraces

3 Missing Wood Cladding

N

Project Details	WIE10216-100: 125 Shaftesbury Avenue
Figure Title	Figure 2: Habitat Features Plan
Figure Ref	WIE10216-100_GR_EC_2A
Date	November 2015
File Location	\\s-lncs\wiel\projects\wie10216\100\graphics\ec\issued figures

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APPENDICES

A. Site Photographs

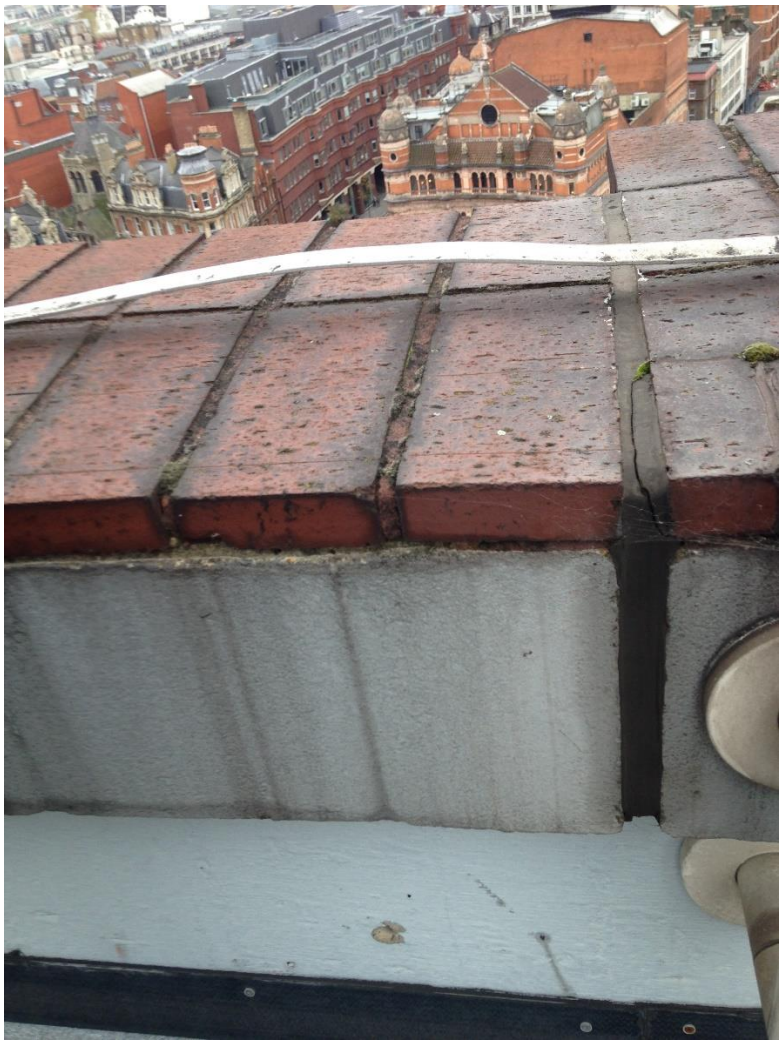

Plate 1: Single layer brick façade built over main concrete construction.

Plate 2: Double glazed windows of modern construction.

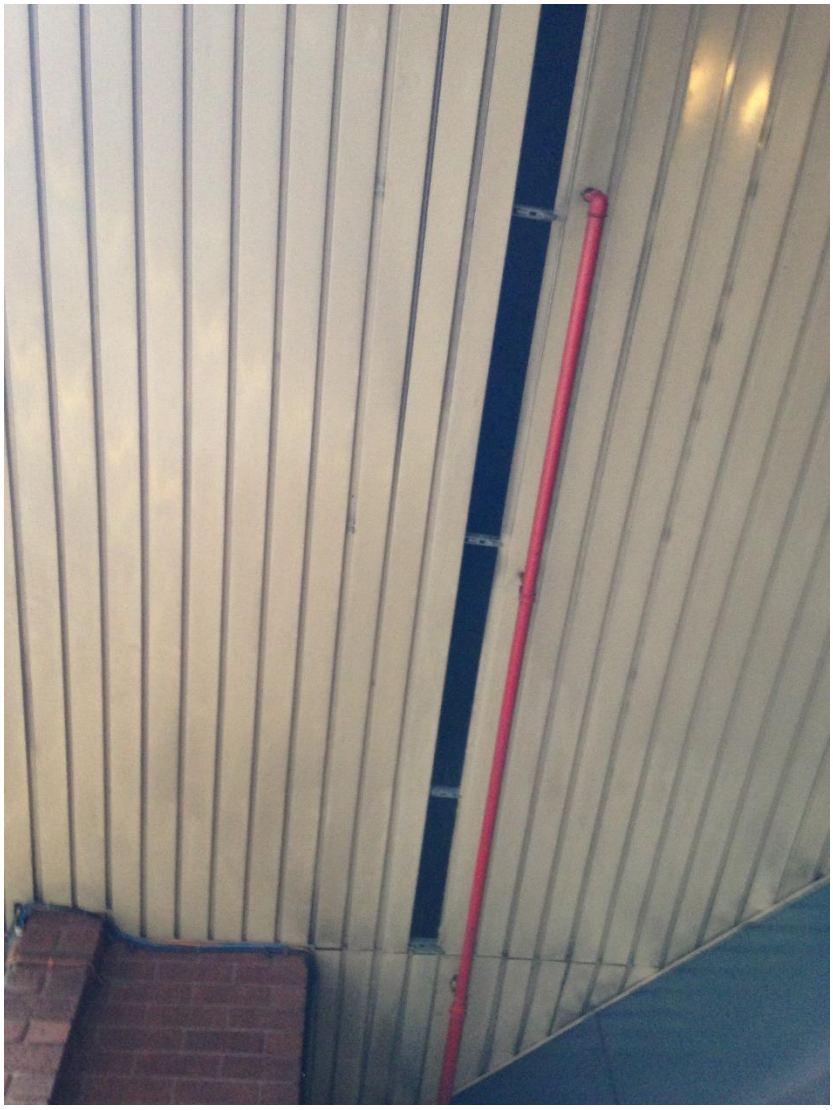

Plate 3: Missing aluminium panel above basement vehicle entrance.

Plate 4: The top roof with gravel and concrete slab surface.

Plate 5: The south-east facing terraces with gravel and concrete slab surface.

Plate 6: Adjacent Georgian building complex.

Plate 7: Turret within the Georgian building complex.

B. Target Notes

Target Note	Description
1	Georgian building complex.
2	Three sections of terraces upon the Site building.
3	Location of basement vehicle entrance with above missing aluminium panel.

UK and Ireland Office Locations