



**Preliminary Ecological Assessment at St Aloysius Convent  
32 Phoenix Rd, Kings Cross, London NW1 1TA**

**Commissioned by Alcyum Solutions Ltd**

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## **Contents**

<b>0. Executive summary.....</b>	<b>3</b>
<b>1. Introduction.....</b>	<b>4</b>
<b>2. Desk Study .....</b>	<b>4</b>
<b>3. Relevant Legislation and Planning Policies .....</b>	<b>4</b>
<b>4. Methodology of survey.....</b>	<b>6</b>
<b>5. Survey Results.....</b>	<b>7</b>
<b>6. Discussion of results and recommendations.....</b>	<b>14</b>
<b>7. References .....</b>	<b>15</b>
<b>8. Document Production and Approval.....</b>	<b>15</b>
<b>9. Annexes .....</b>	<b>15</b>

## 0. Executive Summary

A Preliminary Ecological Assessment survey was carried out at St. Aloysius Convent on 25<sup>th</sup> September 2017, this also included a Preliminary Roost Assessment of the building and trees in the works areas for potential to contain roosting bats. The purpose of the surveys was to check for any ecological issues which might affect proposed development works on site. It is proposed to renovate the existing building and add a ground floor extension where a car parking area is currently located.

The survey results were as follows:

**Badgers** – Negligible risk of setts being present on site – no further badger surveying required.

**Bats** – It is considered unlikely bats are roosting on site. Therefore no further surveying for bats is required.

**Nesting birds** - High potential for nesting in vegetation in the garden area on site, mainly during the peak nesting season (1<sup>st</sup> March to 31<sup>st</sup> August). If it is required that the garden vegetation is cleared as part of works this should ideally take place outside the peak nesting season. If clearance is required between March and August inclusive then the vegetation and nest boxes should first be checked by an ecologist before being removed or cleared. Should active nesting be occurring on site then works or clearance within 5 metres of the nest would have to be delayed until any chicks had fledged.

**Great crested newts** - Negligible potential for great crested newts to be present on site.

**Reptiles** - Negligible potential for reptiles to be present on site.

**Japanese knotweed or other important invasive species** – None found.

Workers should follow detailed guidance given in this report relating to the above to avoid breaching legislation regarding protected and invasive species.

## **1. Introduction**

### **Surveyor**

1.1 The surveyor and author of this report is Dan Sullivan MCIEEM, Senior Ecological Consultant.

### **Client**

1.2 Alcym Solutions Ltd. instructed Green Shoots Ecology.

### **Site of proposed works**

1.3 The site is located at 32 Phoenix Road, Kings Cross, London, NW1 1TA. The works area is around 500 m<sup>2</sup>. The site currently contains a convent building with a 4 storey section with 3 and 1 storey sections at rear over an undercroft car parking area, hardstanding and a small garden area with two small trees. It is proposed to renovate the existing building and extend it by adding a ground floor extension on the existing undercroft car parking area.

### **Survey Site Visit Date**

1.4 25<sup>th</sup> September 2017

## **2. Desk Study**

2.1 A data search for protected and notable species and statutory and non-statutory nature reserves within 2 kms of the site was commissioned from GiGL (Greenspace Information for Greater London)

The Ordnance Survey 1:25000 scale map for the area was also examined for evidence of water bodies within 250m of the site which might be potential great crested newt breeding sites.

## **3. Relevant Legislation and Planning Policies**

### **Badgers**

3.1 Badgers and their setts are protected under the Protection of Badgers Act 1992. All the following are criminal offences: to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so; to intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it. A badger sett is defined in the legislation as 'any structure or place which displays signs indicating current use by a badger'. Badger setts can be disturbed by a multitude of operations which include excavation and coring. (English Nature, 2002).

### **Bats**

3.2 All species of British bat are listed in Appendix II of the Berne Convention and various annexes of the Habitats Directive. They are protected under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation (Natural Habitats, etc) Regulation 1994 (Regulation 38). It is therefore illegal to kill, injure or handle any bat or obstruct access to, destroy or disturb any site that they use. A £5000 fine and/or 6 months imprisonment per offence is the maximum penalty. Where a bat roost will be affected by development a licence to carry out the work will be required (issued by Natural England). This will be granted only if suitable mitigation for any adverse impacts on bats is to be carried out.

### **Birds**

3.3 Under the Wildlife and Countryside Act (1981) it is a criminal offence to disturb nesting birds. The breeding season for most species is generally considered to extend between 1<sup>st</sup> March and 31<sup>st</sup> July inclusive, although some species may breed slightly earlier in the year or later. Site

operations should be phased where possible to occur outside the breeding season. Within this period, clearance of structures and vegetation can only take place if either:

- 1) Affected areas are first checked by an ecologist or other suitably qualified person and no nesting is found to be occurring.
- 2) All parts of the vegetation or structures are clearly visible and no sign of nesting can be seen. If nests are found, work will have to be delayed in that area until chicks have left any nests.

For birds listed on Schedule 1 of the Wildlife and Countryside Act the protection is increased and it is also an offence to disturb them whilst in the process of nest building or at a nest containing eggs or young. It is an offence also to disturb dependent young. Bird species included in Schedule 1 include kingfishers, black redstarts, barn owls and red kites among others.

### **Great crested newts**

- 3.4** Great crested newts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is also a European Protected Species and has additional protection under Regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence to intentionally kill, injure or take a great crested newt, possess or control any live or dead specimen or anything derived from a great crested newt, intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a great crested newt (in practice this means breeding sites and terrestrial habitat). It is an offence to intentionally or recklessly disturb a great crested newt while it is occupying a structure or place which it uses for shelter or protection. A £5000 fine or six months custodial sentence per offence applies.

### **Reptiles**

- 3.5** All native reptiles are protected under the Wildlife and Countryside Act 1981 (as amended). They are protected against killing or injuring even during lawful development. A £5000 fine or six months custodial sentence per offence applies.

### **Invasive Plant Species**

- 3.6** Some plants, such as Japanese knotweed are listed under Schedule 9, Part 2 of the Wildlife and Countryside Act 1981. This states that it is an offence to "plant or otherwise cause to grow in the wild" any plant listed in the schedule. "In the wild" is generally taken to mean any area outside the landowner's site. It is therefore an offence to allow it to spread onto neighbouring sites or to allow some listed plants to be removed offsite without proper disposal, as this could also allow them to spread offsite.

### **National Planning Policy**

- 3.7** National Planning Guidance for Local Authorities is contained within the National Planning Policy Framework 2012 (NPPF). The most relevant guidance relating to planning applications is found within section 11 (Conserving and enhancing the natural environment). This is shown below:

#### **118**

When determining planning applications, local planning authorities should aim 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
- Opportunities to incorporate biodiversity in and around developments should be encouraged

### **Local Planning Policy**

- 3.8** Local councils also have various policies designed to protect and enhance local biodiversity.

#### 4. Methodology of survey

- 4.1 The Preliminary Ecological Assessment followed the methodology outlined in the JNCC (1990) Handbook for Phase 1 Survey. A map showing habitat types and locations on site is included as Annex 2.
- 4.2 The Preliminary Ecological Assessment determines the potential for presence of protected and otherwise important or notable species on sites. Where it shows no evidence of a protected species and no suitable habitats for them, then further surveying for that species can be ruled out. Where suitable habitat is present further surveying is recommended if current guidelines and the judgement of the surveyor suggest presence is reasonably likely.

The following protected species are those most commonly found on potential development sites:

1. Bats
2. Birds
3. Great crested newts
4. Reptiles
5. Terrestrial mammals – Badgers, dormice, water voles

**Table 1: Terms used in report to indicate likelihood of species presence**

<b>Confirmed</b>	<b>Species directly observed on site Clear evidence of species presence observed (e.g. droppings, burrows, etc.)</b>
<b>High</b>	Important structures or features of use for breeding or refuge present. For instance ponds for newts, old trees for bats. Significant amount of high quality foraging habitat present Site adjacent to surrounding areas of suitable habitat, or connected by linear features of use to commuting species (e.g. river) Site close to known offsite species populations
<b>Medium</b>	Some features suitable for breeding or refuge present. Some suitable foraging habitat available Site connected to suitable offsite areas of habitat
<b>Low</b>	Small amounts of low quality areas for refuge or breeding Small areas suitable for foraging Site not connected to suitable offsite habitats or species not likely to enter site.
<b>Negligible</b>	No suitable habitats on site

- 4.3 The likelihood of species being present ranges in a continuum from extremely unlikely to highly likely. The judgement of the surveyor combined with knowledge of habitats present, signs and sightings of animals and evidence from records is used to give an estimated likelihood of presence.
- 4.4 Preliminary Roost Assessments involve inspection of external building areas for evidence of bat activity and possible entrance points and potential roosting areas. Also internal inspections are made of any internal rooms, loft areas, outdoor sheds. Where trees which might contain bat roosts are also to be affected, these are examined from ground level using binoculars to look for features on the tree such as cracks, holes, etc. which might be suitable for bats to roost in.

**4.5** The Preliminary Roost Assessment followed guidance given in the Bat Conservation Trust publication *Bat surveys: Good practice guidelines*. 3<sup>rd</sup> ed. (2016). During the survey the building was searched (where safe to do so) both externally and internally for bat presence and features associated with bat activity. An external inspection of the building on site and any other structures or trees on site was made using binoculars where necessary to look for evidence of the following:

- Bat droppings
- Feeding remains
- Grease staining/urine marks
- Corpses or skeletons
- Potential access points to internal roosts

The areas searched included any of the following where present and safely accessible:

- Window sills
- Soffits and fascia boards
- Any cracks/holes in woodwork
- Chimney breasts
- Outbuildings
- Air bricks
- Grills
- Vents

The internal building inspection covered all safely accessible rooms and storage areas within the buildings on site.

## **5. Survey Results**

### **Desk study results**

**5.1** The search found records of relevant protected species within 2 km of the site. These were:

- Bats – Common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), Kuhl's pipistrelle (*Pipistrellus kuhlii*), Nathusius's' pipistrelle (*Pipistrellus nathusii*), Daubenton's bat (*Myotis daubentonii*) and noctule (*Nyctalus noctula*). There are also records of bats of genii *Myotis* and *Nyctalus* which are not identified to species level.
- Otter (*Lutra lutra*)

The data search showed no likely potential great crested newt breeding ponds within 250m of the site that were not separated from the site by major barriers to dispersal. Major barriers might include busy roads, walls, dense housing or similar.

5.2 The data search found records of 1 statutory designated nature conservation site within 2km of the site. This is described below. There are no non-statutory nature reserves adjacent to the site.

**Camley Street Nature Park (LNR)**

A variety of habitats are present in the park including wetlands, meadow and woodland, which attract insects, amphibians, birds, and at least six species of mammal. Over 300 higher plant species have been found at the site; these include common broomrape (*Orobanche minor*), hairy buttercup (*Ranunculus sardous*) and common spotted orchid (*Dactylorhiza fuchsii*).<sup>[4]</sup> Woodland trees include hazel, rowan, hawthorn and silver birch. Hazel and willow are coppiced regularly. Woodland herbs include lesser celandine and wild violet. Marshland herbs include marsh marigold, greater pond sedge, pendulous sedge, reed, bogbean, mallow and yellow iris. Marsh-nesting birds include reed bunting, moorhen, coot and reed warbler.

**Local area and surrounding habitats**

5.3 The site is located in Kings Cross in a highly urban area consisting mostly of dense urban development with few open spaces. It is approximately 150 m northeast of Euston Station and around 2.7 km north of the Thames. The site itself is bordered on the southern side by a car parking area and school and on the eastern side by Convent buildings, to the north is Phoenix Road, with a small area of amenity grassland areas and trees beyond that and adjacent to the western site edge are more buildings.

**Weather conditions during site visit**

5.4 Weather conditions are shown below:

- Precipitation: None
- Temperature: 16 °C
- Cloud cover: 100 %
- Wind: Calm

**Habitats found on site**

5.5 The proposed development area was found to contain the habitats described below. Annex 2 to this report is a map showing locations of these habitats. Scientific names for plants listed below are given in Annex 1.

**Table 2: Habitats found on site**

Habitat type	Description
<b>Built structures – Convent building and greenhouse</b>	<p>The works area consists mainly of a large convent building consisting of a front 4 storey section with 3 and 1 storey sections at rear over an undercroft car parking area. This is a brick, flat roofed building. It has no significant external features that could be used for roosting by bats. There is no loft space or cellar. There are no gaps, cracks or crevices externally that bats could use as entry points or roosting locations.</p> <p>The garden at rear of the site contain a small greenhouse. This was unsuitable for bats to roost in.</p>





**Photo 1 - Showing northern and western elevations of convent building:**




**Photo 2 – Showing greenhouse in garden**



Habitat type	Description
<b>Hardstanding</b>	<p>The works area contains tarmac areas on the entrance road to the site, around the building adjacent and in an undercroft car parking area. The garden contains paved areas.</p> <p><b>Photo 3 – Hardstanding in car parking area:</b></p> 

Habitat type and location	Description
<p><b>Ornamental shrubberies and flower beds</b></p>	<p>A garden adjoins the southern end of the works area and at least part of this area is likely to be affected by works. This area contains small beds of ornamental shrubs and herbaceous plants. These contain a typical range of common garden plants including lavender, roses, sage, rosemary, euonymus, apple, Mexican orange, jasmine, holly, spotted laurel, cotoneaster, periwinkle, privet and ivy. The area also contains some common garden weeds such as creeping thistle, annual dog's mercury, sowthistle and petty spurge.</p> <p><b>Photo 4 - Part of garden area:</b></p> 



Habitat type and location	Description
Trees	<p>The garden area contains two small trees of typical garden tree species such as flowering cherry. These trees had bird nest boxes attached to them. They were small and thin with no potential areas for bats to roost in them.</p> <p><b>Photo 5 – Cherry tree with bird box:</b></p>  A photograph showing a medium-sized cherry tree with a thick, reddish-brown trunk and dense green foliage. A small, dark, rectangular bird nest box is mounted on the trunk. The tree is situated in a garden area with a dark wooden fence in the background. A house with windows is visible behind the fence. The ground around the tree is covered with mulch and some green plants.

**Table 3: Likelihood of protected species on site**

<b>Protected species or feature</b>	<b>Potential for presence</b>	<b>Suitability of habitats on site.</b>	<b>Evidence of presence on site or data suggesting likely presence</b>
<b>Badger setts</b>	<b>Negligible</b>	<p>The site contains no significant areas of suitable habitat for badgers to forage in or build setts in.</p> <p>The site is surrounded by areas unsuitable for badgers in the form of dense urban development and busy roads.</p>	The data search found no records of badgers within 2 km of the site. No signs of badger activity were found on site and no setts were seen.
<b>Bats (roosting)</b>	<b>Negligible</b>	<p>Trees on site were both small and thin with no potential bat roosting features, such as loose bark, rot holes, crevices etc.</p> <p>The building was found to be unsuitable for roosting due to lack of possible entry points for bats or suitable roosting areas within or on the buildings.</p>	<p>The data search found records of 6 species of bats within 2 km of the site, as well as 2 records of bats identified only to genus.</p> <p>No evidence of bat presence was found on the site.</p>
<b>Breeding birds</b>	<b>High potential for nesting in future. Confirmed previous nesting in nest box.</b>	The site contained shrubbery suitable for birds to nest in, as well as nest boxes. It seems likely they would nest in these areas in the breeding season. They would be unable to enter the building to nest inside and it is unlikely they would nest on the outside of the building.	<p>No nests were seen in shrubbery although if present they would be likely to be in hidden areas.</p> <p>Where accessible nest boxes were examined and one of the accessible ones was found to have been used and contained old nest material.</p>
<b>Dormice</b>	<b>Negligible</b>	<p>The site contained no large areas of dense scrub, shrubbery or woodland suitable for dormice.</p> <p>The site is surrounded by areas of habitat unsuitable for dormice, in the form of urban development</p>	The data search found no records of dormice within 2 km of the site. Dormice have not been recorded in this borough in recent times.
<b>Great crested newts</b>	<b>Negligible</b>	The site contains no suitable waterbodies on site for breeding newts. It contains small areas of suitable terrestrial habitat for newts. The site is surrounded by habitats likely to be barriers preventing newts entering the site. Barriers present include busy roads, dense housing or other buildings and walls.	The data search found no records of great crested newts within 2 km of the site.

		There are no known suitable breeding ponds within 250 metres of the site. As the development is small scale and affects only very small areas of crested newt terrestrial habitat it is considered unlikely to have any impact on crested newt populations located more than 250 metres away.	
<b>Reptiles</b>	<b>Negligible</b>	The site contains no suitable reptile habitat (such as open woodland areas and edges, ruderal vegetation, scrub and rough grass).  It is surrounded by unsuitable habitat for reptiles (urban development).	The data search found no records of reptiles within 2 km of the site.  No evidence of reptile presence was seen whilst on site.
<b>Other protected species</b>	<b>Negligible</b>	No habitats suitable for water voles, otters, or other protected species not mentioned above.	

**Non-protected and non-notable species seen**

5.7 Non-protected fauna species found on site during the survey consisted only of feral pigeons (*Columba livia*). These are of no conservation significance.

**Invasive species**

5.8 No evidence of Japanese knotweed (*Fallopia japonica*), giant hogweed (*Heracleum mantegazzianum*) or other important invasive species was seen on site.

**6. Discussion of results and recommendations**

**Constraints to surveying**

6.1 All parts of the site were visible and accessible. Therefore there were no constraints to surveying these.

**Nature reserves**

6.2 The proposed works involve small scale development on an area of low ecological value. There are no nature reserves adjacent to the area. Works are unlikely to affect any nature reserves unless they are directly adjacent to the site. Therefore the works will have no negative impacts on nature reserves.

**Badgers**

6.3 The survey found a negligible probability of badgers being present on site. As a result, no further surveying or mitigation for badgers is recommended.

**Bats**

6.4 The buildings and trees on site are considered to have negligible potential to support roosting bats. As a result no further survey or mitigation for bats is recommended

**Breeding Birds**

6.5 The survey found a high probability of birds nesting on site in vegetation and nest boxes during the main nesting season (March to August inclusive). In garden areas to be affected by works

nest boxes should be removed from site or preferably relocated in parts of the garden to remain unaffected by works. Any vegetation clearance required in the garden or movement of nest boxes should take place ideally outside the nesting season. Should clearance of vegetation or removal or relocation of nest boxes be required during the nesting season then any vegetation to be cleared or nest boxes to be moved should first be checked for nesting birds by an ecologist. If declared nest free then works can continue, otherwise where active nests are found works must be delayed in that area until chicks have fledged. A buffer area of at least 4 metres around the nest should be enforced to prevent disturbance.

**Dormice**

6.6 The survey found a negligible probability of dormice being present on site. As a result, no further surveying or mitigation for dormice is recommended.

**Great crested newts**

6.7 The survey found a negligible probability of great crested newts being present on site. As a result, no further surveying or mitigation for great crested newts is recommended.

**Reptiles**

6.8 The survey found a negligible probability of reptiles being present on site. No further surveying or mitigation for reptiles is recommended.

**Other protected species**

6.9 The site lacks habitats able to support other protected species.

**Invasive species**

6.10 No important invasive species were found on site. As no important invasive species were found no precautions are required relating to these.

**7. References**

English Nature (2001) Great Crested Newt Mitigation Guidelines, English Nature, Peterborough  
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 HMSO, 1981. The Wildlife and Countryside Act 1981 (as amended). The Stationery Office, Norwich.  
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**8. Document Production and Approval**

Status	Personnel	Date
Draft	Dan Sullivan	02/10/2017
Proofed	Dan Sullivan	04/10/2017

**9. Annexes**

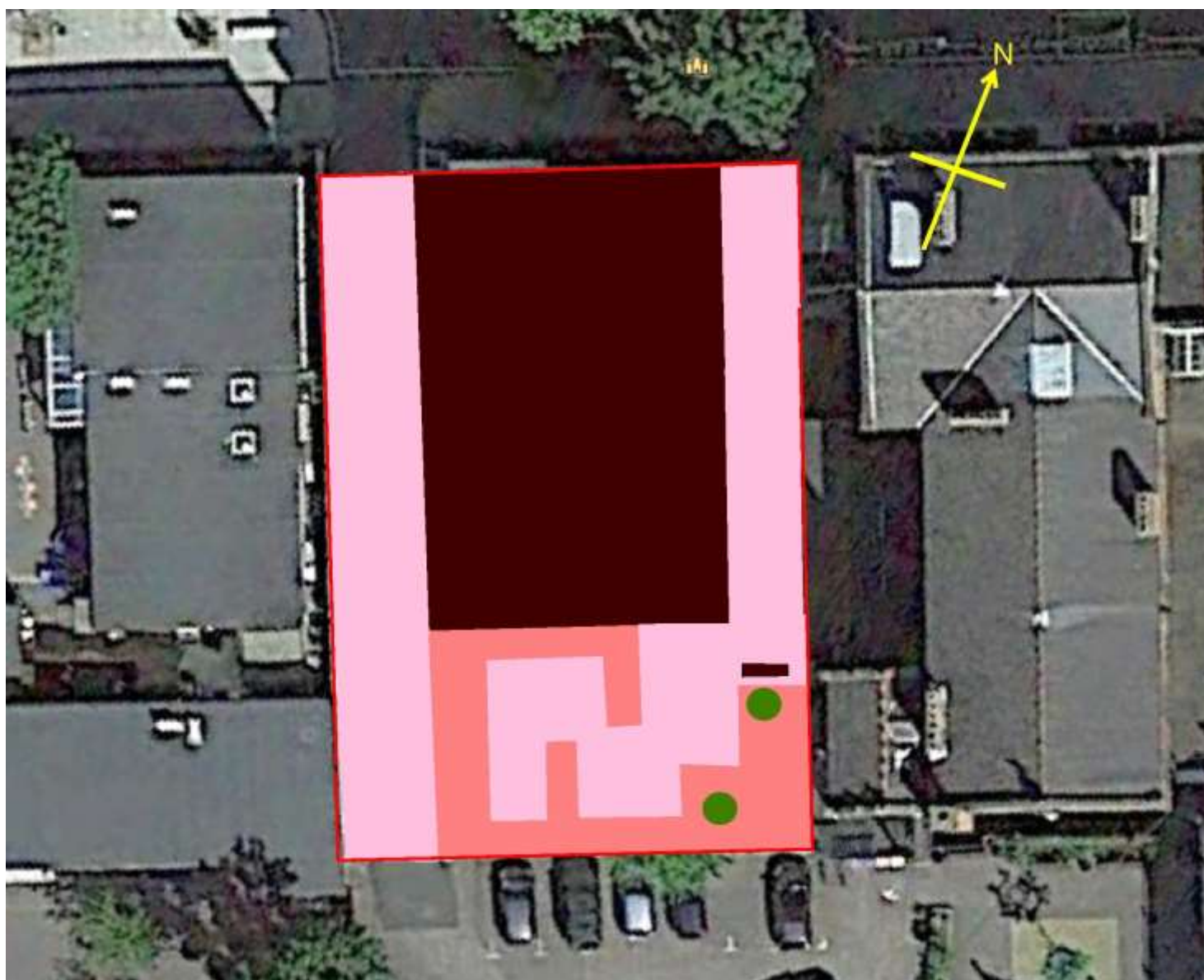
**Annex 1: List of plant species mentioned in report showing scientific names**  
**Annex 2: Phase 1 Habitat Map showing habitats on site on 25th September 2017**

**Annex 1: List of plant species mentioned in report showing scientific names**

Annual Mercury	<i>Mercurialis annua</i>
Apple	<i>Malus</i> sp.
Cherry	<i>Prunus</i> sp.
Cotoneaster	<i>Cotoneaster</i> sp.
Creeping Thistle	<i>Cirsium arvense</i>
Euonymus	<i>Euonymus</i> sp.
Greater periwinkle	<i>Vinca major</i>
Holly	<i>Ilex aquifolium</i>
Ivy	<i>Hedera helix</i>
Jasmine	<i>Jasminum officinale</i>
Lavender	<i>Lavandula</i> sp.
Mexican orange	<i>Choisya ternata</i>
Petty Spurge	<i>Euphorbia peplus</i>
Privet	<i>Ligustrum</i> sp.
Rose	<i>Rosa</i> sp.
Rosemary	<i>Rosmarinus officinalis</i>
Sage	<i>Salvia officinalis</i>
Smooth Sow-thistle	<i>Sonchus oleraceus</i>
Spotted laurel	<i>Aucuba japonica</i>








Annex 2: Phase 1 Habitat Map showing habitats on site on 25th September 2017



Plan created using Google Earth imagery

Legend:

-  - Building or greenhouse
-  - Hardstanding
-  - Ornamental shrubbery or flowerbed
-  - Tree
-  - Boundary of survey area