

Georgiana Street, London NW1 0QS

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# Bangor Wharf



Report to accompany planning application:

Preliminary Ecological Appraisal  
Wardell Armstrong

February 2017

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ENERGY AND CLIMATE CHANGE  
ENVIRONMENT AND SUSTAINABILITY  
INFRASTRUCTURE AND UTILITIES  
LAND AND PROPERTY  
MINING, QUARRYING AND MINERAL ESTATES  
WASTE RESOURCE MANAGEMENT



**ONE HOUSING GROUP**

**BANGOR WHARF, GEORGINA STREET**

**PRELIMINARY ECOLOGICAL APPRAISAL**

**FEBRUARY 2017**

*your earth our world*



**DATE ISSUED:** FEBRUARY 2017  
**JOB NUMBER:** ST14933  
**REPORT NUMBER:** 001  
**VERSION NUMBER:** 003

**ONE HOUSING GROUP**

**BANGOR WHARF, GEORGINA STREET**

**PRELIMINARY ECOLOGICAL APPRAISAL**

**FEBRUARY 2017**

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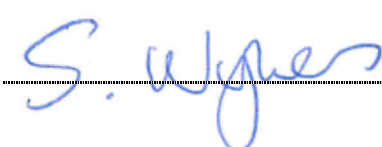
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ENERGY AND CLIMATE CHANGE  
ENVIRONMENT AND SUSTAINABILITY  
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MINING AND MINERAL PROCESSING  
MINERAL ESTATES AND QUARRYING  
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DRAWINGS	TITLE	SCALE
ST14933/001	Extended Phase 1 Habitat Survey Results	1:500@A3

## **1 INTRODUCTION**

### **1.1 Terms of Reference**

1.1.1 Wardell Armstrong LLP (WA) were commissioned by One Housing Group to undertake a Preliminary Ecological Appraisal of the proposed development site at Bangor Wharf, Camden, London at grid reference TQ 293 840. This report has been produced with reference to current guidelines for preliminary ecological appraisal (Chartered Institute of Ecology and Environmental Management (CIEEM 2012)) and British Standard BS 42020:2013 (BSI 2013) which involves the evaluation of potential ecological constraints based on Extended Phase I (Joint Nature Conservation Committee (JNCC 2010)) survey data and background desk study.

1.1.2 The purpose of the appraisal is to satisfy the requirements of the National Planning Policy Framework (NPPF), identifying the likely presence of ecological features within or near the application site that could pose a constraint to the proposed development. The following ecological features have been considered:

- Statutory and non-statutory designated conservation areas;
- UK and local Biodiversity Action Plan (BAP) habitats;
- Areas of Ancient Woodland;
- Legally protected species;
- UK and local BAP species; and
- Invasive species.

1.1.3 This report also seeks to identify any requirement for further specialist survey where the initial assessment cannot be relied upon to adequately determine presence or reliably infer absence of protected species/taxa. Mitigation and enhancement opportunities are also discussed.

### **1.2 Background Information**

1.2.1 The proposals are for the redevelopment of the site which currently contains five buildings and hardstanding.

### **1.3 Site Location**

1.3.1 The site, of approximately 0.18 hectares, is located at Bangor Wharf, Georgiana Street, Camden, London, NW1 0QS.

## **1.4 Site Context**

- 1.4.1 The site is known as Bangor Wharf, a small commercial complex consisting of five buildings and associated hardstanding. The site is bordered to the north east by Regents Canal, to the east by St Pancras Way, to the south by Georgiana Street and to the west by residential/commercial properties along Royal College Street.
- 1.4.2 Camden Road overground station is 1.2km to the north of the site. The surrounding wider land use is dominated by residential/commercial development.



## **2 METHODOLOGY**

### **2.1 Desk Study**

2.1.1 The desktop study was informed by review of available information provided by GiGL (the biological records centre for Greater London) for a 2km search radius from the site's central grid reference. Ordnance Survey (OS) and satellite mapping was also used to gain contextual habitat information.

2.1.2 Specific information was sought for:

- Statutory designated sites;
- Locally designated sites;
- Ancient woodland;
- Protected and priority species; and
- Local BAP priority species.

### **2.2 Extended Phase 1 Habitat Survey**

2.2.1 Wardell Armstrong LLP carried out an Extended Phase 1 Habitat Survey of the site on 18 September 2015. The survey was carried out by Ecologists from Wardell Armstrong LLP. The weather conditions during the survey were around 14°C and overcast.

2.2.2 The survey followed the 'Extended Phase 1' methodology (Institute of Environmental Assessment (IEA), 1995 and JNCC 2010). Each of the main habitats were classified according to the relevant criteria.

2.2.3 In addition to the mapping and description of habitats, incidental observations of protected and/or BAP priority species and the potential for such species to occur on site (and in the surrounding landscape where relevant) were also noted.

2.2.4 Specific habitat features are mapped on Drawing ST14933/001 with appropriate reference numbers identifying buildings and trees of particular note.

2.2.5 All the buildings on site were accessed internally in order to more fully investigate their potential to support roosting bats.

2.2.6 Subsequent to the 2015 survey, in May 2016, the site was re-visited, to undertake bat surveys.

## **2.3 Nomenclature**

2.3.1 Vascular plant names follow '*New Flora of the British Isles*' (Stace 1997) with vernacular names as provided in the Botanical Society of the British Isles website (BSBI, 2013). All other flora and fauna names following the National Biodiversity Network (NBN) Gateway (NBN, 2013). The common and scientific name of species/taxa is provided (if available) when first mentioned in the text, with only the vernacular name referred to thereafter.

## **2.4 Assessment Limitations**

2.4.1 Ecological surveys are limited by factors that affect the presence of plants and animals such as time of year, weather, migration patterns and behaviour. The survey was undertaken in September and therefore the survey data may not be representative of other times of year.

2.4.2 The absence of desk study records cannot be relied upon to reliably infer absence of a species/habitat. Often, the absence of records is a result of under-recording within the given search area.

## **2.5 Quality Assurance & Environmental Management**

2.5.1 The surveys and assessments have been overseen by and the report checked and verified by a member of CIEEM, whom is bound by its code of professional conduct. All surveys and assessments have been undertaken with reference to the recommendations given in British Standard BS 42020, and as stated within specialist guidance, as appropriate and referenced separately.



### 3 RESULTS AND EVALUATION

#### 3.1 Statutory and Non- Statutory Designated Sites

- 3.1.1 Desk study results for designated sites within the 2km search radius are evaluated in Table 1, below.
- 3.1.2 Sites which are considered potentially sensitive to the development proposals by virtue of the sensitivity of supported species or habitat assemblages, the distance/ecological connectivity to the application site and the nature of the perceived impacts are highlighted in bold text and are discussed in detail in the final sections of the report.
- 3.1.3 Sites for which potential adverse effects are not anticipated are excluded from further assessment.

<b>Table 1: Designated Sites Evaluation</b>		
<b>Site Name and Status<sup>1</sup></b>	<b>Reason for Designation</b>	<b>Potential Constraint?</b>
Barnsbury Wood (LNR) NGR: TQ 308 842 1.5km east of site	The woodland is a valuable wildlife habitat in a borough with very little mature broad-leaved woodland.	No – development of the Bangor Wharf site is not considered to have any potential impacts on the LNR.
Camley Street Nature Park (LNR) NGR: TQ 299 834 0.8km south east of site	To raise the status of the site as an important educational and social resource.	No – development of the Bangor Wharf site is not considered to have any potential impacts on the LNR.
There are a further 31 non-statutory designated sites within 2km of the site, however they were not considered to be a constraint due to separation from the site by development and thus omitted from this table.		

#### 3.2 Habitats

- 3.2.1 The habitats found on site are described below. The buildings on site are described in Table 2 below.

##### **Scattered scrub**

- 3.2.2 An area of scattered scrub was found in the north of the site behind buildings 1 and 2. There was also a small area in the east of the site around buildings 3 and 4. Dominant

<sup>1</sup>, LNR – Local Nature Reserve.

ruderal/scrub species included bramble *Rubus fruticosus* and buddleia *Buddleja davidii* (see section 3.3.3 for further details). Other species on site included nettle *Urtica sp.*, dandelion *Taraxacum sp.*, coltsfoot *Tussilago farfara*, hemp agrimony *Eupatorium cannabinum*, guelder rose *Viburnum opulus* and bittersweet nightshade *Solanum dulcamara*. An example of this habitat type is shown in Plate 1. This habitat does not pose any constraints for the development.

### **Individual trees**

- 3.2.3 There was a single weeping willow *Salix babylonica* within the site boundary in the eastern corner. There was a small hole in the trunk (see Plate 2), below where the crown branches began to fork although no obvious signs of use by bats (staining, droppings) were observed. Due to this feature and the location of the tree alongside the canal the tree was classified as Category 1 in relation to bat potential and further assessment is required (see discussion below for details).
- 3.2.4 Subsequent to September 2015, a large storm caused significant damage to the tree drastically reducing its suitability to support roosting bats. Though several holes were created by the storm, all holes and access points created were open to the elements, thereby providing no shelter to roosting bats. As a result, the tree was considered to offer negligible potential to support roosting bats at the time of the May 2016 visit.

### **Other habitat**

- 3.2.5 Alongside the buildings, the other dominant habitat on site consisted of areas of hardstanding providing a small carpark and loading area. An example of this habitat type is shown in Plate 3. This habitat does not pose any constraints for the development.
- 3.2.6 Habitats for which potential adverse effects are not anticipated are excluded from further assessment.
- 3.2.7 The location and extent of habitats is shown on Drawing ST14933/001, Extended Phase 1 Habitat Survey Results.



**Plate 1: example of scattered scrub behind B1 and B2 looking north east**



**Plate 2: photo indicating hole in weeping willow tree in eastern corner of the site in September 2015**



**Plate 3: example of hardstanding on site looking south towards B1**

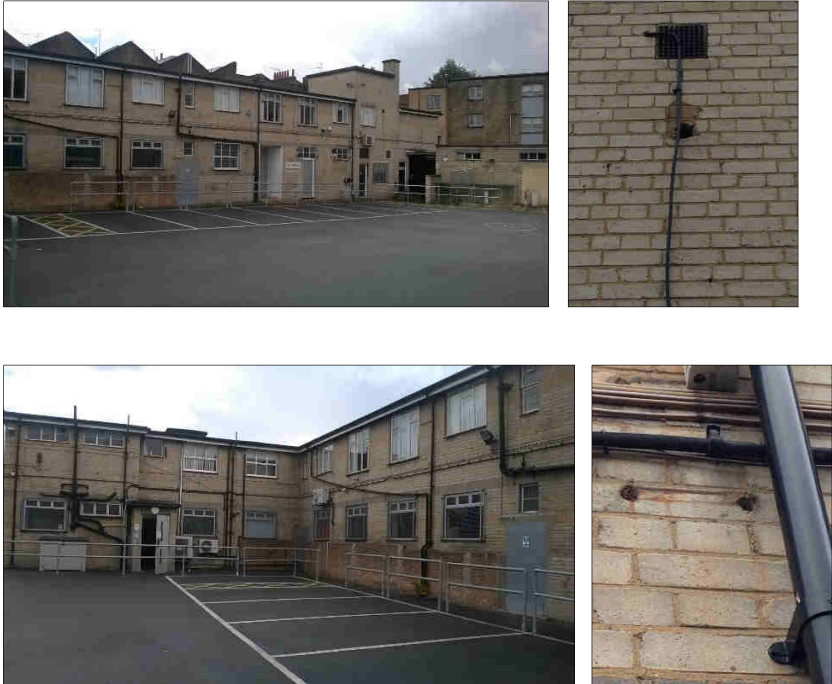
Table 2: Building Evaluation			
Building	Description	Level of Bat Potential	
B1	<p>Building 1 was of bare brick construction, with a flat roof covered in roofing felt. The walls facing into the site had multiple down pipes and windows and there were a number of small holes where piping/wiring used to protrude, potentially providing access points for some bat species. There were three exterior lights illuminating the carpark. There was no insulation present in the roof cavities that were accessed and the interior of the roof appeared sound, with no obvious access points. The soffits were generally well joined with no visible entrance points.</p>	 <p>The images show the exterior of Building 1, a multi-story brick structure. The top-left photo shows the building from a distance with a paved carpark in the foreground. The top-right photo is a close-up of a brick wall with a black down pipe and a small square vent. The bottom-left photo shows the courtyard area with a paved carpark and the building's facade. The bottom-right photo is a close-up of a brick wall with a down pipe and some small holes or indentations.</p>	Low





Table 2: Building Evaluation		
Building	Description	Level of Bat Potential
B2	<p>Building 2 was of bare brick construction, with a gently sloping corrugated asbestos roof. There were no signs of access points for bats in the exterior walls or around the roof. There were two lights illuminating the exterior of the building. The interior of the building and the roof appeared sound.</p>	
B3	<p>Building 3 was of bare brick construction with two wooden doors on the front facing wall, with a gently sloping corrugated asbestos roof. There were no signs of access points for bats in the exterior walls or around the roof.</p>	

Table 2: Building Evaluation		
Building	Description	Level of Bat Potential
B4	<p>Building 4 was of bare brick construction with a meshed metal door on the front facing wall and a flat metal roof. There were two exterior lights illuminating the loading area/carpark. There was no bat roosting potential within the interior of the building.</p>	 
B5	<p>Building 5 was of bare brick construction with a single wooden door and window on the front facing wall and a flat concrete roof. There was a single exterior light illuminating the outside of the building. There were no access points for bats around the exterior of the building.</p>	



### 3.3 Species

3.3.1 Recorded protected and/or invasive species from the field survey or evidence of the presence of protected or BAP priority species are described below.

#### *Birds*

3.3.2 Bird species recorded on or adjacent to the site during the survey visit consisted of blue tit *Cyanistes caeruleus*, Canada goose *Branta Canadensis*, coot *Fulica atra*, feral pigeon *Columba livia domestica*, long-tailed tit *Aegithalos caudatus*, moorhen *Gallinula chloropus* and ring-necked parakeet *Psittacula krameri*. There is a negligible-low potential for breeding birds to be present on site due to the lack of suitable breeding habitat. Feral pigeon and herring gull *Larus argentatus* may possibly utilise the building for breeding. All nesting birds are discussed in the final section given the general legislative provisions relating to destruction of active nests.

#### *Invasive Plants*

3.3.3 Multiple buddleia bushes are present across the site. This species is listed on the London Invasive Species Initiative (LISI) scheme where control/eradication is encouraged. If development works take place, eradication of this species on site is recommended.

### 3.4 Ecological Evaluation

3.4.1 Protected, UK & Local Biodiversity Action Plan species are evaluated in order to identify potential ecological constraints in Table 4 below, based on the desk study records, presence, extent and viability of supporting habitat, ecological connectivity and perceived nature and extent of effects.

3.4.2 Species/taxa for which potential adverse effects are not anticipated are excluded from further assessment.

<b>Table 3: Protected Species Evaluation</b>				
<b>Species/Taxa</b>	<b>Desk Study Record</b>	<b>Status<sup>2</sup></b>	<b>Supporting Habitat</b>	<b>Potential Constraint</b>
<b>Bats</b> <i>Chiroptera</i>	<b>Natterer's bat <i>Myotis nattereri</i></b> <i>Pipistrelle pipistrellus</i> <b>Soprano Pipistrelle <i>Pipistrellus pygmaeus</i></b> Kuhl's pipistrelle <i>Pipistrellus kuhlii</i> <b>Serotine bat <i>Eptesicus serotinus</i></b> Daubenton's bat <i>Myotis daubentonii</i> <b>Noctule <i>Nyctalus noctula</i></b> Lesser noctule <i>Nyctalus leisleri</i> <b>Nathusius's pipistrelle <i>Pipistrellus nathusii</i></b>	EPS, WCA, UKBAP	Yes –Building 1 has low potential to support roosting bats and a mature weeping willow tree has medium potential to support roosting bats.	Yes –Suitable roosting habitat may be lost/disturbed. Consideration is required in the development design to mitigate the significance of the impact.
<b>European hedgehog</b> <i>Erinaceus europaeus</i>	✓	UKBAP	No – no suitable foraging or hibernating habitat on site	No – although there are multiple records of European hedgehog within 2km of the site, the development proposals are considered to have negligible impact on suitable foraging/hibernation habitat.

<sup>2</sup> EPS – European Protected Species, WCA – Wildlife and Countryside Act, A1 – Annex 1 (Birds Directive), BA – Protection of Badgers Act, BAP – Biodiversity Action Plan Priority Species

<b>Table 3: Protected Species Evaluation</b>				
<b>Species/Taxa</b>	<b>Desk Study Record</b>	<b>Status<sup>2</sup></b>	<b>Supporting Habitat</b>	<b>Potential Constraint</b>
<b>Otter</b> <i>Lutra lutra</i>	✓	<b>EPS, WCA, UKBAP</b>	Yes – suitable foraging/commuting habitat exists adjacent to the site in the form of Regents Canal.	No – a single record exists for otter (1.3km north of the site in 2013) however, the development proposals are considered to have no impact on foraging/commuting habitat.
<b>Common Toad</b> <i>Bufo bufo</i>	✓	<b>UKBAP</b>	No – no suitable foraging or hibernating habitat on site	No – although there are multiple records of European hedgehog within 2km of the site, the development proposals are considered to have negligible impact on suitable foraging/hibernation habitat.
<b>Birds</b>	<b>House Sparrow</b> <i>Passer domesticus</i> Lesser Redpoll <i>Acanthis cabaret</i> <b>Starling</b> <b>Sturnus vulgaris</b> Grey wagtail <i>Motacilla cinerea</i> <b>Kingfisher</b> <b>Alcedo atthis</b>	<b>A range of UKBAP, WCA and/or BoCC species.</b>	<b>Yes – foraging habitat in and around peripheries of the site.</b>	No – development of the site is not considered likely to have an impact on the local populations of these species. However, works should be carried out outside the breeding season (March-August) where possible. Checks for nesting birds might be required if works are carried out before commencing works during the breeding season.
<b>Non-native species</b>	<b>Japanese Knotweed</b> <i>Fallopia japonica</i> Giant Hogweed <i>Heracleum mantegazzianum</i> <b>Himalayan balsam</b> <i>Impatiens glandulifera</i>		<b>Yes – potential for species to be found within the site and around peripheries.</b>	No – although there are records of these species within 2km of the site, no specimens were recorded within the site boundary during the site visit.

## 4 DISCUSSION AND RECOMMENDATIONS

### 4.1 Potential Constraints

4.1.1 The following designated sites, habitats and species (receptors) have been evaluated as being potential ecological constraints:

- Bats;
- Nesting birds (general).

4.1.2 Potential effects, requirements for further survey, and mitigation are discussed below for each of the identified potential constraints. Table 5 below, provides a summary of the discussion.

#### *Bats*

4.1.3 B1 had low suitability for roosting bats and the weeping willow in the eastern corner of the site was classified as Category 1 in relation to bat potential due to a small hole being present in the trunk of the tree. Subsequent to the 2015 survey, and during the bat survey of May 2016, due to the storm damage to this tree, it was reclassified as having negligible potential to support roosting bats. Though several holes were created by the storm, all holes and access points created were open to the elements, thereby providing no shelter to roosting bats.

4.1.4 Further surveys are recommended to investigate building 1 which would entail a combined dusk emergence/dawn re-entry survey to assess whether bats are roosting within the building. These surveys should take place between May-August inclusive.

#### *Nesting birds*

4.1.5 B1 has the potential to support a limited range of nesting birds such as herring gull.

4.1.6 To minimise the risk of disturbance to any nesting birds on Building 1, demolition should be undertaken outside of March-August inclusive, however, if this timescale cannot be met, a check of the roof for nesting birds by a suitably qualified ecologist should be undertaken. If nesting birds are present, demolition would then be postponed until such time as the nesting attempt is completed.

<b>Table 4: Potential constraints summary</b>				
<b>Species/ Feature</b>	<b>Location</b>	<b>Potential impact/ mitigation required</b>	<b>Recommended course of action</b>	<b>When</b>
Bats	Building 1 and weeping willow tree for roosting.	Disturbance of European Protected Species. Retention of roosting habitat or construction of new roosts and closure of current roost.	Combined dusk/dawn-activity transect to identify any bat roosts and bat activity in the area, focused primarily on B1.	May to August inclusive.
Nesting birds	Buildings	Disturbance of nesting birds.	Check for active nests prior to clearance if in nesting season	March to August inclusive.

## **5 ECOLOGICAL ENHANCEMENTS**

### **5.1 Introduction**

5.1.1 In accordance with the requirements of the NPPF and BSI 42020:2013 ecological enhancements should be proposed which will result in a net gain in biodiversity.

### **5.2 Habitats**

5.2.1 Currently the site has no intrinsic conservation value apart from potential bat roosts. The planting of native species at ground level would increase the ecological value of the site and therefore should be incorporated into the landscape design. The increase of plant species will attract an array of invertebrates which will in turn provide valuable food sources for bats and insectivorous birds.

### **5.3 Species**

5.3.1 Installation of bat and bird boxes would provide suitable nesting and roosting habitats for several species. Bird boxes should use designs suitable for house sparrow *Passer domesticus*; a London priority species.

## 6 CONCLUSIONS

- 6.1.1 The habitats within the proposed development site at Bangor Wharf, Georgina Street are currently of low biodiversity value, as the site is dominated by buildings and hardstanding (in the form of a carpark and loading area). Only building 1 provides potential roosting habitat for bats and nesting habitat for birds. The scattered scrub throughout the site also provides limited foraging habitat for insects.
- 6.1.2 By implementing the ecological enhancements set out in section 5 during future development of the site, the biodiversity value of the site has the potential to be significantly enhanced. Increasing the amount of native flora on site will improve the abundance and diversity of invertebrates, which will in turn increase the number of birds/bats using the site. Providing well positioned bird/bat boxes will encourage these species to nest/roost on site, resulting in an overall net increase in biodiversity.
- 6.1.3 Further surveys of building 1 on site are recommended to establish the presence/absence of roosting bats before development works commences.
- 6.1.4 If works are carried out during the bird breeding season (March-August), checks of the roof of building 1 by a qualified ecologist are recommended to assess the presence/absence of roof nesting birds (e.g. herring gull).



## 7 REFERENCES

Botanical Society of the British Isles (2013) *Online atlas of the British and Irish Flora*  
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**Appendix 1**  
**Legislation and Policy Summary**

## Appendix 1 – Legislation and Policy Summary

### Legislation for Habitats/Sites

Designated Site/Habitat	Status
Ramsar Sites	Ramsar Sites are wetlands of international importance designated following The Ramsar Convention. RAMSAR sites have the same level of protection as SSSIs under the Wildlife and Countryside Act 1981 (as amended).
SPA (Special Protection Areas)	SPAs are classified in accordance with Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC), the Birds Directive. They are they seek to protect the habitats of rare and vulnerable birds, listed in Annex I of the Birds Directive, and for regularly occurring migratory species. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 implement the Birds Directive in the UK.
SAC (Special Areas for Conservation)	SACs are strictly protected areas which represent typical European Union of habitats and (non-bird) species listed in Annexes I and II of the EC Habitats Directive. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 implement the Habitats Directive in the UK.
SSSI (Sites of Special Scientific Interest)	SSSIs protect the best examples of the UK's flora, fauna, or geological or physiographical features. Originally notified under the National Parks and Access to the Countryside Act 1949, SSSIs were renotified under the Wildlife and Countryside Act 1981 (as amended). Modified provisions for the protection and management of SSSIs were introduced by the Countryside and Rights of Way Act 2000.
NNR (National Nature Reserves)	NNRs are examples of some of the most important natural and semi-natural terrestrial and coastal ecosystems in Great Britain. NNRs are declared by the statutory country conservation agencies under the National Parks and Access to the Countryside Act 1949 and the Wildlife and Countryside Act 1981 (as amended). Legal protection of NNRs is provided under The Wildlife and Countryside Act 1981 (as amended).
Hedgerows	All hedgerows are protected by the Hedgerows Regulations 1997, under which it is an offence to remove or destroy certain hedgerows without planning consent or permission from the Local Planning Authority. These regulations do not apply to any hedgerow within the curtilage of, or marking the boundary of the curtilage of, a dwelling house.

Designated Site/Habitat	Status
LNR (Local Nature Reserves)	Designated by the National Parks and Access to the Countryside Act 1949, LNRs may be declared for nature conservation by local authorities after consultation with the relevant statutory nature conservation agency. Legal protection of LNRs is provided under The Wildlife and Countryside Act 1981 (as amended).

### Legislation for Species

Species	Legal Status
<i>European Legislation</i>	
Creeping Marshwort, Early Gentian, Fen Orchid, Floating-leaved Water Plantain, Killarney Fern, Lady's Slipper, Shore Dock, Slender Naiad, Yellow Marsh Saxifrage	Under the Conservation of Habitats and Species Regulations 2010 (and as amended), it is illegal to deliberately pick, collect, uproot or destroy any such species.
Bats, Dormouse, Otter, Wild Cat, Great Crested Newt, Natterjack Toad, Sand Lizard, Smooth Snake, Large Blue Butterfly	<p>These animals and their breeding sites or resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 (and as amended), which makes it illegal to:</p> <ul style="list-style-type: none"> <li>• Deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs;</li> <li>• Deliberately disturb<sup>3</sup> such an animal; and</li> <li>• Damage or destroy a breeding site or resting place of such an animal.</li> </ul> <p>European Protected Species (EPS) licenses can be granted by Natural England in respect of development to permit activities that would otherwise be unlawful under the Conservation Regulations, providing that the following 3 tests (set out in the EC Habitats Directive) are passed, namely:</p> <ul style="list-style-type: none"> <li>• The development is for reasons of overriding public interest;</li> <li>• There is no satisfactory alternative; and</li> <li>• The favourable conservation status of the species concerned will be maintained and/or enhanced.</li> </ul> <p>Under Regulation 9(5) of the Conservation Regulations, Planning Authorities have a duty to 'have regard to the requirements of</p>

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<sup>3</sup> Under the Conservation Regulations, disturbance of protected animals includes in particular any disturbance which is likely to: (i) impair their ability to survive, breed or reproduce, or to rear or nurture their young or to hibernate or migrate; (ii) significantly affect the local distribution or abundance of the species in question.

Species	Legal Status
	the EC Habitats Directive' i.e. LPA's must consider the above 3 'tests' when determining whether Planning Permission should be granted for developments likely to cause an offence under the Conservation Regulations.
<i>Domestic (UK) Legislations</i>	
Bats, Dormouse, Great Crested Newt, Heath Fritillary, High Brown Fritillary, Large Blue, Marsh Fritillary, Natterjack Toad, Pine Martin, Otter, Red Squirrel, Sand Lizard, Smooth Snake, Swallowtail, Water Vole, Wildcat	These animals receive full protection under the Wildlife and Countryside Act 1981 (and as amended), which makes it illegal (subject to certain exceptions) to: <ul style="list-style-type: none"> <li>• Intentionally kill, injure or take any such animal;</li> <li>• Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any such animal; and</li> <li>• Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.</li> </ul>
Adder, Common Lizard, Grass Snake, Slow Worm, White-clawed Crayfish	These animals receive partial protection under The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which provide protection against intentional killing or injury of any such animal.
Nesting Birds	All wild birds (as defined by the act) are protected under the Wildlife and Countryside Act 1981 (and as amended), which makes it illegal (subject to exceptions) to: <ul style="list-style-type: none"> <li>• Intentionally kill, injure or take any wild bird;</li> <li>• Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.</li> </ul>
WCA Schedule 1 listed Birds	Additional protection is provided to birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (and as amended). In addition to the offences detailed above relating to all wild birds, it is illegal to: <ul style="list-style-type: none"> <li>• Intentionally or recklessly disturb any bird listed on Schedule 1, or their dependent young while nesting.</li> </ul>
Badgers	The Protection of Badgers Act 1992 makes it illegal to wilfully kill or injure a Badger, or attempt to do so and to intentionally or recklessly interfere with a Badger sett. This includes: <ul style="list-style-type: none"> <li>• damaging or destroying an active sett;</li> <li>• obstructing access to a sett; and</li> <li>• disturbing a Badger while it is occupying a sett.</li> </ul> <p>Licences can be granted to permit sett closure and/or disturbance between July and November inclusive (i.e. outside the sow pregnancy/birth period).</p>

Species	Legal Status
Wild Mammals	The Wild Mammals (Protection) Act 1996 provides legal protection to all wild mammals (as defined by the act) against the following actions: mutilate, kick, beat, nail, or otherwise impale, stab, burn, stone, drown, crush, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.
<i>Invasive Species</i>	
WCA Schedule 9 listed animals (Part 1) and plants (part 2)	Certain species of plants and animals that do not naturally occur in Great Britain have become established in the wild and represent a threat to the natural fauna and flora. Section 14 of the Wildlife & Countryside Act prohibits the release of any animal species that are:  <i>“not ordinarily resident in and is not a regular visitor to Great Britain in a wild state”</i>

### *Policy Summary*

Section 40 of the Natural Environment and Rural Communities (NERC) Act imposes a legal duty on Planning Authorities to ‘have regard’ to the conservation of biodiversity when considering planning applications.

Section 41 of the NERC Act requires the Secretary of State to publish a list of species and habitats of principal importance for conserving biodiversity in the UK. Such Biodiversity Action Plan (BAP) Habitats and Species (2007) do not offer the species any specific protection but help to highlight the species importance at a national level. This list is used by Local Planning Authorities to identify the species and habitats that should be afforded priority when applying the requirements of the National Planning Policy Framework (NPPF).

The NPPF underpins the Government’s planning policies for England and how these are to be applied. The central theme of the NPPF is a presumption in favour of sustainable development. This presumption does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered, planned or determined.

The NPPF states:

*‘When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

- *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;*
- *proposed development on land within or outside a Site of Special Scientific Interest (SSSI) likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs;*
- *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged;*
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and*
- *the following wildlife sites should be given the same protection as European sites: potential Special Protection Areas (SPA) and possible Special Areas of Conservation (SAC); listed or proposed Ramsar sites; and sites identified, or required, as compensatory measures for adverse effects on European sites, potential SPAs, possible SACs, and listed or proposed Ramsar sites.'*

The NPPF requires the Planning Authority to have a responsibility to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan. In addition, the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.



The National Planning Policy Guidelines (NPPG) provides information on the implementation of the policies set out within the NPPF and how these policies are associated with supporting legislation, policies and supplementary guidelines.

With regard to Schedule 1 and 2 projects, the NPPG explains the requirements of Town and Country Planning (EIA) Regulations 2011, including the legislation, stages and implementation of the act.

In terms of planning applications which fall outwith the EIA regulations the NPPG provides the following broad guidelines (extracts below):

*Section 40 of the Natural Environment and Rural Communities Act 2006, places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by Government in its Biodiversity 2020 strategy.*

*Guidance on statutory obligations concerning designated sites and protected species is published separately .... Local planning authorities should take a pragmatic approach – the aim should be to fulfil statutory obligations in a way that minimises delays and burdens.*

*The National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution.*

## **DRAWINGS**



**KEY**

- Site Boundary
- Scattered scrub
- Buildings
- Hardstanding
- Individual Tree

**Notes:**

Coordinates to British National Grid.

Boundaries are indicative. Aerial imagery shown for context purposes only.

Classifications in accordance with Handbook for Phase 1 Habitat Survey - A technique for Environmental Audit (JNCC 2010)

REVISION	DETAILS	DATE	DRAWN	CHKD	APP'D

CLIENT	One Housing Group
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PROJECT	Bangor Wharf, Georgina Street
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DRAWING TITLE	Phase 1 Habitat Survey
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DRG No ST14933-001	SCALE 1:500 @ A3	DATE 06/10/15
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DRAWN BY JP	CHECKED BY SW	APPROVED BY SW
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