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Primrose Hill - New Catering Outlet

Updated Ecological Appraisal 2018

Prepared by LUC for The Royal Parks
September 2018

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Contents

| | | |
|-------------------|--|-----------|
| 1 | Introduction | 1 |
| | Site Description | 1 |
| | Policy and Legal Considerations | 1 |
| 2 | Methods | 2 |
| | Baseline Data Collection | 2 |
| | General Limitations and Constraints | 4 |
| 3 | Results | 5 |
| | Desk Study | 5 |
| | Extended Phase 1 Habitat Survey | 8 |
| | Bat Surveys | 8 |
| | Other Species | 9 |
| 4 | Discussion | 10 |
| | Designated Site/Habitats | 10 |
| | Bats | 10 |
| | Birds | 11 |
| Appendix 1 | Policy and Legal Considerations | 13 |
| Appendix 2 | Bat Survey Results (2018) | 16 |
| Appendix 3 | Extended Phase 1 Habitat Map (2016) | 22 |
| Appendix 4 | Target Notes (2016) | 23 |
| Appendix 5 | Bat Inspection Notes (2016) | 24 |

Tables

| | |
|--|---|
| Table 2.1 Bat Roost Potential Categories | 3 |
| Table 3.1 Desk Study – Designated Sites | 5 |
| Table 3.2 Desk Study Findings – Species Record | 6 |

1 Introduction

- 1.1 In March 2016, LUC was appointed by The Royal Parks to undertake an ecological appraisal of a public toilet at Primrose Hill (hereafter referred to as 'the Site') to inform proposals to renovate the public toilet in order to make provision for a new catering outlet. **LUC was then reappointed in August 2018 to update bat surveys that were originally undertaken in May and June 2016.**
- 1.2 This report comprises a desk study, Extended Phase 1 Habitat survey with specific focus on bats and emergence/re-entry surveys. This report presents the findings of the above surveys, including recommendations for avoidance and mitigation of ecological impacts, potential constraints to the scheme, and opportunities to provide net gain for biodiversity. **This has been revised following updated bat surveys undertaken in 2018.**
- 1.3 This report has been prepared for the exclusive use by The Royal Parks. No part of this report should be considered as legal advice.

Site Description

- 1.4 The public toilet is situated on the southern boundary of Primrose Hill, adjacent to Prince Albert Road (TQ279836). The Site comprises of a building currently used as a public toilet, a children's playground and an area with outdoor exercise equipment for adults.

Policy and Legal Considerations

- 1.5 This appraisal has been prepared in accordance with relevant legislation and policy. Further detail is provided in **Appendix 1**, however the following primary documents are of relevance:
 - The Wildlife and Countryside Act 1981 (as amended);
 - The Countryside and Rights of Way Act (CRoW Act), 2000 (as amended);
 - The Natural Environment and Rural Communities Act (NERC Act), 2006;
 - The Conservation of Habitats and Species Regulations 2017;
 - The National Planning Policy Framework (DCLG 2018);
 - Camden Local Plan (2017);
 - Camden Biodiversity Action Plan; and
 - The Regent's Park and Primrose Hill Conservation Management Plan.

2 Methods

- 2.1 The methods adopted in the survey and appraisal are outlined below. They accord with the best practice guidance documents for survey and appraisal produced by the Chartered Institute of Ecology and Environmental Management¹ and the British Standards Institute².

Baseline Data Collection

Desk Study

- 2.2 To provide additional background to the appraisal and to highlight likely features or species groups of interest, a study of available biological records was undertaken to identify sites designated for their nature conservation value, and existing records of protected or notable species of relevance to the Site. A search of the following resources was undertaken, within a 1km radius from the Site, in 2016:
- Greenspace Information for Greater London (GiGL);
 - Multi-Agency Geographical Information for the Countryside (MAGIC);
 - Ordnance Survey (OS) mapping; and
 - Aerial photography.
- 2.3 The absence of a species from biological records cannot be taken to represent actual absence. Species distribution patterns should be interpreted with caution as they may reflect survey/reporting effort rather than actual distribution.

Extended Phase 1 Habitat Survey

- 2.4 An Extended Phase 1 Habitat Survey was undertaken within the Site boundary in line with standard methods³.
- 2.5 Phase 1 Habitat Survey provides a rapid means of classifying broad habitat types in any given terrestrial site.
- 2.6 The survey was 'extended' by considering the suitability of the Site to support notable or protected flora or fauna. Species considered included those identified during the desk study, or those considered appropriate by the surveyor during the survey. Detailed surveys were not completed for these species; however, based on an understanding of species ecology, consideration was given to the Site's potential to provide sheltering or foraging habitat and/or connectivity to allow dispersal between populations. Further information is provided in the 'Baseline Data' section below.
- 2.7 The survey was undertaken on the 30th March 2016 by Rebecca Turner GradCIEEM. Weather conditions during the survey were fine and dry.

Bats

Bat Inspection

- 2.8 In addition to the above, the building and surrounding trees were specifically considered for their potential to support bats. For ease of reference, the table below sets out the categories of

¹ Survey guidance is available at <http://www.cieem.net/sources-of-survey-methods-sosm-> and appraisal guidance is available at <http://www.cieem.net/guidance-on-preliminary-ecological-appraisal-gpea->.

² British Standards Institute (2013). BS42020:2013 Biodiversity – Code of Practice for Planning and Development.

³ Joint Nature Conservation Committee (1990). Handbook for Phase 1 Habitat Survey. JNCC, Peterborough.

potential value for these species⁴. During the inspection, the external building features and trees were examined using a high powered torch. Typical features with potential to support bats are described in **Table 2.1** below.

Table 2.1 Bat Roost Potential Categories

| Suitability | Description | Further survey implications |
|---------------------|--|--|
| Confirmed bat roost | Bats or evidence of bats recorded, both of recent and/or historic activity. | Works affecting a roost are licensable. Further survey required to determine the bat species present, nature of roost and level of use before mitigation is can be determined. |
| High | A structure or tree with one or more potential roost sites that are obviously suitable for use by large numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions ⁵ and surrounding habitat. | Three separate survey visits. Of which, at least one dusk emergence and a separate dawn re-entry survey. |
| Low | A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions ⁴ and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation). | A single survey visit is required for buildings No further survey is required for trees |
| Negligible | Negligible habitat features on site likely to be used by roosting bats. | No further survey or mitigation required. |

Emergence/Return Surveys

- 2.9 Three emergence/re-entry surveys were undertaken for the public toilet to identify the presence or likely absence of bat roosts, as well as identify roost type, status and characteristics for any confirmed roosts (e.g. roost dimensions, access points and flight paths). The surveys were undertaken by experienced surveyors in **August and September 2018**.
- 2.10 The survey method followed best practice guidance. The dusk emergence survey commenced at least 15 minutes before sunset and lasted for at least 1.5 hours after sunset. During the survey, experienced bat surveyors were positioned around the building such that all aspects could be observed simultaneously.
- 2.11 Surveys were conducted using Bat Box Duet and Anabat Express heterodyne and frequency division detectors. Bat sonograms were recorded for subsequent analysis and species identification using Analook software (if required).

⁴ Collins, J. (Ed.) (2016). Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd Edition. Bat Conservation Trust, London.

⁵ For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance.

- 2.12 Bat foraging and commuting activity was also recorded during the surveys, with species, number, time and direction of flight recorded to gain an understanding of how the Site is utilised by foraging or commuting bats.
- 2.13 Detailed survey findings including weather conditions during the surveys are provided in **Appendix 2**.

General Limitations and Constraints

Phase 1 Habitat Survey

- 2.14 The survey was carried out in March, when floral identification is considered sub-optimal. However, this was not considered a constraint to the survey findings due to the types of habitats present, which primarily consisted of hard standing and amenity grassland.
- 2.15 It is important to note that ecological surveys provide information regarding the ecological baseline of a site for only a 'snapshot' of time. Therefore, if significant time lapses between the surveys and the further development or implementation of proposals updated ecological surveys may be required to identify any change in the baseline, such as natural succession of habitats, or local extinction or colonisation of species. Ecological surveys can generally be considered as up to date for 1 to 3 years dependent on the nature of the Site, ecological baseline and proposals and likely impact. Therefore if a year lapses between the progressions of development proposals, it is recommended that ecological advice is sought regarding the applicability of the survey findings.

Bat Surveys

- 2.16 Due to time constraints, the 2018 bat surveys were undertaken between mid-August and September which is towards the end of the survey window. However, two of the three survey visits were completed during the optimal survey window as per BCT best practice guidance, and the survey results were in keeping with those undertaken in May and June 2016. This is therefore not considered to affect the validity of the results or conclusions reached in this report.

3 Results

Desk Study

- 3.1 The findings of the desk study are presented in the tables below. Existing species within 1km of the Site were provided by Greenspace Information for Greater London (GiGL) in 2016.

Table 3.1 Desk Study – Designated Sites

| Site Name | Designation(s) | Description | Orientation/Distance (m) from centre of Site (approx.) |
|---------------------------|---------------------|--|--|
| Non-statutory sites | | | |
| Primrose Hill | SINC II | Famous area of Regent's Park with great views of London. This area of Regent's Park consists mostly of mown amenity grassland with scattered groups of mature trees. | Includes the Site |
| London's Canals | SINC (Metropolitan) | London's canals provide a home for many fish and aquatic plants, and are a great way to enjoy the natural world in some of the city's most built-up areas. | 95 South |
| London Zoo | SINC (Grade I) | One of London's top tourist attractions, the zoo is of enormous educational importance. It also provides food and home for a number of wild birds. | 206 South |
| Regent's Park | SINC (Metropolitan) | This historic Royal Park is probably the best place site for breeding and migrant birds in central London. Its famous heronry is one of London's largest. | 275 South |
| Chalk Farm Embankment and | SINC (Grade I) | Steep-sided railway embankment and | 715 North |

| Site Name | Designation(s) | Description | Orientation/Distance (m) from centre of Site (approx.) |
|-------------------------|----------------|---|--|
| Adelaide Nature Reserve | | nature reserve with good grassland areas. | |

Table 3.2 Desk Study Findings – Species Record

| Species Name | Status | Orientation/Distance (m) from centre of Site (approx.) |
|---|--|--|
| Amphibian | | |
| Common Toad <i>Bufo bufo</i> | NERC Act Section 41 BAP Priority London | 266 North |
| Birds | | |
| House Sparrow <i>Passer domesticus</i> | NERC Act Section 41 BAP Priority London | 415 North |
| Dunnock <i>Prunella modularis</i> | BAP Priority London | 497 South-west |
| Starling <i>Sturnus vulgaris</i> | BAP Priority London | 497 South-west |
| Blue-headed Wagtail <i>Motacilla flava subsp. flava</i> | BAP Priority London | 674 North |
| Bullfinch <i>Pyrrhula pyrrhula</i> | BAP Priority London | 674 North |
| Turtle Dove <i>Streptopelia turtur</i> | NERC Act Section 41 BAP Priority London | 751 North |
| Mammals (bats) | | |
| Serotine <i>Eptesicus serotinus</i> | Cons Regs 2010 Sch2 Hab&Spp Dir Anx 4 W&CA Sch5 Sec 9 BAP Priority London | 154 North |
| Pipistrelle <i>Pipistrellus pipistrellus</i> | As above | 314 North |
| Soprano Pipistrelle <i>Pipistrellus pygmaeus</i> | As above | 314 North |

| Species Name | Status | Orientation/Distance (m) from centre of Site (approx.) |
|---|---|--|
| Noctule Bat <i>Nyctalus noctula</i> | Cons Regs 2010 Sch2 Hab&Spp Dir Anx 4 NERC Act Section 41 W&CA Sch5 Sec 9 BAP Priority London | 314 North |
| Natterer's Bat <i>Myotis nattereri</i> | Cons Regs 2010 Sch2 Hab&Spp Dir Anx 4 W&CA Sch5 Sec 9 BAP Priority London | 343 South-west |
| Nathusius's Pipistrelle <i>Pipistrellus nathusii</i> | As above | 357 North |
| Leisler <i>Nyctalus leisleri</i> | As above | 398 South-west |
| Daubenton's bat <i>Myotis daubentonii</i> | Cons Regs 2010 Sch2 Hab&Spp Dir Anx 4 W&CA Sch5 Sec 9 BAP Priority London | 965 North |
| Mammals | | |
| West European Hedgehog <i>Erinaceus europaeus</i> | NERC Act Section 41 BAP Priority London | 859 North |
| Plants | | |
| Chamomile <i>Chamaemelum nobile</i> | NERC Act Section 41 BAP Priority London | 686 North |
| Wild Gladiolus <i>Gladiolus illyricus</i> | W&CA Sch8 | 686 North |
| Cornflower <i>Centaurea cyanus</i> | NERC Act Section 41 | 849 North |
| Invertebrates | | |
| Stag Beetle <i>Lucanus cervus</i> | Hab&Spp Dir Anx 2np NERC Act Section 41 BAP Priority London | 217 North |

Extended Phase 1 Habitat Survey

Habitats

- 3.2 Habitat descriptions are set out below. While considering this information, reference should be made to the Phase 1 Habitat Map presented in **Appendix 3**. Target notes are presented in **Appendix 4**. Note that during the 2018 updated bat surveys, no notable changes were identified with regards to habitats since the 2016 survey.

Building and hard standing

- 3.3 A single building was present in the centre of the Site, comprising a public toilet with a seating area. Hard standing was present throughout the Site in the form of paths. The children's play area was largely composed of hard standing and woodchip.

Amenity grassland with scattered trees

- 3.4 Amenity grassland was recorded to the east along the boundary of the children's playground and to the west in the 'Trim Trail' area. The grassland was species-poor, regularly managed, and included species such as perennial rye grass *Lolium perenne*, annual meadow grass *Poa annua* and common daisy *Bellis perennis*.
- 3.5 Scattered trees within the grassland included dominant sycamore *Acer pseudoplatanus*, occasional young birch *Betula sp* trees and rare cherry tree *Prunus sp*.

Flower beds

- 3.6 A small bed of spring flowers were planted in the north of the Site, adjacent to the building. Species primarily included daffodils *Narcissus pseudonarcissus* ssp. *pseudonarcissus*, yellow daisy *Asteraceae sp* and hyacinth *Scilloideae hyacinthus*. A less attractive, unmanaged flower bed with ornamental shrubs was also present to the south of the building.

Hedgerow

- 3.7 A field maple *Acer campestre* hedgerow was recorded around the boundary of the Site.

Bat Surveys

Habitat Assessment

- 3.8 Trees and areas of ornamental planting within the Site provide potential foraging opportunities. The Site is surrounded by Primrose Hill and Regents Park green spaces which provide suitable habitat for bats to forage and commute, including mature trees and scrub, and open grassland. One building within the Site was assessed for its potential to support roosting bats, and this is discussed in detail below.

Assessment of Bat Roost Potential

- 3.9 The public toilet was assessed for potential to support bats and was considered to have **high bat roost potential**. The building was comprised of tightly fitted brickwork and a pitched, slate tiled roof. Features with the potential to support bat roosts included:
- Slipped and missing tiles (particularly on the southern aspect of the building);
 - A gap between the wooden beam and brickwork on the eastern aspect, adjacent to seating area. However cobwebs were present within the gap, reducing its suitability for use by bats;
 - Holes in soffit boarding on the eastern aspect;
 - A gap under a ridge tile on southern roof pitch;
 - Lifted tiles around metal piping on the western aspect.
- 3.10 The features recorded may provide access to a roof void for bats as well as providing crevice features, which could themselves provide shelter for small numbers of individual bats.

- 3.11 Trees within the Site were found to have no suitable features for bats and are therefore considered to be of **negligible bat roost potential**. Therefore trees are not considered further in this report.
- 3.12 These conditions were similar in both 2016 and 2018, with no notable change in the condition of the building.

Emergence/Return Surveys

- 3.13 No bats were recorded emerging from, or returning to the building on any of the surveys. Overall, there were low levels of commuting and foraging activity recorded within and adjacent to the Site during the surveys. Species recorded included Soprano Pipistrelle *Pipistrellus pygmaeus* and Common Pipistrelle *Pipistrellus pipistrellus*. Full survey results are provided in **Appendix 2**. These results are in keeping with the 2016 survey results.

Other Species

Birds

- 3.14 Biological records identified a number of common and widespread bird species, including London BAP priority species within 1km of the Site. This included starling, dunnock, house sparrow, skylark and yellow wag-tail.
- 3.15 The trees and hedgerow within the Site are considered to provide suitable habitat for common and widespread birds to nest. The building also provided occasional opportunities for nesting birds.

4 Discussion

Designated Site/Habitats

Discussion

- 4.1 The Site lies within Primrose Hill SINC. However due to the low ecological value of the Site itself it is unlikely that proposals will have an adverse effect on the SINC.
- 4.2 The Site is largely comprised of hard standing and amenity grassland. All of which, have little to no ecological value. The building, along with stand-alone trees and the species-poor hedgerow are likely to provide some value to wildlife, as they provide potentially suitable habitat for bats and birds (see below).

Mitigation

- 4.3 Although the Site is of low ecological value, best practice construction should be employed to address potential impacts in particular the protection of the hedgerow and any trees to be retained if in the vicinity of works.

Enhancement

- 4.4 As the Site is of low ecological value, the proposals present opportunities for ecological enhancement.

Wildlife Friendly Planting

- 4.5 Planting of native and/or ornamental species with known benefits to wildlife would provide valuable habitat for invertebrates and birds.

Green Roof

- 4.6 Provision of a green roof subject to the structural conditions of the building, has the potential to enhance biodiversity by offering foraging and sheltering resources to invertebrates and birds, and by increasing the species-richness and cover of plants compared to the current Site.

Wood piles

- 4.7 Creation of piles wood and loggeries alongside the hedgerow or proposed planting would provide habitat for a range of invertebrates.

Bats

Discussion

- 4.8 Legal protection afforded to bats and their roosts is summarised in **Appendix 1**. In summary all bats and their roosts are subject to the highest level of protection afforded to species in the UK as European Protected Species (EPS). A Natural England (NE) EPS licence is required for development works to proceed which may affect bats and their roosts.
- 4.9 The public toilets were identified as having high bat roost potential, with features presenting roosting opportunities for singleton or small numbers of the more common bat species.
- 4.10 Following emergence/re-entry surveys in 2016 and 2018, no roosts were identified and as a result proposed works to renovate the public toilet can be undertaken without requirement for licensing. Given the continued low risk of bats roosting in the building, it is recommended that a precautionary approach is implemented. This should include:

- If features on the building which may support roosting bats (in particular, any tiled sections and soffits/barge board/cladding) require removal or replacement as part of works, this should be undertaken carefully by hand.
- If a bat or signs of bats are recorded works must halt and an ecologist contacted to determine how best to proceed.

Lighting

- 4.11 Impacts on bats in relation to lighting are considered unlikely given the existing lighting levels within the Site are unlikely to change. However this changes and additional lighting is included within the scheme design, this should be sensitively designed to ensure there are no adverse impacts on foraging and commuting bats. Potential design measures which may help to minimise light spill include:
- Avoidance of lighting wherever possible, particularly in the vicinity of retained trees;
 - Use of lighting columns at a height which will not result on light spill to the tree canopy, and strongly directional lighting with cowling, shields and/or hoods to direct lighting downwards and away from any trees;
 - Use of LED lighting which does not emit UV (less attractive to flying insects);
 - Use of motion sensor lighting;
 - Use of timers to restrict lighting to required periods; and
 - Use of the lowest lux possible.

Enhancement

- 4.12 Given both the nature and small size of the Site and the proposals, which will include renovation of the existing building, opportunities for enhancement are limited. However, there may be opportunity to incorporate bat boxes on trees in the surrounding area, and within the new building, if appropriate. This will provide new opportunities for bats to roost. It should be noted that any additional roosting features provided should remain unlit, as this can reduce their suitability for bats.

Birds

Discussion

- 4.13 Legislation afforded to birds and their nests is detailed in **Appendix 1**.
- 4.14 A number of common and widespread species, including London Priority Species; are known to be in the wider area. The standing trees, hedgerow and building within the Site have potential to support nesting common garden birds.
- 4.15 Current proposals have the potential to have negatively impact nesting birds through demolition of the building, removal of trees/hedgerow and/or damage of nesting sites from construction works.

Further Survey Requirements

- 4.16 No further survey requirements given the nature of the Site and likely use of the Site by common bird species.

Mitigation

- 4.17 If any removal of vegetation is required, this should be undertaken between September- February (inclusive) to avoid the nesting season.
- 4.18 Similarly if building renovation works may affect potential nest sites, these should be excluded outside of the nesting season or once it is confirmed nesting birds are not present.

Enhancement

- 4.19 The provision of species specific nest boxes has the potential to enhance the Site for species of principal importance. For example, this could include providing sparrow nesting terraces on the building or in the trees.

Appendix 1 Policy and Legal Considerations

Statutory nature conservation sites and protected species are a 'material consideration' in the UK planning process (DCLG 2012). Where planning permission is not required, for example on proposals for external repair to structures, consideration of protected species remains necessary given their protection under UK and EU law.

Natural England Standing Advice aims to support Local Planning Authorities decision making in respect of protected species (Natural England 2012). Standing advice is a material consideration in determining the outcome of applications, in the same way as any individual response received from Natural England following consultation.

The Conservation of Habitats and Species Regulations 2017 transpose the requirements of the European Habitats Directive (Council Directive 92/43/EEC) and Birds Directive (Council Directive 79/409/EEC) into UK law, enabling the designation of protected sites and species at a European level.

The Wildlife and Countryside Act 1981 (as amended) forms the key piece of UK legislation relating to the protection of habitats and species.

The Countryside Rights of Way Act 2000 provides additional support to the Wildlife and Countryside Act 1981; for example, increasing the level of protection for certain species of reptiles.

The Protection of Badger Act 1992 provides specific protection for this species.

The Wild Mammals Protection Act 1996 sets out the welfare framework in respect to wild mammals, prohibiting a range of activities that may cause unnecessary suffering.

Species and Habitats of Principal Importance for Conservation in England and Wales and priority habitats and species listed in the **London Biodiversity Action Plans (BAP)** are species which are targeted for conservation. The government has a duty to ensure that involved parties take reasonable practice steps to further the conservation of such species under Section 41 of the Natural Environment and Rural Communities Bill 2006. In addition, the Act places a biodiversity duty on public authorities who 'must, in exercising their functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity' (Section 40 [1]). Criteria for selection of national priority habitats and species in the UK include international threat and marked national decline.

The National Planning Policy Framework (MHCLG 2018) states (Section 15) that the planning system should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks; promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

It also states that local planning authorities should refuse planning on the following principles:

- If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for;
- If development is on land within or outside a Site of Special Scientific Interest (SSSI), and is likely to have an adverse effect on it (the exception being where the benefits of the development in the location proposed clearly outweigh its likely impact);
- If development results in the loss or deterioration of irreplaceable habitats, such as ancient woodland and ancient or veteran trees (unless there are wholly exceptional reasons and a suitable compensation strategy exists).

Additionally the NPPF states that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The **Camden Local Plan (2017)** includes the following policies of relevance to nature conservation:

Policy A3 Biodiversity: The Council will protect and enhance sites of nature conservation and biodiversity. They will:

- designate and protect nature conservation sites and safeguard protected and priority habitats and species;
- grant permission for development unless it would directly or indirectly result in the loss or harm to a designated nature conservation site or adversely affect the status or population of priority habitats and species;
- seek the protection of other features with nature conservation value, including gardens, wherever possible;
- assess developments against their ability to realise benefits for biodiversity through the layout, design and materials used in the built structure and landscaping elements of a proposed development, proportionate to the scale of development proposed;
- secure improvements to green corridors, particularly where a development scheme is adjacent to an existing corridor;
- seek to improve opportunities to experience nature, in particular where such opportunities are lacking;
- require the demolition and construction phase of development, including the movement of works vehicles, to be planned to avoid disturbance to habitats and species and ecologically sensitive areas, and the spread of invasive species;
- secure management plans, where appropriate, to ensure that nature conservation objectives are met; and
- work with The Royal Parks, The City of London Corporation, the London Wildlife Trust, friends of park groups and local nature conservation groups to protect and improve open spaces and nature conservation in Camden.

Trees and vegetation

The Council will protect, and seek to secure additional, trees and vegetation. They will:

- resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation;
- require trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development in line with BS5837: 2012 'Trees in relation to Design, Demolition and Construction' and positively integrated as part of the site layout;
- expect replacement trees or vegetation to be provided where the loss of significant trees or vegetation or harm to the wellbeing of these trees and vegetation has been justified in the context of the proposed development;
- expect developments to incorporate additional trees and vegetation wherever possible.

Bats

All British species of bat are listed on the **Wildlife and Countryside Act 1981 (as amended) Schedule 5**. It is an offence to deliberately kill, damage, take (Section 9(1)) a bat; to intentionally or recklessly disturb a bat whilst it occupies a place of shelter or protection (Section 9(4)(b)); or to deliberately or recklessly damage, destroy or obstruct access to a bat roost (Section 9(4)(c)). Given the strict nature of these offences, there is an obligation on the developer and owner of a site to consider the presence of bats.

All British bats are listed on the **Conservation of Habitats and Species Regulations 2017, Schedule 2**. Regulation 41 strengthens the protection of bats under the 1981 Act against deliberate capture or killing (Regulation 41(1) (a)), deliberate disturbance (Regulation 41(1) (b))⁵ and damage or destruction of a resting place (Regulation 41(1) (d)).

A bat roost is defined as any structure or place which is used for shelter or protection, irrespective of whether or not bats are resident. Buildings and trees may be used by bats for a number of different purposes throughout the year including resting, sleeping, breeding, raising young and hibernating. Use depends on bat age, sex, condition and species as well as the external factors of season and weather conditions. A roost used during one season is therefore protected throughout the year and any proposed works that may result in disturbance to bats, and loss, obstruction of or damage to a roost are licensable.

Development works that may cause killing or injury of bats or that would result in the damage, loss or disturbance of a bat roost would require a Natural England (NE) Mitigation Licence. Licensed works require evidence that the works entailing detrimental impacts are unavoidable, as well as appropriate mitigation, which may include seasonal constraints and provision of alternative habitat and/or roosting structures. A NE Mitigation Licence application can only be submitted on completion of surveys and receipt of planning consent. The application typically takes six weeks to process, after which mitigation could commence. A new Low Impact Class licence is also now available with regard to bats. This can be used in case where only low numbers (three or less) of low status bat roosts will be affected and the application process is less onerous.

Under the **NERC Act, 2006** the Government has a duty to ensure that parties take reasonable practicable steps to further the conservation of these species.

Nesting Birds

Birds and their nests are protected by **the Wildlife and Countryside Act 1981 (as amended)**. This Act gives protection to all species of bird with regard to killing and injury, and to their nests and eggs with regard to taking, damaging and destruction. Certain species listed on Schedule 1 of the Act, are afforded additional protection against protection.

Appendix 2 Bat Survey Results (2018)

| Survey Date | Survey Start | Survey End | Sunrise | Sunset | Wind ¹ | Cloud Cover ² | Rain ³ | Weather |
|-------------|--------------|------------|---------|--------|-------------------|--------------------------|-------------------|---|
| 23/08/2018 | 19:56 | 21:41 | - | 20:11 | 4 | 4 | 0 | Moderate breeze. Partially cloudy. Cool. 19°C |
| 30/08/2018 | 04:39 | 06:24 | 06:09 | - | 1 | 3 | 0 | Cool and dry. 14°C |
| 12/09/2018 | 19.07 | 20.52 | - | 19.22 | 0 | 5 | 0 | Cool, light cloud and dry. 15°C. |

¹ Wind speed (where available) & score of 0-12 against Beaufort scale where 0 = calm, 2 = light breeze, 4 = Moderate breeze, 6 = strong breeze, 7 = High wind, 9 = Strong gale, 12 = Hurricane

² Estimated cloud cover of 0-8 where 0 = Sky completely clear, 4 = Sky half cloudy, 8 = Sky completely cloudy.

³ Estimate precipitation intensity on scale of 0-5 where 0 = Dry, 1 = Light drizzle, 2 = Light rain, 3 = Moderate rain, 4 = Heavy rain, 5 = Torrential rain.

| Survey Date | Surveyor** | Detector | Location** | Time Observed | Species from observation** | No. bats | Seen/not seen (S/NS) | Activity Type (E/R/C/F) | Comments |
|-------------|------------|----------|------------------------|---------------|----------------------------|----------|----------------------|-------------------------|-----------------------------------|
| 23/08/2018 | RT | Ex02 | North West of building | 21:06 | Pip55 | 1 | S | C | N->S. Next to building. |
| 23/08/2018 | RT | Ex02 | North West of building | 21:27 | Pip45 | 1 | F | F | Several passes with feeding buzz. |

| | | | | | | | | | |
|------------|----|-----------|-----------------------------|-------|-------|---|----|-----|--|
| 23/08/2018 | RT | Ex02 | North West of building | 21:33 | Pip45 | 1 | F | F | Several passes with feeding buzz. |
| 23/08/2018 | BN | Batlogger | Playground | 20:30 | Pip45 | 1 | NS | F | heard briefly, not seen |
| 23/08/2018 | BN | Batlogger | Playground | 20:41 | Pip45 | 1 | NS | F | heard briefly, not seen |
| 23/08/2018 | BN | Batlogger | Playground | 20:48 | Pip45 | 1 | NS | F | not seen |
| 23/08/2018 | BN | Batlogger | Playground | 21:06 | Pip55 | 1 | S | F | foraging along trees near MN |
| 23/08/2018 | BN | Batlogger | Playground | 21:12 | Pip55 | 1 | NS | F | Possible foraging along treeline to left |
| 23/08/2018 | MN | Ex05 | Toilet Block - South Façade | 20:28 | Pip45 | 1 | S | C | W->E Single pass above surveyor. |
| 23/08/2018 | MN | Ex05 | Toilet Block - South Façade | 20:31 | Pip45 | 1 | S | C | S->N Single pass from parkland over surveyor |
| 23/08/2018 | MN | Ex05 | Toilet Block - South Façade | 20:36 | Pip45 | 1 | S | C/F | Circling in front of surveyor |

| | | | | | | | | | |
|------------|----|------|-----------------------------------|--------------------|-------------|---|----|-----|---|
| 23/08/2018 | MN | Ex05 | Toilet Block - South Façade | 20:41 | Pip45 | 1 | S | C/F | Foraging in front of surveyor. Entered from west, continued to the east |
| 23/08/2018 | MN | Ex05 | Toilet Block - South Façade | 21:06 | Pip55 | 1 | S | F | Sustained foraging above surveyor. |
| 23/08/2018 | MN | Ex05 | Toilet Block - South Façade | 21:06 - Onwards | Pip45/Pip55 | - | S | F | Intermittent foraging activity until the end of survey. |
| 30/08/2018 | BN | Ex04 | North West of building | 05:06 | Pip55 | 1 | NS | F | - |
| 30/08/2018 | BN | Ex04 | North West of building | 05:16 | Pip45 | 1 | NS | F | Seen foraging along trees near CB |
| 30/08/2018 | AS | - | Playground | 05:11 | Pip sp. | 1 | NS | F | - |
| 30/08/2018 | AS | - | Playground | 05:17 | Pip sp. | 1 | NS | F | - |
| 30/08/2018 | AS | - | Playground | 05:19 | Pip sp. | 1 | NS | F | - |








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|------------|----|------|-----------------------------------|-------|---------|---|----|-----|--|
| 30/08/2018 | CB | Ex05 | Toilet Block - South Façade | 04:40 | Pip55 | 1 | NS | F | Heard feeding near trees to west |
| 30/08/2018 | CB | Ex05 | Toilet Block - South Façade | 04:45 | Pip55 | 1 | NS | F | Heard feeding SW of building |
| 30/08/2018 | CB | Ex05 | Toilet Block - South Façade | 04:54 | Pip55 | 1 | NS | F | Heard feeding SW of building, very close by |
| 30/08/2018 | CB | Ex05 | Toilet Block - South Façade | 05:06 | Pip55 | 1 | NS | F | Heard feeding SW of building, very close by |
| 30/08/2018 | CB | Ex05 | Toilet Block - South Façade | 05:11 | Pip45 | 1 | NS | F | Heard feeding SW of building, very close by |
| 30/08/2018 | CB | Ex05 | Toilet Block - South Façade | 05:18 | Pip45 | 1 | NS | F | Heard feeding SW of building, very close by |
| 12/09/2018 | LS | EX08 | North West of building | 20:31 | Pip sp. | 1 | NS | C | Brief and quiet. |
| 12/09/2018 | LS | EX08 | North West of building | 20:43 | Pip sp. | 1 | NS | | Brief and quiet. |
| 12/09/2018 | BN | EX05 | Playground | 20:35 | Pip55 | 1 | NS | C | |
| 12/09/2018 | BN | EX05 | Playground | 20:37 | Pip45 | 1 | NS | F | |
| 12/09/2018 | BN | EX05 | Playground | 20:39 | Pip45 | 1 | NS | F | |
| 12/09/2018 | CB | EX01 | Toilet Block - South Façade | 19:41 | Pip55 | 1 | S | C/F | Bat flew across playground, past building and trees in the west. |

| | | | | | | | | | |
|------------|----|------|-----------------------------------|-------|---------|---|----|-----|--|
| 12/09/2018 | CB | EX01 | Toilet Block - South Façade | 19:47 | Pip55 | 1 | S | C/F | Bat flew across playground, past building and trees in the west. |
| 12/09/2018 | CB | EX01 | Toilet Block - South Façade | 19:56 | Pip55 | 1 | S | C/F | Bat flew across playground and past surveyor and trees. |
| 12/09/2018 | CB | EX01 | Toilet Block - South Façade | 20:32 | Noctule | 1 | NS | C/F | |
| 12/09/2018 | CB | EX01 | Toilet Block - South Façade | 20:35 | Pip55 | 1 | NS | F | |
| 12/09/2018 | CB | EX01 | Toilet Block - South Façade | 20:38 | Pip45 | 1 | NS | F | Bat flew west of building. |

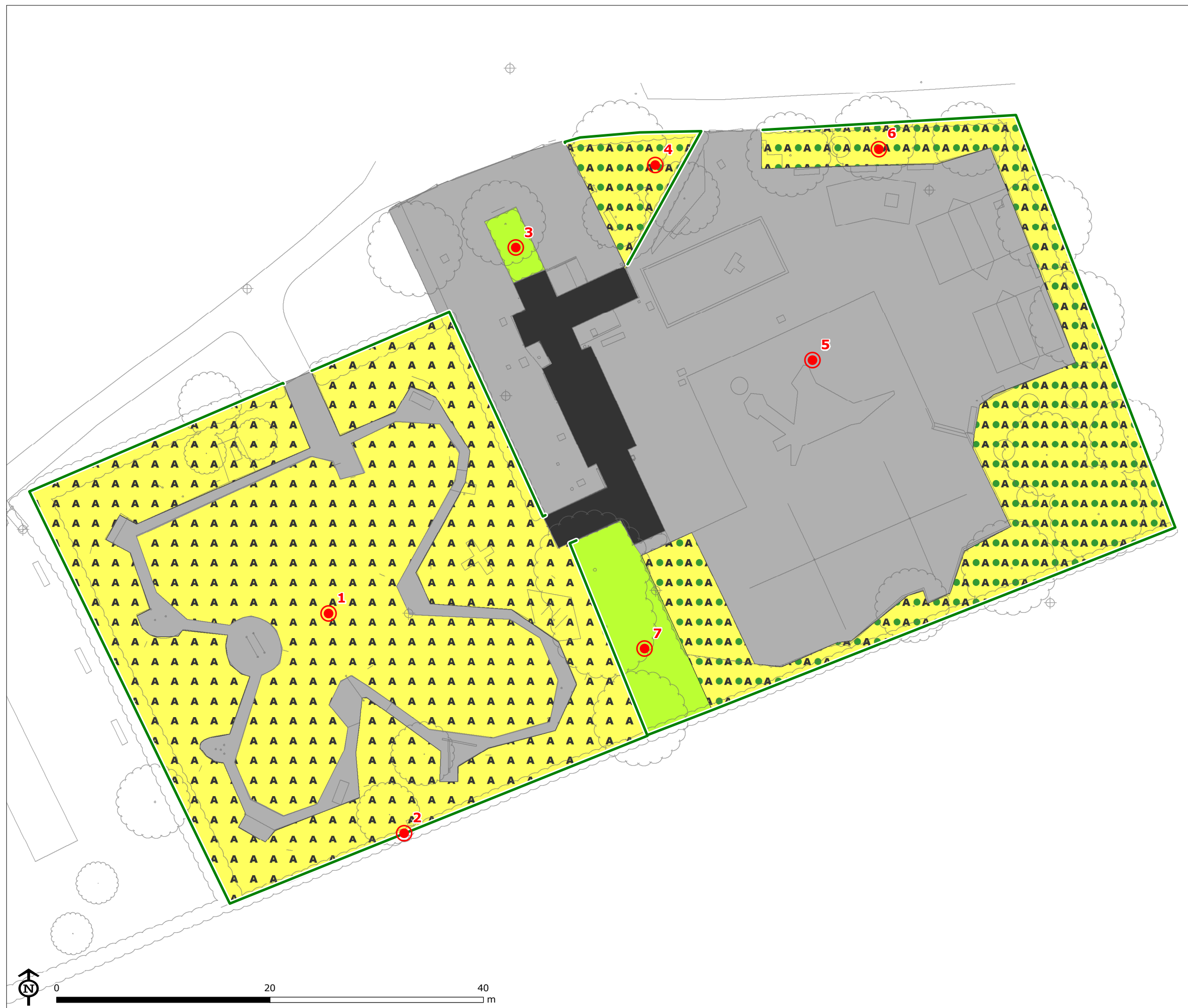
Appendix 3 Extended Phase 1 Habitat Map (2016)

Primrose Hill - New Catering Outlet

Figure X: Phase 1 Habitat Map

-  Target note
-  Intact hedge (species-poor)
-  Amenity grassland
-  Amenity grassland/
Broadleaved scattered trees
-  Buildings
-  Flower bed
-  Hardstanding

Map Scale @ A3: 1:350



Appendix 4 Target Notes (2016)

| Target Notes | Description |
|--------------|--|
| 1. | Area known as the trim tail with species poor amenity grassland dominated by perennial rye grass, abundant annual meadow grass and occasional common daisy. Patches of bare ground near outdoor exercise equipment. |
| 2. | Hedgerow comprised entirely of field maple. |
| 3. | Flower bed with daffodils, yellow daisy and hyacinths. |
| 4. | Amenity grassland with dominant perennial rye grass, abundant annual meadow grass and frequent common daisy. Two sycamore trees with negligible bat roost potential (BRP) were also present. |
| 5. | Children's play area comprising of hard standing and woodchip. |
| 6. | <p>Amenity grassland as per TN 4 with locally abundant common chickweed, frequent white clover, locally frequent ivy under the hedgerow and occasional dandelion. Areas of bare ground were recorded.</p> <p>Hedgerow as per TN 2.</p> <p>Scattered tree predominantly included sycamore and a single cherry tree.</p> |
| 7. | Poorly maintained ornamental planting with a single sycamore tree. The tree was considered to have negligible BRP. |

Appendix 5 Bat Inspection Notes (2016)

| Target Note | Comments |
|-------------|---|
| 1. | The northern aspect had no features with potential to support bats. |
| 2. | The southern aspect of the building had tightly fitted brickwork with no gaps present; a small number of slipped or missing tiles with potential access to roof void or lining; gap under ridge tile; and gaps under some of the lead flashing. |
| 3. | The eastern aspect had tightly fitted brickwork; a small gap with cobwebs between brickwork and wooden beam above door; gaps in soffit boarding; and no suitable features or access to roof void in seating area. |
| 4. | The western aspect of the building had a missing tile at lower section of roof; lifted tiles around the metal piping; tightly fitted brickwork. |
| 5. | Surrounding trees had not features with potential to support bats are considered to have negligible BRP. |