FRANCIS GARDNER APARTMENTS, 89-91 WEST END LANE, LONDON

PRELIMINARY ECOLOGICAL APPRAISAL

A Report to: Quantem Consulting LLP

Report No: RT-MME-151827-01

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REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

This study has been undertaken in accordance with British Standard 42020:2013 “Biodiversity, Code of practice for planning and development”.

Report Version	Date	Completed by:	Checked by:	Approved by:
Final	25/02/2020	Harry Stone MSc (Ecological Project Officer)	Colin Bundy MCIEEM (Associate Director, Regions)	Tom Docker MSc MCIEEM, CEcol (Executive Director)

The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management’s Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client’s brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

VALIDITY OF DATA

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

NON-TECHNICAL SUMMARY

Middlemarch Environmental Ltd was commissioned by Quantem Consulting LLP to carry out a Preliminary Ecological Appraisal at Francis Gardner Apartments, 89-91 West End Lane, Camden, London. To assess the existing ecological interest of the site an ecological desk study was carried out, and a walkover survey was undertaken on 18th February 2020 by Harry Stone MSc (Ecological Project Officer).

The site was dominated by a large apartment building, which was also subject to a Preliminary Bat Roost Assessment by Middlemarch Environmental Ltd (report RT-MME-151827-02). The ecological desk study revealed records of pipistrelle bats and hedgehog within a 1 km radius of the site. The walkover survey found suitable nesting habitat for birds on site, in the form of a tree and dense ivy on the western boundary wall. Cotoneaster was recorded among introduced shrub in the southwest corner of the site.

In order to ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

R1 **Habitat Retention and Protection:** Replacement planting should be incorporated into the soft landscape scheme in accordance with the ecological mitigation hierachy. Only native and wildlife attracting species should be planted.

R2 **Biodiversity Enhancement:** In accordance with the provision of Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed development to work towards delivering net gains for biodiversity.

R3 **Nesting birds:** Vegetation clearance, including the felling of the mature Portuguese laurel tree, should be undertaken outside the nesting bird season. If this is not possible then any vegetation to be removed or disturbed should be checked by an experience ecologist for nesting birds immediately prior to works commencing.

R4 **Roosting bats:** A Preliminary Bat Roost Assessment has been undertaken (RT-MME-151827-02) and all recommendations within this report should be adhered to.

R5 **Terrestrial Mammals, including Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.

R6 **Cotoneaster:** A Method Statement must be developed for the proposed works to ensure that they do not result in the spread of cotoneaster. This method statement should reflect established best management practices for the treatment of the species.

CONTENTS

1. INTRODUCTION

1.1 PROJECT BACKGROUND

Quantem Consulting LLP commissioned Middlemarch Environmental Ltd to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Francis Gardner Apartments, 89-91 West End Lane, Camden, London. This assessment is required to inform a planning application associated with the demolition of the existing building and clearance of all vegetation on site.

To assess the existing ecological interest of the site an ecological desk study was carried out, and a walkover survey was undertaken on 18th February 2020. In addition, Middlemarch Environmental Ltd has been commissioned to undertake the following assessments:

- Preliminary Bat Roost Assessment (report RT-MME-151827-02);
- Preliminary Arboricultural Assessment (report RT-MME-151827-03); and,
- BREEAM Ecological Assessment (report RT-MME-151827-04).

1.2 SITE DESCRIPTION AND CONTEXT

The development site was situated on 89-91 West End Lane in the London Borough of Camden, centred on National Grid Reference TQ 25390 84130.

The site was approximately 0.12 ha in size and dominated by a large four-storey apartment building. Two courtyards were present within the building, the ground floors of which had been converted into glass conservatories. A glass conservatory was also present within the paved rear garden, along the site's western boundary. A raised car parking driveway and patches of introduced shrub were present in the area of hardstanding to the front (east) of the building. One mature tree was present, and the surrounding landscape consisted of residential buildings, gardens and roads.

1.3 DOCUMENTATION PROVIDED

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.1.

Document Name / Drawing Number	Author
Ground Floor Landscape Plan / SY617-100-0001	Camlins
Basement Level Landscape Plan / SY617-100-0002	Camlins
Ground Flood External Paving Plan / SY617-100-0003	Camlins
Basement Level External Paving Plan / SY617-100-0004	Camlins
Ground level Boundary Treatment / SY617-100-0005	Camlins
Basement Level Boundary Treatment / SY617-100-0006	Camlins
Ground Floor Tree Strategy Plan / SY617-100-0007	Camlins
Ground Level Planting Strategy Plan / SY617-100-0008	Camlins
Basement Level Planting Strategy Plan / SY617-100-009	Camlins
Section Location Plan / SY617-100-00100	Camlins
Section A / SY617-100-00101	Camlins
Elevation B / SY617-100-00102	Camlins
Section C / SY617-100-00103	Camlins

Table 1.1: Documentation Provided by Client

2. METHODOLOGIES

2.1 DESK STUDY

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch Environmental Ltd then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - *MAGIC* website for statutory conservation sites; and,
- Greenspace Information for Greater London CIC.

The desk study included a search for European statutory nature conservation sites within a 5 km radius of the site (extended to 10 km for any statutory site designated for bats), UK statutory sites within a 2 km radius and non-statutory sites and protected/notable species records within a 1 km radius.

The data collected from the consultees is discussed in Chapter 4. Selected raw data are provided in Appendix 1. In compliance with the terms and conditions relating to its commercial use, the full desk study data is not provided within this report.

The desk study also included a review of relevant local planning policy with regard to biodiversity and nature conservation (see Chapter 3).

2.2 PHASE 1 HABITAT SURVEY

The walkover survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee (JNCC, 2010) and the Institute of Environmental Assessment (IEA, 1995). Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site. During the survey, the presence, or potential presence, of protected species was noted.

Whilst every effort is made to notify the client of any plant species listed on Schedule 9 of the Wildlife and Countryside Act (1981, as amended) present on site, it should be noted that this is not a specific survey for these species.

Data recorded during the field survey are discussed in Chapter 5.

3. LEGISLATION AND POLICY

This chapter provides an overview of the framework of legislation and policy which underpins nature conservation and is a material consideration in the planning process in England. The reader should refer to the original legislation for the definitive interpretation.

3.1 GENERAL BIODIVERSITY LEGISLATION AND POLICY

Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations 2017)
The Habitats Regulations 2017 consolidate and update the Habitats Regulations 2010 (as amended). The Habitat Regulations 2017 are the principal means by which the EEC Council Directive 92/43 (The Habitats Directive) as amended is transposed into English and Welsh law.

The Habitats Regulations 2017 place duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria are, in conjunction with the European Commission, designated as Sites of Community Importance, which are subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. The regulations also place a duty upon the government to maintain a register of European protected sites designated as a result of EC Directive 79/409/EEC on the Conservation of Wild Birds (The Birds Directive). These sites are termed Special Protection Areas (SPA) and, in conjunction with SACs, form a network of sites known as Natura 2000. The Habitats Directive introduces for the first time for protected areas, the precautionary principle; that is that projects can only be permitted having ascertained no adverse effect on the integrity of the site. Projects may still be permitted if there are no alternatives, and there are imperative reasons of overriding public interest.

The Habitats Regulations 2017 also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively. Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations.

The Wildlife and Countryside Act (WCA) 1981 (as amended)
The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2017, offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

The Countryside and Rights of Way (CRoW) Act 2000
The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006
Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CRoW Act 2000.

The Hedgerow Regulations 1997
The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

UK Post-2010 Biodiversity Framework

The UK Biodiversity Action Plan (BAP), published in 1994, was the UK Government's response to signing the Convention on Biological Diversity (CBD) at the 1992 Rio Earth Summit. The new UK Post-2010 Biodiversity Framework replaces the previous UK level BAP. The UK Post-2010 Biodiversity Framework covers the period 2011-2020 and forms the UK Government's response to the new strategic plan of the United Nations Convention on Biological Diversity (CBD), published in 2010 at the CBD meeting in Nagoya, Japan. This includes five internationally agreed strategic goals and supporting targets to be achieved by 2020. The five strategic goals agreed were:

- Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society;
- Reduce the direct pressures on biodiversity and promote sustainable use;
- To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity;
- Enhance the benefits to all from biodiversity and ecosystem services; and,
- Enhance implementation through participatory planning, knowledge management and capacity building.

The Framework recognises that most work which was previously carried out under the UK BAP is now focused on the four individual countries of the United Kingdom and Northern Ireland, and delivered through the countries' own strategies. Following the publication of the new Framework the UK BAP partnership no longer operates but many of the tools and resources originally developed under the UK BAP still remain of use and form the basis of much biodiversity work at country level. In England the focus is on delivering the outcomes set out in the Government's 'Biodiversity 2020: a Strategy for England's Wildlife and Ecosystem Services' (DEFRA, 2011). This sets out how the quality of our environment on land and at sea will be improved over the next ten years and follows on from policies contained in the Natural Environment White Paper.

Species and Habitats of Material Consideration for Planning in England

Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and species are now described as Species and Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

3.2 NATIONAL PLANNING POLICY FRAMEWORK AND PRACTICE GUIDANCE

In February 2019, the National Planning Policy Framework (NPPF) was updated, replacing the previous framework published in 2012 and revised in 2018. The government circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System, which accompanied PPS9, still remains valid. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 15, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing existing sites of biodiversity value;
- minimising impacts on and providing net gains for biodiversity; and,
- establishing coherent ecological networks.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused. With respect to development on land within or outside of a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect (either alone or in-combination with other developments) would only be permitted where the benefits of the proposed development clearly outweigh the impacts on the SSSI itself, and the wider network of SSSIs. Development resulting in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or

veteran trees) should be refused unless there are wholly exceptional reasons for the development, and a suitable compensation strategy is provided.

Chapter 15 identifies that development whose primary objective is to conserve or enhance biodiversity should be supported and opportunities to incorporate biodiversity improvements in and around development should be encouraged, especially where this can secure measurable net gains for biodiversity.

Chapter 11, making effective use of the land, sets out how the planning system should promote use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Opportunities for achieving net environmental gains, including new habitat creation, are encouraged.

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG).This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England.

The guidance includes a section entitled 'Natural Environment: Biodiversity, geodiversity and ecosystems and green infrastructure', which was updated in July 2019. This document sets out information with respect to the following:

- the statutory basis for seeking to conserve and enhance biodiversity;
- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- how plan-making bodies identify and safeguard Local Wildlife Sites, including Standard Criteria for Local Wildlife Sites;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;
- how policy should be applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured;
- definitions of biodiversity net gain including information on how it can be achieved and assessed; and,
- the consideration of ancient woodlands and veteran trees in planning decisions and how potential impacts can be assessed.

The NPPG July 2019 issue also includes a section entitled 'Appropriate assessment: Guidance on the use of Habitats Regulations Assessment' which provides information in relation to Habitats Regulations Assessment processes, contents and approaches in light of case law. This guidance will be relevant to those projects and plans which have the potential to impact on European Sites and European Offshore Marine Sites identified under the Conservation of Habitats and Species Regulations 2017 (as amended).

3.3 LOCAL PLANNING POLICY

LONDON BOROUGH OF CAMDEN

The Local Plan was adopted by Council on the 3rd July 2017 and sets out the Council's planning policies (and replaces the Core Strategy and Development Policies planning documents, adopted in 2010). The Local Plan will cover the period from 2016-2031.

The policy which relates to ecology is Policy A3. It is intended to support the London Biodiversity Strategy and the Camden Biodiversity Action Plan (BAP) by ensuring Camden's growth is accompanied by a significant enhancement in the borough's biodiversity.

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

a) designate and protect nature conservation sites and safeguard protected and priority habitats and species;
b) 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;
c) seek the protection of other features with nature conservation value, including gardens, wherever possible;
d) 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;
e) secure improvements to green corridors, particularly where a development scheme is adjacent to an existing corridor;
f) seek to improve opportunities to experience nature, in particular where such opportunities are lacking;
g) 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;
h) secure management plans, where appropriate, to ensure that nature conservation objectives are met; and
i) 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. We will:
j) 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;
k) 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;
l) 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;
m) expect developments to incorporate additional trees and vegetation wherever possible.

LONDON

The London Plan (consolidated with alterations since 2011)
The London Plan, is the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London over the next 20–25 years. It is the policies in this document that form part of the development plan for Greater London, and which should be taken into account in taking relevant planning decisions, such as determining planning applications.

The 2015-16 Minor Alterations (MALPs) have been prepared to bring the London Plan in line with the national housing standards and car parking policy. The alterations were published on 14th March 2016.

The policies of relevance to ecology are:

Policy 2.18 Green Infrastructure: The Multifunctional Network of Open and Green Spaces
Strategic
A) The Mayor will work with all relevant strategic partners to protect, promote, expand and manage the extent and quality of, and access to, London's network of green infrastructure. This multifunctional network will secure benefits including, but not limited to, biodiversity; natural and historic landscapes; culture; building a sense of place; the economy; sport; recreation; local food production; mitigating and adapting to climate change; water management; and the social benefits that promote individual and community health and well-being.
B) The Mayor will pursue the delivery of green infrastructure by working in partnership with all relevant bodies, including across London's boundaries, as with the Green Arc Partnerships and Lee Valley Regional Park Authority. The Mayor has published supplementary guidance on the All London Green Grid to set out the strategic objectives and priorities for green infrastructure across London.

C) In areas of deficiency for regional and metropolitan parks, opportunities for the creation of green infrastructure to help address this deficiency should be identified and their implementation should be supported, such as in the Wandle Valley Regional Park.

Planning Decisions

D) Enhancements to London's green infrastructure should be sought from development and where a proposal falls within a regional or metropolitan park deficiency area it should contribute to addressing this need.

E) Development proposals should:

a. incorporate appropriate elements of green infrastructure that are integrated into the wider network

b. encourage the linkage of green infrastructure including the Blue Ribbon Network, to the wider public realm to improve accessibility for all and develop new links, utilising green chains, street trees, and other components of urban greening

LDF Preparation

F) Boroughs should:

a. set out a strategic approach to planning positively for the creation, protection, enhancement and management of networks of green infrastructure by producing green infrastructure strategies that cover all forms of green and open space and the interrelationship between these spaces. These should identify priorities for addressing deficiencies and should set out positive measures for the design and management of all forms of green and open space. Delivery of local biodiversity action plans should be linked to these strategies.

b. ensure that in and through DPD policies, green infrastructure needs are planned and managed to realise the current and potential value of these to communities and to support delivery of the widest range of linked environmental and social benefits

c. in London's urban fringe support, through appropriate initiatives, the vision of creating and protecting an extensive and valued recreational landscape of well-connected and accessible countryside around London for both people and wildlife.

Policy 7.19 Biodiversity and Access to Nature

Strategic

A) The Mayor will work with all relevant partners to ensure a proactive approach to the protection, enhancement, creation, promotion and management of biodiversity in support of the Mayor's Biodiversity Strategy. This means planning for nature from the beginning of the development process and taking opportunities for positive gains for nature through the layout, design and materials of development proposals and appropriate biodiversity action plans.

B) Any proposals promoted or brought forward by the London Plan will not adversely affect the integrity of any European site of nature conservation importance (to include special areas of conservation (SACs), special protection areas (SPAs), Ramsar, proposed and candidate sites) either alone or in combination with other plans and projects. Whilst all development proposals must address this policy, it is of particular importance when considering the following policies within the London Plan: 1.1, 2.1-2.17, 3.1, 3.3, 3.7, 5.4A, 5.14, 5.15, 5.17, 5.20, 6.3, 6.9, 7.14, 7.15, 7.25 – 7.27 and 8.1. Whilst all opportunity and intensification areas must address the policy in general, specific locations requiring consideration are referenced in Annex 1.

Planning Decisions

C) Development Proposals should:

a. wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity

b. prioritise assisting in achieving targets in biodiversity action plans (BAPs), and/ or improving access to nature in areas deficient in accessible wildlife sites

c. not adversely affect the integrity of European sites and be resisted where they have significant adverse impact on European or nationally designated sites or on the population or conservation status of a protected species or a priority species or habitat identified in a UK, London or appropriate regional BAP or borough BAP.

D) On Sites of Importance for Nature Conservation development proposals should:

a. give the highest protection to sites with existing or proposed international designations (SACs, SPAs, Ramsar sites) and national designations (SSSIs, NNRs) in line with the relevant EU and UK guidance and regulations

b. give strong protection to sites of metropolitan importance for nature conservation (SMIs). These are sites jointly identified by the Mayor and boroughs as having strategic nature conservation importance
c. give sites of borough and local importance for nature conservation the level of protection commensurate with their importance.

E) When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest, the following hierarchy will apply:

1 avoid adverse impact to the biodiversity interest
2 minimize impact and seek mitigation
3 only in exceptional cases where the benefits of the proposal clearly outweigh the bio diversity impacts, seek appropriate compensation.

LDF preparation

F) In their LDFs, Boroughs should:

a. use the procedures in the Mayor's Biodiversity Strategy to identify and secure the appropriate management of sites of borough and local importance for nature conservation in consultation with the London Wildlife Sites Board.
b. identify areas deficient in accessible wildlife sites and seek opportunities to address them
c. include policies and proposals for the protection of protected/ priority species and habitats and the enhancement of their populations and their extent via appropriate BAP targets
d. ensure sites of European or National Nature Conservation Importance are clearly identified.
e. identify and protect and enhance corridors of movement, such as green corridors, that are of strategic importance in enabling species to colonise, re-colonise and move between sites.

Policy 7.21 Trees and Woodland

Strategic

A) Trees and woodlands should be protected, maintained, and enhanced, following the guidance of the London Tree and Woodland Framework (or any successor strategy). In collaboration with the Forestry Commission the Mayor has produced supplementary guidance on Tree Strategies to guide each borough's production of a Tree Strategy covering the audit, protection, planting and management of trees and woodland. This should be linked to a green infrastructure strategy.

Planning decisions

B) Existing trees of value should be retained and any loss as the result of development should be replaced following the principle of 'right place, right tree'. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species.

LDF preparation

C) Boroughs should follow the advice of paragraph 118 of the NPPF to protect 'veteran' trees and ancient woodland where these are not already part of a protected site.

D) Boroughs should develop appropriate policies to implement their borough tree strategy.

Policy 7.28 Restoration of the Blue Ribbon Network

Planning decisions

A) Development proposals should restore and enhance the Blue Ribbon Network by:

a. taking opportunities to open culverts and naturalise river channels
b. increasing habitat value. Development which reduces biodiversity should be refused
c. preventing development and structures into the water space unless it serves a water related purpose.
d. protecting the value of the foreshore of the Thames and tidal rivers
e. resisting the impounding of rivers
f. protecting the open character of the Blue Ribbon Network.

LDF preparation

B) Within LDFs boroughs should identify any parts of the Blue Ribbon Network where particular biodiversity improvements will be sought, having reference to the London River Restoration Action Plan.

Policy 7.30 London's Canals and Other Rivers and Waterspaces

Planning decisions

A) Development proposals along London's canal network and other rivers and waterspace (such as reservoirs, lakes and ponds) should respect their local character and contribute to their accessibility and active water related uses, in particular transport uses, where these are possible.
B) Development within or alongside London's docks should protect and promote the vitality, attractiveness and historical interest of London's remaining dock areas by:

a. preventing their partial or complete in-filling
b. promoting their use for mooring visiting cruise ships and other vessels
c. encouraging the sensitive use of natural landscaping and materials in and around dock areas
d. promoting their use for water recreation
e. promoting their use for transport LDF preparation

C) Within LDFs boroughs should identify any local opportunities for increasing the local distinctiveness and use of their parts of the Blue Ribbon Network.

Draft London Plan

The current 2016 consolidation Plan is still the adopted Development Plan. However, the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption, however the weight given to it is a matter for the decision maker. It is anticipated that new plan will be fully adopted Early 2020. Draft policies of relevance to ecology are detailed below as outlined within "Intend to Publish Version December 2019":

Policy G1 Green infrastructure

A. London's network of green and open spaces, and green features in the built environment should be protected and enhanced. Green infrastructure should be planned, designed and managed in an integrated way to achieve multiple benefits.
B. Boroughs should prepare green infrastructure strategies that identify opportunities for cross-borough collaboration, ensure green infrastructure is optimised and consider green infrastructure in an integrated way as part of a network consistent with Part A.
C. Development Plans and area-based strategies should use evidence, including green infrastructure strategies, to:
    1) identify key green infrastructure assets, their function and their potential function;
    2) identify opportunities for addressing environmental and social challenges through strategic green infrastructure interventions.
D. Development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network.

Policy G5 Urban Greening

A. Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.
B. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. The UGF should be based on set factors, but tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development.
C. Existing green cover retained on site should count towards developments meeting interim target scores set out in (B).

Policy G6 Biodiversity and Access to Nature

A. Sites of Importance for Nature Conservation (SINCs) should be protected.
B. Boroughs, in developing Development Plans, should:
    1) use up-to-date information about the natural environment and the relevant procedures to identify SINCs and ecological corridors to identify coherent ecological networks.
    2) identify areas of deficiency in access to nature (i.e. areas that are more than 1km walking distance from an accessible Metropolitan or Borough SINC) and seek opportunities to address them.
    3) support the protection and conservation of priority species and habitats that sit outside of the SINC network, and promote opportunities for enhancing them using Biodiversity Action Plans.

4) seek opportunities to create other habitats, or features such as artificial nest sites, that are of particular relevance and benefit in an urban context.
5) ensure designated sites of European or national nature conservation importance are clearly identified and impacts assessed in accordance with legislative requirements.

C. Where harm to a SINC is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:
1) avoid damaging the significant ecological features of the site.
2) minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site.
3) deliver off-site compensation of better biodiversity value.

D. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.

E. Proposals which reduce deficiencies in access to nature should be considered positively.

4. DESK STUDY RESULTS

4.1 INTRODUCTION

The data search was carried out on 12th February 2020 by Greenspace Information for Greater London CIC. All relevant ecological data provided by the consultees was reviewed and the results from these investigations are summarised in Sections 4.2 to 4.4. Selected data are provided in Appendix 1.

4.2 NATURE CONSERVATION SITES

Statutory and non-statutory nature conservation sites located in proximity to the survey area are summarised in Table 4.1.

Site Name	Designation	Proximity to Survey Area	Description
UK Statutory Sites			
Westbere Copse	LNR	1.39 km north-west	A 0.39 ha site comprising a spring and summer meadow, a woodland and a pond. 25 species of birds and 150 species of plants have been recorded throughout the site. The site provides stag beetle *Lucanus cervus* loggeries and bird feeding stations in aid of biodiversity.
St Johns Wood Church Grounds	LNR	1.95 km south-east	A 1.99 ha site comprising a mixed woodland, thistle meadow, wildflower glade and a wildlife hedge. The site is good for grey sedge *Carex divulsa* subsp. *divulsa* and butterflies.
Non-statutory Sites			
Kilburn Grange Park	Local	220 m north-west	A 3.06 ha site containing a range of mature trees, including silver birch *Betula pendula*, London plane *Platanus x hispanica,* hornbeam *Carpinus betulus*, ash *Fraxinus excelsior*, yew *Taxus baccata*, holly *Ilex aquilifolium*, sessile oak *Quercus petraea*, tree-of-heaven *Ailanthus altissima*, hybrid black-poplar *Populus x canadensis*, common lime *Tilia x europaea* and sycamore *Acer pseudoplatanus.*. The trees and shrubs provide nesting habitat for a range of common garden birds such as blackbird *Turdus merula*, robin *Erithacus rubecula* and starling *Sturnus vulgaris*.
West Hamstead Railsides, Medley orchard and Westbere Copse Local Nature	Borough Grade I	410 m north	A 7.58 ha site comprising a number of sections of railside, an old orchard at Medley Gardens, Westbere Copse Local Nature Reserve and The Jane Evans Nature Reserve in West Hampstead. The railsides are a complex of habitats with extensive areas dominated by secondary woodland and scrub. Trees include sycamore *Acer pseudoplatanus*, grey poplar *Populus x canescens*, wild cherry *Prunus avium*, ash *Fraxinus excelsior* and horse chestnut *Aesculus hippocastanum*. Scrub species include elder *Sambucus nigra*, dogwood *Cornus sanguinea*, bramble *Rubus fruticosus*, hawthorn *Crataegus monogyna* and English elm *Ulmus procera*. The more open area of grassland is dominated by false oat-grass *Arrhenatherum elatius* with a variety of tall herbs including cow parsley *Anthriscus sylvestris*, green alkanet *Pentaglottis sempervirens*, and bittersweet.

Table 4.1: Summary of Nature Conservation Sites (continues)

Site Name	Designation	Proximity to Survey Area	Description
Non-statutory Sites			
Broadhurst Gardens Meadow	Borough Grade II	480 m north-east	A 0.73 ha site comprising the communal grounds of houses in Broadhurst Gardens, with a good meadow. This communal garden consists of a meadow of varying grass heights and a perimeter belt of trees and shrubs. The grassland sward is composed of creeping bent *Agrostis stolonifera*, timothy *Phleum* sp., meadow foxtail *Alopecurus pratensis*, red fescue (Festuca rubra), false oat-grass *Arrhenatherum elatius*, Yorkshire fog *Holcus lanatus* and cocks's-foot *Dactylis glomerata*. Within the sward, various wildflowers are intermingled, including meadow vetchling *Lathyrus pratensis*, yarrow *Achillea millefolium*, cat's-ear *Hypochaeris radicata*, common sorrel *Rumex acetosa*, lesser stitchwort *Stellaria graminea* and various buttercups *Ranunculus* spp.
Paddington Cemetery	Borough Grade II	710 m west	A 9.99 ha site comprising A green oasis, just a short walk from the busy Kilburn High Road. Opened in 1855 alongside what was then a peaceful country lane, this large, secluded and quiet cemetery is a hidden oasis amidst its urban surroundings. Grassland plants such as cat's-ear *Hypochaeris radicata*, tansy *Tanacetum parthenium,* smooth tare *Vicia tetrasperma* and common bird's-foot-trefoil *Lotus corniculatus* grow alongside woodland plants such as violets *Viola* spp. and giant fescue *Festuca gigantea*. There is extensive tree and shrub cover, particularly in the south and east of the cemetery.
Green Triangle	Borough Grade II	780 m north-east	A 0.29 ha site comprising an attractive community garden surrounded by housing. A good number of trees form a high canopy, these include an impressive multi-trunked sessile oak *Quercus petraea*, sycamore *Acer pseudoplatanus*, ash *Fraxinus excelsior*, yew *Taxus baccata*, silver birch *Betula pendula*, rowan *Sorbus aucuparia* and field maple *Acer campestre*. The understorey supports a variety of native and exotic shrubs and young trees, including elder *Sambucus nigra,* hazel *Corylus avellana*, guelder rose *Viburnum lantana*, Portugal laurel *Prunus lusitanica,* Oregon grape *Mahonia aquifolium* and magnolia *Magnolia* sp. The herb layer contains a variety of species providing an attraction for invertebrates. In the more shaded areas ground ivy *Glechoma hederacea*, wood avens *Geum urbanum* and wood dock *Rumex sanguineaus* Dead wood around the site provides valuable invertebrate habitat.
Greville Place Nature Reserve	Local	830 m south-east	A 0.12 ha site comprising a small nature reserve, managed by London Wildlife Trust's local group. The site has an abundance of trees, shrubs and tall herbs. At the centre of the reserve is a large copper beech *Fagus sylvatica* var. *purpurea.* Other trees include crack willow *Salix fragilis*, wych elm *Ulmus glabra*, sycamore *Acer pseudoplatanus*, silver birch *Betula pendula* and black mulberry *Morus nigra*. There is a dense scrub/shrub layer including holly *Ilex aquifolium*, spindle *Euonymus europaeus*, guelder rose *Viburnum lantana,* dogwood *Cornus sanguinea* and more. In the north-western corner of the reserve is a small pond containing fat duckweed *Lemna gibba* and greater spearwort *Ranunculus lingua.* Both are uncommon in London. Frogs, newts and aquatic invertebrates have been recorded in this pond. A large number of birds have been recorded using the site.

Table 4.1 (continued): Summary of Nature Conservation Sites (continues)

Site Name	Designation	Proximity to Survey Area	Description
Non-statutory Sites			
Silverlink Metro between Brondesbury and Willesden Junction	Borough Grade I	840 m north-west	A 9.85 ha site comprising railway lineside habitat. Semi-natural broadleaved or mixed woodland forms the main habitat, with areas of tall ruderal vegetation occurring intermittently along the embankments and cuts. Generally, a strip about a meter wide of semi-improved neutral grassland forms the interface between the tracks and the ruderal/woodland vegetation behind. The railway linesides in the Borough of Brent have an important function as wildlife corridors linking numerous small sites to each other and allowing the movement of species around the sub-urban environment. The linesides and occasionally tracks have their own intrinsic value as well for a number of taxonomic groups as they provide not only a diversity of habitat but also an undisturbed environment.
Key: LNR: Local Nature Reserve Borough Grade I: Sites of Borough Grade I Importance Borough Grade II: Sites of Borough Grade II Importance Local: Sites of Local Importance			

Table 4.1 (continued): Summary of Nature Conservation Sites

No Sites of Special Scientific Interest (SSSIs) are located within a 2 km radius of the survey area, however the survey area does fall within two SSSI Impact Risk Zones. It is unknown to which SSSI these Risk Zones correspond to, however the closest is the for Hampstead Heath Woods which is located 3.05 km north-west

4.3 PROTECTED / NOTABLE SPECIES

Table 4.2 and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Legislation / Conservation Status
Mammals - bats					
Common pipistrelle *Pipistrellus pipistrellus*	2	2018	600 m south	-	ECH 4, WCA 5, WCA 6, Local
Pipistrelle *Pipistrellus* sp.	3	2017	970 m north-east	#	ECH 4, WCA 5, WCA 6, Local
Mammals – other					
Hedgehog *Erinaceus europaeus*	5	2001	330 m north	✓	WCA 6
Amphibians					
Common frog *Rana temporaria*	23	2003	330 m north	-	WCA 5 S9(5)
Common toad *Bufo bufo*	7	2011	370 m east	✓	WCA 5 S9(5)
Great crested newt *Triturus cristatus*	1	2002	430 m north-east	✓	ECH 2, ECH 4, WCA 5
Birds					
Redwing *Turdus iliacus*	8	2006	400 m north-west	-	WCA1i
Brambling *Fringilla montifringilla*	1	2011	480 m south	-	WCA1i
Fieldfare *Turdus pilaris*	1	2013	480 m south	-	WCA1i

Table 4.2: Summary of Protected/Notable Species Records Within 1 km of Survey Area (continues)

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Legislation / Conservation Status
Birds (continued)					
Peregrine *Falco peregrinus*	1	2013	†	-	WCA1i
Eurasian hobby *Falco subbuteo*	1	2002	†	-	WCA1i
Red kite *Milvus milvus*	1	2011	†	-	WCA1i
Black redstart *Phoenicurus ochuros*	1	2012	†	-	WCA1i
Barn owl *Tyto alba*	1	1998	†	-	WCA1i
Invertebrates					
Stag beetle *Lucanus cervus*	12	2019	430 m south-west	✓	ECH 2, WCA 5 S9(5), Local

Key:
#: Dependent on species.
†: Records are confidential and therefore proximity is not provided within the report.

ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation.
ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection.

WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times
WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds).
WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal.
WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods.

Species of Principal Importance: Species of Principal Importance for Nature Conservation in England.
Local: Species listed under the London Biodiversity Action Plan

Note. This table does not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Table 4.2 (continued): Summary of Protected/Notable Species Records Within 1 km of Survey Area

4.4 INVASIVE SPECIES

Table 4.3 provides a summary of invasive species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Legislation / Conservation Status
Cotoneaster *Cotoneaster* sp.	7	2010	200 m east	LISI 2, WCA 9
Tree-of-heaven *Ailanthus altissima*	5	2003	340 m north-west	LISI 3
New Zealand pigmyweed *Crassula helmsii*	1	2002	340 m north-east	LISI 3, WCA 9
Parrot's-feather *Myriophyllum aquaticum*	1	2002	340 m north-east	LISI 3, WCA 9
Evergreen oak *Quercus ilex*	3	2010	340 m north-west	LISI 5
Snowberry *Symphoricarpos albus*	5	2011	340 m north-west	LISI 2
Three-cornered garlic *Allium triquetrum*	3	2011	540 m south-east	WCA 9
Spanish bluebell *Hyacinthoides hispanica*	2	2011	540 m south-east	LISI 4
Himalayan balsam *Impatiens glandulifera*	1	2010	930 m north	LISI 3, WCA 9
Yellow archangel *Lamiastrum galeobdolon* subsp. *argentatum*	2	2018	930 m south	LISI 4, WCA 9
Green alkanet *Pentaglottis sempervirens*	10	2018	930 m north	LISI 6
False-acacia *Robinia pseudoacacia*	6	2009	930 m north	LISI 4
Butterfly-bush *Buddleia x davidii*	29	2018	940 m south	LISI 3
Japanese knotweed *Fallopia japonica*	10	2014	960 m north-east	LISI 3, WCA 9
Goat's-rue *Galega officinalis*	1	2007	960 m north-east	LISI 4
Cherry laurel *Prunus laurocerasus*	10	2010	960 m north-east	LISI 3

Key:
WCA9: Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Invasive, non-native, plants and animals.
LISI: London Invasive Species Initiative
LISI 2: London Invasive Species Initiative – Species of high impact or concern present at specific sites that require attention (control, management, eradication etc).
LISI 3: London Invasive Species Initiative – Species of high impact or concern which are widespread in London and require concerted, coordinated and extensive action to control/eradicate.
LISI 4: London Invasive Species Initiative – Species which are widespread for which eradication is not feasible but where avoiding spread to other sites may be required.
LISI 5: London Invasive Species Initiative – Species for which insufficient data or evidence was available from those present to be able to prioritise.
LISI 6: London Invasive Species Initiative – Species that were not currently considered to pose a threat or have the potential to cause problems in London.

Table 4.3: Summary of Invasive Species Records Within 1 km of Survey Area

5. PHASE 1 HABITAT SURVEY

5.1 INTRODUCTION

The results of the Phase 1 Habitat Survey are presented in the following sections. An annotated Phase 1 Habitat Survey Drawing C151827-01-01 is provided in Chapter 8. This drawing illustrates the location and extent of all habitat types recorded on site. Any notable features or features too small to map are detailed using target notes. Photographs taken during the field survey are presented in Chapter 9.

The survey was carried out on 18th February 2020 by Harry Stone MSc (Ecological Project Officer). Table 5.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (ºC)	11
Cloud (%)	50
Wind (Beaufort)	F3
Precipitation	Dry

Table 5.1: Weather Conditions During Field Survey

5.2 SURVEY CONSTRAINTS AND LIMITATIONS

February is not an optimal time for completing botanical assessments; however, given the nature of the habitats present, this was not considered to be a significant constraint to a robust initial site assessment.

5.3 HABITATS

The following habitat types were recorded on site during the field survey:

- Building;
- Hardstanding;
- Introduced Shrub; and,
- Scattered Trees.

These habitats are described below. They are ordered alphabetically, not in order of ecological importance.

Building
The site was dominated by a 1950's, large four-storey block of apartments. The buildings were constructed of brick and were generally in good condition (Plate 9.1). The reader is referred to the Preliminary Bat Roost Assessment (report RT-MME-151827-02) for a full description of the buildings.

Hardstanding
In front of the building, on its east-facing aspect, there was a raised driveway parking area made from tarmac (Plate 9.1). In the rear of the building, on its west-facing aspect, there was a small garden made from paving stones (Plate 9.3). There was negligible vegetation in these areas.

Introduced Shrub
Several brickwork flowerbeds containing introduced shrub plants were present in front of the building (Plates 9.2 and 9.5). Species present included common privet *Ligustrum vulgare*, ornamental rose *Rosa sp.*, Wilson's honeysuckle *Lonicera nitida* and cotoneaster *Cotoneaster sp.* Establishing bramble *Rubus fruticosus agg.* was recorded growing among the shrubs. Ivy *Hedera helix* was present along the site's west boundary wall, in the rear garden. In several places it grew dense enough to provide potential nesting habitat for small birds (Plate 9.4).

Scattered Trees
A mature Portuguese laurel tree *Prunus lusitanica* was situated in the northeast corner of the site, adjacent to the site entrance and bicycle racks (Plate 9.6). This tree was approximately 6 m tall and appeared to be in good condition. No potential roosting features for bats were recorded on this tree, however, it provided potentially valuable nesting habitat for birds.

5.4 FAUNA

During the survey field signs of faunal species were recorded. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

Birds
The following bird species were observed on site during the field survey: blackbird *Turdus merula*, robin *Erithacus rubecula*, great tit *Parus major*, blue tit *Cyanistes caeruleus* and coal tit *Periparus ater*. All of these birds were recorded in the rear garden of the site.

5.5 INVASIVE PLANT SPECIES

Cotoneaster was found in a raised bed on the southwest border of the site. Its location is indicated by Target Note 2 in Drawing C151827-01-01 in Chapter 8. The patch of cotoneaster was large, growing approximately 3 m by 1 m in size and to a height of approximately 1 m.

6. DISCUSSIONS AND CONCLUSIONS

6.1 SUMMARY OF PROPOSALS

This assessment is required to inform a planning application associated with the demolition of the current apartment block and construction of a new student accommodation building on its footprint. All vegetation, including the mature Portuguese laurel tree, is to be cleared and replaced with new planting.

6.2 NATURE CONSERVATION SITES

The desk study exercise identified no European statutory sites within 5 km of the survey area, two UK statutory sites within 2 km and six non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats. The significance of these sites to the proposed development is discussed below.

UK Statutory Sites
The two nearby Local Nature Reserves, Westbere Copse and St Johns Wood Church Grounds, were each separated from the development site by over a kilometre of intervening habitat. This intervening habitat consisted of the built environment – primarily roads, railway lines, residential buildings, residential gardens and small green spaces such as parks and sports grounds. It is considered highly unlikely that the works will directly or indirectly impact upon plant or animal species at these sites due to this distance. The development site contains no deadwood habitat which might otherwise help support the local population of stag beetles identified at the Westbere Copse site, and therefore no impact upon this protected species is anticipated. UK statutory sites are therefore, not a notable consideration in respect of the proposed development.

Non-Statutory Sites
The six nearby non-statutory nature conservation sites were similarly seperated from the development site by the intervening urban-residential environment. Due to this distance and intervening barriers such as roads and buildings, it is considered unlikely that the proposed works will have direct or indirect impacts upon the flora and fauna at these sites.

6.3 HABITATS

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local BAP. It also takes into account the intrinsic value of the habitat. Those habitats which are considered to be of intrinsic importance and have the potential to be impacted by the site proposals are highlighted as notable considerations.

A discussion of the implications of the site proposals with regard to the habitats present on site is provided in the text below. A separate discussion of the value of the habitats on site to protected or notable species is provided in Section 6.4.

Scattered Trees
The mature tree on site is of intrinsic value as it cannot be easily replaced in the short to medium term. Mature trees are therefore a notable consideration to the proposed development and should be retained where possible. A recommendation regarding retention and protection is provided in Section 7.2.

Remaining Habitats
The remaining habitats – introduced shrub, buildings, hardstanding and scattered scrub – are well represented locally and have low species diversity or can be easily replaced in the short to medium term. Any loss of these habitat would be considered to have minimal impact on the ecology of the local area. These habitats are therefore not notable considerations.

Habitats considered to be of relevance to the proposed development are summarised in Table 6.1.

Habitat Type	Habitat of Principal Importance?	Local BAP Habitat?	Summary of Potential Impacts
Scattered Trees	-	Yes	Habitat loss

Table 6.1: Summary of Potential Impacts on Notable Habitats

6.4 PROTECTED/NOTABLE SPECIES

The following paragraphs consider the likely impact of the site proposals on protected or notable species. This is based on those species highlighted in the desk study exercise (Chapter 4) and other species for which potentially suitable habitat occurs within or adjacent to the survey area.

Mammals

Bats

The desk study provided records of at least two species of bat within 1 km of the survey area. The closest record was of a common pipistrelle, located 600 m south.

The buildings and tree on site were subject to a Preliminary Bat Roost Assessment. This assessment identified several features on the building which were suitable for roosting bats. These are discussed in the Preliminary Bat Roost Assessment (RT-MME-151827-02) and all recommendations made within this report must be adhered to.

The site is moderately connected to suitable roosting, foraging and commuting habitat in the surrounding area, in the form of buildings, residential gardens and small green spaces. The vegetated railway banks situated less than 500 m north and south of the site boundary are potentially highly valuable commuting corridors for bats.

Terrestrial Mammals - Hedgehog

The desk study returned five records of hedgehog within 1 km of the site, the closest of which was 300 m north. The site contains no foraging and commuting opportunities for hedgehogs: the rear garden appears inaccessible to hedgehogs, while the shrubs in the front area are raised and therefore also inaccessible. Despite an absence of foraging and shelter opportunities, there is a possibility that a hedgehog may pass through the site before, during and after the construction phase, and as such there is a low risk of direct injury to hedgehogs. A recommendation has therefore been provided in Section 7.3.

Amphibians

Thirty records of common amphibians and one record of great crested newt were returned within a 1 km radius of the survey area by the desk study. The nearest was of common frog, located 330 m north. There was no standing water on site and no ponds present in neighbouring gardens. The site had negligible value for amphibians as it was dominated by building and hardstanding. It is considered highly unlikely that amphibians would be able to successfully navigate the urban-residential landscape surrounding the site or survive for very long on site due to the absence of shelter and food. Amphibians are therefore not a notable consideration in relation to the proposed works.

Birds

The desk study provided records of 8 bird species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) within a 1 km radius of the survey area. However, due to the specific habitat requirements and breeding ranges of these species they are considered highly unlikely to be present on site.

The dense ivy and mature tree on site provide suitable nesting and foraging habitat for common bird species. These habitats are to be directly impacted by the works. If tree felling and vegetation clearance works are undertaken during the nesting season there is potential for direct disturbance or harm to nesting birds. A recommendation regarding the appropriate timing of vegetation clearance activities is made in Section 7.3.

Invertebrates

A total of 12 records of stag beetle within 1 km of the survey was provided by the desk study, the nearest of which was located 430 m southwest. No suitable deadwood habitat was identified during the survey. Therefore, stag beetle is not a notable consideration in relation to the proposed works.

The floral diversity and plant species within the survey area was not considered to hold particular ecological value and therefore notable invertebrate species, such as rare moths and butterflies, are unlikely to be impacted by clearance of any habitats within the survey area.

Other Species

The following protected species and taxa are not considered to be material considerations due to the lack of desk study records and absence of suitable habitats within the development site and its surroundings: badger *Meles meles*, dormouse *Muscardinus avellanarius,* freshwater fish, otter *Lutra lutra*, polecat *Mustela putoris,* reptiles *Squamata sp.*, water vole *Arvicola amphibius* and white clawed crayfish *Austropotamobius pallipes.*

Summary
Species considered to be of relevance to the proposed development are summarised in Table 6.2.

Species / Species Group	Species of Principal Importance?	Summary of Potential Impacts
Bats	#	Loss of suitable habitat, direct harm/injury
Hedgehog	✓	Direct harm/injury
Birds	#	Loss of suitable habitat, direct harm/injury
#: Species dependent		

Table 6.2: Summary of Potential Impacts on Notable Species

6.5 INVASIVE PLANT SPECIES

The desk study provided 16 records of invasive plant species within 1 km of the survey area, the nearest of which was located 200 m east.

During the Phase 1 Habitat Survey a large patch of cotoneaster was identified at the southeast boundary of the site within a raised bed of introduced shrub (Plate 9.5). Therefore, a reccommendation regarding invasive plant species is made in Section 7.4.

7. RECOMMENDATIONS

All recommendations provided in this section are based on Middlemarch Environmental Ltd's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

The ecological mitigation hierarchy should be applied when considering development which may have a significant effect on biodiversity. The ecological mitigation hierarchy, as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG) should follow these principles:

- **Avoidance** – development should be designed to avoid significant harm to valuable wildlife habitats and species.
- **Mitigation** – where significant harm cannot be wholly or partially avoided, it should be minimised by design or through the use of effective mitigation measures.
- **Compensation** – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, compensation should be used to provide an equivalent value of biodiversity.

7.1 NATURE CONSERVATION SITES

No recommendations are made in respect of statutory or non-statutory sites.

7.2 HABITATS

The following recommendations are made regarding the habitats present on site:

R1 **Habitat Retention and Protection:** Replacement planting should be incorporated into the soft landscape scheme in accordance with the ecological mitigation hierachy. Only native and wildlife attracting species should be planted.

R3 **Biodiversity Enhancement:** In accordance with the provision of Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed development to work towards delivering net gains for biodiversity. This will involve, for example, the installation of bird boxes in the rear of the building and the planting of vegetation valuable to wildlife such as species which provide high levels of fruit, seed and/or pollen.

7.3 PROTECTED / NOTABLE SPECIES

To ensure compliance with wildlife legislation and local planning policy, the following recommendations are made:

R4 **Nesting birds:** Vegetation clearance, including the felling of the Portuguese laurel tree, should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September (peak period March-August). If this is not possible then any vegetation to be removed or disturbed should be checked by an experience ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them should be delayed until the young have fledged and the nest has been abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest in which no disturbance is permitted until the nest is no longer in use.

R5 **Roosting bats:** A Preliminary Bat Roost Assessment has been undertaken (RT-MME-151827-02) and all recommendations within this report should be adhered to.

R6 **Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.

7.4 INVASIVE PLANT SPECIES

The following recommendation is made regarding invasive plant species:

R7 **Cotoneaster:** A Method Statement must be developed for the proposed works to ensure that they do not result in the spread of cotoneaster. This method statement should reflect established best management practices for the treatment of the species.

8. DRAWINGS

Drawing C151827-01-01 Phase 1 Habitat Map

525350
525400
184150
184100
1
1
2
0
5
10 m

Legend

- Site boundary
- Scattered broad-leaved tree
- Building
- Hardstanding
- Introduced shrub
- Target note
  - 1 Dense ivy
  - 2 Cotoneaster

N

Project: Francis Gardner House

Drawing: Phase 1 Habitat Map

Client: Quantum Consulting LLP

Drawing Number	Revision
C151827-01-01	00
Scale @ A3	Date
1:250	February 2020
Approved By	Drawn By
HS	VO

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C151827-01-01

9. PHOTOGRAPHS

Plate 9.1: East-facing Aspect

Plate 9.2: Introduced Shrub and Hardstanding

Plate 9.3: Paved Hardstanding, Back Garden

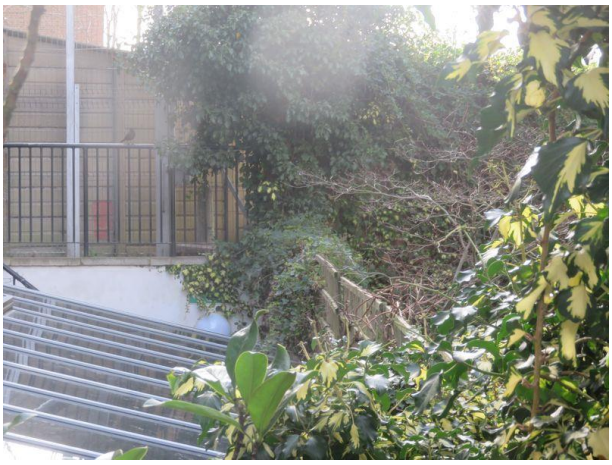

Plate 9.4: Dense Ivy, Back Garden

Plate 9.5: Cotoneaster

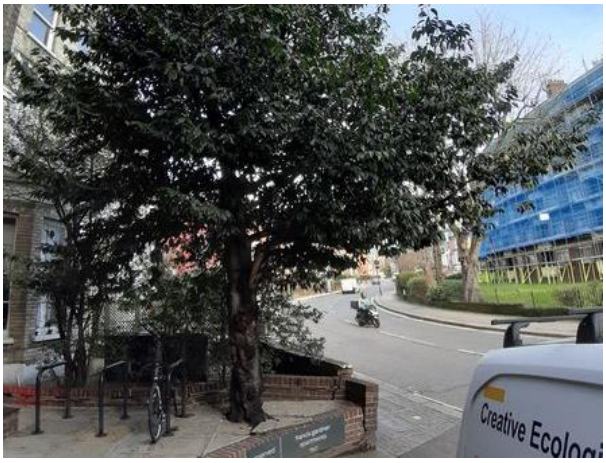

Plate 9.6: Portuguese Laurel Tree

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APPENDICES

APPENDIX 1: Summary of Statutory Nature Conservation Sites

APPENDIX 2: Overview of Relevant Species Specific Legislation

APPENDIX 1

Summary of Statutory Nature Conservation Sites

Local Nature Reserves (England)
Reference
1134179
Name
WESTBERE COPSE
Hectares
0.39
Hyperlink
https://designatedsites.naturalengland.org.uk/SiteLNRDetail.aspx?SiteCode=L1134179
Reference
1009360
Name
ST JOHN'S WOOD CHURCH GROUNDS
Hectares
1.99
Hyperlink
https://designatedsites.naturalengland.org.uk/SiteLNRDetail.aspx?SiteCode=L1009360
Ancient Woodland (England)
No Features found
National Nature Reserves (England)
No Features found
Sites of Special Scientific Interest (England)
No Features found
Ramsar Sites (England)
No Features found
Proposed Ramsar Sites (England)
No Features found
Special Areas of Conservation (England)
No Features found
Possible Special Areas of Conservation (England)
No Features found
Special Protection Areas (England)
No Features found
Potential Special Protection Areas (England)
No Features found
SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)
1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?
2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:
All Planning Applications
Infrastructure
Airports, helipads and other aviation proposals.
Wind & Solar Energy
Minerals, Oil & Gas
Rural Non Residential
Residential
Rural Residential
Air Pollution
Livestock & poultry units with floorspace > 500m², slurry lagoons > 750m² & manure stores > 3500t.
Combustion
General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.
Waste
Composting
Discharges
Water Supply
Notes 1
Notes 2
GUIDANCE - How to use the Impact Risk Zones
/Metadata_for_magic/SSSI IRZ User Guidance MAGIC.pdf

1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?
2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:
All Planning Applications
Infrastructure
Airports, helipads and other aviation proposals.
Wind & Solar Energy
Minerals, Oil & Gas
Rural Non Residential
Residential
Rural Residential
Air Pollution
Livestock & poultry units with floorspace > 500m², slurry lagoons > 750m² & manure stores > 3500t.
Combustion
Waste
Composting
Discharges
Water Supply
Notes 1
Notes 2
GUIDANCE - How to use the Impact Risk Zones
/Metadata_for_magic/SSSI IRZ User Guidance MAGIC.pdf

MAGIC

2 Km Buffer Map

Legend

- Local Nature Reserves (England)
- National Nature Reserves (England)
- Sites of Special Scientific Interest (England)
- SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)

Ancient Woodland (England)

- Ancient and Semi-Natural Woodland
- Ancient Replanted Woodland

Projection = OSGB36
xmin = 517500
ymin = 180400
xmax = 532600
ymax = 188000

0 0.55 1.1 km

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APPENDIX 2

Overview of Relevant Species Specific Legislation

Bats
Bats and the places they use for shelter or protection (i.e. roosts) receive European protection under The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, *or obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The following bat species are Species of Principal Importance for Nature Conservation in England: Barbastelle Bat *Barbastella barbastellus*, Bechstein's Bat *Myotis bechsteinii*, Noctule Bat *Nyctalus noctula*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Brown Long-eared Bat *Plecotus auritus*, Greater Horseshoe Bat *Rhinolophus ferrumequinum* and Lesser Horseshoe Bat *Rhinolophus hipposideros*.

The reader should refer to the original legislation for the definitive interpretation.

Birds
The Conservation of Habitats and Species Regulations 2017 places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:
- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly**:**
- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

Hedgehogs

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a license.

Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.