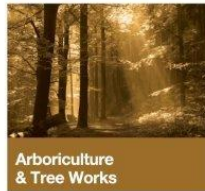




Landscape
Architecture



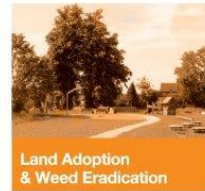
Landscape
Planning



Arboriculture
& Tree Works



Ecology
& Habitat Management



Land Adoption
& Weed Eradication

James Blake Associates Ltd

Executive Summary

of

The Covered Reservoir at Gondar Gardens, West Hampstead, London

on behalf of

LifeCare Residences

June 2017

© James Blake Associates Ltd 2017

Over 25 Years of Service, Value and Innovation

The Black Barn, Hall Road, Lavenham, Suffolk CO10 9QX
tel: **01787 248216** fax: **01787 247264** email: jamesblake@jba-landmarc.com

Chairman: James Blake - BA (Hons) Dip LA (Hons) CMLI

Company Secretary: Louise Blake - BSc PGCE

Directors: Rachel Bodiam - BSc (Hons) Dip LA CMLI ; Elzbieta Zebrowska MSc Eng LArch MScEnvSc CMLI

Associate Directors: Mary Power BSc MSc MCIEEM ; Vivienne Jackson ; Kevin Slezacek DipArb MArborA

www.jba-landmarc.com

Registration no. 8169866 VAT no. 512412791

Executive Summary

Background

The whole of the application site is designated as the Gondar Gardens Covered Reservoir Site of Borough Importance for nature conservation. These are sites which are important for nature conservation at the borough level in the same way as the Metropolitan sites are important to the whole of London. Since 1988 Borough sites have been divided, on the basis of their quality, into two grades and the Gondar Gardens Covered Reservoir is a Grade II site.

The reasons for its designation are that: *“This undisturbed covered reservoir is vegetated mostly with neutral grassland dominated by false oat-grass (Arrhenatherum elatius), with a moderate diversity of common wild flowers. Spiked sedge (Carex spicata), which is uncommon in Camden, is present in reasonable quantity. Typical grassland butterflies, including common blue and meadow brown, are present. The site is the only known location in Camden for slow-worms. Pipistrelle bats have been recorded flying over the site.*

There are small areas of woodland, mostly of sycamore (Acer pseudoplatanus) and ash (Fraxinus excelsior), with hawthorn (Crataegus monogyna) and plum (Prunus domestica) below, on the slopes at the eastern and western ends. This provides habitat for common birds” (Sites of Nature Conservation Importance in Camden, SPD, Camden Council, 2006).

The Camden Council Core Strategy 2010-2025 seeks to protect such sites that are important to the conservation of biodiversity. Policy CS15 states that:

“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”.

In explaining how this policy will be implemented, the Council states that: *To protect our existing sites, we will resist the development of designated sites where the nature conservation value has been diminished or lost, especially where this loss is due to neglect or damage, and we will seek the reinstatement, or an equivalent level, of biodiversity on the site. The Council will be particularly keen to protect habitats and species identified in Camden's Biodiversity Action Plan.*

Even where no additional open space is being created we will seek other forms of biodiversity such as biodiverse landscaping, habitat creation, green or brown roofs and, where appropriate, green walls. Camden's Biodiversity Action Plan identifies habitats and species that are particularly important in Camden. Our Camden Planning Guidance supplementary document will provide further information on the Council's expectations for improvements in nature conservation.

The National Planning Policy Framework (NPPF), 2012 requires that developers and local planning authorities must take the effects of development on biodiversity into consideration when making planning policy and in making and considering planning applications:

- *109. 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;*
- *118. 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.*

Accordingly, Life Care Residences has commissioned JBA to undertake extensive and detailed ecological surveys and to provide recommendations on the appropriate avoidance, mitigation and compensation measures to enable the proposed development to comply with the above planning policies and with the relevant law protecting wildlife.

Ecological Surveys and Findings

Ecological surveys have focussed on obtaining a detailed understanding of the habitats and species which are referenced in the reasons for the designation of the Gondar Gardens Covered Reservoir Site of Borough Importance. James Blake Associates Ltd (JBA) was originally commissioned in late 2010 by Linden Wates (West Hampstead) Limited to undertake a Code for Sustainable Homes compliant Phase 1 Habitat Survey and protected species scoping survey of the former covered reservoir site at Gondar Gardens, Camden, London. Grid reference: TQ 248 853. JBA went on to conduct surveys between 2010 and 2015 for reptiles, bats, breeding birds and stag beetles, all protected by EU and English legislation. The planning application for residential development that these ecological surveys informed, was subsequently approved on appeal (APPEAL REFERENCE No. APP/X5210/A/14/2218052)

JBA was subsequently commissioned by the current applicants LifeCare Residences in 2016, to undertake an updated extended Phase 1 Habitat Survey, plus updated reptile, breeding bird, and bat activity surveys, as well as hibernacula survey of the reservoir structure for bats.

Semi-Improved Neutral Grassland Habitat

Neutral semi-improved grassland, on shallow soil, was present above the reservoir, and was dominated by grasses with frequent to abundant forbs. To the east of this was an area of less species rich, rough, taller grassland. Spiked sedge (*Carex spicata*) was recorded at the site during the 2013 Phase 1 Habitat Survey in very small quantities within the south east corner. This species was not recorded during the 2016 site visit and therefore if it does persist at the site, it is most likely in smaller amounts than previously recorded. Areas in which it was previously recorded have been subject to scrub encroachment as a result of lack of grassland management in recent years. The grassland does not meet the criteria for a Lowland Meadows Habitat of Principal Importance (HPI) under Section 41 of the Natural Environment and Rural Communities (NERC) Act, 2006

(http://jncc.defra.gov.uk/PDF/UKBAP_PriorityHabitatDesc-Rev2011.pdf) .Lowland Meadows are defined for this purpose to include most forms of unimproved neutral grassland across the enclosed lowland landscapes of the UK. In terms of National Vegetation Classification (NVC) plant communities, they primarily embrace each type of *Cynosurus cristatus* - *Centaurea nigra* grassland (MG5 type) *Alopecurus pratensis* - *Sanguisorba officinalis* floodplain meadow (MG4) and *Cynosurus cristatus* - *Caltha palustris* flood-pasture

(MG8). The grassland within the site dominated by false oat grass (*Arrhenatherum elatius*) and cocksfoot (*Dactylis glomerata*) and approximates to the MG1 type under the NVC.

Scattered Trees and Shrubs and Scrub Habitats

The site is bounded by scattered semi-mature trees, the majority of which are actually situated within the adjacent gardens bordering all but the western boundary. The trees are predominantly sycamore (*Acer pseudoplatanus*), ash (*Fraxinus excelsior*), Scot's Pine (*Pinus sylvestris*) and willows (*Salix spp.*) Some of these to the eastern and southern boundaries were considered to have low to moderate bat roost potential. A semi-mature ash which had a snapped main stem and woodpecker holes, along the southern boundary, was also considered to have high bat roost potential. The belt of trees to the eastern site boundary is protected by a Tree Preservation Order. There is a layer of shrubs beneath these semi-mature trees mainly hawthorn (*Crataegus monogyna*) and blackthorn (*Prunus spinosa*). The western, eastern and southern boundaries all have bramble and immature tree scrub, which is encroaching from the boundaries, particularly in the south east corner of the site along the south and east facing banks.

Reptiles

Slow worms are protected from killing and injury under Schedule 5 of the Wildlife and Countryside Act 1981 and are also a SPI under Section 41 of the NERC Act, 2006.

During 2010 a low population of slow worms (*Anguilla fragilis*) was confirmed within the site, with a good population of slow worms using the site by 2013, predominantly in the rough grass on the southern boundary and one individual on the northern boundary. In 2016 a good population of slow worms was using the site, predominantly within the rough grass on the southern boundary and with all but a few individuals found within the eastern half of the site. It would appear that the slow worm population has benefitted from the lack of grassland management within the site in recent years. *Bats*

All species of bats and their roosting and resting places are legally protected under the Conservation of Habitats and Species Regulations, 2010 as amended and the Wildlife and Countryside Act, 1981. The legal protection also makes it an offence to disturb a bat whilst using any roosting or resting place. No evidence of roosting bats has been found on site. In 2016 common pipistrelles and occasionally soprano pipistrelles were recorded within 30 minutes of sunset on multiple nights throughout the survey. A noctule was also recorded within 15 minutes of sunset on a single survey. This indicates that common pipistrelles and

noctules are likely roosting close to the site boundary. There are a few trees on site with low to moderate suitability for roosting with potential roosting features including ivy coverings and/or snapped limbs or stems and an ash which lay fallen into the site had moderate to high bat roost potential due to a snapped stem and woodpecker holes. These were all located along the southern boundary and are due to be retained.

The 2010, 2014 and 2016 bat activity surveys found that bat activity was concentrated along the site boundaries, with common pipistrelles the species most commonly recorded. Soprano pipistrelles and noctules were also recorded on several occasions. Nathusius' pipistrelles, serotine, *Myotis* species and Leisler's were also recorded infrequently, suggesting they do not use the site regularly. Surveys in 2010 and 2014 also showed low numbers of common pipistrelles using the site boundaries for foraging and commuting. Similarly, occasional commuting passes from soprano pipistrelle, noctule and Leisler's bat were also recorded in 2014.

In 2014 no signs or evidence (droppings, stains, scratch marks etc.) of bat activity was found at the covered reservoir. However, there were some areas that could allow access to bats including several ventilation pipes that were no longer blocked and metal cover/lids to the ventilation pipes were easy to open and/or missing parts. During the 2016 external inspection these potential access routes were found to have been blocked to prevent the entry of bats into the underground reservoir. No signs or evidence of bat activity or potential access routes into the reservoir were present during the 2016 internal inspection.

Breeding Birds

All species of wild birds, their eggs and dependent young are fully protected against killing, injury and taking and against disturbance at the nest and their active nests are protected from damage or destruction under Part 1 of the Wildlife and Countryside Act, 1981. Twenty-three bird species were recorded on or close to the site in 2016 during breeding bird surveys. These findings were similar to those from the previous surveys carried out in 2011 and 2014. The birds identified during these surveys were mostly common species, both at a National and Local level. Four species of principal importance (SPIs) in England under Section 41 of the NERC Act, 2006 were recorded using the site during these three surveys; herring gull, starling house sparrow and dunnock. All of these species are common and widespread in the London area. Of all the SPI bird species (and BOCC Red and Amber species) recorded within the site, only dunnock which was recorded as singing in suitably scrubby areas on site in 2014 only, is considered to have been possibly nesting onsite. All

other SPI or BOCC red or amber species were unlikely to be nesting onsite. The majority of birds heard and seen during the surveys were within the trees and shrubs and scrub habitats on the site boundaries and within adjacent gardens. Three species, blackbird, feral pigeon and wood pigeon, were recorded using the roof of the reservoir either feeding or flying from or to the area without any confirmed breeding activity.

Amphibians

Great crested newt is protected against killing, injury and taking and their breeding and resting places are legally protected against damage or destruction under the Conservation of Habitats and Species Regulations, 2010 as amended and the Wildlife and Countryside Act, 1981. The legal protection also makes it an offence to disturb a great crested newt whilst using any breeding or resting place. There are no ponds or waterbodies within the site for breeding amphibians. The closest pond identified on OS maps was 500m south-east of the site boundary. The semi-improved grassland, trees, shrub belt and log piles at the proposed development site provide suitable foraging, sheltering and hibernation opportunities for amphibians, including great crested newts, in their terrestrial phase. Due to the distance between the proposed development site and the closest pond (which potentially now does not exist), and the ecological barriers between it and the site, such as roads and buildings, it was considered unlikely that great crested newts or other amphibians are using the proposed development site during their terrestrial phase.

Other Mammal Species

Badgers and their setts are fully protected under the Protection of Badgers Act, 1992 and other wild mammals are protected from deliberate cruelty under the Wild Mammals Protection Act, 1996. No signs of badger or hedgehog activity were recorded on the site. The grassland, shrub belt and areas of scrub and ruderal vegetation provided moderate quality habitat for foraging badgers and hedgehogs. It was considered unlikely that badgers would use the site due to its isolation, and the fact that there are no badger records within the 2km data search area. However, hedgehogs are likely to inhabit adjacent gardens, and potentially forage on the site and there are records of hedgehogs within the site boundary from 2004. Fox runs were abundant throughout the site but no fox earths have been recorded.

Invertebrates

The semi-improved grassland, trees, shrub belt and areas of scrub provided suitable habitat for common and widespread invertebrates. However, these habitats, were of limited extent and therefore unlikely to support a significant assemblage of BAP or rare invertebrates. The log piles on the south-facing bank provided rotting deadwood, some of which was likely to be ash, which was frequent along the adjacent tree line, providing potential habitat for breeding stag beetles (*Lucanus cervus*), a Schedule 5 species, protected under the Wildlife and Countryside Act, 1981 and a Species of Principle Importance (SPI) in England for which desk study records exist for a location 300m west of the site.

Predicted Impacts and Proposed Avoidance and Mitigation

Semi-Improved Neutral Grassland

The development proposals will result in a small net loss of 31.6% of the existing semi-improved neutral grassland. During construction 100% of the grassland on the covered reservoir will be removed, equating to 40% of the site grassland. A further 27% of the grassland will need to be removed temporarily from the eastern side of the site during cut and fill operations to achieve the necessary contours and stable slopes. This will result in a temporary loss of 67% of the grassland during construction, and 33% of the grassland habitat will be unaffected by and protected from development both during and post construction.

Following completion of groundworks, the newly created contours around the proposed building will be seeded with an appropriate, species rich wildflower and grass mixture. This will restore 21.6% of the grassland. Finally, on completion of the construction of the building, green rooves will be created, again sown with an appropriate wildflower and grass mixture and will compensate for the loss of 13.8% of the grassland. The overall net loss of grassland therefore will only be 31.6%.

Post construction, the grasslands will be managed in accordance with an agreed Management Plan both to enhance floristic diversity and provide suitable habitat to support the reptile population. Therefore while there will be a small net loss of grassland habitat, that which will be created through re-seeding and appropriate management will be of better condition and quality than that which currently exists.

Scattered Trees and Shrubs and Scrub Habitats

The existing semi-mature trees and shrubs around the site boundary will be retained with minimal removal to facilitate construction. Therefore this habitat and the species it supports (such as breeding birds and foraging bats, please see below) will not be significantly impacted by the proposed development.

Post construction, the current boundary trees and shrubs will be re-enforced with additional planting of appropriate native species of trees and shrubs and species chosen for their value to wildlife such as fruit trees.

Reptiles

A good population of slow worms has been recorded within the site and this isolated population (the only known population in Camden) is a key reason for the identification of the Site of Borough Importance. To ensure compliance with the Wildlife and Countryside Act 1981 requirements and to protect the slow worms from killing or injury during the construction process, it is proposed to capture all the slow worms from within the construction zone and safely translocate them to the suitable reptile habitat (the retained semi-improved grassland) that will not be affected during construction. The slow worms will be translocated to the areas of habitat which surveys have demonstrated currently support the highest numbers of reptiles. This will therefore minimise the number of slow worms that have to be captured and translocated and ensure that the translocated slow worms are moved to an area of optimal reptile habitat. Three hibernacula suitable for slow worms will also be placed within this retained grassland and ecotone on the eastern and southern boundaries in order to enhance the area for slow worm. Temporary reptile exclusion fencing will be erected prior to the capture and translocation to ensure that the slow worms cannot re-enter the construction zone.

Upon completion of construction and following the re-seeding and re-establishment of the semi-improved grassland that must be temporarily removed, the exclusion fencing will be removed to allow the slow worms to move back into the wider site. Therefore the development will not result in any loss of the current reptile population. Furthermore, the enhancement of the grassland habitats that will result from the implementation of the Management Plan (see above) will create optimal conditions for slow worms and will maintain the population in the long term.

Bats

No bat roosts have been identified within the site, including the interior of the covered reservoir. There will therefore be no loss of or disturbance of roosts during or post construction and therefore no likely offences under the relevant laws protecting bats (see above). The trees and shrubs around the site boundaries will be retained during and following construction and therefore the current foraging routes for bats will be retained. These foraging areas will be enhanced by the proposed additional planting of native trees and shrubs and those species of value to wildlife (see above). Additionally, artificial bat roosting boxes will be erected on retained trees at locations appropriate for the conditions required by the intended species. This will enhance the site for bats as suitable roosting habitat is not currently available.

A lighting strategy for the proposed development will be produced and agreed with the Council to avoid or minimise lightspill from the proposed care home onto the adjacent retained foraging habitats around the site boundaries.

Other Mammal Species

Habitat suitable for other mammal species including the belt of trees and shrubs around the site boundaries, will be retained throughout the development to enable species including hedgehog and foxes to continue to use the site both during and post construction.

Breeding Birds

The minimal tree and shrub removal necessary to facilitate development will be undertaken outside of the bird breeding season (i.e. between October and February inclusive) to avoid any offences under Section 1 of the Wildlife and Countryside Act, 1981. New tree and shrub planting plus the installation of artificial bird nesting boxes, including swift bricks, on retained trees and incorporated into buildings will result in long term enhancement to the bird nesting opportunities within the site. This will enhance the site for breeding birds and provide nesting opportunities for species previously not recorded breeding on site.

Invertebrates

The planned retention of or replacement of the current habitats on site, will ensure that the invertebrate species which currently use the site will be able to continue to do so both during and post construction. Additionally, wood piles and a stag beetle log pile will be created to provide habitat to further benefit invertebrates and also benefit birds and reptiles.

Proposed Ecological Enhancements and Management

In addition to the ecological enhancements summarised above, A retention pond will be created on site. This will incorporate features beneficial for wildlife use, including 100% native aquatic and marginal plant species, variable depths and at least one bank with a shallow slope to allow wildlife access. A pond provides a new habitat not previously present on the site and will enhance the site for a wide range of wildlife.

Amenity spaces will be clearly delineated from 'wild' spaces. Access to the wild spaces restricted to occasional use with access managed in such a way to avoid damage and disturbance to these areas. In this way, residents of the care home will be able to enjoy limited access to nature on their doorstep in accordance with Policy CS15 which requires that development should seek to: "... improve opportunities to experience nature, in particular in South and West Hampstead, Kentish Town and central London, where such opportunities are lacking".

The Management Plan for the site will be prepared and implemented to ensure the successful establishment of the replacement and new habitats and the optimal conditions for the protected species in the long term.

Conclusions

The proposed development undertaken in accordance with the above avoidance and mitigation measures will result in no net loss of biodiversity and in long term enhancements to the biodiversity of the site in accordance with the NPPF and Policy CS15 of the Camden Council Core Strategy 2010-2025. The development will not result in the loss of or harm to any legally protected species and will therefore be compliant with the relevant legislation including the Conservation of Habitats and Species Regulations, 2010 (as amended) and the Wildlife and Countryside Act, 1981 (as amended). Furthermore, it will not result in any significant effects to HPI's or SPI's under Section 41 of the NERC Act, 2006 and approval of the scheme by Camden Council can be demonstrated to meet the Council's duty under Section 40 of that Act for conserving biodiversity.