



135-149
Shaftesbury
Avenue
London
WC2H 8AH

Preliminary Ecological Appraisal

November
2017

Ref: 17-3621



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1. EXECUTIVE SUMMARY

Syntegra Consulting was commissioned by Capital Start Limited, to conduct a Preliminary Ecological Assessment Survey at 135-149 Shaftesbury Avenue, Holborn, London, WC2H 9AH.

The site consists of a detached building, set within a hard standing grounds with offsite boundary trees.

As the site had no emergent or exiting vegetation on site, the survey carried out consisted of a daytime bat and nesting bird assessment. The survey was undertaken on 1st November 2017.

The proposals are to extend two storeys, refurbish and convert the building into commercial property consisting of a new cinema, restaurant and hotel.

The internal survey of the building found limited to no potential access points and crevice spaces. The roof had stores for boilers, water tanks and stairwell access to building, these areas noted no potential access points or potential crevice roosting spaces.

The external survey of the building noted limited to no potential access points or crevice points. The roof stores and units offered little to no potential access points and or crevice roosting space.

The building is located within a busy built up area with areas of light spill from the adjacent main road. Within the boundaries of the site are areas of semi-mature and mature trees that provide potential traversing and foraging areas.

No evidence of nesting birds were noted during the internal or external inspection. The building offered limited to no suitable nesting areas.

The building was deemed as nil potential for roosting bats. In accordance with the Bat Conservation Trust's Good Practice Survey Guidelines (3rd edition, 2016) and Natural England's standing advice, buildings that are deemed nil potential do not require further echolocation surveys and works can proceed with standard precautionary measures in place.

2. INTRODUCTION

Syntegra Consulting was commissioned by Capital Start Limited, to conduct a daytime bat and nesting bird survey at 135-149 Shaftesbury Ave, London. The surveys were carried out on the 1st November 2017.

The proposals are to extend three storeys, refurbish and convert the building into commercial property consisting of a new cinema, restaurant and hotel.

All bat species are protected by European and national legislation. A bat survey is therefore required to determine the presence or likely absence of bats at the site. The survey aimed to determine whether bat species are present at this site, the type of roost at the site, and the population size.

The brief was to survey the proposed development site, and identify the presence or likely absence of bats and nesting birds. A desk top study consisting of an NBN records search was used to assess the species of bats that may occur on site. Recommendations will be made as necessary in order to inform a mitigation strategy and license application if required.

3. LIMITATIONS

The daytime inspection was conducted in November when most species of bat are active on suitable condition evenings only and are within transitional or hibernation roosting sites (BCT Guidelines, 2016). Whilst evidence of roosting can be confirmed by a daytime inspection alone, very often features that could support bats cannot be searched thoroughly to confirm whether bats are indeed roosting.

Desktop data searches are a valuable tool in evaluating a sites potential to hold protected species. However, it is not an absolute in confirming presence or absence of species due to the nature of how the records are collected and shared.

All areas and aspects of the building that were accessed during the survey had inspections.

This report only applies to plans drawn up at the time of survey. Any alterations to plans may render the report void and/or require further surveys and should be communicated to the ecologist at the earliest opportunity.

The client is responsible for reading and understanding the advice given in this report. The client must ensure that, where recommended, mitigation is followed through.

4. LEGISLATION

This section details the legislation relevant to the protection of species and habitats. It also details the relevant policies within national, regional and local planning policy.

The National Planning Policy Framework in summary requires that the planning system should aim to contribute and enhance the natural and local environment. The aims are to: protect and enhance valued landscapes as well as geological conservation interests and soils; recognizing the wider benefits of ecosystem services; and minimizing impacts on biodiversity and providing net gains in biodiversity where possible.

The UK Biodiversity Action Plan (BAP) lists species that are of particular importance on national and local scales. The aim of this plan is to ensure that change does not result in net loss of both the quality and quantity of biodiversity, and ultimately enhance biodiversity wherever possible.

All species of bats are strictly protected through UK and European regulations. Bats have been placed on protected lists due to the overall steady decline of species over the last century. They are protected under the Wildlife and Countryside Act 1981 (as amended), under which bats are protected from intentional or reckless disturbance.

Additional protection for all bat species is provided under Schedule 2 of The Conservation of Habitats and Species Regulations 2010. Under Regulation 41 it is an offence to deliberately capture or kill a wild animal of a European protected species, deliberately disturb any such animal and to damage or destroy a breeding site or resting site. Since August 2007 amendments to the Conservation (Natural Habitats) Regulations 1994 have changed the term ‘deliberately disturb’ such that it is an offence if the species are disturbed in such a way that it is likely to significantly affect the colonies ability to survive, breed or rear their young; or affect the local distribution or abundance of that species. If the deliberate disturbance is considered to fall below the threshold for the Regulations, no license under this legislation is necessary, but the disturbance may still be an offence under Wildlife and Conservation Act 1981 (as amended).

Licenses are needed if the disturbance is a significant effect on the bat colony and would otherwise be an offence. Licenses are granted after strict following of Section 44 under the Habitat Regulations, following the submission of a license application to Natural England. Licenses permit the work that is otherwise considered to be an offence under the legislation.

Natural England (NE) is the authority for determining license applications for works associated with developments affecting bats. In cases where licenses are required, certain conditions have to be met to satisfy Natural England under the 3 tests set out in Regulation 53 of the Habitats Regulations 2010 when granting licensees. These tests are:

The consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; and

There must be “no satisfactory alternative”; and

The action authorized “will not be detrimental to the maintenance of the population of the species concerned at a favorable conservation status in their national range”.

In order to meet the tests, Natural England expects the planning position to be fully resolved. Full planning permission, if applicable, will need to have been granted and any conditions relating to bats fully discharged.

All native birds receive protection whilst nesting under the Wildlife and Countryside Act 1981 (as amended). Barn owls receive additional protection under Schedule 1 and 9 of the Wildlife and Countryside Act (as amended).

5. METHODOLOGY

On the 1st November 2017, internal and external inspections were carried out. The surveys were carried out by Patricia Holden MSc MCIEEM (bat licence: 2016-20440-CLS-CLS), an experienced ecologist who has undertaken numerous bat and nesting bird surveys and has undergone professional training in bat surveying techniques. The survey followed guidelines by the Bat Conservation Trust (2016) Bat Surveys Good Practice Guidelines. Any bat droppings found were noted for shape, size, texture and age.

Bats Internal and External Inspections

The internal inspections of the building identified features of interest and potential bat roost sites. The floor spaces within the building were searched for evidence of bats in the form of droppings and insect debris. Within the roof spaces, features such as cracks, crevices, ridgebeams were inspected for droppings, insect debris, urine stains or markings, scratchings and bat remains.

The external survey of the building identified features of interest such as likely exit and entrance points, examples include: holes in walls, gaps in windows and doors, cracks in brickwork, hanging roof tiles, and loose eaves. The grounds around the building were searched for evidence of bats such as droppings, or feeding remains.

6. RESULTS

Position in the Landscape

Grid reference: TQ 299 811

The building is within the urban area of Holborn, an area that is characterised by higher density built form. The building is set within hard standing and surrounded by main roads, minor roads, parkland, and further commercial buildings.

The building sits within hard standing with no emerging vegetation. To the northern offsite boundary are immature Cherry, Rowan and London Plane trees set within hard standing path. Directly north of the site is Phoenix Gardens, an area with a mixture of mature trees, semi-mature trees, and areas of ornamental planting including shrubs, flowers and grasses.



Figure 1: Google Map Image of the site

No part of the site contains, or is within, statutory sites of nature conservation interest, such as a Site of Special Scientific Interest (SSSI), and or Special Area of Conversation (SAC). The site is within 2km of the World Heritage Site: Palace of Westminster, Westminster Abbey and St Margaret's Church. The site is within 2km of Registered Parks and Gardens with the closest being Lincoln's Inn Fields, 500 metres east of the site.

The NBN gateway record search due to copyrights could not be reproduced in the report. A search of granted EPS licence Applications returned two epsl within 1000 metres of the site for the destruction of a resting places for common pipistrelle (applied in 2015).

The site is identified as built structure/built environment and listed as a priority habitat under the London Biodiversity Action Plan. The target aim under the London Habitat Action Plan is to

encourage the provision of wildlife habitat to be incorporated into the urban and built environment through the planning system, and in particular the Local Development Frameworks.

External Inspections

The site surveyed consisted of a cinema building. The exteriors of the buildings were inspected for access points, and evidence of bats and nesting birds.

The building consists of brick walls with stone ledges and facades, with a flat lead and asphalt roof with brick edging. Within the roof space is several stores for water tanks, boilers and raised entrance areas for stairwells.

The buildings metal doors, glass doors and windows were all intact and tight within their frames. No gaps, holes, cracks or missing sections were noted along the doors or windows. The brick walls were in a good state of repair with no holes, gaps, cracks or missing bricks. The stone facades were tight against the bricks and noted no holes, gaps, crack or missing sections.

The inspection of the roof space noted tar and asphalt lined flat roofs with areas of brick, metal and asphalt edging. The raised stores and stairwell areas meet the roof space with no holes, gaps or missing sections. The store and stairwell buildings consisted of brick, cement and pebble dash with flat asphalt roofs. The buildings had no missing sections, cracks, gaps or holes within the walls or roof space.

The external features and potential are summarised in the table below:

Location	Feature	Potential/Confirmed Feature
Roof	Flat asphalt, tar and lead	Good state of repair, meets edging with no notable gaps or lifts, no missing sections, nil potential for crevice space and access points
Walls	Brick with stone	No holes, gaps, nil potential for access and crevice spaces
Upper roof buildings	Brick, cement, pebble dash and flat asphalt roofs	Good state of repair with no gaps, holes, cracks and or missing areas, nil potential for access and crevice space

Table 1: Summary of the buildings external features and potential

Internal Inspections

The internal inspections of the building examined features of interest, potential bat roost sites and bird nesting areas.

In summary, the upper roof stores and stairwells were flat roofs with no loft spaces. The stores consist of brick walls, cement and exposed roof spaces consisting of cement and plywood. The spaces lacked suitable crevice roosting spaces or potential access points. No signs of bats in the form of droppings, debris, marks or stains were noted. No signs of remnant or active nesting birds were noted.

The stairwells consisted of plasterboard and cement walls with plasterboard roof spaces. No areas of visible light were noted during the survey. The stairwell areas lacked suitable crevice spaces or access points. No signs of bats in the form of droppings, debris, marks or stains were noted. No signs of remnant or active nesting birds were noted.

7. ASSESSMENT

The building presented nil potential use for roosting daytime bats. The location of the building is within a high density built up area. The surrounding landscape offers limited potential foraging and traversing grounds for local bats.

The buildings internal upper floors, stores and stairwell areas had tight and intact features, with no areas of loose or missing roof space or wall space, reducing the overall potential for use as significant roosting space. No areas of visible light were noted during the inspection of the spaces suggesting a lack of potential access spaces. The inspection found no evidence of roosting bats in the form of marks, stains, debris or scattered droppings.

The external inspection of the building noted intact features with no areas of potential crevices spaces and access areas. The walls were in a good state of repair. The roof space was tight and intact.

It is not considered that the building is suitable for use by roosting bats and per the Bat Conservation Trust Guidelines (2016), buildings that are nil potential do not require further echolocation studies and works can proceed with standard precautionary measures in place.

No signs of nesting birds were noted during the internal and external surveys.

The site is identified as built structure/built environment and listed as priority habitat under the London Biodiversity Action Plan and a priority habitat as identified in the Camden Biodiversity Action Plan. The target aim under the London Habitat Plan is to encourage the provision of wildlife habitat to be incorporated into the urban and built environment through the Planning system, and in particular the Local Development Frameworks. The site can incorporate additional nesting and roosting sites into the design of the building by use of swift bricks and bat tubes placed on the upper northern wall. There is scope for areas of brown or green roofs designed into the new roof space.

8. CONCLUSIONS AND RECOMMENDATIONS

The site is located within the urban area of Holborn, and is surrounded by further high density built land including commercial land, park land, along with minor and major roads.

The site consists of a detached building set within hard standing with no emerging or established vegetation.

The internal survey of the building found limited to no potential access points and crevice spaces. The roof had stores for boilers, water tanks and stairwell access to building, these areas noted no potential access points or potential crevice roosting spaces.

The external survey of the building noted limited to no potential access points or crevice points. The roof stores and units offered little to no potential access points and or crevice roosting space.

The building is located within a busy built up area with areas of light spill from the adjacent main road. Within the boundaries of the site are areas of semi-mature and mature trees that provide potential traversing and foraging areas.

The building was deemed as nil potential for roosting bats. In accordance with the Bat Conservation Trust's Good Practice Survey Guidelines (3rd Edition, 2016) and Natural England's standing advice, buildings that are of nil potential do not require further echolocation surveys and works can proceed with standard precautionary measures in place.

No evidence of nesting birds were noted during the internal or external inspection. The building offered limited to no suitable nesting areas.

To ensure that this site complies with wildlife legislation and the National Planning Policy Framework, the following recommendations are made:

Works can proceed with standard precautionary measures in place.

For the site to increase its ecological value and provide net gains to biodiversity in accordance with chapter 11 of the National Planning Policy Framework (NPPF) (DfCLG, 2012) and Policy A3 of The Camden Local Plan 2016, the site has scope to incorporate nesting and roosting boxes into the design of the upper wall spaces by use of bat tubes and swift bricks.

9. REFERENCES

Hundt L (2016) *Bat Surveys: Good Practice Guidelines*, 3rd edition, Bat Conservation Trust.

Mitchell-Jones, A. J. *Bat Mitigation Guidelines*. Jan 2004. English Nature.

Stebbing, R.E, Yalden, D.W., Herman, J.S. *Which Bat Is It?* The Mammal Society. 2007.

APPENDIX 1 – PHOTOS OF THE SITE



Rear of building



Trees within offsite northern boundary



Lined roof space



Stores on roof space



Internal water tank store



Internal stairwell

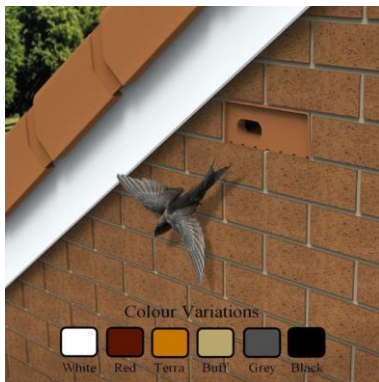
APPENDIX 2 – RECOMMENDED BIRD AND BAT BOXES

One bat tube is recommended to be installed. The following should be taken into account in consideration during the installation.



Schwegler Bat Tube 1FR

- The tube boxes are for common bat species such as pipistrelle. These should be placed at least 3m from ground level, and should face away from the southwest so there is little direct sunlight.
- The box is to be incorporated into the exterior wall of a building, and best placed on the northern wall as this is within close proximity to the adjacent Phoenix Gardens, at least 3 metres high with a clear flight path.
- The box is self-cleaning and does not need maintenance. Boxes, if these are to be disturbed then this must be done by a licenced ecologist.



Swift Brick Box RSPB Conservation Bird House for Brick or Rendered Walls

Nest bricks are best placed on the northern side of the building where there is no direct sunlight and a clear flight path.