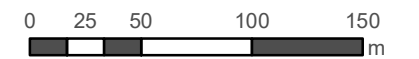


- Site Boundary
- Bat Activity Survey Transect
- Dusk Bat Activity (September 2019)**
- Nyctalus noctula
- Pipistrellus pipistrellus
- Pipistrellus pygmaeus



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

Project Details	WIE15582-102: Stag Brewery, Mortlake
Figure Title	Figure 6: Dusk Bat Activity Survey Results (September 2019)
Figure Ref	WIE15582-102_GR_EC_6A
Date	2019
File Location	\\s-incl\wiel\projects\wiel15582\100\grlec\issued figures

APPENDICES

A. Planning Policy and Legislation

National Planning Policy

National Planning Policy Framework, 2019

The National Planning Policy Framework¹¹ (NPPF) was published in July 2018. Section 15 (outlined below) of the NPPF, 'Conserving and Enhancing the Natural Environment', replaces Section 11 of the previous NPPF 2012 revision¹². However, Government Circular 06/2005¹³ - "Biodiversity and Geological Conservation: Statutory Obligations and Their Impact within the Planning System", remains valid and is referenced within the NPPF.

The NPPF encourages the planning system to contribute to and enhance the natural and local environment. This should be achieved by:

- *"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);*
- *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;*
- *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- *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*
- *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate".*

The NPPF also stipulates that Local Planning Authorities (LPAs), when determining planning applications, should apply the following principles:

- *"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;*
- *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*

¹¹ Ministry of Housing, Communities and Local Government. (2019). *National Planning Policy Framework*.

¹² Department of Communities and Local Government. (2012). *National Planning Policy Framework*.

¹³ Department of Communities and Local Government. (2005). *Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*.

make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- *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 and a suitable compensation strategy exists; and*
- *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.”*

National Planning Practice Guidance, 2019

The Government’s National Planning Practice Guidance¹⁴ (NPPG) is intended to provide guidance to local planning authorities and developers on the implementation of the planning policies set out within the NPPF. The guidance of most relevance to ecology and biodiversity is the Natural Environment Chapter, which explains key issues in implementing policy to protect biodiversity, including local requirements.

Regional Planning Policy

Intend to Publish London Plan, December 2019

As the overall strategic plan for London, the Draft London Plan 2019¹⁵ sets out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years. Those policies set out within the draft London Plan 2017 of relevance to the Site and biodiversity include:

Policy GG2 – ‘Making the best use of land’ states *inter alia*:

“To create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must:

- F. *protect and enhance London’s open spaces, including the Green Belt, Metropolitan Open Land, designated nature conservation sites and local spaces, and promote the creation of new green infrastructure and urban greening, including aiming to secure net biodiversity gains where possible.”*

Policy G1 – ‘Green Infrastructure’ states *inter alia*:

- A. *“London’s network of green and open spaces, and green features in the built environment such as green roofs and street trees, should be protected, planned, designed and managed as integrated features of green infrastructure.”*

Policy G5 – ‘Urban Greening’ states *inter alia*:

- 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.”*
- D. *“Development proposals should incorporate appropriate elements of green infrastructure that are integrated into London’s wider green infrastructure network”.*

¹⁴ Department for Communities and Local Government. (2016). *National Planning Practice Guidance*. DCLG, London.

¹⁵ Mayor of London (2019): ‘The London Plan. The spatial Development Strategy for Greater London. Intend to Publish’. December 2019

Policy G6 – ‘Biodiversity and Access to Nature’ states *inter alia*:

- b) *“Sites of Importance for Nature Conservation (SINCs) should be protected.*
 - c) *Where harm to a SINC is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following 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 based on the principle of biodiversity net gain*
 - 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 which should be considered from the start of the development process.*
 - e) *Proposals which reduce deficiencies in access to wildlife sites should be considered positively”*
- *commensurate with their importance.*

Mayor of London: Environment Strategy, 2018

Mayor of London: London Environment Strategy, 2018¹⁶ compliments the London Plan. It sets out how London’s biodiversity can be protected and enhanced and contains a list of Priority Habitats and Species within the city. The relevant policy within the strategy is Policy 5.2.1 ‘Protect a core network of nature conservation sites and ensure a net gain in biodiversity’.

Local Planning Policy

London Borough of Richmond upon Thames: New Local Plan

LBRuT are currently preparing a new Local Plan for the borough, which will replace existing policies within the Core Strategy and Development Management Plan (see below). The Plan will set out policies and guidance for the development of the borough over the next 15 years. On 19th May 2017, LBRuT submitted the final draft of the Local Plan¹⁷, along with other publication and submission documents, evidence and supporting documents to the Secretary of State for Communities and Local Government for independent Examination. The following strategic visions, objectives and policies within the final draft of the Local Plan are of relevance to biodiversity:

Strategic vision ‘Natural Environment, Open Spaces and the Borough’s Rivers’ states:

“The outstanding natural environment and green infrastructure network, including the borough’s parks and open spaces, biodiversity and habitats as well as the unique environment of the borough’s rivers and their corridors will have been protected and enhanced where possible. Residents will continue to highly value and cherish the borough’s exceptional environmental quality”

Strategic objective ‘Protecting Local Character’ states:

“.....3) Protect and improve the borough’s parks and open spaces to provide a high quality environment for local communities and provide a balance between areas for quiet enjoyment and wildlife and areas to be used for sports, games and recreation;

¹⁶ Mayor of London (2018) *London Environment Strategy*

¹⁷ London Borough of Richmond Upon Thames (2017); ‘Local Plan: Public version for consultation, 4 January – 15 February 2017’.

- 4) *Protect and enhance the borough's network of green infrastructure that performs a wide range of functions for residents, visitors, biodiversity and the economy;*
- 5) *Protect and enhance the borough's biodiversity, including trees and landscape, both within open spaces but also within the built environment and along wildlife corridors; and*
- 6) *Protect and improve the unique environment of the borough's rivers, especially the River Thames and its tributaries as wildlife corridors, as opportunities for recreation and river transport where possible, increasing access to and alongside the rivers where appropriate, and gain wider local community benefits when sites are redeveloped."*

Policy LP 12 'Green Infrastructure' states:

"Green infrastructure is a network of multi-functional green spaces and natural elements, which provides multiple benefits for people, nature and the economy.

- A) *To ensure all development proposals protect, and where opportunities arise enhance, green infrastructure, the following will be taken into account when assessing development proposals:*
 - *the need to protect the integrity of the green spaces and assets that are part of the wider green infrastructure network; improvements and enhancements to the green infrastructure network are supported;*
 - *its contribution to the wider green infrastructure network by delivering landscape enhancement, restoration or re-creation;*
 - *its contribution to the wider green infrastructure network by delivering landscape enhancement, restoration or re-creation*
- B) *The hierarchy of open spaces, as set out in the table below (refer to original document), will be protected and used in accordance with the functions shown."*

Policy LP 15 'Biodiversity' states:

"A) The Council will protect and enhance the borough's biodiversity, in particular, but not exclusively, the sites designated for their biodiversity and nature conservation value, including the connectivity between habitats. Weighted priority interms of their importance will be afforded to protected species and priority species and habitats including National Nature Reserves, Sites of Special Scientific Interest (SSSI) and Other Sites of Nature Importance as set out in the Biodiversity Strategy for England, and the London and Richmond upon Thames Biodiversity Action Plans. This will be achieved by:

- 1) *protecting biodiversity in, and adjacent to, the borough's designated sites for biodiversity and nature conservation importance (including buffer zones), as well as other existing habitats and features of biodiversity value;*
- 2) *supporting enhancements to biodiversity;*
- 3) *incorporating and creating new habitats or biodiversity features, including trees, into development sites and into the design of buildings themselves where appropriate; major developments are required to deliver net gain for biodiversity, through incorporation of ecological enhancements, wherever possible;*
- 4) *ensuring new biodiversity features or habitats connect to the wider ecological and green infrastructure networks and complement surrounding habitats;*
- 5) *enhancing wildlife corridors for the movement of species, including river corridors, where opportunities arise; and*
- 6) *maximising the provision of soft landscaping, including trees, shrubs and other vegetation*

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that support the borough-wide Biodiversity Action Plan.

B) Where development would impact on species or a habitat, especially where identified in the relevant Biodiversity Action Plan at London or local level, or the Biodiversity Strategy for England, the potential harm should:

- 1) firstly be avoided (the applicant has to demonstrate that there is no alternative site with less harmful impacts);*
- 2) secondly be adequately mitigated; or*
- 3) as a last resort, appropriately compensated for.”*

LP 16 ‘Trees, Woodlands and Landscape’ states:

“A) The Council will require the protection of existing trees and the provision of new trees, shrubs and other vegetation of landscape significance that complement existing, or create new, high quality green areas, which deliver amenity and biodiversity benefits.

B) To ensure development protects, respects, contributes to and enhances trees and landscapes, the Council, when assessing development proposals, will:

Trees and Woodlands:

- 1) resist the loss of trees, including aged or veteran trees, unless the tree is dead, dying or dangerous; or the tree is causing significant damage to adjacent structures; or the tree has little or no amenity value; or felling is for reasons of good arboricultural practice; resist development that would result in the loss or deterioration of irreplaceable habitat such as ancient woodland;*
- 2) resist development which results in the damage or loss of trees that are considered to be of townscape or amenity value; the Council will require that site design or layout ensures a harmonious relationship between trees and their surroundings and will resist development which will be likely to result in pressure to significantly prune or remove trees;*
- 3) require, where practicable, an appropriate replacement for any tree that is felled; a financial contribution to the provision for an off-site tree in line with the monetary value of the existing tree to be felled will be required in line with the ‘Capital Asset Value for Amenity Trees’ (CAVAT);*
- 4) require new trees to be of a suitable species for the location in terms of height and root spread, taking account of space required for trees to mature; the use of native species is encouraged where appropriate;*
- 5) require that trees are adequately protected throughout the course of development, in accordance with British Standard 5837 (Trees in relation to design, demolition and construction – Recommendations).*

The Council may serve Tree Preservation Orders or attach planning conditions to protect trees considered to be of value to the townscape and amenity and which are threatened by development.

Landscape:

- 1) require the retention of important existing landscape features where practicable;*
- 2) require landscape design and materials to be of high quality and compatible with the surrounding landscape and character; and*
- 3) encourage planting, including new trees, shrubs and other significant vegetation where*

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appropriate.”

Policy LP 17 ‘Green Roofs and Walls’ states:

“Green roofs and / or brown roofs should be incorporated into new major developments with roof plate areas of 100sqm or more where technically feasible and subject to considerations of visual impact. The aim should be to use at least 70% of any potential roof plate area as a green / brown roof.

The onus is on an applicant to provide evidence and justification if a green roof cannot be incorporated. The Council will expect a green wall to be incorporated, where appropriate, if it has been demonstrated that a green / brown roof is not feasible.

The use of green / brown roofs and green walls is encouraged and supported in smaller developments, renovations, conversions and extensions.”

Policy LP 18 ‘River Corridors’ states:

“A) The natural, historic and built environment of the River Thames corridor and the various water courses in the borough... will be protected. Development adjacent to the river corridors will be expected to contribute to improvements and enhancements to the river environment.

B) Development proposals within the Thames Policy Area should respect and take account of the special character of the reach as set out in the Thames Landscape Strategy and Thames Strategy as well as the Council's Conservation Area Statements, and where available Conservation Area Studies, and / or Management Plans.”

London Borough of Richmond upon Thames: Supplementary Planning Documents and Guidance

A series of Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPDs) has been produced by LBRuT to provide greater detail on existing local planning policies to support decisions on planning applications. LBRuT no longer produces SPGs as they have been replaced with SPDs since 2004. However, they remain material considerations in planning decisions. With regards to biodiversity, a SPG titled ‘Nature Conservation and Development’¹⁸ has been published by LBRuT. This SPG states:

- i. “It is important that nature conservation should be integrated at the planning stage with all new development. Schemes should be designed to retain existing features and habitats of wildlife value on site, and to create new habitats where appropriate.”*

Currently, the only parts of the UDP that remain saved and have not been superseded are those Proposal sites that were originally saved. The eastern part of the Site is allocated on the Proposals Map as site S4 (Budweiser Stag Brewery)¹⁹.

The LBRuT adopted a planning brief for the Site in July 2011 with SPD²⁰ status. This document sets out opportunities and constraints regarding the redevelopment of the Site. With regard to biodiversity, this SPD states:

“Opportunities should be taken to enhance biodiversity throughout the site and particularly along the River.”

¹⁸ London Borough of Richmond upon Thames (no-date); ‘Design Guidelines for Nature Conservation & Development’.

¹⁹ London Borough of Richmond upon Thames (2005); ‘Unitary Development Plan. Chapter 12 – Local Strategies and Plan Proposals’.

²⁰ London Borough of Richmond upon Thames (2011); ‘Stag Brewery, Mortlake, SW14 Planning Brief. Supplementary Planning Guidance’.

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Site Allocations

LBRuT have also produced a suite of 14 Village Plan SPDs, one for each Village Area in the Borough. Each Village Plan SPD provides a vision for the area, identifying the local character and setting out key policies and design principles that will apply to both new development and changes to existing buildings. These are used as material considerations in determining planning applications in each area.

The Site is located within the 'Mortlake Village Plan'²¹. It sets out that the vision for Mortlake is to create a new heart to the village by the redevelopment of the Stag Brewery Site creating a recreational and living quarter and a vibrant link between the village and the riverside.

Biodiversity Action Plans

UK Post-2010 Biodiversity Framework

The Environment Departments of all four governments in the UK work together through the Four Countries Biodiversity Group. Together they have agreed, and Ministers have signed, a framework of priorities for UK-level work for the Convention on Biological Diversity. Published on 17 July 2012, the 'UK Post-2010 Biodiversity Framework'²² covers the period from 2011 to 2020. This now supersedes the UK Biodiversity Action Plan (UK BAP)²³. However, many of the tools developed under UK BAP remain of use, for example, background information about the lists of priority habitats and species. The lists of priority species and habitats agreed under UK BAP still form the basis of much biodiversity work in the countries.

Although the UK Post-2010 Biodiversity Framework does not confer any statutory legal protection, in practice many of the species listed already receive statutory legal protection under UK and / or European legislation. In addition, the majority of Priority national (English) BAP habitats and species are now those listed as Habitats of Principal Importance (HoPI) and Species of Principal Importance (SoPI) in England listed under Section 41 (S41) of the NERC Act 2006. For the purpose of this report, habitats and species listed under S41 of the NERC Act are referred to as having superseded the UK BAP. All public bodies have a legal obligation or 'biodiversity duty' under Section 40 of the NERC Act 2006 to conserve biodiversity by having particular regard to those species and habitats listed under S41.

Richmond Biodiversity Action Plan

The Biodiversity Action Plan for the London Borough of Richmond upon Thames (LBRuT)²⁴ sets out the framework for the protection, conservation and enhancement of wildlife within the borough. Through its implementation, the plan protects and manages habitats and species of national, regional or local significance, or those that are in the Red Data Books and on the Red Lists. Based on the results of the PEA the following Habitat and Species Action Plans are considered to be of relevance to the Site:

²¹ London Borough of Richmond upon Thames (2015); 'Mortlake Village Planning Guidance. Supplementary Planning Guidance'.

²² JNCC and DEFRA (on behalf of the Four Countries' Biodiversity Group). (2012). *UK Post-2010 Biodiversity Framework*.

²³ HMSO. (1994) *Biodiversity The UK Action Plan*.

²⁴ Richmond Biodiversity Partnership (2019): 'London Borough of Richmond Upon Thames. Biodiversity Action Plan)

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Guidance

Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services

In October 2010, over 190 countries signed an historic global agreement in Nagoya, Japan to take urgent and effective action to halt the alarming global declines in biodiversity. This agreement recognised just how important it is to look after the natural world. It established a new global vision for biodiversity, including a set of strategic goals and targets to drive action. England's response to this agreement was the publication of '*Biodiversity 2020: A strategy for England's wildlife and ecosystem services*'²⁵. The mission for this strategy is:

"to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people."

BS 42020: 2013 Biodiversity: Code of Practice for Planning and Development

The UK commitment to halt overall loss of biodiversity by 2020 in line with the European Biodiversity Strategy and UN Aichi targets²⁶, is passed down to local authorities to implement, mainly through planning policy. To assist organizations affected by these commitments, BSI has published BS 42020 which offers a coherent methodology for biodiversity management.

This British Standard sets out to assist those concerned with ecological issues as they arise through the planning process in matters relating to permitted development and activities involved in the management of land outside the scope of land use planning, which could have site-specific ecological implications.

The standard has been produced with input from a number of organisations including the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Association of Local Government Ecologists (ALGE) and provides:

- Guidance on how to produce clear and concise ecological information to accompany planning applications;
- recommendations on professional ethics, conduct, competence and judgement to give confidence that proposals for biodiversity conservation, and consequent decisions/actions taken, are sound and appropriate; and
- direction on effective decision-making in biodiversity management a framework to demonstrate how biodiversity has been managed during the development process to minimize impact.

Legislation

Bats receive legal protection in England under various pieces of legislation, including:

- The Conservation of Habitats and Species Regulations 2017²⁷;
- The Wildlife and Countryside Act 1981 (as amended)²⁸; and
- The Natural Environment and Rural Communities Act 2006²⁹;

²⁵ Defra. (2011) *Biodiversity 2020: A strategy for England's wildlife and ecosystem services*.

²⁶ <https://www.cbd.int/sp/targets/>

²⁷ HMSO (2017) *The Conservation of Habitats and Species Regulations 2017*.

²⁸ HMSO (1981) '*Wildlife and Countryside Act 1981 (as amended)*'

²⁹ ODPM (2006) '*Natural Environment and Rural Communities Act (2006)*'

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Bats

In summary, all UK bat species are protected by the Conservation of Habitats and Species Regulations 2017 and by the WCA 1981. Taken together it is an offence to deliberately, intentionally or recklessly:

- Kill, injure or capture a bat;
- Disturb bats in such a way as to be likely significant to affect:
 - (i) the ability of any significant group of bats to survive, breed, or rear / nurture their young; or
 - (ii) the local distribution of that species;
- Damage or destroy any breeding or resting place used by bats; or
- Obstruct access to any place used by bats for shelter or protection and disturbing bats while occupying such as place.

B. Photographs



Plate 1 – Soprano pipistrelle emergence location from a second-floor window on the northern façade of The Maltings (B8).

UK and Ireland Office Locations

