

**UPDATE ECOLOGICAL APPRAISAL**  
**294-295 HIGH HOLBORN, LONDON**

prepared by



commissioned by

**CHH LONDON LTD.**

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# UPDATE ECOLOGICAL APPRAISAL

## 294-295 HIGH HOLBORN, LONDON

### CONTENTS

1	INTRODUCTION .....	3
2	SITE SURVEY .....	5
3	FINDINGS / CONCLUSION .....	8
	APPENDIX A: WILDLIFE LEGISLATION & SPECIES INFORMATION.....	9
	APPENDIX B: PRINCIPAL CONTRACTOR ECOLOGY BRIEFING NOTE.....	11

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The information, data and advice which has been prepared and provided is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's (CIEEM) Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions. This report and its contents remain the property of Clarkson and Woods Ltd. until payment has been made in full.



## 1 INTRODUCTION

1.1.1 Clarkson and Woods Ltd. was commissioned by CHH London Ltd. to carry out an updated Ecological Appraisal at 294-295 High Holborn, London, WC1V 7PX, hereafter referred to as 'the Site'.

1.1.2 This Ecological Survey Report has been prepared in to inform a BREEAM assessment, along with the discharge of planning condition 10 and Informative 9, relating to planning permission advice from Camden Borough Council (ref: 2017/1827/P).

- *Planning Condition 10: Biodiversity Enhancement Features*

*Details of biodiversity enhancement features such as bird and bat nesting boxes or bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any of the above ground construction works commencing on site. Boxes/bricks should be integrated into the fabric of the building wherever possible, to increase sustainability. Details submitted shall include the exact location, height, aspect, specification and indication of species to be accommodated. Boxes shall be installed in accordance with the approved plans prior to the first occupation of the development and thereafter maintained.*

*Reason: So as to 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 plus to comply with CG3 where it states that opportunities should be sought for the incorporation of biodiversity into developments and for habitat creation in any development proposal.*

- *Informative 9: Biodiversity measures (with regards the future discharge of condition 10)*

*The provision of up to 30 bird boxes is considered excessive. In officers' opinion the development could incorporate 4-6 swift bricks or bat bricks (those built into the Portland stone fabric) along the east elevation at height (8th floor), preferably near the roof top. Swift bricks would require to have at least a 5m drop space immediately below the entrance hole. In addition a similar number of house sparrow or starling bricks or boxes could be located at a lower level (2nd floor) on the east elevation or 2 standard bird boxes for blue tit instead of the sparrow/starling bricks boxes could be placed here (they would require to be a minimum 20m apart from each other if that was feasibly possible. It may be possible to locate sparrow/starling bricks/boxes or standard bird (tit) boxes along any western elevation if space allows.*

*Butterfly-bush should not be used for any planters within the development as it is an invasive species.*

*The species suggested for the proposed balcony planters are not suitable for ornamental plantings and although would be beneficial for invertebrates they would require considerable management to maintain. There are numerous alternative species that are more ornamental, require less intensive management and would be better suited for this environment.*

1.1.3 This report presents the ecological baseline of the Site using information collected during an update Extended Phase 1 Habitats Survey and Building Inspection carried out by Clarkson and Woods Ltd on 20<sup>th</sup> July 2020, as well as from the results of previous ecological survey completed in 2014 (Ecology Scoping Survey of 294-295 High Holborn, London. 2014, Cambridge Ecology). An update desk study has not been undertaken with Greenspace Information for Greater London (GiGL) as it was not considered necessary to inform the assessment. However, Defra's MAGIC Map application was consulted for designations and protected species records within the area surrounding the Site, along with Clarkson & Woods' in-house species records.

1.1.4 The assessment has been prepared by Charlie Durigan, an ecologist who is a graduate member of the Chartered Institute of Ecology and Environmental Management (CIEEM). The report has



been subject to a quality assurance review by an appropriately experienced senior consultant, who is a full member of CIEEM.

- 1.1.5 Unless the client indicates to the contrary, information on the presence of species collected during the surveys will be passed to the county biological records centre in order to augment their records for the area. This is in line with the CIEEM code of professional conduct<sup>1</sup>.
- 1.1.6 If no action or development of the Site takes place within 18 months of the date of this report, then the findings of the assessment and supporting surveys should be reviewed. An update assessment may be required.
- 1.1.7 Figure 1 below shows the survey area and provides an updated map of habitats and ecological features at the site. Table 1 provides more detail on ecological features, numbered corresponding to Figure 1.
- 1.1.8 A Contractor's Briefing Note relating to ecology has been supplied at the end of this document (Appendix B), which relates to LE05 of the BREEAM assessment.
- 1.1.9 A separate Landscape and Habitats Management Plan (LHMP) has also been prepared for the site, which details habitat features and covers the continued protection and enhancement of the ecological receptors associated with the site, which relates to LE03, LE04 and LE05 of the BREEAM assessment.

#### *Limitations*

- 1.1.10 While the existing building was previously demolished, a basement comprising a corridor and two separate rooms is present beneath the Site with an exposed staircase for access. The surveyor was able to visit the basement, however, the large room at the east of the basement was not accessible due to safety concerns associated with the overhead structure. A thorough inspection of the corridor and a small storeroom were undertaken, while the large room could only be inspected from the open doorway using a high-powered torch. While no evidence of protected species was identified within this room, it is possible that signs of protected species, such as roosting bats, were missed as a result of the lack of access. However, it is considered that the basement itself was of negligible suitability for roosting bats due to lack of visible roosting features and generally high light levels within the immediately surrounding area.

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<sup>1</sup> Code of Professional Conduct. CIEEM, January 2019.



## 2 SITE SURVEY

**Table 1: Ecological Features on Site with Recommended Mitigation & Enhancements**

Map Ref.	Ecological Feature	Description / Status on Site / Contextual Info	Mitigation	Enhancements
1	Designated Sites	No statutorily designated sites lies within 5km of Site  12 Sites of Nature Conservation Interest (SNCI) lie within 1km of site; none fall within the site boundary. Lincoln's Inn Gardens lie adjacent to the southern site boundary and Lincoln's Inn Fields to the southwest.	None	None
2	Short Ephemeral & Pioneer Vegetation	Area of approximately 80m2, generally of low to negligible ecological value. Flora provides limited food source for invertebrate species.	None	None
3	Basement	An existing basement (approx. 80sq m) occupies the northern section of the site. This area could not be fully accessed due to H&S risks and was in a poor state of repair.  An old birds' nest was recorded within the corridor (see below). The basement was considered to offer low to negligible suitability for ecological receptors, including nesting birds and bats.	N/A	N/A
4	Hard Standing	The site was primarily comprised of hard standing, providing negligible ecological value.	N/A	N/A
1	Broadleaved Trees	2 trees lie outside of the southern site boundary.  Accidental physical (mechanical) damage to trees, including disturbance (direct or indirect) of any species using features.	Construction phase protection may be necessary if the tree RPZs encroaches within the site boundary. If necessary, the root protection zone (RPZ) will be delineated by Heras fencing, or similar, in accordance with British Standard 5837:2012 Trees in relation to design, demolition	None



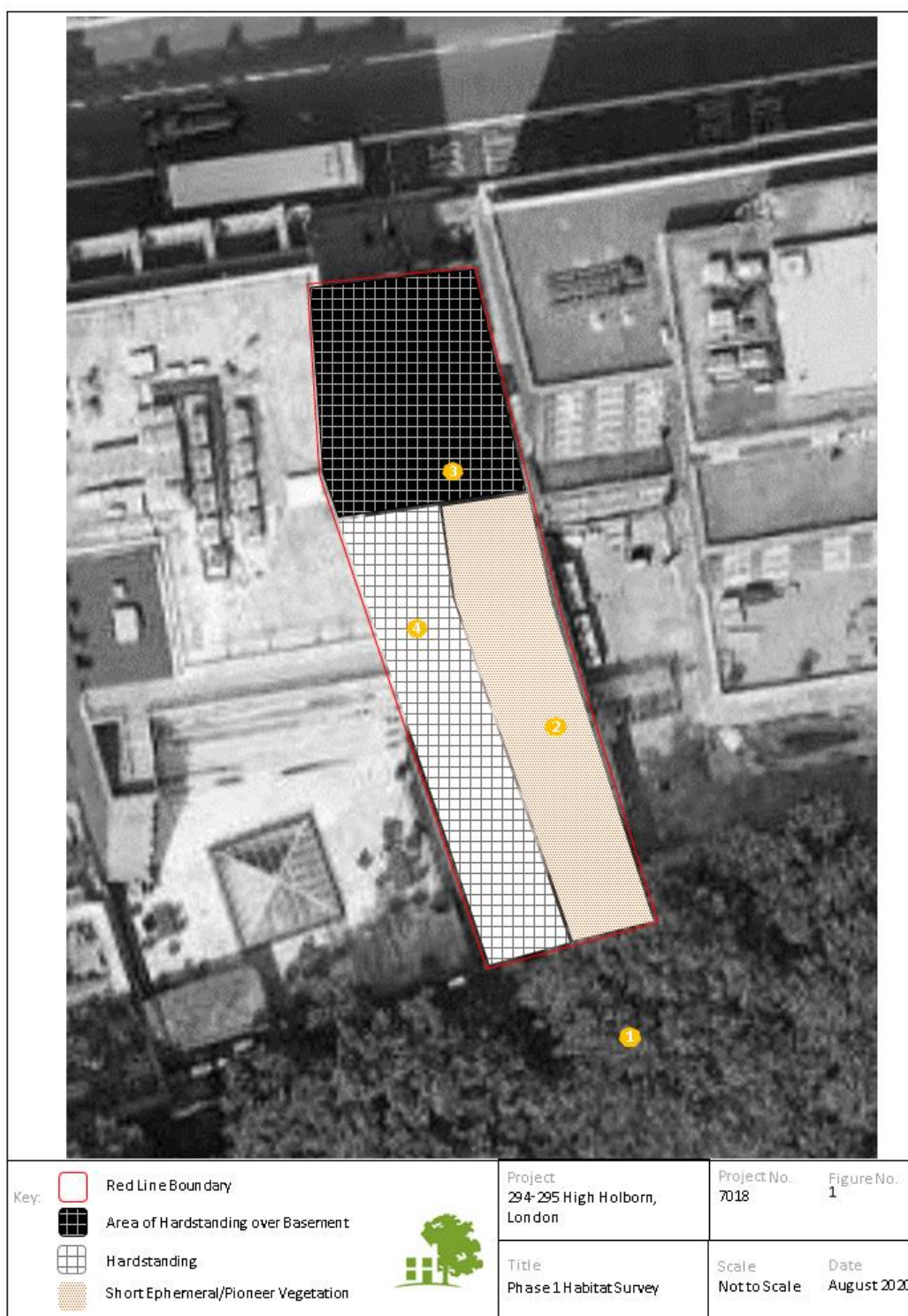
Map Ref.	Ecological Feature	Description / Status on Site / Contextual Info	Mitigation	Enhancements
		Direct impacts resulting from soil compaction.	and construction. They will be marked with weather-proof signage (minimum A4 size) stating "Root Protection Zone – Keep Out". This buffer will protect the adjacent trees and will be informed by an arboriculturalist.	
3	Birds	<p>A deceased crow <i>Corvus corone</i> was recorded within the area of short ephemeral and pioneer vegetation, although this area generally provides very low potential for foraging birds.</p> <p>A small birds' nest was present within the basement corridor at about 2.5m height. This was not active and was covered by cobwebs, so not considered to be in any way recent. It was not possible to identify the species as the nest was constructed primarily using man-made materials, such as plastic bags.</p> <p>Direct or accidental harm to badgers which may get trapped within the site or within trenches/excavations throughout construction.</p> <p>Appendix B details relevant legislation.</p>	<p>A check for nesting birds within the basement will be necessary prior to works commencing in this area to ensure that no offences are committed with regards to these species. Should any active nests be found, an appropriate buffer zone of at least 5m (actual distance dependent upon species and nest location) will be created around the nest. The buffer will be maintained and not disturbed until all chicks have fledged. Depending upon the location protective fencing may be appropriate. The ecologist will be able to advise on the anticipated date of fledging based upon the status of the nest. Inspections of the nest site by an ECOW is recommended at the anticipated date of fledging so that it can be removed once birds have left the nest before a second brood is established. Works can then recommence following confirmation by an ECOW.</p>	<p>As per Informative 9:</p> <ul style="list-style-type: none"> <li>Four integrated swift bricks will be provided within the fabric of the building at the east elevation at height, preferably near the roof top. Swift bricks require at least a 5m drop space immediately below the entrance hole. These will be of 'woodcrete' construction such as the Schwegler No. 16, or similar, for proven durability;</li> <li>Two Schwegler 24 bird bricks (or similar) will be installed at a lower elevation, i.e. 2<sup>nd</sup> floor, to provide suitable nesting opportunities for tit species.</li> </ul>
N/A	Bats	<p>The on-site habitats are considered to offer negligible opportunity to foraging/commuting and roosting bats.</p> <p>Bats' may use off-site habitats to the south for foraging/commuting. Existing high levels of lighting likely to occur on site. Reduced suitability of off-site habitats may result from use of construction phase artificial lighting.</p> <p>No bat licences have been granted within at least 1.5km of the Site.</p>	<p>Construction phase artificial lighting will be minimal if required at all, and will be directed away from southern boundary.</p> <p>External lighting should be kept to a minimum within the final development, with any necessary lighting directed away from the southern boundary and with no upward ratio through the use of hoods/cowls.</p>	<p>As per Informative 9:</p> <ul style="list-style-type: none"> <li>Four bat boxes will be built into the fabric of the building. Schwegler 2FN or Green &amp; Blue "Bat Block" to provide roosting features for crevice roosting bats. The bat boxes must be positioned at least 4m from ground level, away from artificial light sources and in proximity to vegetation and linear features such as the existing trees to the south of the plot.</li> </ul>



Map Ref.	Ecological Feature	Description / Status on Site / Contextual Info	Mitigation	Enhancements
N/A	Invertebrates	<p>The site currently provides low to negligible potential for invertebrate species given the lack of floral diversity and cover.</p> <p>The site is positioned within the approximate 16km wide London B-Line route.<sup>2</sup></p>	None	None

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<sup>2</sup> Greenspace Information of Greater London CIC: Making a B-Line, January 2015. <https://www.gigl.org.uk/making-a-b-line/>



### 3 FINDINGS / CONCLUSION

Given the hardstanding/commercial nature of the site, ecological conditions are not considered to have altered since the production of the initial ecology report; it was considered that the site was generally unchanged from the survey in 2014 and provides low to negligible suitability for ecological receptors, including nesting birds. The Site is therefore considered to occupy land of low ecological value under LE02 of the BREEAM assessment. Appropriate mitigation and enhancement measures have been provided in line with the Informative attached to the planning permission, to ensure legal compliance, and to inform the discharge of wildlife related conditions 9 and 10 associated with the approved planning application.





## APPENDIX A: WILDLIFE LEGISLATION & SPECIES INFORMATION

### BIRDS

All British birds, their nests and eggs (with certain exceptions) are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it an offence to: intentionally kill, injure or take a wild bird; intentionally take, damage or destroy nests which are in use or being built; intentionally take or destroy birds' eggs; or possess live or dead wild birds or eggs. A number of species receive additional protection through inclusion on Schedule 1 of the Wildlife and Countryside Act; for these it is also an offence to intentionally or recklessly disturb birds while nest building, or at a nest containing eggs or young, or to disturb the dependant young of such a bird. Penalties for offences against bird species include fines of up to £5,000 and/or up to six months in prison.

General licences for control of some bird species are issued by Natural England and Natural Resources Wales in order to prevent damage or disease, or to preserve public health or public safety, but it is not possible to obtain a licence for control of birds or removal of eggs/nests for development purposes. Consequently if nesting birds are present on a development site when works are programmed to start it is usually necessary to delay works, at least in the areas supporting nests, until any chicks have fledged and left the nest. It is usually possible, once chicks have hatched, for an experienced ecologist to predict approximately when they are likely to fledge, in order to inform programming of works on site.

### PLANNING POLICY IN RELATION TO BIODIVERSITY

The National Planning Policy Framework (NPPF), was published in March 2012 and revised in July 2018. Additional guidance can be found online at <http://planningguidance.planningportal.gov.uk/blog/guidance/>. The NPPF simplifies and collates a number of previous planning documents and outlines the government's objective towards biodiversity.

The NPPF identifies ways in which the planning system should contribute to and enhance the natural and local environment (Paragraph 170), including:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. protecting and enhancing valued landscapes, geological conservation interests and soils;

It also emphasises the importance of conserving biodiversity and areas covered by landscape designations (Paragraph 172):

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

When determining planning applications, the NPPF states that local planning authorities should aim to conserve and enhance biodiversity (Paragraph 175) by applying principles including:

- (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- (b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- (c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>6</sup> and a suitable compensation strategy exists; and



- (d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The following should be given the same protection as habitats sites:

- (a) potential Special Protection Areas and possible Special Areas of Conservation;
- (b) listed or proposed Ramsar sites<sup>7</sup>; and
- (c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

There is a general presumption in favour of sustainable development within the NPPF. It is noted in Paragraph 177 that this presumption does not apply where the plan or project is likely to have a significant effect on a habitat site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

The Natural Environment and Rural Communities Act (2006) states that a public authority must, "in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity; Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat". DEFRA issued further guidance on implementation of this act in the document; Guidance for Local Authorities on Implementing the Biodiversity Duty (May 2007), which notes that "Conserving biodiversity includes restoring and enhancing species populations and habitats, as well as protecting them".

## ECOLOGICAL ENHANCEMENTS

The Natural Environment and Rural Communities Act (2006) states that a public authority must, "in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity; Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat". DEFRA issued further guidance on implementation of this act in the document; Guidance for Local Authorities on Implementing the Biodiversity Duty (May 2007), which notes that "Conserving biodiversity can include restoring or enhancing a population or habitat".

In England, the National Planning Policy Framework (NPPF), issued in July 2018, states that the planning system should contribute to "*minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*". It also states that "*opportunities to incorporate biodiversity in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity*".



## APPENDIX B: PRINCIPAL CONTRACTOR ECOLOGY BRIEFING NOTE

The aim of this briefing note is to advise the Principal Contractor of measures that **must be undertaken** as per the requirements of LE 05 of the BREEAM UK New Construction 2014 technical manual in order to safeguard and promote biodiversity on the above site in the long term.

Additional Measures 1, 2, 3, and 5 listed in Table 69 under LE05 of the BREEAM assessment Technical Guidance are applicable for the site and are outlined below. Evidence of compliance with each additional measure is specified.

### ADDITIONAL MEASURE 1 – NOMINATE A 'BIODIVERSITY CHAMPION'

A 'Biodiversity Champion' will be nominated by the Principal Contractor who will be responsible for ensuring the recommendations within the BREEAM ecology report and the Landscape and Habitat Management Plan (LHMP) are respected and applied correctly. These two documents should be kept on site during the development phase. We suggest that the appointed person be an individual with authority, who is present on the site on a regular basis, such as the site foreman.

The Biodiversity Champion will influence site activities to ensure that detrimental impacts to onsite biodiversity are minimised by undertaking Measures 2, 3 and 5, set out below. These can be achieved by:

- Ensuring the site is clear of pollution/contaminants, i.e. arranging regular litter picks, ensuring the correct storage of hazardous substances and appropriate staff training to reduce the risk of pollution of site;
- Being the responsible person for contacting Clarkson & Woods should protected species such as nesting birds be discovered; and
- Keeping a logbook of all such actions undertaken.

*Evidence Required by BREEAM assessor:*

- *Nominated Biodiversity Champion details to be provided to C&W – at project outset.*
- *Logbook of Actions by Biodiversity Champion to be provided to C&W – at project conclusion.*

### ADDITIONAL MEASURE 2 – TRAIN WORKFORCE

The Principal Contractor will ensure that the entire site workforce is trained on how avoid damaging potential on-site biodiversity during operations by:

- Ensuring information is made available within the site induction, which will be delivered to all site operatives, providing contact details for Clarkson and Woods, who will be contacted in the unlikely event that wildlife is discovered during works.
- Providing incident reporting procedures and training to reduce the risk of fuel spillage and pollution on site.

*Evidence Required:*

- *Site induction materials to include details on ecological protection. Induction materials to be provided to C&W for verification.*
- *Record of induction of workforce.*

### ADDITIONAL MEASURE 3 – RECORD OF COMPLIANCE

The Principal Contractor/Biodiversity Champion will record all action taken to protect biodiversity during the development of the scheme. Any monitoring of the effectiveness of such actions will also be recorded throughout key stages of the construction process. This requirement commits the principal contractor to make such records available, where publicly requested, and they will be provided to Clarkson and Woods to ensure compliance under BREEAM LE05. We suggest that this is achieved by



keeping a site logbook detailing responsible persons and dates of actions undertaken to protect biodiversity, such as;

- Ensuring the site is free of litter (litter picking);
- Inspecting perimeter fencing for damage;
- Maintaining a list of all contaminants present on site etc. and any spillages that may have occurred;
- Details of all staff inductions that have been undertaken.

*Evidence Required:*

- *Logbook of Actions to be provided to C&W – at project conclusion. Can be combined with evidence provided for Additional Measure 1.*

#### **ADDITIONAL MEASURE 5 – TIMING OF WORKS**

The Principal Contractor will minimise potential disturbance to wildlife by programming works in line with recommendations detailed within the Landscape and Habitats Management Plan (LHMP) for the site, provided by Clarkson & Woods. We recommend that the Biodiversity Champion be responsible for ensuring this schedule is met. Key considerations are:

- Should works be completed between March-August inclusive (within the nesting bird season), extra care will be taken to ensure that the working area is clear of nesting birds. Should any nesting birds be found within a working area, then works in this area will be delayed until eggs have hatched and young have fledged, and the nest is no longer in use. Should nesting birds be found in a working area, Clarkson & Woods should be contacted for further advice.

*Evidence Required:*

- *Diary of habitat clearance and construction works to be kept to enable verification of adherence to recommendations.*

Overbrook Business Centre,  
Poolbridge Road, Blackford,  
Somerset BS28 4PA

t: 01934 712500

e: [info@clarksonwoods.co.uk](mailto:info@clarksonwoods.co.uk)

[www.clarksonwoods.co.uk](http://www.clarksonwoods.co.uk)



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