understand that the building is full of pigeons that in itself will have its own health and safety risks. It is also queried if drone surveys would be practical as we understand that internally building B9 (the maltings) is cluttered with scaffolding. In addition we query what additional and useful information drone surveys would provide.

2. *Ecological enhancement statement – the document states it is not necessary / reasonable – however, the conclusion is subject to the findings of the bat and peregrine falcon surveys being undertaken on Site in June/July 2022. Agreed, any mitigation and enhancement measures for these species recorded by the additional surveys outlined above will be provided within a technical appendix to the ecology section of the Environmental Assessment report.*
3. *Protected species report 2022 – refer to redevelopment application. I am sorry but I do not understand this comment?*

Hybrid Application

Following comments received from LBRuT regarding ecological aspects on the Hybrid Planning Application (planning ref. 22/0900/OUT) and the Detailed Planning Application for the School (planning ref. 22/0902/FUL) we understand that LBRuT 'cannot assess or comment on these applications fully without the relevant and in date surveys, therefore have no alternative but to recommend refusal due to lack of Protected Species information at this time'. Given the comments received, we are currently proposing to undertake the following additional bat surveys at the Site.

In response to these comments we would look to update the bat surveys in 2022 in-combination with the October 2021 surveys where possible. Whilst October is assessed in industry guidance to be a sub-optimal survey month, bats still utilise 'summer' roosting sites before moving on to hibernation roosts when ambient temperatures drop. As the October 2021 bat surveys were undertaken in suitable weather conditions (10 degrees or above) they are still assessed to hold weight.

When undertaking the surveys, we propose the following: We would commence with internal building inspections where safe access can be provided. Following the internal surveys and subject to the results (any change in potential rating assigned) we would repeat the evening emergence or pre-dawn re-entry surveys at low potential buildings (single survey required at each building) but supplement the October 2021 bat surveys in 2022 at moderate and high potential/former roost sites at buildings, trees and the boundary wall (so an addition of a single additional survey at those assigned to have moderate potential and two surveys at high potential or former roost sites). In addition, and as October is an optimal survey month for bat activity transect and automated surveys, we would look to supplement these surveys on two occasions in 2022 to reach the required number for sites offering low potential for foraging and commuting bats. We would also look to supplement the endoscope surveys at the northern river wall with a single endoscope survey (at height). The evening emergence and pre-dawn re-entry survey at Building B9 (the Maltings) will be supplemented with Infra Red night vision aids given the size of the buildings and it as was recorded in 2019 to be a pipistrelle day roost. The results of these surveys and any changes to the ecological mitigation, compensation and enhancement measures already provided will be detailed in a protected species report and Ecology ES Chapter addendum

It is noted that the comments received from LBRuT mention the use of drone surveys to supplement the internal surveys that could not be undertaken due to health and safety issues. As detailed above we query what additional and useful information drone surveys would provide regarding the presence/absence and roost classification of any bat roosts present, given the additional bat surveys that are being proposed.

We note that as part of the comments received from LBRuT only bat surveys were referred. We therefore are not planning to undertake any other additional notable or protected species surveys.

In addition I will prepare a spreadsheet detailing the finding of the surveys that have been completed to date (no bat roosts or signs of peregrine falcon recorded to date) and update it on a regular basis for all concerned as they progress.

Anna Gargan
Associate

Gerald Eve LLP
One Fitzroy
6 Mortimer Street
London, W1T 3JJ
www.geraldeve.com

GERALDEVE

From: Suzanne Thurtle
Sent: 06 July 2022 17:37
To: Thatcher, Lucy

Subject: RE: Ecology meeting - Stag

Dear all,

Ahead of the meeting tomorrow, I attach a brief agenda.

Kind regards

Suzanne

Suzanne Thurtle
Associate

Gerald Eve LLP
One Fitzroy
6 Mortimer Street
London, W1T 3JJ
www.geraldeve.com

B. Photographs

Plate 1 – Approximate location of peregrine falcon roost on southern aspect of building B9 (The Maltings).

Plate 2: 2019 Soprano pipistrelle emergence location from a second-floor window on the northern façade of The Maltings (B9).

Plate 3: Common pipistrelle re-entry locations at Southern Boundary Wall between horizonal support beam and wall

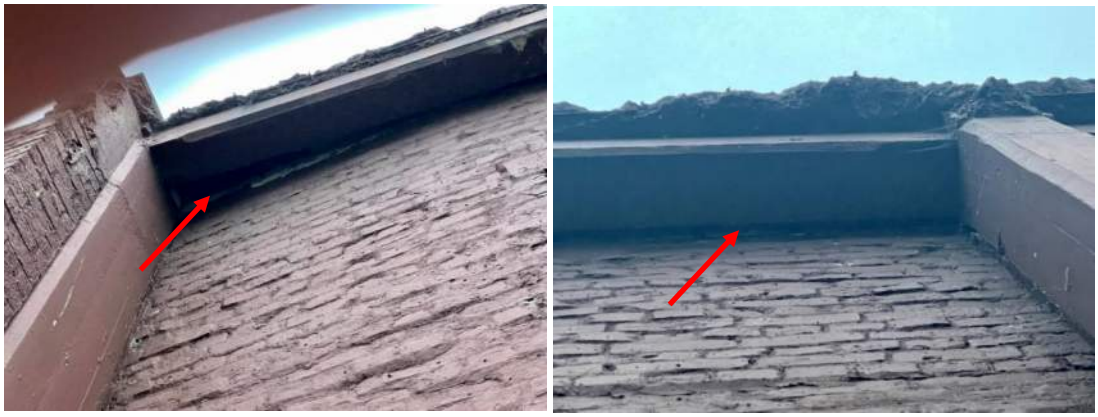


Plate 4: Common pipistrelle re-entry locations at Southern Boundary Wall close up

Plate 5: Approximate location of common and soprano pipistrelle re-entry locations at tree T75

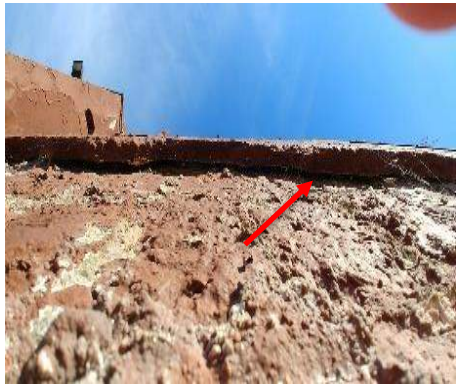
Plate 6: Approximate location of common and soprano pipistrelle re-entry location at tree T75 close up (in crevices/under peeled bark)

C. Results of Northern Boundary Wall Inspections 2021 and 2022

Potential Roosting Feature	Photographs	Northern boundary wall Inspection Results October 2021	Northern boundary wall Inspection Results August 2022
PRF 1 (River Side)		No evidence of bats recorded. Feature present on the river side of the wall. The front of 'Budweiser' sign comprises sheet metal wording attached to metal boarding. The rear of the sign comprises a steel frame and corrugated steel sheeting. Whilst the sign is assessed to be a solid structure with no cavities, gaps are present between the wooden boarding and 'Budweiser' lettering. The gaps are 4 to 5cm at their widest and open to the elements from above, below and the sides.	No evidence of bats recorded, no change in the status of the feature as assessed in the 2021 survey.
PRF 2 (Site Side)		No evidence of bats recorded Feature present on the Site, side of the wall. This section of the wall has areas of paint which are peeling, that may offer temporary sheltering opportunities for bats.	No evidence of bats recorded, no change in the status of the feature as assessed in 2021 survey apart form additional areas of peeled paint as seen in the second photograph.

Potential Roosting Feature	Photographs	Northern boundary wall Inspection Results October 2021	Northern boundary wall Inspection Results August 2022
			
PRF 3 (Site Side)		No evidence of bats recorded. Feature present on the Site, side of the wall. An open gap is present between steel support and the wall with 14 of these features present in close succession. The majority of the supports are flush with the wall or with a wide gap present, however several have a 1-3cm gap present along the length of the support. During the inspection no signs of roosting bats were recorded.	No evidence of bats recorded, no change in the status of the features as assessed in the 2021 survey

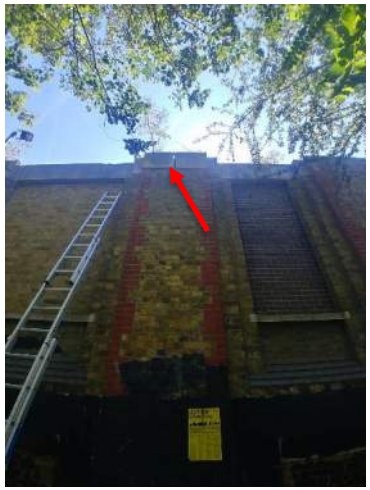
Potential Roosting Feature	Photographs	Northern boundary wall Inspection Results October 2021	Northern boundary wall Inspection Results August 2022
PRF 3a (Site Side)		Features not recorded in 2021.	No evidence of bats recorded Features present on the Site side of the wall with stress fracture creating crevices between the brickwork and exposed hole where it is assumed old pipework was present. The stress fracture commencing 1.5m above ground level to a height of 3.5m. Crevices are present between 1.5 to 3cm wide, 6cm in height (height of the brick) and extends back 8cm.. Thick spider webs present in the majorty of crevices. Pipehole is present 2m above ground level, 9cm in diameter and extends back 20cm. Debris, a moth and snails were recorded to be present.
PRF 4 (Site Side)		No evidence of bats recorded. Feature present on the Site side of the wall with four of these features present in close succession. The features are fully bricked up on the river side, with various heights of bricking up on the Site side, creating cavities between approximately 40-80cm high.	No evidence of bats recorded. One of the features has now been bricked up to pevent break-ins to the Site from the River Thames two path.

Potential Roosting Feature	Photographs	Northern boundary wall Inspection Results October 2021	Northern boundary wall Inspection Results August 2022
			
PRF 5 (Site Side)		No evidence of bats recorded. Feature present on the Site side of the wall. An area of render has broken away from the wall and has created a linear gap between the render and the wall. The gap is 1cm wide at its greatest extent and protrudes up between 2 to 6cm. It is arguable if the cavity present is wide enough to provide an entrance point for bats, however spider webs are present both in the cavity and at the entrance. During the inspection no signs of roosting bats were recorded.	No evidence of bats recorded. The gap present at the render has expanded due to weathering. It is now 2-3cm wide and around 50cm long. The gap also extends up into the cavity for around 30cm. The cavity is now wide enough to provide an entrance point for roosting bats.
PRF 6 (Site Side)		No evidence of bats recorded. Feature present on the Site side of the wall. Linear gaps are present in the wall where mortar is missing, in the vicinity of PRF 5. The gaps are 1 to 1.5cm tall, 4cm at their widest and protrude into the wall 3-5cm. The gaps contain debris from the mortar and spider webs are present.	No evidence of bats recorded. The gap present in the wall where mortar is missing due to weathering is now 2cm wide on avergae, 30-40cm long and protrudes into the wall 5cm

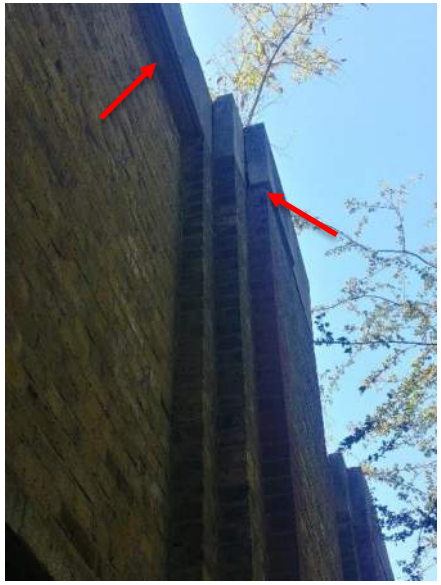
Potential Roosting Feature	Photographs	Northern boundary wall Inspection Results October 2021	Northern boundary wall Inspection Results August 2022
PRF 7 (Site Side)		No evidence of bats recorded. Feature present on the Site side of the wall. An open gap is present around the window frame with three of these features present in close succession. The gap is 3 to 4cm wide and 5cm deep. Spider webs are present.	No evidence of bats recorded, no change in the status of the features as assessed inthe 2021 survey
PRF 8 (River Side)		No evidence of bats recorded. Feature present on the riverside of the wall. A crack is present in the wall running up the brickwork from 1m to 3m above ground level. The crack is assessed to be superficial and is 2cm at its widest and contains snails, woodlice and spider webs. The crack is 6cm at its deepest.	No evidence of bats recorded. The crack present on the riverside of the wall now appears 0.5m above ground level and is 2-3cm wide and runs to around 2.5m above ground level. The crack is still assessed to be superficial and contains spider webs. The crack is still 6cm at its deepest.

Potential Roosting Feature	Photographs	Northern boundary wall Inspection Results October 2021	Northern boundary wall Inspection Results August 2022
PRF 9 (River Side)	 	No evidence of bats recorded. Previously located on the river side of the wall and is one of the river side features of PRF 4. This feature has now been vandalised and is considered too large exposed to support roosting bats.	No evidence of bats recorded, no change in the status of the features as assessed in the 2021 survey as detailed in the second photograph.

Potential Roosting Feature	Photographs	Northern boundary wall Inspection Results October 2021	Northern boundary wall Inspection Results August 2022
PRF 10a and 10b (River Side)	 	No evidence of bats recorded, although cavities could not be adequately inspected by an endoscope. Both features are present on the river side of the wall and again are river side features of PRF 4. The features are the same except that 10a comprises a horizontal access point in the bottom left-hand corner and 10b comprises 2 no. vertical access points down the left-hand side. The features are present at between 0.5 and 1m above ground level. Where previous bricking up works were undertaken the resulting cavity has been filled with debris. Where external mortar has been lost, internal debris which filled the cavity has also been lost, creating small cavities behind. The access points are 2 to 3cm high and 2 to 7cm long, with the internally cavities protruding between 5 and 10cm back and 5 to 7cm across. Old spider webs are present within the cavities.	No evidence of bats recorded, no change in the status of the features as assessed in the 2021 survey. Cavities could not be adequately inspected by an endoscope.

Potential Roosting Feature	Photographs	Northern boundary wall Inspection Results October 2021	Northern boundary wall Inspection Results August 2022
PRF 10c	 	Features not recorded in 2021	No evidence of bats recorded. A gap (first photo) 2-3cm is present at the top of the wall where the concrete lintel is being pushed away from the wall. The gap is open to the elements and contain debris. The concrete lintel (second photo) also has a large 1m long verticle crack 3-4cm wide and extends through the entire lintel.

Potential Roosting Feature	Photographs	Northern boundary wall Inspection Results October 2021	Northern boundary wall Inspection Results August 2022
PRF 11 (River Side) .	 	No evidence of bats recorded. Feature present on the riverside of the wall. A gap is present between the top of a 'new' wall (constructed from darker brick work as part of previous bricking up work) and a concrete lintel above. The gap is 5cm wide and goes up 2cm and back the width of a brick.	No evidence of bats recorded. No change in the status of the features as assessed in the 2021 survey as detailed in the second photograph.

Potential Roosting Feature	Photographs	Northern boundary wall Inspection Results October 2021	Northern boundary wall Inspection Results August 2022
PRF 12 (River Side)		No evidence of bats recorded Feature present on the riverside of the wall. A large crack is present at the stone lintel at the top of the wall. The crack has split the stonework in two and has expanded in width to 5-6cm at its widest. Crevice could not be adequately inspected by an endoscope but was very open and exposed. The cavity is therefore open to the elements and spider webs are present and it is considered that the gap is now too open and exposed to be of value to roosting bats.	No evidence of bats recorded. No change in the status of the features as assessed in the 2021 survey as detailed in the second photograph for PRF11 above.
PRF12 a (River Side)		Features not recorded in 2021	No evidence of bats recorded Feature present on the riverside of the wall. A gap is present between the top of the wall and a concrete lintel above. The gap is 3cm wide, 40cm long and goes 10cm back. Feature also present at the stone lintel at the top of the wall. The stone lintel is being forced away from the wall due to vegetation growth. Shrub roots are present in the cavity 4 cm wide.

Potential Roosting Feature	Photographs	Northern boundary wall Inspection Results October 2021	Northern boundary wall Inspection Results August 2022
PRF 13 (River Side)		No evidence of bats recorded, no change from previous survey. Cavity could not be adequately inspected by an endoscope. Feature present on the river side of the wall and is a river side feature of PRF 4. The feature is present at 1.5m above ground level and is assessed to have formed due to bricking up work. The access point (created as a result of missing mortar) is 3 to 4cm high and 7 to 8cm wide and leads into a confined internal cavity. The cavity runs 1m along the top of the brick work and is 10cm wide but also drops down by 5cm on the site side of the wall. The cavity contains debris from the brick work including mortar and spider webs are present.	No evidence of bats recorded. No change in the status of the features as assessed in the 2021 survey
PRF13a River Side		Feature not recorded in 2021	No evidence of bats recorded. A gap is present where an area of the wall has been recently 'bricked up'. The gap is 9cm wide, 3.5cm high and extends back 20cm. Spider webs are present.

Potential Roosting Feature	Photographs	Northern boundary wall Inspection Results October 2021	Northern boundary wall Inspection Results August 2022
PRF 14 (River Side)	 	No evidence of bats recorded. Feature present on the riverside of the wall. A crack is present above the bricked-up window. The crack is 1.5cm at is widest with spider webs and woodlice present.	No evidence of bats recorded. An additional verticle crevice is present as detailed in the second photograph. The crevice is 2cm wide and approximetly 30cm long. It extends back 10cm, Spider webs are present.

Potential Roosting Feature	Photographs	Northern boundary wall Inspection Results October 2021	Northern boundary wall Inspection Results August 2022
PRF 15 (River Side)		Feature not recorded in 2021	No evidence of bats recorded Missing brickwork resulting in a 5cm high and 8-9cm wide gap that extends 12cm into the wall. Spiderwebs present.

Potential Roosting Feature	Photographs	Northern boundary wall Inspection Results October 2021	Northern boundary wall Inspection Results August 2022
PRF 16 (Site Side	 	Feature not recorded in 2021	No evidence of bats recorded Pipe (first photograph) is present within the wall on the site approximently 2.5-3m above ground level. The pipe is 3-4cm in diameter and 20cm in depth. Snails recorded at the end of the pipe. A cicular hole is also present within the nearby wall abutment where a former pipe used to be present. The hole is 2-3cm in diameter and a clear view could be sought straight throgh to the other side of the abutment.

D. Bat Identification Parameters

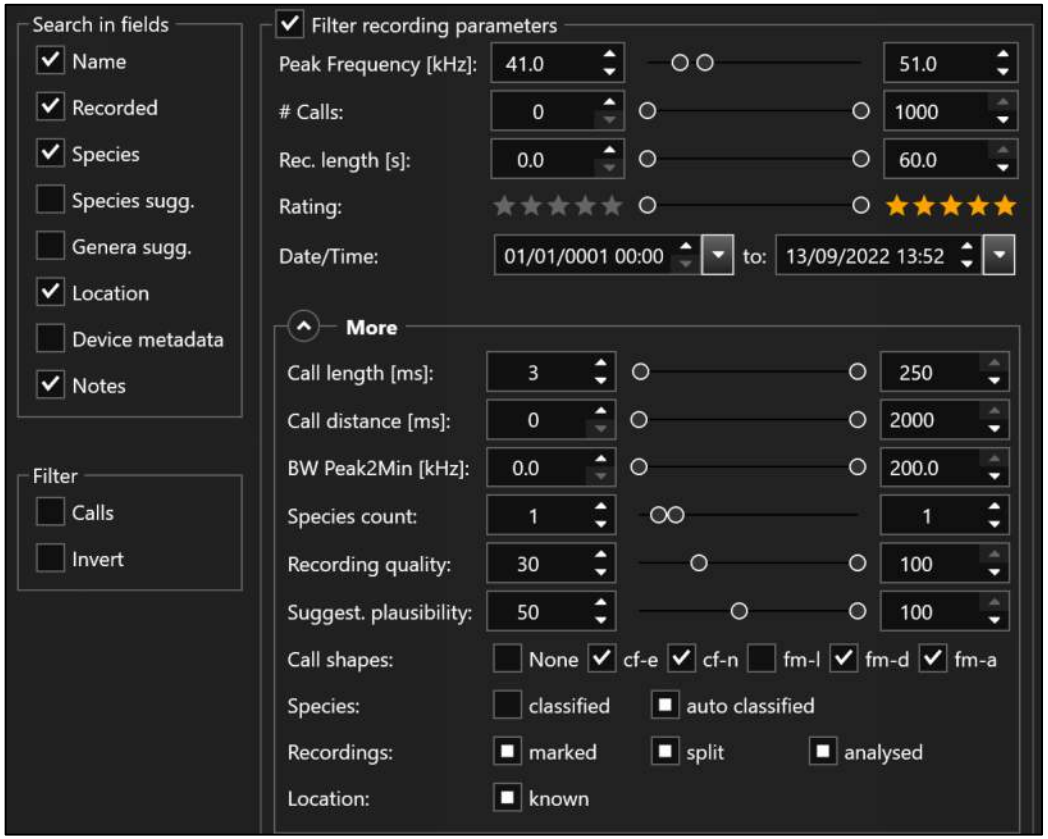


Plate 7: Parameters for common pipistrelle auto identification

Plate 8: Parameters for soprano pipistrelle auto identification

E. Results of Nesting Bird Building Check – 10 June 2022

Building Number	Exterior	Interior
1	N/A – no signs of nesting birds recorded	N/A - no signs of nesting birds recorded
2	N/A – no signs of nesting birds recorded, however no access to check behind pipes on east side of building	No access
3	Holes in east side of building. Evidence of feral pigeon inside. Young feral pigeon calling (**assessed to be breeding**)	No access
4	N/A – However north and south side of the building is part-demolished so access for nesting/breeding birds exists. Feral pigeons seen to fly out from south side of the building	No access
5	Holes in east side of the building. Feral pigeon seen entering.	No access
6	Likely to be feral pigeon nests in roof area	Restricted access. Approximately 7+ feral pigeon nests though no signs of any supporting young
7	Hole in building fabric on south side that could be accessed by birds	No access
8	Holes in windows on north side of the building	No access
9	Feral pigeon perching on outside - pigeon spikes on most windows	Restricted access. No young heard from bottom of stairwell - breeding status inconclusive
10	N/A - no signs of nesting birds recorded	N/A - no signs of nesting birds recorded
11	N/A - no signs of nesting birds recorded	N/A - no signs of nesting birds recorded
12	N/A - no signs of nesting birds recorded	N/A - no signs of nesting birds recorded
13	Nothing on main building but pigeon netting in poor repair in loading bay on south side and feral pigeon singing	No access
14	N/A - no signs of nesting birds recorded	N/A - no signs of nesting birds recorded
15	N/A - no signs of nesting birds recorded	N/A - no signs of nesting birds recorded
16	N/A - no signs of nesting birds recorded	N/A - no signs of nesting birds recorded
17	Feral pigeon - 1 nest	No access
18	N/A - no signs of nesting birds recorded	No access
19	N/A - no signs of nesting birds recorded	N/A – Wall.

F. Results of Nesting Bird Building Check – 24 June 2022

Building Number	Exterior	Interior
1	N/A - no signs of nesting birds recorded	N/A - no signs of nesting birds recorded
2	N/A - no signs of nesting birds recorded	No access
3	N/A - no signs of nesting birds recorded	No access
4	N/A - no signs of nesting birds recorded	No access
5	N/A - no signs of nesting birds recorded	No access
6	N/A - no signs of nesting birds recorded	Restricted access. Approximately 7+ feral pigeon nests though no signs of any supporting young
7	N/A - no signs of nesting birds recorded	No access
8	N/A - no signs of nesting birds recorded	No access. Feral pigeon flew inside - nesting
9	FP perching on building	Restricted access. No young heard from bottom of stairwell - breeding status inconclusive. Feral pigeon flew inside - nesting
10	N/A - no signs of nesting birds recorded	N/A - no signs of nesting birds recorded
11	N/A - no signs of nesting birds recorded	N/A - no signs of nesting birds recorded
12	Grey wagtail singing from roof. Lesser black-backed gull perched on roof	N/A - no signs of nesting birds recorded
13	N/A - no signs of nesting birds recorded	No access
14	N/A - no signs of nesting birds recorded	N/A - no signs of nesting birds recorded
15	N/A - no signs of nesting birds recorded	N/A - no signs of nesting birds recorded
16	N/A - no signs of nesting birds recorded	N/A - no signs of nesting birds recorded
17	N/A - no signs of nesting birds recorded	No access
18	N/A - no signs of nesting birds recorded	No access
19	N/A - no signs of nesting birds recorded	N/A – Wall.

G. Results of Nesting Bird Building Check – 12 July 2022

Building Number	Exterior	Interior
1	N/A	N/A - no signs of nesting birds recorded
2	N/A	No access
3	4 feral pigeons on roof	No access
4	Feral pigeon flew out; 2 feral pigeons perching on outside of building	No access
5	Feral pigeon flew out from the east side of the building	No access
6	2 feral pigeons flew out from the building. Starling singing from roof	Restricted access. Approximately 7+ feral pigeon nests though no signs of any supporting young
7	N/A	No access
8	N/A	No access. Feral pigeon flew inside - nesting
9	All windows except one now blocked off. Feral pigeon on ledge of open window	Access to stairwell. Feral pigeon heard flapping inside. No young heard.
10	N/A	N/A - no signs of nesting birds recorded
11	N/A	N/A - no signs of nesting birds recorded
12	Feral pigeon flew out from east side of the building	N/A - no signs of nesting birds recorded
13	N/A	No access
14	N/A	N/A - no signs of nesting birds recorded
15	N/A	N/A - no signs of nesting birds recorded
16	N/A	N/A - no signs of nesting birds recorded
17	N/A	No access
18	N/A	No access
19	N/A	N/A – Wall.

H. Summary of Relevant Planning Policy and Legislation

National Planning Policy

National Planning Policy Framework, 2021

The National Planning Policy Framework (NPPF) was published in 2012 and last updated on 20th July 2021[30]. Section 15 (outlined below) of the NPPF, 'Conserving and Enhancing the Natural Environment', replaces Section 11 of the previous NPPF 2012 revision and NPPF 2018[31]. No significant changes to Section 15 are noted between the 2019[32] and 2021 update. The Government Circular 06/2005[33] - Biodiversity and Geological Conservation: Statutory Obligations and Their Impact within the Planning System, remains valid and is still referenced within the NPPF.

Of particular significance with respect to biodiversity in the NPPF revision, is the amendment to para 175(d) of the NPPF 2019 (now para 180(d) of the NPPF 2021), which now requires opportunities to incorporate biodiversity improvements in and around development, rather than simply making it optional. This demonstrates further steps taken by the government towards achieving the 25 Year Environment Plan (2018). Otherwise there have been no further changes to the wording of "Conserving and enhancing the natural environment" Chapter of 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:

[30] Ministry of Housing, Communities and Local Government. (2021). *National Planning Policy Framework*.
[31] Ministry of Housing, Communities and Local Government. (2018). *National Planning Policy Framework*.
[32] Ministry of Housing, Communities and Local Government. (2019). *National Planning Policy Framework*
[33] Department of Communities and Local Government. (2005). *Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*.

- *"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 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, 2021

The Government's National Planning Practice Guidance 2016[34], updated in 2019[35] (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

The London Plan: The Spatial Development Strategy for Greater London, 2021

The London Plan 2021 sets out the overall strategic plan, setting out a framework for development over the next 20 to 25 years and includes several policies relating to ecology. Key to the London Plan is Policy G6 'Biodiversity and Access to Nature' which sets out the Mayor's policy in relation to biodiversity and access to nature. This states:

"Sites of Importance for Nature Conservation (SINCs) should be protected.

Boroughs, in Developing Plans, should:

a) use up-to-date information about the natural environment and the relevant procedures to identify SINCs and ecological corridors to identify coherent ecological networks;

b) 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;

[34] Department for Communities and Local Government. (2016). *National Planning Practice Guidance*. DCLG, London.
[35] Department for Communities and Local Government. (2019). *National Planning Practice Guidance*. DCLG, London.

c) *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;*

d) *seek opportunities to create other habitats, or features such as artificial nest sites, that are of particular relevance and benefit in an urban context; and*

e) *ensure designated sites of European or national nature conservation importance are clearly identified and impacts assessed in accordance with legislative requirements.*

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:

avoid damaging the significant ecological features of the site;

f) *minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site; and*

g) *deliver off-site compensation of better biodiversity value.*

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.

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

Mayor of London: Environment Strategy, 2018

The London Environment Strategy, 2018[36] 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. Priority species (SAPs) and habitats (HAPs) related to the Site are listed below:

- Birds, house sparrow, and bats (SAPs)
- Rivers and Streams (HAPs).

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

Richmond Local Plan 'The best for our borough' - Draft for consultation 2021

The Council's new Local Plan will set out policies and guidance for the development of the borough over the next 15 years, from the date of its adoption. Its development has been informed by a 'Direction of Travel' public consultation which was undertaken in spring 2020.

The new Local Plan includes a place-based strategy for Mortlake and East Sheen that the proposed Development Site is located within. With regards to biodiversity the future development in this place-based strategy is expected to 'Enhance continuity, connectedness and legibility of the Thames Path route, to improve'. In addition, and with respect to the Site itself the following is detailed;

[36] Mayor of London (2018) *London Environment Strategy*

At Stag Brewery (Site Allocation 34) there is a significant opportunity to create a new quarter for living, with recreational and commercial uses to generate vibrancy, local employment, community and leisure opportunities. The redevelopment will create vibrant links between the River and the town, enlivening the Riverside frontage and Mortlake High Street, to transform Mortlake while respecting the character and history of the area. There is an opportunity to accommodate tall buildings within the sensitivities of the surrounding context, in accordance with Policy 45 Tall and Mid-Rise Building Zones.

Strategy 21: Increasing biodiversity and the quality of our green and blue Spaces and greening the borough, with respect to biodiversity under Policy 34: Green and Blue Infrastructure, Policy 39: Biodiversity and Geography, Policy 40: Rivers and River corridors details:

Policy 34: Green and Blue Infrastructure

- Enhance the existing blue and green infrastructure network, including open spaces and green corridors, providing habitats for biodiversity to flourish and expand.
- Protect and enhance biodiversity within the green and blue infrastructure networks, particularly on sites designated for nature conservation interest.
- Enhance accessibility to open spaces as well as to the blue infrastructure network, particularly to the borough's rivers and their banks, for leisure and recreational use, while ensuring that the biodiversity value is protected.

Policy 39: Biodiversity and Geography

In accordance with London Plan Policy G6 (Biodiversity and access to nature), the Council will protect and enhance the borough's biodiversity and geodiversity, in particular, but not exclusively, the sites designated for their biodiversity and nature conservation value, including the connectivity between habitats and stepping-stone sites that connect wildlife or ecological corridors. This will be achieved by:

- Protecting biodiversity in, and adjacent to, the borough's designated sites for biodiversity and nature conservation importance (including buffer zones) against inappropriate development; this includes sites of international or national nature conservation importance, such as Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSIs) or National Nature Reserves (NNRs) as well as those of London- and boroughwide importance, including Local Nature Reserve (LNRs) and Sites of Importance for Nature Conservation (SINCs);
- Protecting and conserving priority species and habitats that sit outside the nature conservation network of designated sites, including protecting other existing habitats and features of biodiversity value on non-designated sites and promoting opportunities for their enhancement by using the Richmond Biodiversity Action Plan's aim and actions;
- Protecting ecological or wildlife corridors from development which may destroy, impair or harm the integrity of the corridor;
- Requiring development to deliver robust and measurable net gains for biodiversity by incorporating and/or creating new habitats or biodiversity features, such as expansion and improvement of habitats, green links or habitat restoration, incorporation of green roofs and walls, tree planting as well as micro-habitat features such as bird and bat bricks and boxes, hedgehog gates or wildlife ponds in line with other policies of this Plan;

Requiring the following development proposals to provide at least a minimum of 20% contribution towards delivering measurable Biodiversity Net Gain (BNG):

a. small-scale householder applications which increase the footprint and/or floorspace of the existing dwelling;

b. all development proposals, including conversions or changes of use, that result in 1 dwelling unit or more;

c. non-residential development proposals which increase the footprint and/or floorspace;

Where development would impact on species or a habitat, especially where identified in the Richmond Biodiversity Action Plan (BAP) at London or local level, or the Biodiversity Strategy for England, development proposals shall demonstrate that the mitigation hierarchy has been followed sequentially in accordance with the principles of:

- Avoid damaging the significant ecological features of the SINC site.
- Minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site.
- Deliver off-site compensation of better biodiversity value.

In accordance with the adopted London Plan Policy G6 (Biodiversity and access to nature), development proposals which seek to reduce deficiencies in access to nature and therefore help deliver robust, credible and measurable Net Gains for Biodiversity (by reducing natural green space deficiency) will be considered positively by the local planning authority.

Development proposals which would cause harm to a designated site with geodiversity value will not be permitted unless any damaging impacts can be prevented by appropriate mitigation measures. Development proposals which would affect a designated site with geodiversity value should seek to retain, restore and enhance the geological interest where possible.

Policy 40: Rivers and river corridors

Section F - Ensuring development on sites along the river is functionally related to the river and includes river-dependent or river-related uses where possible, including gardens which are designed to integrate and enhance the river, and be sensitive to its ecology

Policy 43: Floodlighting and other external artificial lighting

Section A - Floodlighting, including alterations and extensions, of sports pitches, courts and historic and other architectural features will be permitted unless there is demonstrable harm to character, biodiversity or amenity and living conditions

Section D – The following criteria will be taken into account when assessing floodlighting:

- The impacts on biodiversity and wildlife;

London Borough of Richmond upon Thames: Adopted Local Plan 2018 / 2020

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;

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;*
- *incorporating green infrastructure features, which make a positive contribution to the wider green infrastructure network*

*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 13 'Green Belt, Metropolitan Open Land and Local Green Space' states

Local Green Space

D. Local Green Space, which has been demonstrated to be special to a local community and which holds a particular local significance, will be protected from inappropriate development that could cause harm to its qualities.

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 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 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'[37] 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)[38].

The LBRuT adopted a planning brief for the Site in July 2011 with SPD[39] 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."

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'[40]. 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

[37] London Borough of Richmond upon Thames (no-date); 'Design Guidelines for Nature Conservation & Development'.
[38] London Borough of Richmond upon Thames (2005); 'Unitary Development Plan. Chapter 12 – Local Strategies and Plan Proposals'.
[39] London Borough of Richmond upon Thames (2011); 'Stag Brewery, Mortlake, SW14 Planning Brief. Supplementary Planning Guidance'.
[40] London Borough of Richmond upon Thames (2015); 'Mortlake Village Planning Guidance. Supplementary Planning Guidance'.

2012, the 'UK Post-2010 Biodiversity Framework'[41] covers the period from 2011 to 2020. This now supersedes the UK Biodiversity Action Plan (UK BAP)[42]. 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.

Based on the results of the PEA the following HoPIs and SoPIs listed under S41 are considered to be of potential value on and/or immediately adjacent to the Site:

- Rivers and Streams;
- Noctule bat (SoPI);
- Soprano pipistrelle bat *Pipistrellus pygmaeus* (SoPI);
- Starling *Sturnus vulgaris* (SoPI);
- House sparrow *Passer domesticus* (SoPI).

Richmond Biodiversity Action Plan

The Biodiversity Action Plan for the London Borough of Richmond upon Thames (LBRuT)[43] 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:

- Tidal Thames;
- House sparrow;
- Song thrush;
- Swift;
- Stag beetle.

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

[42] HMSO. (1994) Biodiversity The UK Action Plan.

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

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*'[44]. 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 targets[45], 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.

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

[45] https://www.cbd.int/sp/targets/

Legislation

Bats

In summary, all UK bat species are protected by the Conservation of Habitats and Species Regulations 2017 (as amended) and by the Wildlife Countryside Act 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.

Peregrine Falcon

Peregrines (and their nests) are a Schedule one bird classified under the Wildlife Countryside Act 1981. The following are criminal offences:

- Killing, injuring or taking any wild bird;
- Taking, damaging or destroying the nest of any wild bird whilst that nest is in use or being built;
- Taking or destroying the egg of any wild bird;
- Possessing any live or dead wild bird, or any part, or anything derived from such a bird; and
- Possessing an egg of a wild bird or any part of such an egg.

The following are criminal offences in relation to “Schedule 1” birds:

- Disturbing any Schedule 1 wild bird whilst it is building a nest or is in, on or near a nest containing eggs or young; and
- Disturbing dependent young of such a bird.

Breeding/Nesting Birds

Statutory protection is given to all nesting birds in the UK under the WCA 1981 (as amended), which makes it an offence to intentionally kill, injure or take any wild bird, take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. In addition to this, for species listed on Schedule 1 of the WCA 1981 (as amended), it is an offence to intentionally or recklessly disturb birds while they are nest building, or at or near a nest with eggs or young, or to disturb the dependent young of such a bird.

UK and Ireland Office Locations