Abbey Road Phase 3

Ecological Assessment Report

On behalf of Wates

Project Ref: 330510094 | Rev: A | Date: April 2022

Registered Office: Buckingham Court Kingsmead Business Park, London Road, High Wycombe, Buckinghamshire, HP11 1JU
Office Address: 10 Queen Square, Bristol, BS1 4NT
T: +44 (0)117 332 7840 E: bristolqueensquare@stantec.com

Document Control Sheet

Project Name: - Abbey Road Phase 3

Project Ref: - 330510094

Report Title: - Ecological Assessment Report (DRAFT)

Date: - April 2022

	Name	Position	Signature	Date
Prepared by:	Stephen Foot / Tom Johnston	Ecologist	SF/ TJ	10/03/2022
Reviewed by:	Duncan McLaughlin	Senior Associate Ecologist	DM	15/03/22
Approved by:	Rahul Patalia	Director Buildings	RP	16/03/2022
For and on behalf of Stantec UK Limited				

Revision	Date	Description	Prepared	Reviewed	Approved

Contents

1 Introduction 2
1.1 Overview 2
1.2 Proposed Development 2
1.3 Ecological Context 2
1.4 Report Objectives 2
2 Methods 3
2.1 Overview 3
2.2 Desk Study 3
2.3 Survey Methods 3
2.4 Survey Personnel 5
2.5 Evaluation and Assessment 5
2.6 Terminology and Nomenclature 6
2.7 Limitations 6
2.8 Report Qualification 6
3 Results and Interpretation 8
3.2 Identification of Potential Impacts 8
3.3 Designated Sites 8
3.4 Habitats 9
3.5 Protected Species and Species of Conservation Importance 10
3.6 Evaluation and Impact Assessment Summary 12
4 Committed Mitigation and Enhancement 14
4.1 Overview 14
4.2 Mitigation Hierarchy 14
4.3 Summary of Key Ecological Considerations 14
4.4 Avoidance Measures / Inherent Scheme Design 15
4.5 Ecological Enhancement Measures 16
5 Conclusion 18
6 References 19
7 Figures 20

Figures

Figure 1 – Site Location Plan 20
Figure 2 – Statutory Designated Areas within 10km 20
Figure 3 – Non-Statutory Designated Areas within 2km 20
Figure 4 – Extended Phase 1 Habitat Survey Results 20

Tables

Table 1: Categories of Bat Potential of Buildings (adapted from Collins, 2016) 4
Table 2: Bird species recorded during the Site visit 11
Table 3: Evaluation and Impact Assessment Summary 12
Table 4: Summary of Key Ecological Considerations 15
Table H.1: Summary of species/species group specific legislation 29

Appendices

Appendix A Details of Designated Areas
Appendix B Target Notes
Appendix C Photographs of the Site
Appendix D Legislation and Planning Policy

Executive Summary

Stantec UK Limited was commissioned by Wates to undertake an Ecological Assessment of an area of land located within in South Hampstead in London. The area of land is bordered by Abbey Road to the east, the Belsize Road (B509) to the south and residential properties to the north and west. This Ecological Assessment was required to support a planning application for the demolition of existing buildings and the construction of a new residential development and associated infrastructure.

The Ecological Assessment was informed by a desk study (including a review of ecological desk study information), an extended Phase 1 habitat survey and a ground level assessment of the buildings and trees for their suitability to support roosting bats, the results of which have been used to identify potential impacts of the development proposals and their associated effects on ecological features.

The desk study identified one internationally designated area within 10km of the Site. This is the Lee Valley Special Protection Area (SPA) and Ramsar located 9.8km northeast of the Site. There were no nationally designated areas within 2km of the Site. A total of 7 non-statutory designated areas are located within a 1km radius of the Site. Records of protected species and species of conservation importance were also provided for the local area including bats, birds, great crested newt and hedgehogs.

The Site currently comprises hard standing, buildings, introduced shrub, amenity grassland and scattered trees. No Habitats of Principal Importance (HPIs) were present in the Site with the habitats being classified as having limited intrinsic ecological value.

There was no suitability for bats on any of the trees and buildings and the Site provided very limited foraging opportunities. There was no suitable habitat for great crested newt *Triturus cristatus* and the Site is only likely to support common breeding bird species such as feral pigeon *Columba livia domestica* and magpie *Pica pica*.

In light of these findings, potential negative effects resulting from the Proposed Development include:

- The loss of individual trees and low value habitats (amenity grassland, introduced shrub, building and hard standing) to facilitate the construction of the Proposed Development
- Disturbance to foraging, and commuting bats through the inappropriate use of lighting
- Loss/damage of habitats capable of supporting small numbers of nesting birds
- Potential killing and/or injury of birds present

Embedded scheme designs to benefit biodiversity have been included and measures/working methods have been prescribed in order to enable that the contravention of legislation protecting protected species does not occur. Enhancement measures have been proposed and are in line with National and local planning policy. These include bat boxes, bird boxes and bee bricks integrated into the proposed new buildings.

Disclaimer

This Executive Summary contains an overview of the key findings and conclusions. However, no reliance should be placed on any part of the executive summary until the whole of the report has been read.

1 Introduction

1.1 Overview

1.1.1 Stantec UK Limited was commissioned by Wates to undertake an Ecological Assessment of an area of land located within in South Hampstead in London. The area of land is bordered by Abbey Road to the east, Belsize Road (the B509) to the south and residential properties to the north and west (hereafter referred to as the 'Site'). The central grid reference of the Site is TQ 25742 83885. The Site location is shown on **Figure 1**.

1.1.2 The Site covers approximately 0.565ha and is currently occupied by two residential apartment blocks with ancillary commercial units and a public house at ground floor, car park, health centre and single storey community centre.

1.2 Proposed Development

1.2.1 Wates are seeking detailed planning permission for Demolition and redevelopment of Emminster and Hinstock blocks including Belsize Priory Health Centre, Abbey Community Centre, public house and commercial units to provide new residential accommodation (Use Class C3) and ground floor commercial space (Use Class E/Sui Generis) to be used as flexible commercial units, across three buildings ranging from 4 to 11 storeys, along with car and bicycle parking, landscaping and all necessary ancillary and enabling works.

1.3 Ecological Context

1.3.1 The Site is surrounded by hardstanding and buildings with the railway line to the south. There is an area of amenity grassland and scattered trees approximately 70m northeast of the Site. This area of land is currently being re-developed as part of the Abbey Road Phase 2 development which will include new soft landscaping.

1.4 Report Objectives

1.4.1 This report sets out an ecological assessment of the Proposed Development.

1.4.2 As such, the objectives of this report are to provide:

i. outline survey methodologies and relevant survey guidance;

ii. a description of the relevant ecological baseline and identify any features of potential ecological importance;

iii. an assessment of impacts associated with the construction and operation of the Proposed Development, taking into account the baseline and any effects on important ecological features;

iv. information on required ecological mitigation, compensation and / or enhancement measures in line with applicable ecological legislation/ planning policy.

2 Methods

2.1 Overview

2.1.1 This section below sets out the methods used to inform the ecological assessment of the Site with regards to the Proposed Development. This includes a desk study, extended phase 1 habitat survey, impact assessment and survey limitations. Details of personnel are also included.

2.2 Desk Study

2.2.1 A desk study was completed for the Site in February 2022. The desk study included a review of existing ecological baseline information available in the public domain and the obtaining of information held by relevant third parties. To provide the baseline data for the ecological desk study, information was requested from Greenspace Information for Greater London (GiGL), in relation to:

- Protected and notable species within 1km
- Invasive species within 1km and
- Non-statutory areas designated for nature conservation within 1km

2.2.2 Further information relating to statutory designated areas (including European / internationally designated areas), Habitats of Principal Importance (HPI) and consented European Protected Species licence applications was obtained using the Multi-Agency Geographic Information for the Countryside website (MAGIC) website. Internationally designated Sites within 10km and nationally designated sites within 2km were identified. A search of ponds / waterbodies from within 500m of the Site was also undertaken using freely available OS mapping (1: 25,000).

2.3 Survey Methods

Extended Phase 1 Habitat Survey

2.3.1 The field survey was undertaken on 21st February 2022. Habitats within the site were identified and described following standard JNCC Phase 1 habitat survey methodology as detailed in the Phase 1 Habitat Survey Handbook (JNCC, 2016). This uses a system of codes to describe different habitat types based on the dominant vegetation present. The relative abundance of botanical species present in each habitat type was characterised using the DAFOR scale where D is Dominant, A is Abundant, F is Frequent, O is Occasional, and R is Rare. The survey was extended to give particular consideration to the potential of the habitats present to support protected species or species of conservation importance in line with CIEEM guidance (CIEEM, 2017). The weather conditions during the site visit were dry with partially cloudy skies (4/8 cloud cover), strong winds (Beaufort scale F4-F5) and mild air temperatures ranging between 12˚C and 14˚C.

Preliminary Bat Roost Assessment Buildings

2.3.2 The external inspection survey of the buildings on Site (where access was possible and deemed safe) was undertaken following standard Bat Conservation Trust (BCT) survey guidance (Collins, 2016). The exterior of the building was searched from the ground using a high-powered torch and close-focusing binoculars (where necessary) for:

- features which could provide bats with access into roosting spaces or provide roosting spaces (such as gaps under roofing tiles, gaps in ridge tiles, gaps in soffit boxes, gaps under lead flashing, and cracks and crevices in the stonework); and

- evidence of the presence of bats such as bat droppings on windows, windowsills, walls and the ground, or scratch marks or staining from bat's fur around possible roost access/ egress points.

2.3.3 The building was then assigned a category defining their potential to support roosting bats in accordance with **Table 1** below.

Table 1: Categories of Bat Potential of Buildings (adapted from Collins, 2016)

Level of Bat Roosting Potential	Rationale
Negligible	A structure with no or very limited roosting opportunities for bats and no evidence of use by bats and where the feature is isolated from foraging habitat.
Low	A structure with one or more potential roost sites that could be used by bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions (temperature, humidity etc) and/or suitable surrounding habitat to be used on a regular basis by a larger number of bats (i.e., unlikely to be suitable for maternity or hibernation).
Medium	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions, and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only i.e., maternity or hibernation roosts).
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.
Confirmed	Presence of bats or evidence of recent use by bats.

Ground-level-Tree Assessment

2.3.4 An assessment of the bat roost potential for all trees/groups of trees within the Site and adjacent to the Site boundary was completed. The aim of this assessment was to search for tree features that could be used by roosting bats. All trees were inspected from the ground, using binoculars and a high-powered torch as necessary to facilitate the identification and investigation of features offering potential opportunities for roosting bats (e.g., ivy cover, rot holes, woodpecker holes, splits in branches or the trunk and loose or lifted bark, etc.). Information on the type (species) of each tree, estimated height and the location/aspect of potential features was also recorded.

2.3.5 The Bat Conservation Trust has developed a survey protocol (Collins, 2016) which categorises the potential for trees to support roosting bats. Using the categories detailed below, an assessment was made of the potential for each tree/group of trees included within the survey to support roosting bats:

- Known or Confirmed Roost: Confirmed bat roost with field evidence of the presence of bats,

- High Suitability: Trees with multiple highly suitable features capable of supporting larger roosts.

- Moderate Suitability: Trees with definite bat potential supporting fewer features than high potential trees.
- Low Suitability: Trees with no obvious potential although the tree is of a size and age that elevated surveys may result in cracks or crevices being found; or the tree supports some features which may have limited potential to support bats.
- Negligible Suitability: Trees with no potential to support bat roosts (trees with no obvious features with potential to support a bat roost).

2.4 Survey Personnel

2.4.1 The survey was undertaken by a suitably qualified and experienced ecologist who is a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM). The surveyor has worked as a professional ecologist for more than 16 years and has extensive experience of undertaking habitat surveys and protected species surveys in a range of habitats across the UK. He also undertakes surveys for a range of protected and notable species, having a particular specialism in bat survey and assessment as well as reptile survey work.

2.5 Evaluation and Assessment

2.5.1 The importance of ecological features potentially affected by the Proposed Works were evaluated with regard to CIEEM's Guidelines for Ecological Impact Assessment in the UK and Ireland (hereafter referred to as 'the CIEEM Guidelines') (CIEEM, 2018). The CIEEM Guidelines recommend that valuation of ecological features associated with a site is made with reference to a geographical framework, i.e., a feature may be of importance within the following context:

- International and European;
- National (England);
- Regional (South-east of England);
- County (London); and
- Local (South Hamstead).

2.5.2 Construction and operation of the Proposed Development may cause impacts which lead to effects on ecological features. Impacts may be direct or indirect in nature and may occur in the construction and/or operational phase of the redevelopment.

2.5.3 The assessment of the significance of predicted ecological effects is based on professional judgement and made with reference to whether effects are positive or negative. The extent, magnitude, duration, timing, frequency, and reversibility of the impacts is also considered and forms part of the assessment.

2.5.4 These factors provide a means of characterising the impacts of the Proposed Development and thereby support an assessment of the significance of the effects on the important ecological features determined as relevant in this assessment. CIEEM guidance states that a 'significant effect is an effect that either supports or undermines biodiversity conservation objectives for important ecological features or biodiversity in general'.

2.5.5 The lowest geographic threshold at which a feature may be considered important (and as such, susceptible to a significant effect that would form a material consideration during

planning) is 'Local' (i.e., South Hamstead). As such, only features of importance at the 'Local' threshold or greater are subject to an impact assessment.

2.5.6 Where protected species (of less than 'Local' importance) are nonetheless present, measures to ensure compliance with relevant wildlife legislation have also been included.

2.5.7 Further consideration is provided within Section 3 of this report, where applicable.

2.5.8 The construction and operational impacts of the Proposed Development and associated effects on important ecological features are based on the following plans:

- Landscape General Arrangement Plan - D2857-FAB-S1-XX-DR-L-9100

2.6 Terminology and Nomenclature

2.6.1 For the purposes of this assessment the 'Site' refers to all areas within the application boundary.

2.6.2 Higher plant vernacular and scientific names are given on the first usage of this species name, with the scientific name given in italics.

2.6.3 Use of the terms 'impact' and 'effect' within this section follow the definitions as defined within CIEEM Guidance (CIEEM, 2016). An 'impact' is defined as an action that results in changes to an ecological feature, e.g., when a Proposed Development requires the removal of a tree with bat roost features. An 'effect' is the outcome to an ecological feature from an impact, e.g., the effects on a bat population from the loss of a tree with bat roost features.

2.7 Limitations

2.7.1 The field survey was completed in late February which is outside of the main growing season for plant species. As a result, some species of plants may be present which were not evident at this time of year. Despite this, given the highly modified mature of the Site, the broad habitat types of present, and dominant vegetation types could be identified. As such there are not considered to be any constraints or limitations associated with this aspect of the appraisal.

2.7.2 A single visit cannot always ascertain the presence or absence of a protected species. However, an assessment is made of the likelihood for protected species to occur based on habitat characteristics and the ecology of each species.

2.7.3 Data on species records obtained from local biological records centres are sometimes only available at low spatial resolutions and are constrained by the voluntary nature of the contributions and what has been chosen to be submitted as records. While these records provide a useful indication of species recorded in the local area, in particular protected or notable species, the data is not necessarily an accurate reflection of species assemblages or abundance in the vicinity.

2.8 Report Qualification

2.8.1 The survey described here was undertaken in accordance with the best practice methodologies current at the time of commissioning. Site circumstances, scientific knowledge or methodological requirements can change during the course of a project, and these external factors may impact on the scope of subsequent work requirements.

2.8.2 Survey work and reporting were undertaken by experienced and qualified ecologists, in accordance with the Code of Professional Conduct of the Chartered Institute of Ecology and Environmental Management (CIEEM).

2.8.3 All ecological surveys have an expected validity period owing to the tendency of the natural environment to change over time. This validity period varies from receptor to receptor and is also dependent on the degree of change in a site's management and overall landscape ecology. Where the potential for change is considered to be relevant to the site, this is highlighted in the appropriate section.

2.8.4 This report does not purport to provide detailed, specialist legal advice. Where legislation is referenced, the reader should consult the original legal text, and/or the advice of a qualified environmental lawyer.

3 Results and Interpretation

3.1.1 This section sets out the results of the desk study and field survey. A discussion of the surrounding designated areas and evidence of potential for protected and notable species within the Site is then provided.

3.1.2 A summary of relevant biodiversity legislation and policy is provided in Appendix D.

3.2 Identification of Potential Impacts

3.2.1 The potential impacts that the Proposed Development could have on ecological features present/adjacent to the Site in the absence of mitigation are summarised below. The impacts have been informed by the detailed design.

3.2.2 The majority of impacts are likely to be direct impacts that will occur through the construction phase of works. Activities identified that may lead to effects on important ecological features (in the absence of mitigation) could include the following:

- Land take (i.e., habitat loss during Site clearance works)
- Potential pollution events
- Increased lighting (during operation)

3.3 Designated Sites

3.3.1 One statutory designated areas of international significance were present within a 10km radius of the Site. This is Lee Valley Special Protection Area (SPA) and Ramsar located 9.8km northeast. This is designated because it supports the nationally rare plant species whorled watermilfoil *Myriophyllum verticillatum* and the rare or vulnerable invertebrate *Micronecta minutissima*. It is also designated for it is populations of Northern shoveler *Anas clypeata*, Gadwall *Anas strepera strepera* and bittern *Botaurus stellaris*.

3.3.2 In addition, no statutory designated areas of national importance were present within a 2km radius of the Site.

3.3.3 Three local nature reserves (LNRs) were identified within a 2km radius of the Site. The closest of these is St John's Wood Church Grounds LNR located approximately 1.5km to the south-east. This 2ha site supports species-rich grassland, hedgerows and mixed woodland supporting a diverse assemblage of butterflies. Adelaide LNR is located approximately 1.9km to the east and is small in size (0.28ha). This site supports meadow habitat with a pond, scrub, and a woodland copse. Westbere Copse is a small woodland approximately 0.39ha in size located 1.9km north west. The Site comprises meadows, ponds, stag beetle loggeries.

3.3.4 A total of 7 non-statutory designated areas are located within a 1km radius of the Site. The closest of these was Greville Place Nature Reserve Site of Importance for Nature Conservation (SINC) (Local importance) 465m to the south. This SINC consists of a small nature reserve supporting trees, shrubs, and herbs. A pond is present in the northwest supporting amphibians, aquatic invertebrates, and aquatic flora. The site also supports a diverse assemblage of birds. Details of the other SINCs present in a 1km radius of the Site are included in Appendix A.

3.3.5 Given the distances separating the Site from designated areas and the nature of the Proposed Development no impact pathways have been identified.

3.4 Habitats

3.4.1 A number of parcels of deciduous woodland are present within a 2km radius of the Site. The closest of these are located approximately 600m to the south of the Site. These habitats are classified as Habitats of Principal Importance (HPIs) in England. These habitats are included on a list drawn up in response to the requirements of Section 41 of the Natural Environment and Rural Communities Act, 2006.

On Site Habitats

3.4.2 The vast majority of the Site currently comprises buildings and concrete hard standing used for carparking and pedestrian access. Building B1 covered a large area of the Site in the east and comprised residential flats, shops, a bar and a doctor's surgery. This building was up to 7 storeys in height and had a solid brick wall and concrete slab construction with flat multi-level roofs. The building measured approximately 65m in length by 45m in width by 16-18m in height. A parking area was present in beneath the 1st storey in the east of the building which was well-lit by artificial lighting.

3.4.3 Building B2 comprised a small summer house/storage shed in the community garden in the north/centre of the Site. This building had a single-skin wooden structure with a pitched slate tile covered roof. This building measured approximately 6m in length by 5m in width by 3-4m in height.

3.4.4 Building B3 was a local community centre located in the west of the Site. This building was 1-2 storeys and had a complex structure with a breeze block construction partially clad in concrete. The building had flat roofs at different levels and measured approximately 35m in length by 20m in width by 4-6m in height

3.4.5 Three parcels of mown amenity grassland were present in the east of the Site. Grass species included frequent annual meadow grass *Poa annua* with occasional perennial ryegrass *Lolium perenne* and red fescue *Festuca rubra*. Herbs and forbs were limited to locally abundant cyclamen *Cyclamen* sp. with occasional yarrow *Achillea millefolium*, daisy *Bellis perennis* and dandelion *Taraxacum* agg.. Daffodil *Narcissus* sp. bulbs were also coming into flower within the grassland.

3.4.6 A number of mature and semi-mature trees were present within these amenity grassland parcels, in the pavement in the north-east, in a small community garden in the centre/west of the Site and in residential gardens adjacent to the Site to the north. Species present included occasional London plane *Platanus x hispanica* and Norway maple *Acer platanoides* cherry *Prunus* sp. and ash *Fraxinus excelsior*.

3.4.7 Introduced shrub beds were located in the community garden supporting non-native shrubs and flowers including mahonia *Mahonia* sp. euonymus *Euonymus* sp. greater periwinkle *Vinca major* and firethorn *Pyracantha* sp. Bare ground/bark chippings covered the ground in the centre of the community garden.

3.4.8 The wall on the northern boundary of the Site had been colonized by a small number of botanical species including ivy *Hedera helix*, yellow corydalis *Pseudofumaria lutea* and pellitory-of-the-wall *Parietaria Judaic*.

Habitat Summary

3.4.9 The habitats on Site were common, widespread, and intensively managed/highly modified types supporting common and readily established plant species. No HPIs were present in the Site with the habitats being classified as having limited intrinsic ecological value.

3.5 Protected Species and Species of Conservation Importance

3.5.1 Records of 331 protected species from within a 1km search area were supplied by GiGL. No records from within the Site were provided. Please note that records dated pre-2012 have been excluded as over 10 years has passed making this data less relevant to the assessment. In addition to this, where a species has been recorded multiple times, only the most recent and closest record to the Site has been included.

Bats

3.5.2 The desk study returned numerous records of bats (4 species) from a 1km radius of the Site. The closest of these was a record from an undetermined species of bat 469m to the north-east in 2020. In addition, a number of EPSL applications for bats were present within a 1km radius of the Site. The closest of these was approximately 0.5km to the south (2019-41271-EPS-MIT). This licence allowed the destruction of a resting place for a common pipistrelle (*Pipistrellus pipistrellus*).

3.5.3 A detailed external assessment of the buildings and trees was undertaken during the Site visit. None of the buildings on Site supported features capable of providing roosting opportunities to bats. Building B1 (the most complex building) was well sealed with vents etc. and gaps beneath the carpark and adjacent walkways being covered in tight fitting netting (to deter nesting by pigeons). Streetlighting was present all around the building with external lighting also affixed to the outside of the building. The tiles covering the roof of building B2 were tightly fitted with no gaps that could be accessed by gaps with netting also affixed to the southern elevation of the building (again to deter nesting birds). Building B3 was also tightly sealed, lacking potential access points that could be exploited by roosting bats. The buildings on Site were therefore assessed as having a **negligible** level of roosting suitability.

3.5.4 As with the buildings, none of the trees on or adjacent to the Site supported features that could be used by roosting bats and were also classified as having **negligible** roosting suitability.

3.5.5 The trees on the eastern boundary and the rear gardens of properties to the north may be used as a foraging and commuting resource by small numbers of common and widespread bat species e.g., pipistrelle bats on occasion. However, given the high levels of lighting and dominance of highly modified man-made habitat types on Site and in the surrounding landscape the Site is likely to be of limited value to foraging and commuting bats with the park offsite to the north-east likely to be used more readily by bats present in the local landscape.

Great crested newts and other amphibians

3.5.6 Historical records of great crested newts *Triturus cristatus* were provided from a Site 420m to the north in 2002. Great crested newts spend a proportion of the year in aquatic habitats where they breed. The remainder of the year is spent foraging and sheltering in terrestrial habitats including woodland, scrub and rough grassland. The Site does not support any water bodies that could be used by great crested newts as breeding habitat and does not support suitable terrestrial habitat as the majority of the Site is heavily modified and intensively managed. The Site is also significantly isolated from nearby suitable habitat by roads and urban development. Therefore, the Site is considered to have no potential to support great crested newts and this species is not considered further in this assessment.

Birds

3.5.7 The desk study provided 35 records of bird species from within a 1km radius of the Site. The majority were birds recorded in wetland habitat associated with Hampstead Heath approximately 1km to the north-east. Confidential records were also provided of peregrine falcons *Falco peregrinus* and black redstart *Phoenicurus ochruros* (see below).

3.5.8 During the field survey a small number of birds were also recorded on Site/flying over the site. These are listed in **Table 2** below.

Table 2: Bird species recorded during the Site visit

Common name	Scientific name
Blackbird	*Turdus merula*
Feral pigeon	*Columba livia domestica*
Magpie	*Pica pica*
Wood pigeon	*Columba palumbus*
Wren	*Troglodytes troglodytes*

3.5.9 The scattered trees, dense ivy growth on building B3, the buildings and shrubs in the community garden have the potential to provide nesting habitat for some of the above and other species of birds. Feral pigeons were noted nesting in the carpark area beneath building B1. However, the small areas of suitable nesting habitat present within the Site boundary provide only limited opportunities particularly given the abundance of suitable habitat in the surrounding area.

3.5.10 All wild birds, their active nests and eggs receive protection under the Wildlife and Countryside Act 1981 (as amended) in respect of intentional killing and injury or damage and destruction.

3.5.11 Peregrine falcons and black redstart are included on Schedule 1 of the Wildlife and Countryside Act, 1981 (as amended) and as a result receive additional protection from disturbance whilst nesting.

3.5.12 In recent years peregrines have increasingly begun to use ledges on churches, towers, pylons and other manmade structures as nesting habitat (Brown & Grice, 2005). Peregrines tend to prefer structures between 20-200m above ground level (Dixon and Shawyer, 2004). The buildings on Site fall below this height range and are subject to high levels of disturbance and human traffic. It is far more likely that this species uses other taller structures in the local landscape as nesting habitat but may pass over the Site to forage on feral pigeons (a large component of an urban peregrines diet). For these reasons it is considered very unlikely that peregrines nest on Site and they will therefore not be considered further within this assessment.

3.5.13 Most breeding territories of black redstarts are within urban areas or are associated with large built structures, such as power stations, gas works, dockyards and other industrial sites (Morgan and Glue, 1981). Nests are usually constructed in holes or on internal ledges of buildings, derelict buildings in particular (Brown and Grice, 2005). There were limited nesting opportunities identified in association with the buildings (lack of suitable cracks and crevices coupled with the use of bird netting) with the buildings also subjected to regular human traffic. In light of this, it is considered unlikely that this species uses any of the buildings on site though it is not possible to completely rule out the use of building B1 as a black redstart nest site. This is due to the building complexity and the possibly of potential nest sites on the roof (associated with heating ducts etc.). In light of this, recommendations for timing in relation to building works should be adhered to in order to avoid the bird nesting period or alternatively a survey to determine whether nesting black redstart are present should be undertaken.

Non-native Invasive Flora

3.5.14 A small number of non-native invasive species were noted within the Site and are listed below:

- Cotoneaster *Cotoneaster* sp. – Identified in the amenity grassland in the south-east

- Butterfly bush *Buddleja davidii* – Growing through the pavement adjacent to the building in the north-east.

- Bamboo *Bambusa* sp. – Growing adjacent to a wall in the south-west of the Site.

3.5.15 Some species of cotoneaster are listed on Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended). It is illegal to plant or other cause to grow in the wild any plant included on Schedule 9 of the WCA. Note that the Department for Environment Food and Rural Affairs (DEFRA) do not consider planting of Schedule 9 species in private gardens, estates and amenity planting as 'planting in the wild' so long as reasonable measures are taken to confine them to the cultivated area (i.e., to prevent spread into the wild).

3.5.16 The London Invasive Species Initiative (LISI) identifies a range of invasive non-native species that threaten the natural environment within London. The associated London Invasive Species Plan (LISP) has been developed to provide a coordinated approach to management and control of invasive species in London with reference to best practice. The list of species on the LISI includes cotoneaster as a category 2 species (species of high impact or concern present at specific sites that require attention (control, management, eradication etc.)). Butterfly bush is regarded as a category 3 species (species of high impact or concern which are widespread in London and require concerted, coordinated and extensive action to control/eradicate). Bamboo is not listed on Schedule 9 of the WCA or on the LISI. However, this species can be invasive and can easily spread if not appropriately managed.

Other Species

3.5.17 A number of other species of conservation concern were also identified during the desk study. However, as described above the Site is heavily modified and intensively managed with only very small areas of vegetation present. As a result, it is considered to be unlikely that the Site currently supports any of the mammals (hedgehog), amphibians (common toad) or invertebrates (stag beetles) recorded in the desk study.

3.6 Evaluation and Impact Assessment Summary.

3.6.1 A summary of the above-detailed assessment of impacts and associated effects on ecological features is provided in Table 3 below confirms the ecological features which are considered further in subsequent sections of the report.

Table 3: Evaluation and Impact Assessment Summary

Ecological Feature	Importance (Geographic Frame of Reference)	Summary of Potential Effects	Further Consideration
Important Ecological Features			
Internationally designated areas	International	None	None
Non-statutory designated areas	County	None.	None
Habitats	Site	Loss of low diversity habitats.	In relation to replacement of habitat
Foraging and Commuting Bats	Site	Impacts from light pollution and loss of foraging habitat	In relation to legislative protection of habitat and individual animals.

Ecological Feature	Importance (Geographic Frame of Reference)	Summary of Potential Effects	Further Consideration
Birds	Site	Damage or destruction of nests	In relation to legislative protection of animals

3.6.2 The Proposed Development will not result in effects to important ecological features. However, to ensure compliance with relevant wildlife legislation, measures have been set out in Section 4 below to avoid effects to receptors of less than 'Local' importance. In addition, measures have been set out which will provide ecological enhancements in line with planning policy.

4 Committed Mitigation and Enhancement

4.1 Overview

4.1.1 The following section considers the application of the mitigation hierarchy to avoid, minimise and mitigate for potential ecological effects due to the Proposed Development.

4.2 Mitigation Hierarchy

4.2.1 To enable the Proposed Development to be demonstrably compliant with legislation and any national and local planning policy (if relevant) and to protect features of ecological value within the Site and immediate vicinity, the 'Mitigation Hierarchy' needs to be applied at all stages of the Proposed Development. This is a set of principles, in sequential order of preference, which can be defined as follows (Adapted from Business and Biodiversity Offsets Programme, 2012):

- **Avoidance**: measures taken to avoid creating impacts from the outset, such as careful spatial or temporal placement of elements of infrastructure, in order to avoid impacts on certain components of biodiversity.
- **Minimisation**: measures taken to reduce the duration, intensity and / or extent of impacts (including direct, indirect, and cumulative impacts, as appropriate) that cannot be completely avoided, as far as is practically feasible.
- **Rehabilitation/restoration/ mitigation**: measures taken to rehabilitate degraded ecosystems or restore cleared ecosystems following exposure to impacts that cannot be completely avoided and/ or minimised.
- **Compensation**: measures taken to compensate for any residual significant, adverse impacts that cannot be avoided, minimised and / or rehabilitated or restored. Compensation can take the form of positive management interventions such as restoration of degraded habitat, arrested degradation or averted risk, protecting areas where there is imminent or projected loss of biodiversity.

4.3 Summary of Key Ecological Considerations

4.3.1 The key ecological considerations for the Proposed Development are as follows.

- **Lower value habitat** – where possible the new built form will be focused in habitat areas of lower relative ecological value i.e., hardstanding, amenity grassland, introduced shrub and scattered trees. Development proposals will need to maximise enhancements for biodiversity towards delivery of biodiversity net gain.
- **Protected faunal species -** appropriate mitigation and compensation will be provided for any protected species using the Site and surrounding area**.**

4.3.2 **Table 4** provides a summary of the outcome of the ecological assessment and presents the key ecological considerations for the Site (based on the results of the desk study and field surveys) and Proposed Development.

Table 4: Summary of Key Ecological Considerations

Ecological Feature	Key Consideration	Further action or consideration required
Habitats	Site has some habitats of low ecological value including scattered trees.	The removal of individual trees will need to be offset through the provision of new tree planting.
Bats	The scattered trees provide some suitable foraging habitat for bats.	Yes, avoid the use of night lighting to prevent impacts to foraging and commuting bats.
Birds	Suitable habitat for common and widespread bird species is present. The Site is not suitable for Schedule 1 species identified in the desk study	Relevant avoidance and mitigation measures are included at **Section 4.4.**

4.3.3 Commitments to mitigation measures which are likely to be required to meet with National and Local Plan Policy and/or legislative compliance are provided below.

4.4 Avoidance Measures / Inherent Scheme Design

4.4.1 The Proposed Development has considered the following avoidance measures

- Preconstruction check for breeding birds.

General Ecological Mitigation Measures

4.4.2 In the first instance, a Construction, Environmental Management Plan (CEMP) will be prepared and implemented during the construction phase of the Proposed Works. This document will include the general environmental protection measures as listed below which must be implemented during the Proposed Works. Such measures include best environmental practice guidance outlined in the Environment Agency's Pollution Prevention Advice and Guidance (Environment Agency, 2007) (now archived) and those outlined by the Construction Industry Research and Information Association guidance (CIRIA, 2015). The following minimum standards must be adhered to prevent ecological impacts beyond the Site boundary:

- Measures must be taken to prevent dust and other emissions from construction affecting land beyond the Site.
- Chemicals and fuels must be stored in secure containers. Spill kits must be available.
- Noise and vibration must be controlled and kept to the minimum necessary.
- Lighting will be selected to minimise light spill upon retained ecological features. Operational lighting will be designed in accordance with BCT/ILP guidance (BCT, ILP, 2018).

Habitats and protected and notable species.

- Mitigation for the loss of individual trees and low-quality habitat (introduced shrub and amenity grassland) will be addressed through the provision of new habitat including species rich grassland and ecological features to benefit local fauna (nesting birds, and bats). This is shown on the Landscape General Arrangement Plan (Fabrik, 2022)

- A Proposed External Lighting strategy has been produced (Norman Bromley Partnership, 2022). Given the location of the Site, the lighting strategy aims to provide a safe environment with minimal light spill. LEDs are used which will help control light spill on trees and other vegetation. The corridor of trees to the west of the Site will still be relatively dark at commuting height for common bat species.

- Sensitive timing of works to avoid nesting bird season. Works to be completed between September and February inclusive. If timing is not possible then a check for nests by an appropriately qualified ecologist should be undertaken ahead of works.

4.5 Ecological Enhancement Measures

4.5.1 Opportunities for enhancement for some species groups, include:

- A range of native species and those of known value to wildlife will be incorporated into the landscape design appropriate to the locality of the Site. In particular, the Site will be designed to include:

  - A range of flowering and fruiting plants to provide suitable foraging resources for wildlife, including insects, bats, and birds;

  - New and supplementary planting to create varied vegetation types including mature native trees, shrubs/scrub, and species-rich grasslands of varying sward height to provide sheltered microclimates;

  - Implementation of an ecologically informed management regime (via a long-term landscape and ecological management plan LEMP) to maintain the intended ecological functionality in the long term.

- Eight nesting features will be installed either within the fabric of the building or externally or on trees. This will include 4 swift boxes which could be either Schwegler 17A triple cavity swift box or similar, two-house sparrow terraces which could be Scwegler 1SP sparrow terrace or similar and two 1B Schwegler Bird Box. The 1B Scwegler nest box and nest box should be placed on trees between 2-5m high, sheltered within vegetation but with a clear outlook. They should either be east or north facing. The 1SP Schwegler sparrow terraces should be placed at 3m above ground and ideally east or north facing avoiding direct sunlight. The swift boxes should be at least six to seven metres above the ground ensuring that there is unobstructed access for birds entering and leaving. Boxes should face in a North Westerly or North Easterly direction to shelter them from the sun.

- Six bat roosting features or boxes will be installed on the building or to nearby trees. This will include three Schwegler 2F Bat Box and three 1FF Schwegler Bat Box. The bat boxes will be installed in positions where they are out of reach of people from the ground (so as to limit interference) and high enough to deter cats and other predators. These boxes will not be placed too high as this makes maintenance more difficult and can leave the boxes exposed to weather, particularly strong winds. In practice, placing them between 3 and 4.5 metres from the ground is optimal. Boxes will also be placed at slightly different heights and facing in slightly different directions to give a choice of roost Site options (Mitchell-Jones, 2004).

- To increase the suitability of the site for invertebrates a minimum of 10 bee bricks (Green & Blue Bee Brick or equivalent) will be provided across the Site. these would be sited in sheltered and sunny south facing walls at a minimum of 1m above ground overlooking vegetation.

- Extensive green roofs will be located on Block C, the lower roof of Block B and the cycle store / LV intake room. The roofs will consist exposed substrate, mounds, hollows,

log/rock piles, hibernaculum, plug planting and wildflower seeding with seed mix specifically designed to meet the needs of rooftop conditions in inner city locations, delivering maximum biodiversity enhancements.

5 Conclusion

5.1.1 Following the ecological assessment of the Site for the Proposed Development a number of potential impacts were identified including loss of habitat of low intrinsic ecological value and potential impacts to breeding birds and foraging and community bats.

5.1.2 Measures have been incorporated into the Proposed Development to avoid or minimise potential effects and to prevent the contravention of legislation. As such there are no overriding reasons relating to nature conservation that would preclude development of the Site.

5.1.3 Enhancement measures have also been put forward within this report specifically the inclusions of new biodiverse planting, green roofs, bird nesting and bat roosting provisions. This is in order to achieve biodiversity enhancements in line with National and local planning policy. It is recommended that all of the above measures are adhered to in order to inform scheme design and to support the planning application.

6 References

- Brown and Grice (2005) Birds in England. English Nature & T & AD Poyser, London.
- CIEEM (2017) Guidelines for Preliminary Ecological Appraisal, 2nd edition. Chartered Institute of Ecology and Environmental Management: Winchester.
- CIEEM (2019) Guidelines for Ecological Impact Assessment in the UK and Ireland. Version 1.1. Chartered Institute of Ecology and Environmental Management: Winchester.
- Collins J. (ed.) (2016) Bat Surveys for Professional Ecologists, Good Practice Guidelines (3rd Edition). The Bat Conservation Trust, London.
- Dixon & Shawyer (2004) Peregrine Falcons Provision of Artificial Nest Sites on Built Structures – Advice Note for Conservation Organisations, Local Authorities and Developers. RSPB
- JNCC (2016) Handbook for Phase 1 habitat survey – a technique for environmental audit.
- Mitchell- Jones, A.J (2004) Bat Mitigation Guidelines. English Nature.
- Normal Bromley Partnership (2022). Abbey Road Phase 3, Proposed External Lighting. Tobridge, Kent

7 Figures

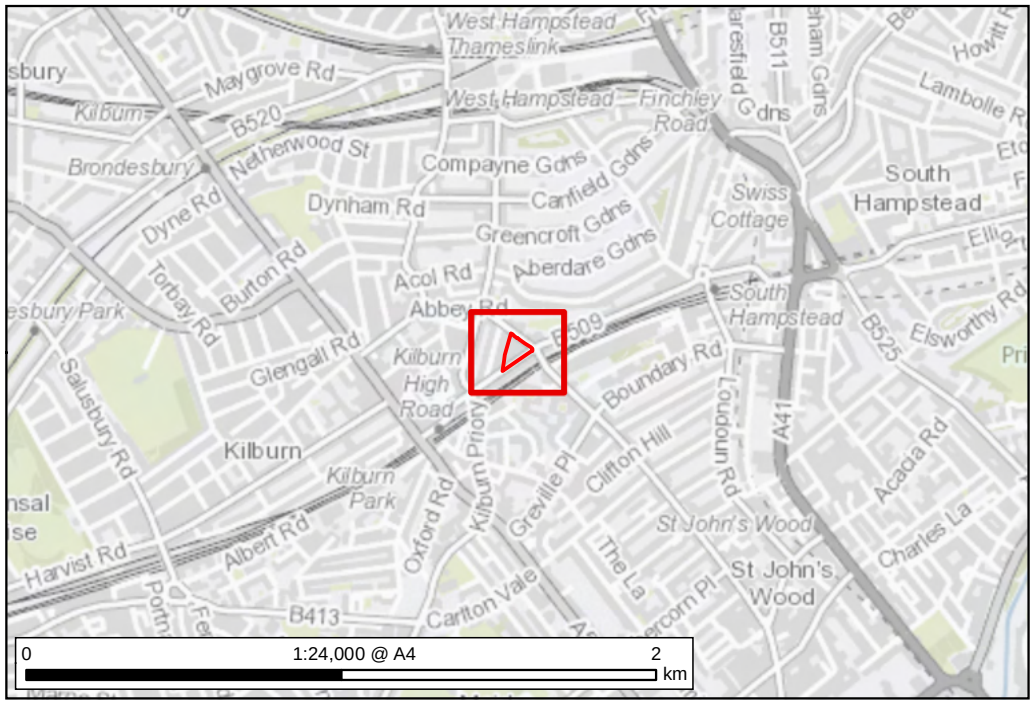
Figure 1 – Site Location Plan

Figure 2 – Statutory Designated Areas within 10km

Figure 3 – Non-Statutory Designated Areas within 2km

Figure 4 – Extended Phase 1 Habitat Survey Results

Document Path: Z:\Projects\330510094\02_mxd\330510094_Site_Location_Plan.mxd



Stantec

Client
Wates Construction Ltd.

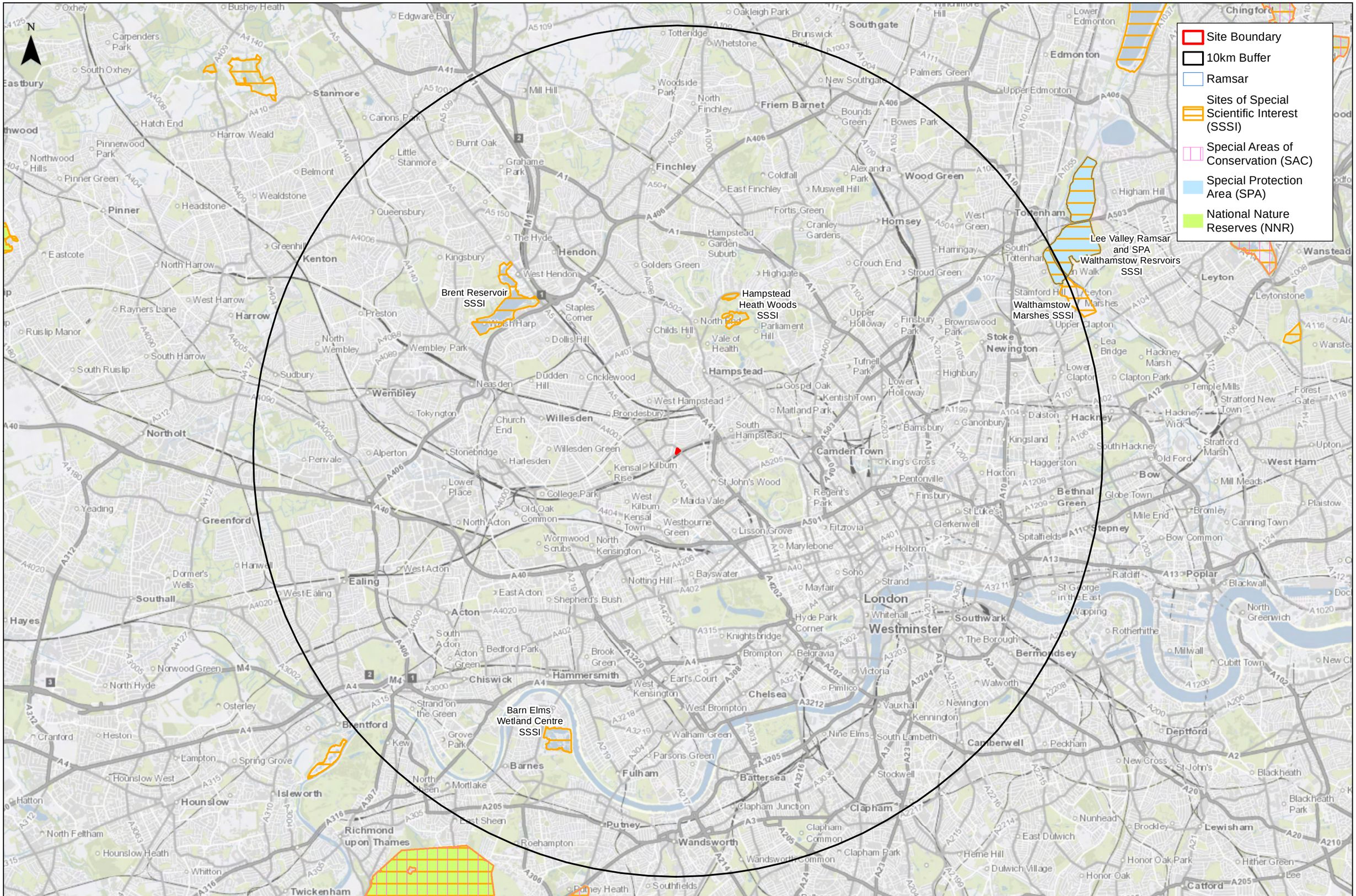
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Contains OS data © Crown Copyright and database right 2020

01/03/2022
Drawn: LW
Checked: TJ

Abbey Road Phase 3
Site Location Plan

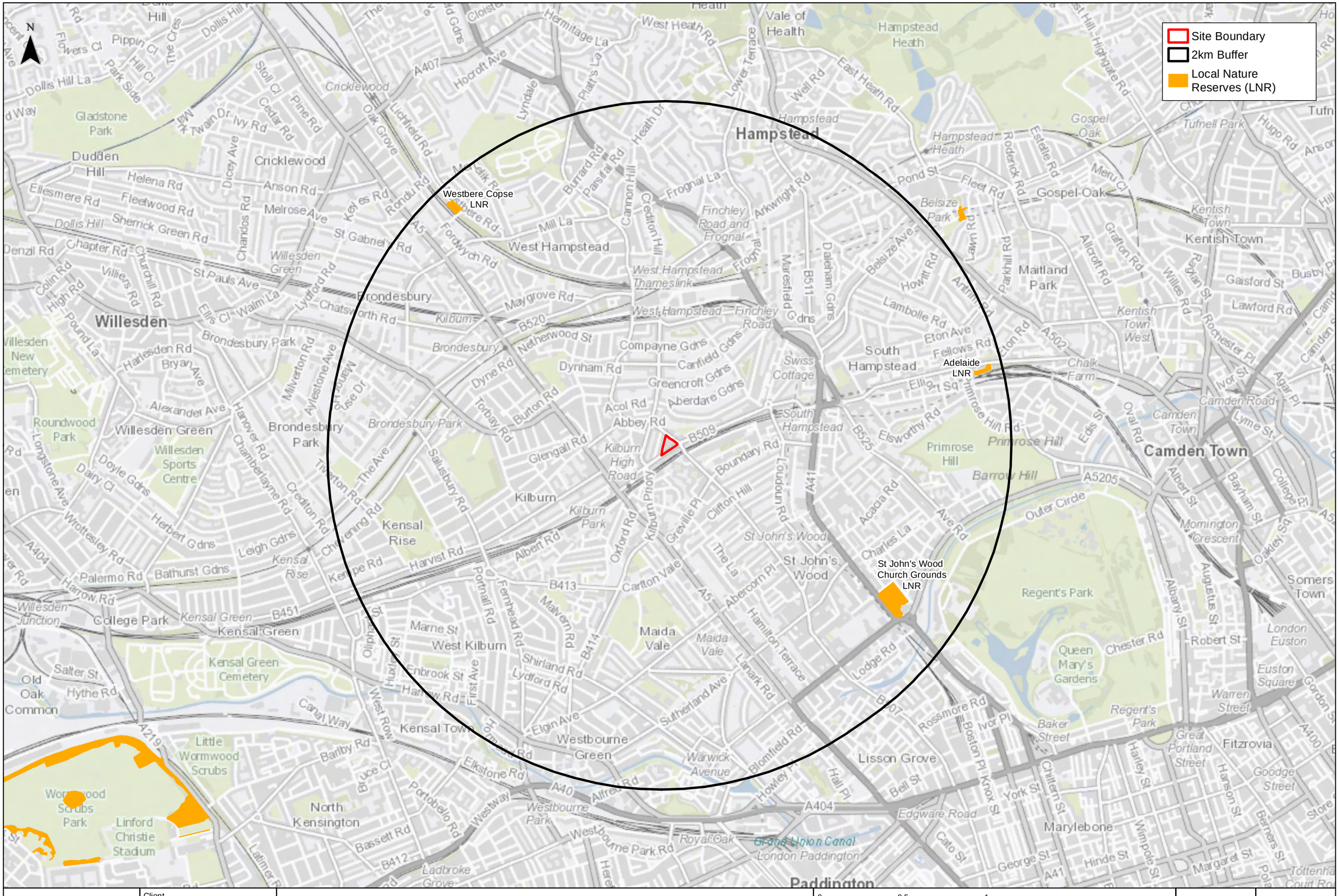
N

Figure 1 | Rev A



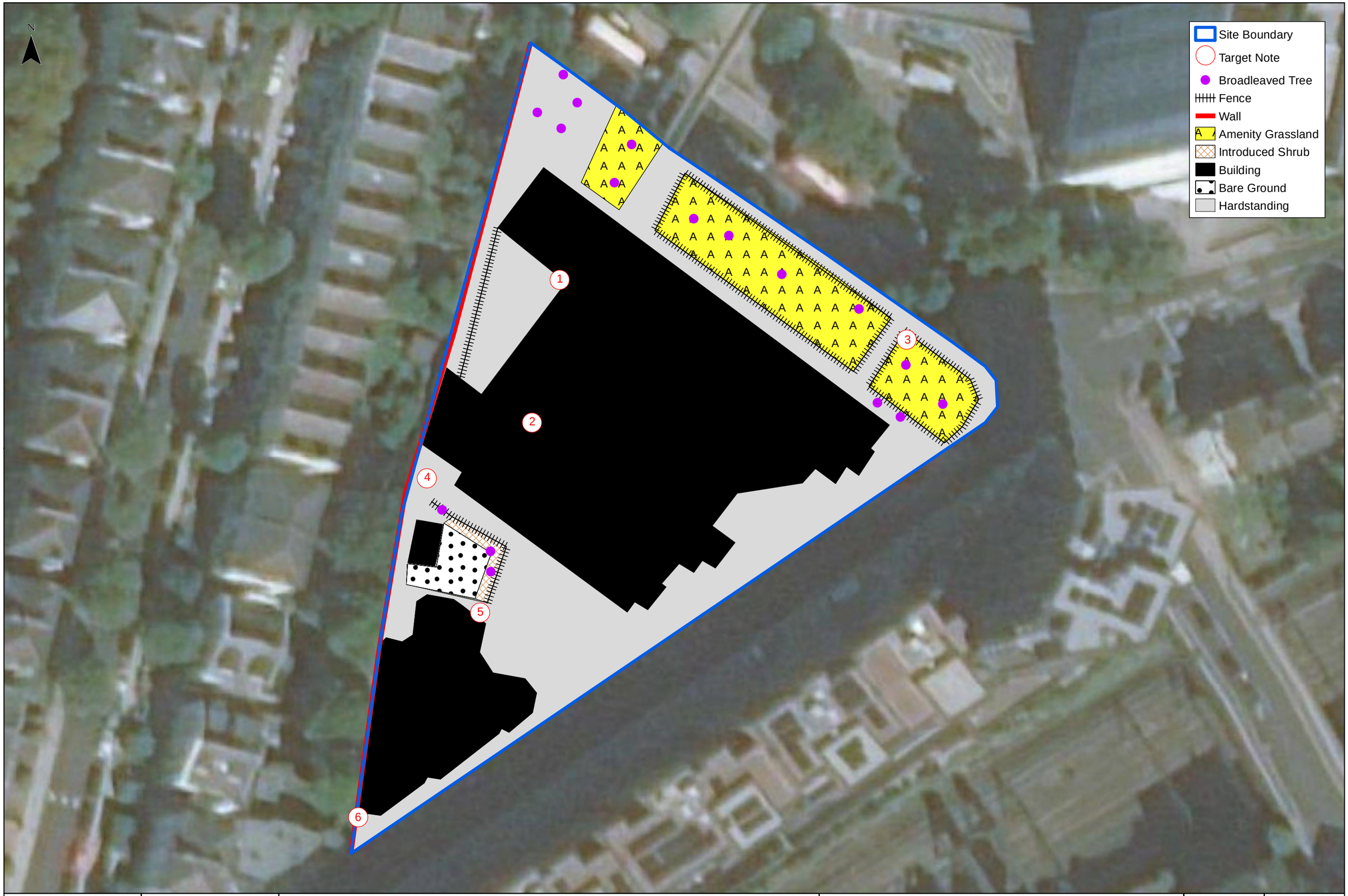
Stantec	Client: Wates Construction Ltd.	**ABBEY ROAD PHASE 3** Statutory Designated Sites	0 2 4 km 	1:80,000 @ A3	Date: 01/03/2022
				Drawn: LW	Checked: TJ
				Figure 02	Rev A

Document Path: Z:\Projects\330510094\02_mxd\330510094_StatDesignation.mxd



Stantec	Client: Wates Construction Ltd.	**ABBEY ROAD PHASE 3** Non-Statutory Designated Sites	0 0.5 1 km Contains OS data © Crown Copyright and database right 2020 Contains public sector information licensed under the Open Government Licence v3.0. © Natural England copyright 2022.	1:20,000 @ A3 Drawn: LW Figure 03	Date: 01/03/2022 Checked: TJ Rev A

Document Path: Z:\Projects\330510094\02_mxd\330510094_NonStatDesignation.mxd



Stantec

Client
Wates Construction Ltd.

ABBEY ROAD PHASE 3

Phase 1 Habitats

0 20 40 m

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

1:500 @ A3 | Date: 01/03/2022

Drawn: LW | Checked: TJ

Figure 04 | Rev A

Document Path: Z:\Projects\330510094\02_mxd\330510094_Phase1.mxd

Appendix A Details of Non-statutory Designated Areas within 1km of the Site

Name	Area (ha)	Grid ref.	Description
Greville Place Nature Reserve SINC Local (CaL02)	0.12	TQ 257 834	This SINC lies approximately 465m to the south and is a small nature reserve supporting trees, shrubs and herbs. A pond is present in the northwest of the SINC. This waterbody supports amphibians, aquatic invertebrates and aquatic flora. The site also supports a diverse assemblage of birds.
Green Triangle SINC Borough Grade 2 (CaBII08)	0.29	TQ 262 843	This non-statutory designated area is located approximately 590m to the east of the Site. This site is a community garden surrounded by housing supporting a diverse assemblage of trees and shrubs. Dead wood around the site provides valuable invertebrate habitat.
Broadhurst Gardens Meadow SINC Borough Grade 2 (CaBII02)	0.73	TQ 258 845	This SINC is located approximately 600m to the north of the Site and consists of a small communal garden supporting a meadow with a perimeter belt of trees and shrubs. The site supports a diverse invertebrate fauna.
West Hampstead Railsides, Medley Orchard and Westbere Copse Local Nature Reserve SINC Borough Grade 1 (CaB106)	7.58	TQ 249 845	This site lies approximately 700m to the north and consists of 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. These support a mosaic of habitats including scrub and secondary woodland containing a rich botanical assemblage. on the opposite bank of the railway. The site contains a wildflower meadow, a pond and an orchard planted by the local community. The orchard is a rare habitat in London, and the fruit trees can support important communities of invertebrates.
Kilburn Grange Park (SINC Local (CaL16)	3.06	TQ 250 843	This SINC is located approximately 720m to the north-west and consists of a park supporting a range of mature trees, shrubs and scrub. The site also supports an assemblage of common garden bird species.
Paddington Recreation Ground (WeL11)	10.44	TQ 256 828	This SINC lies approximately 830m to the south of the Site and comprises a large open space supporting old trees from former parkland with a scrub belt providing nesting opportunities to a range of birds. A rose garden is present with mildly acidic conditions supporting a diverse botanilca assemblage.
Paddington Cemetery SINC Borough Grade 2 (BrB1102)	9.99	TQ 245 837	This SINC lies approximately 980m to the west and comprises an old cemetery supporting a range of grassland plants with trees and shrubs. The site supports a variety of birds and invertebrates.

Appendix B Target Notes

Target Note location shown on Figure 4

Target Note	Description
TN1	Small stand of butterfly bush adjacent to building B1
TN2	Nesting feral pigeon in the underground carpark
TN3	A cotoneaster bush in the east of the Site
TN4	Netting beneath a concrete overhead pedestrian walkway preventing access to potential roosting opportunities for bats.
TN5	Dense ivy growth on the corner of building B3 offering suitable nesting opportunities to birds.
TN6	A small stand of bamboo in the south-west of the Site.

Appendix C Photographs of the Site

Photograph 1: Building B1 covering the majority of the Site.

Photograph 2: Building B2 in the centre of the Site. Netting can be seen in the picture preventing access to nesting birds.

Photograph 3: Building B3 in the southwest of the Site with negligible suitability to support roosting bats.

Photograph 4: Amenity grassland and scattered trees in the east of the Site.

Photograph 5: Butterfly bush (TN1) adjacent to building B1

Photograph 6: Nesting feral pigeons in the carpark beneath building B1 (TN2).

Photograph 7: Cotoneaster in the south-east of the Site (TN3)

Photograph 8: Walkway with netting beneath to prevent access to nesting birds (TN4).

Photograph 9: Dense ivy growth on building B3 (TN5).

Photograph 10: Bamboo in the south-west of the Site (TN6).

Appendix D Legislation and Planning Policy

This report does not purport to provide detailed, specialist legal advice. Where legislation is referenced, the reader should consult the original legal text, and/or the advice of a qualified environmental lawyer.

Conservation of Habitats and Species Regulations 2017 (as amended)[1]

The conservation of Habitats and Species Regulations transpose the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ("The Habitats Directive") into law.

The 2017 Regulations consolidate the various amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994 in respect of England and Wales. The regulations provide for:

- designation and protection of European Sites (Special Protection Areas (SPA) and Special Areas of Conservation (SAC)) including the need for Appropriate Assessment' of plans and proposals.
- protection of European protected species.
- adaptation of planning and other controls for the protection of European Sites.
- make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2.

No actions that will impact upon a European protected species or its habitat can be undertaken unless authorised by a European Protected Species licence issued by Natural England. Such a licence is granted until after planning consent has been granted once Natural England are satisfied that adequate measures are to be put in place to mitigate for the impact of the development.

Wildlife and Countryside Act 1981 (as amended)2

The Act implements the Convention of European Wildlife and Natural Habitats (The Bern Convention) and the Directive 2009/147/EC 'The Birds Directive'.

The 1981 Act has been amended by the Countryside and Rights of Way (CROW) Act 2000[3].

Schedules 1 (birds) and 5 (animals) of the Act identify species of bird and other animal in relation to which the Act makes killing, injury, taking and disturbance an offence while Schedule 8 to the Act lists species of plant in relation to which the Act makes it an offence to intentionally pick, uproot or destroy.

The Act also prohibits certain methods of killing, injuring, or taking wild animals.

Section 14(2) of the Act makes it an offence to cause any species of animal or plant listed in Schedule 9 of the Act to grow in the wild.

[1] Full legislation text available at: **http://www.legislation.gov.uk/uksi/2017/1012/contents/made**

[2] Full legislation text available at: **http://www.legislation.gov.uk/ukpga/1981/69/contents.**

[3] Full legislation text available at: **http://www.legislation.gov.uk/ukpga/2000/37**/contents

The Act further provides for notification and confirmation of Sites of Special Scientific Interest (SSSI) for their flora, fauna, geological or physiographical features. It also contains measures for the protection and management of SSSIs.

The Natural Environmental and Rural Communities Act 2006 ('NERC Act')4

The NERC Act sets a duty on public bodies (including Local Authorities) to have due regard for habitats and Species of Principal Importance for biodiversity in England when carrying out their duties.

Section 41 (S.41) the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The list is used by decision-makers, such as Local Authorities, in implementing their protection duties under this Act when carrying out their functions.

The S.41 list includes 56 habitats and almost 1000 Species of Principal Importance in England. Since the UN Convention on Biological Diversity (CBD) in 2010 the UK identify these habitats and species as conservation priorities under the UK Post-2010 Biodiversity Framework, (they were formerly identified as UK BAP habitats and species).

Summary of species-specific legislation

A summary of species/species group specific legislation is presented below in Table H.1

Table H.1: Summary of species/species group specific legislation

Species/species group	Summary of legislation
Bats	Bats and their roosts are legally protected under the Conservation of Habitats and Species Regulations 2017 (as amended) ("Habitats Regulations") and the Wildlife and Countryside Act 1981 (as amended) ("WCA"). In broad terms, these pieces of legislation jointly mean that the animals themselves are protected against killing, injury, taking (capture) and disturbance. In addition, their places of shelter are protected against damage, destruction, and obstruction. Some species of bat (e.g., brown long-eared, noctule and soprano pipistrelle) are also a SPI
Breeding Birds	All nesting birds are legally protected from killing and injury with their active nests and eggs being protected from damage and destruction under the WCA. A selection of bird species (including house sparrow (Passer domesticus) among others) are also SPI under the NERC Act. As well as the blanket protection afforded to all wild birds (see above) bird species listed on Schedule 1 of the WCA, including the barn owl and kingfisher are subject to additional protection, which prohibits disturbance at or near an active a nest site. This extends to disturbance of dependent young.

National Planning Policy

National Planning Policy Framework (NPPF) (last updated July 2021)

The latest version of the National Planning Policy Framework (NPPF) was published in March 2012 and has most recently been updated in July 2021. This document states that:

'*Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities*

[4] Full legislation text available at: **http://www.legislation.gov.uk/ukpga/2006/16/section/41**

can be taken to secure net gains across each of the different objectives)… an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy'.

Conserving and Enhancement of the Natural Environment

Section 15 relates to: Conserving and Enhancement the Natural Environment. These states:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

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;
c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
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.

Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries

Habitats and Biodiversity

To protect and enhance biodiversity and geodiversity, plans should:

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national, and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration, or creation; and
b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

When determining planning applications, local planning authorities should apply the following principles:

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 reasons58 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; 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.

The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats 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.

British Standard BS42020: 2013 'Biodiversity – Code of practice for planning and development

British Standard to promote a rigorous professional scientific and consistent approach to gathering, analysing, presenting, and reviewing ecological information at key stages of the planning application process.

BS4202:2013 ISBN 978 0 580 77917 6 sets out a standard approach intended to promote submission of transparent and consistent ecological information of appropriate quality to inform with planning applications and applications for other regulatory approvals.

The London Plan 2021

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 the factors set out in Table 8.2 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 (excluding B2 and B8 uses).
c) Existing green cover retained on site should count towards developments meeting the interim target scores set out in (B) based on the factors set out in Table 8.2

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 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