



Geoff Springer

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Dear Geoff,

Our reference 7122

Date
13 November 2019

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55 Fitzroy Park - Planning Comments 2018/3672/P - Ecology Response

Please find a response below to comments received on the 5th November 2019 from Charles Thuairé (London Borough of Camden) via the council's Nature Conservation Officer in relation to the above application. Four comments were received, and these have been considered sequentially.

1. *"The EA doesn't provide details of the authors credentials and or details of individuals carrying out surveys"*

This additional information is provided in **Table 1.1** below and CVs are attached as a record of the lead author's / surveyor's credentials. We believe comment one has been sufficiently addressed.

Table 1.1: Author and Surveyor Details

Report / Survey	Lead Author / Surveyor
Ecological Appraisal	Peter Lawrence
Extended Phase 1 Survey, including: <ul style="list-style-type: none"> ■ Bats: Preliminary Roost Assessment – Buildings; and ■ Bats: Ground Level Assessment - Trees 	Peter Lawrence
Bats: Emergence / Re-entry Surveys	Amy Coleman, Peter Lawrence
Bats: Activity Survey Results - Static Monitoring	Peter Lawrence
Great crested newt: Presence/Absence Survey - eDNA Survey	Peter Lawrence
Reptiles: Presence/Absence Survey	Rory Glackin

2. *"The EA doesn't provide survey methodologies for all surveys"*

Methodologies are provided within the Ecological Appraisal, however, for the absence of doubt these have been collated, expanded, referenced and presented in **Table 1.2**. We believe comment two has been sufficiently addressed.

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Table 1.2: Survey Methodologies

Survey	
Extended Phase 1 Survey	<p>An Extended Phase 1 Habitat Survey was undertaken within the Site boundary in line with standard methods. Phase 1 Habitat Survey provides a rapid means of classifying broad habitat types in any given terrestrial site¹.</p> <p>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 (e.g. Amphibians, badger, bats, birds, invertebrates, hedgehog, reptiles). Detailed surveys were not necessarily completed for these species during the Phase 1 Survey; 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. Where appropriate field signs for each species were searched and habitat suitability was assessed for each protected species considered to be relevant to the Site.</p>
Bats: Preliminary Roost Assessment - Buildings	<p>This survey followed good practice methods set out by the Bat Conservation Trust² and JNCC³. The survey was undertaken by Peter Lawrence who holds a class 2 bat survey licence.</p> <p>The buildings/structures within the Site were specifically considered for their potential to support roosting bats. A high-powered torch (LED Lenser) and binoculars were used to search for and inspect features with potential to support bats, and to locate evidence of bat activity, such as droppings, staining, feeding remains and presence of bats (live/dead specimens).</p>
Bats: Ground Level Assessment - Trees	<p>This survey followed good practice methods set out by the Bat Conservation Trust² and JNCC³. The survey was undertaken by Peter Lawrence who holds a class 2 bat survey licence.</p> <p>The trees within the Site were specifically considered for their potential to support roosting bats. A high-powered torch (LED Lenser) and binoculars were used to search for and inspect features with potential to support bats, and to locate evidence of bat activity, such as droppings, staining, feeding remains and presence of bats (live/dead specimens).</p>
Bats: Emergence / Re-entry Surveys	<p>These surveys focussed on the main building and a single tree group which had been identified as having High Bat Roost Potential and which was likely to be directly affected by the proposals.</p> <p>The survey method followed best practice guidance². Evening surveys commenced at least 15 minutes before sunset and lasted for at least 1.5 hours after sunset; whilst dawn surveys commenced at least 1.5 hours before dawn and continued for 15 minutes after.</p> <p>Surveys were conducted using a range of bat detectors, including Bat Box Duet, Batscanner, SSF Bat 2, Pettersson frequency division bat detectors. Bat calls were also used to supplement surveyor positions, allowing for the recording of calls using Anabat SD2 or Anabat Express zero crossing bat detectors for subsequent analysis using Analook software if required.</p>
Bats: Activity Survey Results - Static Monitoring	<p>As well as the above emergence/re-entry surveys and to provide additional data concerning use of the Site by bats, a Static Monitoring Point (SMP) survey was carried out between May and September 2017, in accordance with bat survey guidance². Detectors were left out for at least five consecutive nights per month in order to collect data for analysis in accordance with guidance. Further information about the SMP surveys, including weather conditions, is provided in the report. The SMP locations are detailed in the original report.</p> <p>SMP locations were chosen to incorporate strategic features in the landscape likely to be of greatest importance for commuting and foraging (for example waterbodies and tree/woodland edges) as well as taking into consideration areas which could potentially be impacted by the proposed scheme, such as locations close to potential future development locations. Given the small size of the Site, data collected at these two locations are considered to have provided a representative picture of bat activity across the Site as a whole.</p> <p>Given the nature of the site, size of the scheme and its location, it was not considered necessary to undertake bat activity transect surveys.</p>
Great crested newt: Presence/Absence Survey - eDNA Survey	<p>eDNA sampling was carried out for the pond to confirm presence/absence of great crested newt, and to inform requirements for full great crested newt surveys.</p> <p>Samples were taken using the methods outlined in best practice guidance⁴ (summarised below). The survey was undertaken by Peter Lawrence who holds a class 1 great crested newt survey licence.</p> <p>Sample kits comprised 1 sterile bag, 2 pairs of sterile gloves, 1 sterile 30 mL sampling ladle, a sample box containing 6 x 50 mL sample tubes two thirds full of preserving fluid; 1 sterile 10 mL pipette. A new sample kit was used at each pond to ensure cross contamination of samples was avoided. In line with best practice guidance 20 samples of 30 mL of pond water were collected from around the pond. Sample locations were spread out evenly around the pond edge, ensuring that samples were collected from both open water and vegetated areas if present, and where possible from areas of water greater than 10cm deep. Once all 20 samples were collected the bag was closed and shaken for 10 seconds to ensure any DNA present was mixed across the sample. 15 mL of water was then transferred from the bag into each of the 6 sample tubes containing preservative. Finally, each tube was</p>

¹ Joint Nature Conservation Committee (2010). *Handbook for Phase 1 habitat survey - a technique for environmental audit*. JNCC, Peterborough.

² Collins, J. (ed.) (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edn). The Bat Conservation Trust, London.

³ Mitchell-Jones, A.J. and McLeish, A.P. (2004). *Bat Workers' Manual*, 3rd Edition. JNCC, Peterborough.

⁴ Biggs J. Et al (2014). *Analytical and methodological development for improved surveillance of the Great Crested Newt*. Appendix 5. *Technical advice note for field and laboratory sampling of great crested newt (Triturus cristatus) environmental DNA*. Freshwater Habitats Trust, Oxford.

Survey	
	shaken for 10 seconds to mix the water sample and preservative. Samples were then sent to the relevant laboratory for analysis.
Reptiles: Presence/Absence Survey	<p>Reptile surveys were undertaken with due consideration to best practice guidance^{5,6}. On the 1st June 2017, 21 artificial refugia (comprising roofing felt mats of approximately 1m x 0.5m) were placed across the Site in areas of suitable habitat. During the placing of refugia consideration was given to the risk of disturbance by the resident's dogs which regularly use the garden and would pose a risk to any reptiles using the refugia, whilst also reduce the suitability of large areas of the garden to support reptiles due to disturbance and predation risk. Therefore, the reptile survey was restricted to the northern part of the garden which was fenced off with no access for the dogs.</p> <p>Refugia were left for a period of 14 days to allow reptiles to become accustomed to them. The refugia were then checked on seven occasions in suitable weather conditions throughout July to September. The presence of reptiles including species and life stage was recorded, as well as any other species such as amphibians and small mammals, both of which will also regularly shelter underneath refugia.</p> <p>Suitable weather conditions are generally considered to be dry sunny spells after rainfall or periods of intermittent sunshine on warmer days, with temperatures between 9°C and 18°C. Further detail, including survey dates and weather conditions are provided in Appendix 5.</p>

3. "Bats – Not all areas of site surveyed for roost/emergence potential"

Within the Methods (Chapter 2), the Assessment of Bat Roost Potential section outlines: "The buildings/structures and trees within the Site were specifically considered for their potential to support roosting bats". To confirm, all buildings were subject to Preliminary Roost Assessments and all trees were subject to Ground Level Assessments as per the methodology above. These surveys confirmed:

- The main building had high bat roost potential;
- The shed had negligible bat roost potential (**Target Note 2**);
- The Glass house had negligible bat roost potential (**Target Note 17**); and
- A small number of trees had high bat roost potential.

In line with good practice guidance, no surveys were undertaken of the shed or the glass house. The proposals were then reviewed and impacts to some of the high bat roost potential trees were scoped out and therefore these respective trees were not subject to further survey. Due to the impact of the proposals on the main building and some of the high potential trees, three Emergence/Re-entry surveys were undertaken of these features. The results of all these surveys are presented within the report.

It is not clear if the Nature Conservation Officer is querying the surveyor coverage of the Emergence/Re-entry Surveys, therefore additional information is presented below to cover this eventuality. The Emergence/Re-entry surveys utilised six surveyors for surveys one and two and five surveyors for survey three:

- Surveys one and two:
 - Four surveyors observed the main building: three were positioned facing the western and southern elevations; and one positioned facing part of the eastern elevation. This positioning enabled the surveyors to view all the potential roost features identified during the Preliminary Roost Assessment.
 - Two Surveyors observed T551 and surrounding trees.
- Survey three:
 - Three surveyors observed the main building: two were positioned facing the western and southern elevations; and one positioned facing part of the eastern elevation. This positioning enabled the surveyors to view all the potential roost features identified

⁵ Herpetofauna Groups of Britain and Ireland (1998). *Evaluating Local Mitigation/Translocation Programmes: Maintaining Best Practice and Lawful Standards*. HGBI Advisory Notes for Amphibian and Reptile Groups.

⁶ Froglife (1998). *The Planning System and Site Defence: how to Protect Reptile and Amphibian Habitats*. Froglife Advice Sheet 9. Froglife, Halesworth.

during the Preliminary Roost Assessment (surveyor coverage was reduced in line with the results of the initial surveys); and

- Two Surveyors observed T551 and surrounding trees.

Considering the above, we believe comment three has been sufficiently addressed.

4. *“Great Crested Newts – Although pond sampling was provided, this only confirms the absence of newts from the water body. Not all habitat beyond the site boundary has been acknowledged in the EA. Given the proximity to the heath I would hope to see this covered.”*

A detailed assessment of the great crested newt interest is outlined in the following section.

Great Crested Newt – Site Interest

There are no breeding waterbodies within or adjacent to the site and no great crested newt records were returned by the data search. The only suitable great crested newt terrestrial habitat is the 800m² of broadleaved woodland and scrub. Overall, the likelihood of great crested newt being present within the Site itself, is low and it has been demonstrated that the site is not used for breeding purposes.

Great Crested Newt – Wider Landscape Interest

We acknowledge that the Site is functionally connected to Hampstead Heath which supports optimal habitats for great crested newt and that within this area there are several large ponds. However, these ponds are known to support fish populations and have been managed to be used recreationally (e.g. bathing, fish stocking/fishing, model boat racing), therefore it is considered that they are not suitable for great crested newt. If great crested newts were present in the area, then we would expect to find them within the higher quality pond present within the Site, as opposed to the larger ponds to the west (within Hampstead Heath) which each have significantly reduced suitability as a result of their recreational uses, however, great crested newt are not present within the Site. Therefore, the likelihood of great crested newt being present within adjacent habitats is low. This assertion is supported by the lack of records in this area.

Great Crested Newt – Risk Assessment

If we reason that, even if the nearest pond (located approximately 100m to the west and used as a bird sanctuary) is a great crested breeding pond, then using the Great Crested Newt Method Statement Rapid Risk Assessment Tool it can be confirmed that the likelihood of an offence is Highly Unlikely (**Table 1.3**).

Table 1.3: Great Crested Newt Rapid Risk Assessment Tool

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	0.001 - 0.01 ha lost or damaged	0.05
Land 100-250m from any breeding pond(s)	0.01 - 0.1 ha lost or damaged	0.01
Land >250m from any breeding pond(s)	No effect	0
Individual great crested newts	No effect	0
		Maximum: 0.05
Rapid risk assessment result:	GREEN: OFFENCE HIGHLY UNLIKELY	

Great Crested Newt – Summary

Therefore, it can be confirmed that the site does not support a great crested newt breeding ponds, contains limited suitable habitat and, whilst the site lies adjacent to suitable habitat, this habitat is highly unlikely to support great crested newt. In addition, it has been demonstrated



that in a worst-case scenario an offence is highly unlikely. Considering the above, we believe comment four has been sufficiently addressed.

Yours sincerely



Greg Nightingale
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Peter Lawrence

BSc (Hons), MSc, MCIEEM

Associate Director, Ecology



Key Skills

- Ecological Survey and Appraisal
- Protected Species Survey and Advice
- Ecological Impact Assessment (EcIA)
- Ecological Input to Renewables Projects
- Habitats Regulations Assessment (HRA)
- Open Space/Habitat Restoration and Management
- Biodiversity Planning and Policy
- BREEM and Code for Sustainable Homes/EcoHomes

Brings to the project

Peter has professional experience of a wide range of ecological project work including floral and faunal surveys (holds a NE Level 1 bat license), monitoring, mitigation and habitat creation and restoration schemes, including the development and implementation of large scale mitigation projects for protected species. Peter brings a thorough understanding of strategic planning issues, including through plan and project based Habitats Regulations Assessment and input to biodiversity research studies. Peter also brings extensive experience of managing large and complex projects, and of consultation and facilitation events.

Relevant experience

- **Brechfa Forest Wind Farm, Carmarthenshire (2009 - 2015)** RWE NPower Renewables Ltd. Senior level input to wind farm EIA, including management of sub-consultants and development of mitigation proposals and habitat management plan. Recent input has included the development of a Habitat Management Plan and input to the creation of new pedestrian/cycle/equestrian access routes.
- **Wakehurst (2018)** The Royal Botanic Gardens Kew. Bat surveys to inform restoration of Mansion House and Stable Clock, including detailed input to mitigation strategy.
- **Temperate House Restoration, The Royal Botanic Gardens Kew (2012-2017)** Ecological surveys and appraisal to support successful planning applications and HLF applications for the large-scale restoration of the Temperate House and surrounding landscape. Subsequent ecological input has been provided to discharge ecological conditions, obtain and implement a Natural England bat mitigation license (including closure and replacement of bat roosts), and monitoring regarding badger.
- **Walmer Castle (2016-17)** English Heritage. Ecological support to inform design development and planning application for building restoration and development projects, and enhancement of wider landscape.

Qualifications

BSc (Hons) Biology and Geography
University of Bristol
1997-2000

MSc Conservation
University College London
2001-2002

Professional memberships

Full member of the Chartered Institute of Ecology and Environmental Management

Joined LUC: 2006

- **The Royal Parks (2006 - ongoing)** provision of ecological surveys throughout the Royal Parks to inform habitat creation and management proposals, and to inform the development of projects including events and redevelopment/building restoration. This has included, for example, detailed NVC surveys in Bushy Park, Richmond Park, Primrose Hill and Regent's Park; river corridor surveys of the Longford River; and bat and protected species surveys in Kensington Gardens, Richmond Park, Bushy Park, Regent's Park and Hyde Park.
- **Bramshill Estate, Hampshire** (2015-2018) City and Country. Extensive ecological support for masterplan development and planning application, including assistance with extensive bat surveys. Preparation of HRA and Ecology Chapter of EIA.
- **Dunsfold Park, Surrey** (2014-2018). Dunsfold Airport Ltd. Extensive ecological input to support masterplan development and planning application for a 1800 home new village, including proposals for an extensive Country Park, new access road and associated community facilities. Supported by ecological surveys, including Phase 1 Habitat Survey, NVC survey, and protected species surveys for bats, birds, GCN, reptiles and badger. Preparation of Ecological Impact Assessment.
- **Olympic Park, Framework Agreement for Ecology Consultancy Services** (2006-2011) Olympic Development Authority. Surveys undertaken or managed included for birds, bats, reptiles, amphibians, invertebrates and fisheries. Informed development and delivery of mitigation measures, including brownfield habitat creation, and subsequent monitoring and management.
- **University of Northampton, Waterside Campus** (2013-2017) Ecological surveys including bats, otter, GCN to inform complex remediation works of former power station site and design and construction of new campus.
- **Princess Alexandra Home, Stanmore** (2008 - 2018) Jewish Care. Phase 1 Habitat Survey and subsequent coordination of bat, great crested newt and reptile surveys. Preparation of an Ecological Impact Assessment of outline proposals for demolition and redevelopment of the existing care home; and subsequent support for a reapplication given pending lapse of planning consent.
- **Beckenham Park Place HLF Restoration**, (2015-2016) London Borough of Lewisham. Ecological appraisal to inform proposals to restore and conserve the site as part of development funding by the Heritage Lottery & Big Lottery.
- **Southwark Cemeteries (2018)** London Borough of Southwark. Ecological support to inform development of Conservation Management Plans for Camberwell Old Cemetery, Camberwell New Cemetery and Nunhead Cemetery.
- **Tooting Common** (2015) London Borough of Lambeth. Ecological input to the preparation of Conservation Management Plan and Management and Maintenance Plan for the common.
- **East-West Rail** (2015) WSP Parsons Brinckerhoff. Habitat, hedgerow and badger surveys of sites to inform proposals for rail upgrade. Included GIS mapping and baseline information collation.
- **Basildon Borough Ecology Surveys** (2015-2016) Basildon Borough Council. Borough-wide Phase 1 Habitat Surveys and ecological assessments of 29 potential development sites to inform development of the Local Plan.
- **Llanbrynmair Windfarm Grid Connection** (2011) RES UK & Ireland Ltd. Desk based assessment of possible overhead grid route options with regards to ecological sensitivities to inform decision making.
- **East-West Rail** (2015) WSP Parsons Brinckerhoff. Habitat, hedgerow and badger surveys of sites to inform proposals for rail upgrade. Included GIS mapping and baseline information collation.
- **HS2 Ecology Support** (2012 and 2013) Atkins. Delivery of habitat, dormouse, bat, reptile and great crested newt surveys to support ecological assessment.
- **University of Sussex Masterplan and Subsequent Applications** (2013 - 2017) University of Sussex. EcIA to support successful planning application for a Campus wide Masterplan. Supported by Phase 1 Habitat, NVC, bat, reptile, badger and GCN surveys. Subsequent support included design and implementation of protected species mitigation strategies (including reptile translocation), and support for detailed planning applications to deliver components of the masterplan.