temple

Creating sustainable futures

Grosvenor Garage, Fitzgerald Avenue, London

Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment

Report for Hestia Homes

Job Number	10067			
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Executive Summary

Temple was commissioned in August 2023 by Hestia Homes to carry out a Preliminary Ecological Appraisal (PEA) and Preliminary Bat Roost Assessment (PRA), comprising a UKHabs habitat survey, protected species assessment and ecological evaluation of land at Grosvenor Garage, Fitzgerald Avenue, London (henceforth referred to as 'the Site'). The PEA and PRA are required in support of a detailed planning application for an apartment block containing four apartments with greenspaces, a commercial space and on-site parking. The main findings are as follows:

- The Site comprised of four garages, one building, hardstanding sealed surfaces for cars to park and drive, one large shrub and a short hedgerow.
- The Site is not subject to any statutory or non-statutory nature conservation designations. The nearest non-statutory designated site is Barnes Green Pond located 512m Northeast.
- The Site is within Impact Risk Zones for two SSSIs but should not require consultation with Natural England, due to the small size of development.
- The horse chestnut tree, just outside of the Site boundary, should be protected from disturbance during works, with a root protection zone set up before any works commences. If this tree is to be removed, surveys for bats will be required.

Where possible on the basis of information available to date, recommendations to enhance the importance of the Site for biodiversity in accordance with the Environment Act 2021 and national and local planning policies, have been provided.

1 Introduction

BACKGROUND TO COMMISSION

1.1 Temple was commissioned by Hestia Homes in August 2023 to carry out a Preliminary Ecological Appraisal (PEA) and Preliminary Bat Roost Assessment (PRA) of Grosvenor Garage, Fitzgerald Ave, London, SW14 8SZ. The appraisal was carried out to provide ecological information to inform a detailed planning application for a residential and commercial development. This appraisal considers land within the planning application site boundary (henceforth referred to as 'the Site') as indicated on the plan provided by the client (Survey Design Services, 2023).

SCOPE OF THE REPORT

1.2 The aim of this appraisal is to provide baseline ecological information about the Site. This will be used to identify any potential ecological constraints associated with the proposed development and/or to identify the need for additional survey work to further evaluate any impact that may risk contravention of legislation or policy relating to protected species and nature conservation. Where possible, this report outlines any avoidance, mitigation, compensation and enhancement measures as may be required to ensure compliance with legislation and policy. Although enhancement measures may be used to achieve a net gain in biodiversity in line with national and local planning policies, this does not comprise a formal Biodiversity Net Gain assessment and no metric calculations have been made.

1.3 This appraisal is based on the following information sources:

- a desk study of the Site and land within a 2km surrounding radius;
- a search for international wildlife sites within a 15km surrounding radius;
- a UKHab habitat survey (UKHab Ltd, 2023) of the Site to identify and map the habitats present;

- a Species Assessment of the Site to identify features with potential to support legally protected and/or notable species including those defined by Section 41 of the NERC Act 2006 as Species of Principal Importance;
- A Preliminary Roost Assessment (PRA) of building and trees on site for roosting bats and nesting birds; and
- an evaluation of the Site's importance for nature conservation.

1.4 This appraisal has been prepared with reference to best practice guidance published by the Chartered Institute for Ecology and Environmental Management (CIEEM, 2017) and as detailed in British Standard 42020:2013 *Biodiversity - Code of Practice for Biodiversity and Development* (BSI, 2013).

1.5 The survey, and assessment were conducted by Zoe Courchene BSc (Hons) MSc ACIEEM an experienced ecologist with six years' experience who is trained and competent in carrying out UKHab habitat surveys and protected species assessment. The report was written by Kathryn Bugler BSc MSc, an assistant ecologist with one year experience in commercial ecological consultancy.

1.6 A Habitat map of the Site is presented in Appendix 1 with a botanical species list of plants recorded in Appendix 2. Photographs of the site are presented in Appendix 3.

SITE CONTEXT AND STATUS

1.7 The Site is 0.1ha in size and is centred on Ordnance Survey National Grid reference TQ 21310 75630. Grosvenor Garage, Fitzgerald Ave, London (SW14 8SZ) is situated within the London Borough of Richmond upon Thames. The site is predominately an operational garage with single storey storage buildings, comprising five buildings/garages, a driveway and parking. The Site is at an intersection where three streets meet, is surrounded by residential buildings and is classified as urban.

DEVELOPMENT PROPOSALS

1.8 The development proposals for the Site are based on current plans provided by the client, Hestia Homes LTD (Survey Design Services (2023). Development plans include demolishing the current garages and building to make way for three apartment blocks, one ground floor apartment, with associated own greenspaces. There will also be a commercial space, on-site parking, and bike storage.

RELEVANT LEGISLATION AND PLANNING POLICY

1.9 The following key pieces of nature conservation legislation are relevant to this appraisal. A more detailed description of legislation is provided in Appendix 4:

- The Conservation of Habitats and Species Regulations 2017 (as amended) (commonly referred to as the Habitats Regulations);
- Wildlife and Countryside Act 1981 (as amended);
- Natural Environment and Rural Communities Act 2006;
- The Environmental Act 2021;
- Protection of Badgers Act 1992; and
- Wild Mammals (Protection) Act 1996.

1.10 The National Planning Policy Framework (Ministry of Housing, Communities and Local Government, 2023) and The Environment Act 2021 requires local authorities to avoid and minimise impacts on biodiversity and to provide net gains in biodiversity when taking planning decisions. In addition, in England, under Section 40 of the Natural Environment and Rural Communities Act 2006, all public bodies are required to have regard to biodiversity conservation when carrying out their functions.

1.11 Other planning policies at the local level of relevance to this development include the London Borough of Richmond Upon Thames Local Plan (2018). Further information is provided in Appendix 4.

NOMENCLATURE

1.12 A botanical species list, including scientific names in accordance with Stace (2019), is provided in Appendix 2. Common names of species, in accordance with the Natural History Museum Species Dictionary (Natural History Museum (2022), are used throughout this report with scientific names given at first mention only for fauna.

2 Methodology

DESK STUDY

2.1 The following data sources were reviewed to provide information on the location of statutory designated sites[1], non-statutory designated sites[2], legally protected species[3], Species and Habitats of Principal Importance[4], and other notable species[5] and habitats[6] that have been recorded within a 2km radius of the Site:

- Greenspace Information for Greater London CIC, principally for species records and information on non-statutory sites;
- MAGIC (http://www.magic.gov.uk/) - the Government's on-line mapping service; and
- Ordnance Survey mapping and publicly available aerial photography.

2.2 A summary of key records provided by the desk study is presented in Section 3 of this report. All records have been used to inform the assessment of the potential for protected or otherwise notable species to be present at the Site to provide a preliminary view of the Site's ecological importance, but these are not presented in full in the report.

HABITAT SURVEY

2.3 A habitat survey of the Site was carried out on the 9th of August 2023 in warm and sunny conditions. The weather conditions at time of survey were 23°C, 0/12

1 **Statutory designations** include Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites (referred to collectively as National Site Network sites in England), National Nature Reserves (NNR), Sites of Special Scientific Interest (SSSI) and Local Nature Reserves (LNR).

2 **Non-statutory sites** are designated by local authorities (e.g. Sites of Importance for Nature Conservation or Local Wildlife Sites).

3 **Legally protected species** include those listed in Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981; Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended); or in the Protection of Badgers Act 1992.

4 **Species/Habitats of Principal Importance** are those defined by Section 41 of the Natural Environment and Rural Communities Act, 2006.

5 **Notable species** include Species of Principal Importance under the Natural Environment and Rural Communities Act 2006; Local Biodiversity Action Plan (LBAP) species; Birds of Conservation Concern (Stanbury *et al.* 2021); and/or Red Data Book/nationally notable species (JNCC, undated).

6 **Notable habitats** include Habitats of Principal Importance under the Natural Environment and Rural Communities Act, 2006; those included in an LBAP; Ancient Woodland Inventory sites; and Important Hedgerows as defined by the Hedgerow Regulations 1997.

Beaufort scale wind, 1/8 okta cloud cover. It covered the entire Site including boundary features. Habitats were described and mapped following standard UKHabs Classifications Version 2.0 (UKHab Ltd, 2023) and marked on a paper base map and subsequently digitised using ESRI ArcGIS software. Habitats were also assessed against descriptions of Habitat of Principal Importance as set out by the UK Habitat Classification where appropriate.

2.4 In the event that a formal Biodiversity Net Gain (BNG) assessment is required, UK Habitat Classifications Version 2.0 (UKHab Ltd, 2023) which was in use at the time of the survey will be used for the purposes of calculating the preliminary baseline units – see Table 3.3. Formal Biodiversity Net Gain assessment and metric calculations will be provided in a separate report if required.

2.5 Records for dominant and notable plants are provided, as are incidental records of birds and other fauna noted during the course of the habitat survey. The latter have been used to justify the potential presence of important ecological features where applicable.

2.6 The Site was also surveyed for the presence of invasive plant species as defined by Schedule 9 of the Wildlife and Countryside Act 1981 (as amended); however, detailed mapping of such species is beyond the scope of this commission and locations on the habitat plan are indicative only.

PROTECTED AND INVASIVE SPECIES ASSESSMENT

2.7 The suitability of the Site for legally protected species was assessed on the basis of relevant desk study records[7] combined with field observations from the habitat survey. The likelihood of the habitat(s) supporting protected and/or notable species was ranked on a scale from 'negligible' to 'present' as described in Table 2.1.

[7] Primarily dependent on the age of the records, distance from the site and types of habitats at the site.

2.8 The assessment of habitat suitability for protected or notable species was based on professional judgement drawing on experience of carrying out surveys of a large number of urban and rural sites and best practice survey guidance.

Table 2.1: Protected species assessment

Category	Description
Present	Presence confirmed by the current survey or by recent and/or desk study records.
High	Habitat present provides all of the known key requirements for a given species/species group. Local records are provided by desk study. The Site is within or close to a national or regional stronghold for a particular species. Good quality surrounding habitat and good connectivity.
Moderate	Habitat present provides some of the known key requirements for a given species/species group. Several desk study records and/or the Site are within known national distribution and with suitable surrounding habitat. Factors limiting the likelihood of occurrence may include small habitat area, barriers to movement and disturbance.
Low	Habitat present is of relatively poor quality for a given species/species group. Few or no desk study records. Presence cannot be discounted on the basis of national distribution, nature of surrounding habitats or habitat fragmentation.
Negligible	Habitat is either absent or of very poor quality for a particular species or species group. No desk study records. Surrounding habitat unlikely to support wider populations of a species/species group. Outside or peripheral to the known range of a species.

2.9 The findings of this assessment help establish the need for protected species surveys. Surveys may be required where a site is judged to be of suitability for a particular species/ species group even if that suitability is deemed to be Low - this is particularly the case where there the risk of contravening the relevant conservation legislation is unknown or cannot be quantified on the basis of the information available. However, in some cases there may be opportunities to ensure compliance with the legislation without further survey through precautionary measures prior to and during construction.

PRELIMINARY ROOST ASSESSMENT – BUILDINGS

2.10 The PRA consisted of an external inspection of all features/surfaces of the buildings and an internal inspection where access allowed. The survey and assessment were

undertaken by Zoe Courchene BSc (Hons) MSc ACIEEM an experienced ecologist with seven years' commercial bat survey experience. Zoe undertook the survey as an accredited agent under Toni Cohen BSc MSc MCIEEM, who possesses a Natural England Level 2 Class Licence for bats (licence number 2015-13024--CLS-CLS).

2.11 The aim of the surveys outlined below is to establish the suitability of Building Group G1-4 and Building 1 within the site to support bat roosts. The suitability of structures to support roosting bats, ranging from negligible to the presence of a confirmed roost, is assessed using the findings of the survey and the desk study. The following criteria were used to determine the suitability of the buildings for roosting bats (taken from Collins, 2023:

- Negligible – While presence cannot be absolutely discounted there were no significant visible features that could be used by bats for roosting.

- Low – A structure with one or more potential roost sites that could be used by individual bats opportunistically; however, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation). A tree of sufficient size and age to contain Potential Roost Features (PRFs) but with none seen from the ground or features seen with only very limited roosting potential.

- Moderate – A structure or tree 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 – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).

- High – A structure or tree 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 roost[8] – Evidence indicates a building or other structure is used by bats, for example:
    - bats seen roosting or observed flying from a roost or freely in the habitat;
    - droppings, carcasses and feeding remains indicative of a roost; and
    - bats heard 'chattering' inside on a warm day or at dusk.

2.12 The gathered information has been used to inform whether further survey is required in the form of dusk emergence and/or dawn re-entry surveys to fully understand how bats are using the Site and the potential impacts of the proposals on bats, or whether an assessment can be made on the basis of the building inspection alone.

Internal and External Inspections

2.16 The PRA was undertaken concurrently with the PEA survey, therefore, conditions were the same.

2.17 The survey comprised an external inspection of Building Group 1-4 (G1, G2, G3, G4) and Building 1 (B1) within the Site, involving a detailed search of all accessible architectural features for bat droppings, urine staining, scratch marks, staining around suitable crevices and feeding remains. Windowpanes and other external surfaces were checked for droppings or other secondary evidence. This included external features, such as soffits and fascia's, roof lining, brickwork and window casements. Any features that could potentially provide access into internal areas (such as cavity walls) were noted.

[8] Adapted from Cowan, A. (2006) Trees and Bats. Guidance Notes 1. Arboricultural Association, Cheltenham

2.18 Roof void access was not possible in G4, no roof void was present in B1 and G1-3. However, an internal inspection of Building 1 (B1) and Building Group (G1-4) was still completed, whereby the surveyor walked through the interior of the building in logical progression. All surfaces, including floor areas, were checked for discarded feeding remains and bat droppings. A high-powered torch was shone along the interior of the roof, where appropriate, to look for bats, staining and droppings.

2.19 The survey methodology followed best practice guidelines (Mitchell-Jones 2004; Collins, 2023). Equipment used during the building inspection included an extendable ladder, endoscope, close-focusing binoculars, a hand-held LED torch and a high-powered torch.

2.20 Finally, all buildings/structures were inspected for evidence of/potential for breeding and/or roosting birds.

SITE EVALUATION

2.21 Where sufficient baseline data are available, the Site's ecological importance has been evaluated broadly following guidance issued by CIEEM (CIEEM, 2018) which ranks the nature conservation importance of a site according to a geographic scale of reference: international, national, regional (London), metropolitan, county, vice-county or other local authority-wide area (London Borough of Richmond Upon Thames); and of importance at the zone of influence of the Site only. In evaluating the nature conservation importance of the Site, the following factors were considered: nature conservation designations; species/habitat rarity; naturalness; fragility and connectivity to other habitats. Where no importance has been assigned this is due to insufficient information.

2.22 An assessment of likely ecological impacts has been undertaken in accordance with CIEEM guidelines (CIEEM, 2018) only where clear evidence is available to substantiate and justify the findings. In the absence of such evidence, the ecological feature is merely identified as a potential constraint to development. Reference is also made to Section 6 of the Bat Mitigation Guidelines (Mitchell-Jones, 2004) and

Natural England's standing advice and includes a summary of the scale of impact according to bat roost type and development effect, if known.

2.23 Where ecological constraints to development are identified, further survey requirements and/or mitigation measures that are proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development are described. In addition, in accordance with the Environment Act 2021, National Planning Policy Framework (NPPF) and local/regional planning policies, opportunities to enhance or create benefits for wildlife are provided where this is possible based on the information available to date. These measures may be appropriate for the attainment of net gains in biodiversity, although this assessment does not provide a formal measure of Biodiversity Net Gain.

DATA VALIDITY AND LIMITATIONS

2.24 Every effort has been made to provide a comprehensive description of the Site; however, the following limitations apply to this assessment.

- The protected species assessment provides a preliminary view of the likelihood of protected species occurring on the Site. It should not be taken as providing a full and definitive survey of any protected species group. Additional surveys may be recommended if on the basis of the preliminary assessment or during subsequent surveys it is considered reasonably likely that protected species may be present and potentially affected by the proposed development.
- Even where data for a particular species group are provided in the desk study, a lack of records for a defined geographical area does not necessarily mean that there is a lack of ecological interest, the area may simply be under-recorded.
- Where only four figure grid references are provided for protected species by third parties, the precise location of species records can be difficult to determine, and they could potentially be present anywhere within the given 1km x 1km square. Equally, six figure grid references are accurate to the nearest 100m only.

- The UKHabs habitat survey does not constitute a full botanical survey or provide accurate mapping of invasive plant species.
- Internal assess to all structures not possible. A precautionary approach was taken but due to the nature of the buildings construction not considered likely compromise the validity of the assessment.
- Some areas of the site were inaccessible. This included the area adjacent to G4, where buddleia was viewed from a distance. Additionally, some external features were inaccessible and could not be viewed and included the northern and western aspects of G2.
- The inspection of the horse chestnut tree near the site was impeded by restricted access to the neighbouring property and the timing of the survey, which coincided with the tree being in full leaf. Consequently, visibility of the trunk from a distance was limited.
- Bats are highly mobile animals and can move roost sites both within and between years. Where surveys are not spread throughout the bat active season is possible that roost sites that are used for a limited time only could be missed, and the detection of small numbers of crevice dwelling species from an inspection alone may remain problematic, particularly where droppings accumulate within an inaccessible void such as a cavity wall or above the roof lining. Where visible and undisturbed, however, evidence of bats inside a building is likely to be detectable throughout the year.
- Ecological survey data are typically valid for 12-18 months unless otherwise specified (CIEEM, 2019). Data used to support a bat mitigation licence application to Natural England must be from the most recent survey season; depending on the timing of the application, this may mean from the same or previous year.

2.25 Despite these limitations, it is considered that this report accurately reflects the habitats present, their biodiversity importance and the potential of the Site to support protected and otherwise notable species.

3 Results and Evaluation

DESIGNATED SITES

Statutory designated nature conservation sites

3.1 The Site itself is not subject to any international or national statutory nature conservation designations. While the Site falls within Impact Risk Zones (IRZ) for two Sites of Special Scientific Interest (SSSI), Barn Elms Wetland Centre SSSI and Richmond Park SSSI. IRZs are intended as a tool for local planning authorities to identify when specific types of development may require consultation with Natural England regarding their potential impact on SSSIs. The proposed development type does not trigger the need for consultation with Natural England (MAGIC, 2024) for either SSSI. See Appendix 1, Figure 2 for international and nationally designated sites map.

3.2 Five nationally important statutory designated sites, including Barn Elms Wetland Centre (SSSI), Richmond Park (SSSI), Richmond Park (National Nature Reserve, NNR), Barnes Common (Local Nature Reserve, LNR), Duke's Hollow (LNR) and Leg of Mutton Reservoir (LNR), are located within 2km of the Site, see Table 3.1.

3.3 An additional three sites of international importance were located within a 15km radius of the proposed development Site, these include Wimbledon Common (Special Areas of Conservation, SAC), Richmond Park (SAC), Southwest London Waterbodies (Special Protection Area, SPA) (Table 3.1).

Table 3.1: Statutory Designated Sites

Site Name	Distance from Site and orientation	Qualifying features/Description	Potential constraint
Barnes Common (LNR)	450m, East	Barnes Common contains several habitats—acid grassland, acid scrub, woodland and neutral grassland. Part of the	There are no potential bat features on Site and given the distant from Barnes

Site Name	Distance from Site and orientation	Qualifying features/Description	Potential constraint
		Common is a cemetery—Barnes Old Burial Ground. Barnes Common is of considerable value for educational purposes and informal enjoyment by the public. Daubenton's bat, Leisler's bat, Pipistrelle spp. Brown long eared bat and Serotine have all been recorded here.	Common, lighting is unlikely to affect bats roosting, feeding or commuting there.
Duke's Hollow (LNR)	678m, North	Richmond Park has been managed as a royal deer park since the seventeenth century, producing a range of habitats of value to wildlife. In particular, Richmond Park is of importance for its diverse deadwood beetle fauna associated with the ancient trees found throughout the parkland. The Site is at the heart of the south London centre of distribution for stag beetle.	Due to the size of development, there is unlikely to be a significant increase in recreational visits. Due to a lack of impact pathways, the Sites are not hydrologically linked and the distance between sites reduces the risk of airbourne pollutants.
Richmond Park (SAC)	1.2km, South	Annex II species that are a primary reason for selection of this Site. 1083 Stag beetle *Lucanus cervus* Richmond Park has a large number of ancient trees with decaying timber. It is at the heart of the south London centre of distribution for stag beetle and is a site of national importance for the conservation of the fauna of invertebrates associated with the decaying timber of ancient trees.	Due to the size of development, there is unlikely to be a significant increase in recreational visits. Due to a lack of impact pathways, the Sites are not hydrologically linked and the distance between sites reduces the risk of airbourne pollutants.
Richmond Park (SSSI)	1.2km, South	Richmond Park is a nationally important site due to the outstanding number of veteran oak trees and the significance of the insects they support. Over 1000 species of beetle have been recorded in the park, Habitats include dry acid and neutral grassland, species-poor wet grassland, mire, plantation	Due to the size of development, there is unlikely to be a significant increase in recreational visits. Due to a lack of impact pathways, the Sites are not hydrologically linked and the distance

Site Name	Distance from Site and orientation	Qualifying features/Description	Potential constraint
		woodlands, streams, ponds, veteran trees, scrub and bracken.	between sites reduces the risk of airbourne pollutants.
Richmond Park (NNR)	1.2km, South	Habitats include dry acid and neutral grassland, species-poor wet grassland, mire, plantation woodlands, streams, ponds, veteran trees, scrub and bracken.	Due to the size of development, there is unlikely to be a significant increase in recreational visits. Due to a lack of impact pathways, the Sites are not hydrologically linked and the distance between sites reduces the risk of airbourne pollutants.
Leg of Mutton reservoir (LNR)	1.4 m, North-East	Leg o' Mutton is designated as a Local Nature Reserve and is managed on behalf of Richmond Council by Barnes Common Limited in partnership with the Leg o' Mutton Advisory Committee. Cormorant, heron, tufted duck, and even breeding common terns can be seen. Bats roost in the enormous Hybrid Poplar trees dating back to the 1850s.	Due to the size of development, there is unlikely to be a significant increase in recreational visits. Due to a lack of impact pathways, the Sites are not hydrologically linked and the distance between sites reduces the risk of airbourne pollutants.
Barn Elms Wetland Centre (SSSI)	1.7km North-east	Barn Elms Wetland Centre comprises a mosaic of different wetland habitats created on the site of redundant artificial reservoir basins. The majority of the site comprises areas of standing open water, grazing marsh and reedbed. Other significant habitats include woodland, scrub and mesotrophic grassland. In addition to the nationally important numbers of shoveler, the site also supports significant numbers of wintering gadwall. Also present is an outstanding assemblage of regularly breeding birds associated with	Due to the size of development, there is unlikely to be a significant increase in recreational visits. Due to a lack of impact pathways, the Sites are not hydrologically linked and the distance between sites reduces the risk of airbourne pollutants.

Site Name	Distance from Site and orientation	Qualifying features/Description	Potential constraint
		lowland open waters and their margins. Other important wetland species which have bred or attempted to breed at the site. A number of breeding passerines have been recorded. Mammals are well represented on the site. Species present include water vole and Serotine bat, Noctule bat Daubenton's bat and Soprano pipistrelle.	
Wimbledon common (SAC)	2.94km, South	Wimbledon Common is one of the largest areas of uncultivated land in the conurbation of London and sits in the Thames Valley Natural Character Area. It supports a mosaic of habitats including broadleaved woodland, acid grassland, dry and wet heath, scrub and mire. The range of habitats supports a wide diversity of plants and animals, including many which are scarce in the London area. The SAC is a particular stronghold for the stag beetle. The site is also important in supporting small but important areas of heathland, a very scarce habitat in the London area.	Due to the size of development, there is unlikely to be a significant increase in recreational visits. Due to a lack of impact pathways, the Sites are not hydrologically linked and the distance between sites reduces the risk of airbourne pollutants.
Southwest London Waterbodies (SPA)	11km, South	The Southwest London Waterbodies SPA comprises a series of embanked water supply reservoirs and former gravel pits which support a range of man-made and semi-natural still, open-water habitats. It is designated due to the presence of Gadwall, Northern Shoveler and other wintering birds.	Due to the size of development, there is unlikely to be a significant increase in recreational visits. Due to a lack of impact pathways, the Sites are not hydrologically linked and the distance between sites reduces the risk of airbourne pollutants.

Non-statutory designated nature conservation sites

3.4 The Site is not subject to any non-statutory nature conservation designations.

3.5 There are twenty non-statutory nature conservation designations designated as Sites of Nature Conservation Importance (SNCI) present within 2km of the Site (see Table 3.2).

Table 3.2: Non-Statutory Designated Site

Site Name	Distance from Site and orientation	Ecological Importance	Qualifying features/Description	Potential constraint
Hounslow Loop Railsides	Nearest point of the rail line is 134m North	Borough I	This long section of railside line runs throughout most of Hounslow Borough from Chiswick to Hounslow Heath. The corridor is obviously important for the movement of mammals and other animals through this highly urban part of Hounslow Borough as there are very few large semi-natural open areas adjacent to the line.	No
Old Mortlake Burial Ground	160m, West	Borough II	This small cemetery is quite intensively managed, but its grasslands contain a reasonable diversity of wildflowers.	No
Beverley Brook from Richmond Park to the River Thames	250m East (to closest point of Beverly Brook)	Borough II	The 4 kilometre stretch of the Beverley Brook between Richmond Park and the River Thames is of variable quality, running in places between gardens and in others through open spaces.	No
Beverley Brook in Wandsworth	250m East (to closest point of Beverly Brook)	Borough I	The Beverley Brook skims the borough's western boundary in four places. It forms part of a green corridor linking many areas of wildlife value between the River Thames and Wimbledon Common.	No
Barnes Green Pond	420m, North-east	Local	Set in the close-mown grassland of Barnes Green, this is a quintessential English village pond. It is surrounded by trees, mostly weeping willows, and has a small, wooded island. This provides a nest site for	No

Site Name	Distance from Site and orientation	Ecological Importance	Qualifying features/Description	Potential constraint
			substantial numbers of common waterfowl.	
Barnes Common	450m, East	Metropolitan	A large common with some fine acid grassland, although the majority now consists of secondary woodland and scrub. A population of burnet rose is the only naturally occurring one in London.	No
Bank of England Sports Club Grounds	465m, South	Borough II	The most important part of this site for nature conservation is the secondary woodland on its eastern edge. A mix of sycamore, oak, beech and various exotics, including conifers, the woodland has a good structure and is of value for mammals and a good range of common woodland birds.	No
River Thames and tidal tributaries	500m (closest point of the River Thames), North	Metropolitan	The River Thames and the tidal sections of creeks and rivers which flow into it comprise a number of valuable habitats not found elsewhere in London. The mudflats, shingle beach, inter-tidal vegetation, islands and river channel itself support many species from freshwater, estuarine and marine communities which are rare in London. The site is of particular importance for wildfowl and wading birds. The river walls, particularly in south and east London, also provide important feeding areas for the nationally rare and specially protected black redstart. The Thames is extremely important for fish, with over 100 species now present. Many of the tidal creeks are important fish nurseries, including for several nationally uncommon species such as smelt.	No

Site Name	Distance from Site and orientation	Ecological Importance	Qualifying features/Description	Potential constraint
Roehampton Club Golf Course	560m, South-east	Borough II	A private golf course with patches of acid grassland, particularly in the southern part of the site. These contain an abundance of typical acid grassland flowers, such as sheep's sorrel and cat's-ear among a sward of common bent and red fescue. There are small patches of oak woodland, and numerous scattered trees.	No
Duke's Hollow	700m, North	Metropolitan	A small area of natural Thames riverbank vegetation, consisting of a zoned succession of habitats from the shingle foreshore, through to alder-willow carr and drier woodland occurring higher up. This, together with Syon Park Tide Meadow, are the only two stretches of natural bank on the River Thames in London.	No
North Sheen and Mortlake Cemeteries	714m, West	Local	These extensive cemeteries, which are bisected by Mortlake Road, are among the largest in the Borough of Richmond. They are both still in active use and managed relatively intensively, with most of the grasslands being mown frequently. They have considerable wildlife interest due to their large size and the diversity of plants and animals that they support. The most interesting area botanically is in the north-east of the site, where there is a large area without graves.	No
Richmond Park and associated areas	1.2km, South	Metropolitan	In addition to Richmond Park itself, this site includes Richmond Park and Sudbrook Park Golf Courses as well as Ham, Petersham, East Sheen and Palewell Commons. Together, these form an extensive area of high-quality wildlife habitats. The	No

Site Name	Distance from Site and orientation	Ecological Importance	Qualifying features/Description	Potential constraint
			many ancient, pollarded oaks are of international importance for invertebrates, especially beetles, and also support a wide range of fungi and hole-nesting birds. The stag beetle is common here	
Chiswick House Grounds	1.3km, North	Metropolitan	These large, landscaped grounds are of considerable historic interest, and contain a variety of good wildlife habitats. Large areas of secondary woodland, known as 'The Wilderness', have a wide range of trees and shrubs, both native and exotic. Many of these trees are over 100 years in age and have an interesting range of associated fungi. The grounds have a particularly rich bat community with several species using the site.	No
Putney Park Lane and the Pleasance	1.3km South-west	Local	The Pleasance is an attractive small park. A good range of mature trees provides habitat for common birds	No
Roehampton University	1.34km, South-east	Borough I	The main features of nature conservation interest are the two ponds. The rest of the site consists of amenity grassland with dense shrubberies and scattered trees and supports a good population of common birds.	No
Leg o'Mutton	1.4 m, North-East	Borough I	Situated beside the River Thames, this attractive, reed-fringed reservoir is very important for water birds, amphibians and bats. This is one of the best sites in London for feeding bats, with common and soprano pipistrelles, noctule and Natterer's bats all recorded.	No
Kew Meadow Path	1.4km, North-west	Borough II	This public footpath, totally unremarkable in appearance, is one of only a handful of British	No

Site Name	Distance from Site and orientation	Ecological Importance	Qualifying features/Description	Potential constraint
			sites for the two-lipped doorsnail (Balea biplicata).	
London Wetland Centre	1.68km, North-east	Metropolitan	A flagship habitat creation project run by the Wildfowl & Wetlands Trust on the site of the former Barn Elms Reservoirs. A wide range of wetland habitats have been created, including two lakes, several smaller ponds, mud and shingle scrapes, reedbeds and an area of grazing marsh intersected by ditches. A wide diversity of wildfowl and waders use the site year-round. The site also appears to be regionally important to foraging bats, with up to seven species regularly present in numbers unprecedented anywhere in the UK.	No
Barn Elms Playing Fields	1.76km, North-east	Borough II	The extensive playing fields to the south of the London Wetland Centre contain several features of value to wildlife, including a lake, a small block of woodland and an area of rough grassland and scrub.	No
Putney Lower Common	1.8km, North-East	Borough I	This is contiguous with Barnes Common, across the borough boundary in Richmond, but, unlike Barnes Common, has lost all of its acid grassland. A mixture of semi-improved neutral grassland, scattered scrub and trees covers most of the common, providing habitat for a good range of common birds and other animals.	No

Habitat inventories and landscape-scale conservation initiatives

Ancient woodland

3.6 There are no areas of woodland within a 2km radius of the Site which appear on the Ancient Woodland Inventory (Natural England, 2022).

Habitats of Principal Importance

3.7 There are 211 areas of Habitats of Principal Importance, located within 2km of the Site (Natural England, 2022). The closest habitat is Deciduous woodland which is 450m East. Other HPIs include mudflats, good quality semi-improved grassland, lowland dry acid grassland, lowland fens, reed beds and traditional orchard.

UKHabs HABITAT SURVEY

Site character

3.8 The Site is currently in use as an operational car garage/workshop. It is made up of four garages and one office building. A majority of the Site is hardstanding. There are two non-native hedgerows and one large shrub on Site.

3.9 There is one tree, a Horse Chestnut, just outside of the Site boundary in the north-east corner, with a canopy that overlaps the roof of G2 (Appendix 1, Figure 3).

3.10 UKHab habitat types are mapped in Appendix 1, Figure 1 and areas are given in Table 3.3 and an assessment of habitat condition in accordance with the Biodiversity Net Gain 4.0 Technical Supplement (Natural England, 2023).

3.11 A description of dominant and notable species and the composition of each habitat is provided below, with a species list (including all scientific names) provided in Appendix 2. Photographs are located in Appendix 3. The habitat condition forms are not needed for these habitat types.

Table 3.3: UKHab Habitat Areas

UKHab primary code (Area)	UKHab secondary code	Condition	Extent	%
u1b Developed land; sealed surface	N/A	N/A	0.0497ha	53.23%
u1b Developed land; sealed surface	847 introduced shrub	N/A	0.0014ha	1.58%
u1b5 Buildings	N/A	N/A	0.0422ha	45.19%
			Total	0.0934ha
UKHab primary code (Linear)	UKHab secondary code	Condition	Extent (m)	
h2b Species poor hedgerow	N/A	Poor	16.6m	

Habitat Description

U1b Developed land; sealed surface

3.12 The vast majority of Site, not covered by buildings or garages is a sealed surface. There is a drive coming off the road, that becomes a carpark/work area for the cars.

U1b5 Buildings

3.13 There are four buildings in use as garages, and one as an office building. All buildings and garages were constructed in the 1920s and are made of red brick, with various felt and asbestos sheet roofing without a roof void.

H2b Species poor hedgerow

3.14 The hedgerows can be found at the entrance to Site on either side of the driveway. They are made up almost exclusively of privet.

U1b Developed land; sealed surface – 847 Introduced shrub

3.15 One Buddleja (*Buddleja davidii)* shrub is found on-Site behind G4 and a fence. The area is overgrown and was not viewable during survey. While Buddleja is not schedule 9, it is an Invasive Non-native species and London invasive species initiative.

PROTECTED, NOTABLE AND INVASIVE SPECIES ASSESSMENT

3.16 The potential for the Site to support protected and/or notable species has been assessed using criteria provided in Table 2.2 and is based on the results of the desk study and observations made during the survey of habitats at the Site.

3.17 The Site does not contain habitats suitable to support legally protected species and therefore, they have been scoped out of this report (Table 3.4).

3.18 The Site did, however, contain one Buddleja shrub, which is a non-native, invasive species and is on the London Invasive Species Index. Management of this shrub is discussed further in the report (Table 3.4).

Table 3.4. Protected, notable and invasive species assessment

Ecological feature	Status[9][10]	Likelihood of occurrence	Ecological importance	Potential constraint
Bats: Roosting	HR WCA S5	**Negligible: Roosting bats** There are 1,396 records of bats within the data search of 2km radius. This includes at least 10 species of bat including Myotis. Sp., Natterer's, Daubenton's, Common and lesser Noctule, Nathusius's pipistrelle, common pipistrelle, soprano pipistrelle, Serotine and brown long-eared bat, all which have the potential to utilise the Site. The closest record is 35m north-	N/A	Offsite horse chestnut tree, that overlap the roof of G2, will need to be protected from disturbance and damage during works. It is unknown whether or not it is suitable for roosting bats, therefore, proceeding with caution is advised.

[9] The following abbreviations have been used to signify the legislation afforded different species: HR = Conservation of Habitats and Species Regulations 2017 (as amended); WCA S1 = Schedule 1 of the Wildlife and Countryside Act 1981 (as amended); WCA S5 = Schedule 5 of the Wildlife and Countryside Act 1981 (as amended); WCA S9 = Schedule 9 of the Wildlife and Countryside Act 1981 (as amended); PBA = Protection of Badgers Act 1992.

[10] The following abbreviations have been used to signify the policy of conservation assessments applying to notable species: SPI = Species of Principal Importance under the NERC Act 2006; LBAP = Local Biodiversity Action Plan species; BoCC = Birds of Conservation Concern - amber list / red list (Stanbury *et al*., 2021); and/or RD/NN = red data book/nationally notable species (JNCC, undated).

Ecological feature	Status[910]	Likelihood of occurrence	Ecological importance	Potential constraint
		east which includes Vespertilionidae. The habitats on Site include buildings, non-native hedgerows and offsite trees on the boundary. Buildings were negligible for use by bats, and they are unlikely to use this site for roosting. **As there is negligible likelihood of roosting bats presence on Site, they are not considered further in this report.**		
Bats: Foraging/commuting	HR WCA S5	**Negligible to Low: foraging and commuting** The hedgerows, Buddleja and off-site tree may to some extent be used by foraging and commuting bats as the surrounding area. There are treelines, a nearby cemetery,	N/A	Works should be scheduled during the day and lighting of the worksite should be kept to a minimum.

Ecological feature	Status[910]	Likelihood of occurrence	Ecological importance	Potential constraint
		and railway lines suitable for commuting bats, and it is possible this Site is used by commuting bats. **As there is a Low likelihood of presence of foraging/commuting bat species, they are considered further in Section 4 of this report.**		
Birds: Nesting birds	WCA Sections 1-8	**Negligible to low: Nesting birds** The desk study returned 309 records within 2km of the Site. Of these 22 species are listed on WCA S1; Kingfisher, Scaup, Bittern, Lapland Bunting, Marsh harrier, Hen harrier, Whooper swan, Merlin, Brambling, Leach's storm-petrel, Little gull, Mediterranean gull, Black-tailed godwit, Crossbill, Red kite, Osprey, Black redstart,	Site level	Removal of vegetation should occur between September and February to avoid nesting bird season. If this is unavoidable, an ecologist may be required to check for birds before works can be undertaken. If nesting birds are discovered, works must cease until young have fledged.

Ecological feature	Status[910]	Likelihood of occurrence	Ecological importance	Potential constraint
		Slavonian grebe, Firecrest, Green Sandpiper, Redwing and Fieldfare. Buildings are considered negligible suitability for nesting birds. However, the Buddleja on Site may be suitable. **As there is a Low likelihood of presence of nesting bird species, they are considered further in Section 4 of this report.**		
Invasive/non-native plants	WCA S9 London Invasive Species Index (LISI)	The desk study returned 13 schedule 9 invasive plant species. The most recent being Nuttall's waterweed, within 1km of the Site. 597 occurrences of plants listed on the London Invasive Species Initiative (LISI) were returned on the desk study. Buddleja (a LISI species) was found on-site, and had 64	N/A	Care should be taken to avoid spreading invasive species on and off-site.

Ecological feature	Status[910]	Likelihood of occurrence	Ecological importance	Potential constraint
		occurrences in the 2km study, the most recent being in 2019. **As no schedule 9 invasive plants were found during the survey, they are scoped out of this report.** **An LISI species was found on Site and is considered further in Section 4 of this report.**		

Table 3.5 Preliminary Bat Roost Assessment

Building / Structure	Description	Potential Roost Features (PRFs)	Factors influencing suitability for bats	Building suitability	Evaluation
Building group G1- storage garage	The structure comprised brick and mortar walls and corrugated sheet asbestos roof. The structure was only visible from the northern and western aspects. A wooden barge board was present and gutters around the structure. A brick parapet was present with the point in good repair. Ridge tiles were present with large amounts of moss covering them and in good condition. One tile was lifted but heavily covered in moss and no gap providing access for bats was present. The structures internal was open with no roof void. There were access points into the internal on the eastern gable end however the internal of the structure was not considered suitable for bats.	No potential roost features present.	No PRFs and immediate surrounding habitat is mostly residential	Negligible	Negligible suitability for roosting bats during summer and hibernation.

Table 3.5 Preliminary Bat Roost Assessment

Building / Structure	Description	Potential Roost Features (PRFs)	Factors influencing suitability for bats	Building suitability	Evaluation
Building G2- Garage repairs and storage	Building group G2 comprised a group of adjoined single storey storage garages and a larger unit used for vehicle repair. A garage used for vehicle repairs which was taller in height than single storey was present on the southern extent. The structure comprised brick and mortar walls and a flat felt roof. There was a small parapet on the western aspect. There were single glaze windows present with wooden frame and stone lintels. Gutters were present on the structure but no soffit or fascia board. A security light was present on the southern aspect of this structure. Adjoined to this was several single storey garage units used for storage. These comprised a mix of breeze block and brick and mortar walls and a pitched corrugated sheet roof. Ridge tiles were present. There was access for bats and birds under the corrugated	No potential roost features present.	No PRFs and immediate surrounding habitat is mostly residential	Negligible	Negligible suitability for roosting bats during summer and hibernation.

Table 3.5 Preliminary Bat Roost Assessment

Building / Structure	Description	Potential Roost Features (PRFs)	Factors influencing suitability for bats	Building suitability	Evaluation
	sheeting where the gaps meet the walls on the eastern aspect. There was no roof void present in the building group and the internals were cluttered with stored items. A wooden lintel board was present, and the storage doors comprised wood panelling. A long split was present between the roofing material and the brickwork on the eastern aspect. This was not considered to create a cavity space of suitable size for roosting bats. All building units in the build group were in good condition.				
Building group G3 – garage and storage	The building group comprised two adjoining single storey structures. Both structures had brick and mortar walls and one structure had a pitched corrugated sheet asbestos roof and the other a flat	No potential roost features present.	No PRFs and immediate surrounding habitat is mostly residential	Negligible	Negligible suitability for roosting bats during summer and hibernation.

Table 3.5 Preliminary Bat Roost Assessment

Building / Structure	Description	Potential Roost Features (PRFs)	Factors influencing suitability for bats	Building suitability	Evaluation
	felt roof. Both structures had a wooden lintel board on the northern aspect. The structure with the pitched roof had a brick-and-mortar parapet at the eastern gable end. Ridge tiles were present and were in good condition and not lifted. Guttering was present on the northern aspect. The structure with the flat roof had bamboo screening preventing the roof being viewed but adjoined building B1 on the eastern aspect and may have been used as a balcony. The building group was used for storage with no roof void present. An internal inspection was no undertaken due to access constraints. The southern aspect was not visible for this building group, but aerial imagery shows that the eastern				

Table 3.5 Preliminary Bat Roost Assessment

Building / Structure	Description	Potential Roost Features (PRFs)	Factors influencing suitability for bats	Building suitability	Evaluation
	extent of building group adjoins residential property south of the site. The building group was in good condition.				
Building G4 – operational garage buildings and storage	This building group comprised a mixed complex of adjoining structures functioning as part of an operational garage and storage garages. No internal roof voids were present and there was no internal access to the storage garages. One operation garage comprised brick and mortar walls and flat roof. There were no soffits, bargeboards, or guttering present. The buildings were in very good condition. One operational garage structure comprised brick and mortar walls and pitched asbestos sheet roof. There was a gable end with brick parapet on the southern aspect. A security light was present at this	No potential roost features present.	No PRFs and immediate surrounding habitat is mostly residential	Negligible	Negligible suitability for roosting bats during summer and hibernation.

Table 3.5 Preliminary Bat Roost Assessment

Building / Structure	Description	Potential Roost Features (PRFs)	Factors influencing suitability for bats	Building suitability	Evaluation
	location. There was a fascia board with gutter on the western aspect. A group of single storey garages of the same construction of those forming part of building group G2.				
Building B1	This structure was two storeys in height and comprised brick and mortar walls and flat felt roof. The use of the structure was unclear but was assumed to function as accommodation in the upper storey. The ground floor comprised a storage garage. The structure had single glaze windows with lintels present. There was a wooden fascia board present. The structure was in very good condition. A security light was present on the structure. No internal roof voids were present and there was no internal access to this structure.	No potential roost features present.	No PRFs and immediate surrounding habitat is mostly residential	Negligible	Negligible for potential support of roosting bats

NATURE CONSERVATION EVALUATION

3.19 The Site is not subject to any nature conservation designations. It contains mostly urban habitat types and is situated in an urban area surrounded by residential property and roads and is distant from sites of habitats of nature conservation importance.

3.20 The Site is within the Impact Risk Zone of one SSSI, however, the development, is unlikely to fall within any of the categories (wind and solar energy; minerals, oil and gas; combustion; or waste) that would trigger a consultation between the local planning authority and Natural England.

3.21 It is unlikely that the Site would support rare species, or diverse assemblages or large populations of any noteworthy species.

4 Recommendations

4.1 This section summarises the potential impacts on habitats and notable species that may be present at this Site.

FURTHER SURVEY AND MITIGATION

4.2 For each constraint identified as being of importance at greater than the Site level, all mitigation options provided follow the established Mitigation Hierarchy as set out in Section 5.2 of BS42020:2013. This seeks as a preference to avoid impacts then to mitigate unavoidable impacts, and, as a last resort, to compensate for unavoidable residual impacts that remain after avoidance and mitigation measures. The measures set out below will address no net loss of biodiversity, although no formal calculation of losses and gains has been carried out. Features deemed important at the Site level only are considered here only where further survey and/or mitigation is necessary to ensure legal compliance.

4.3 In the absence of mitigation, the following key ecological issues have been identified:

- Invasive Non-Native Species, Buddleja, was recorded on Site. This is an LISI and should any future proposals require this species to be removed, guidance should be followed to prevent the spread of this species beyond the Site boundary.
- A large horse chestnut is present just outside the Site boundary. Special care should be taken to ensure that it is not harmed during removal/works on-Site, especially as it could not be ruled out as suitable for roosting bats. A root protection zone should be marked out before any works commence and adhered to at all times. If this tree is to be removed, it will be subject to a ground level roost assessment for bats, and an arboriculture survey beforehand.
- To avoid harming birds, vegetation removal should be undertaken between September and February to avoid breeding season. If this is not possible, nesting bird checks, by an ecologist may be required.
- A range of measures should be undertaken to satisfy the requirement for ecological enhancement included in planning policy.

STATUTORY AND NON-STATUTORY SITES

4.4 The Site does not lie within any international statutory or non-statutory nature conservation designations.

4.5 No significant impacts are envisaged on statutory or non-statutory sites due to the small scale of the proposed development, the limited ecological value of the onsite habitat.

HABITATS

Ancient and broadleaved deciduous woodland

4.6 No ancient woodland on Site or within 2km of the proposed development. No impacts to ancient woodland are anticipated as a result of the proposals as a result.

4.7 There is deciduous woodland present 450m east of the Site. 211 parcels of habitats of principle importance are also recorded within 2km of the Site, including mudflats, good quality semi-improved grassland, lowland dry acid grassland, lowland fens, reed beds and traditional orchard. No impact is expected due to the distance between these parcels and the Site, and the small scale of the development.

Off-site tree

4.8 A large horse chestnut is found just outside the Site boundary, in the north-eastern corner. The canopy overlaps with the roof of G2. The surveyor did not have access to the neighbouring site, and therefore could not inspect the tree in full due to it being in full leaf, at the time of survey and the trunk/branches was not visible from a distance. Therefore, roosting suitability for bats could not be determined from the Site.

4.9 Retained trees should be protected with root protection zones and these are in accordance with British Standards Institution guidelines - Trees in relation to design, demolition and construction (BSI, 2012) BS 5837:2012-. BSI, London.

BATS

4.10 All British species of bat are listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2010 (as amended). Under this legislation it is an offence to deliberately capture, kill, disturb and damage or destroy a bat roost. Some species of bat are also Species of Principal Importance and Ealing BAP species including Daubenton's bat, Brandt's bat, and noctule.

4.11 There is limited suitable habitat for foraging and roosting bats on the Site, and there is limited connected semi-natural habitat. Therefore, the Site is likely to be used infrequently by low number of foraging and roosting bats.

4.12 All garages and buildings were deemed to have negligible suitability for roosting bats and as such, require no further surveys. The survey validity period is 12-18months following the survey, after which, an updated survey may be required.

4.13 The horse chestnut just off-site may be suitable for roosting bats, however, due to accessibility during the survey, a ground level tree assessment could not be completed. This tree should be protected both during and after construction and as such not be directly lit during construction works. Any new artificial lighting proposed for the Site once development is complete should also not illuminate this tree. Any new artificial lighting should follow Bats and Artificial Lighting at Night (2023).

4.14 To reduce disturbance, it is recommended, that no night works take place.

BIRDS

4.15 Whilst impacts to birds are not considered to be significant, removal of shrubs or trees with potential to support breeding birds, must be carried out between September and February inclusive to avoid any potential offences relating to birds during the main breeding season (Newton et al., 2011).

4.16 If site clearance during the breeding season is unavoidable, potential nesting habitat must be inspected by a suitably experienced ecologist a maximum of 48 hours before work commences to identify active birds' nests. Should they be present, the nest and a suitable buffer of habitat around it must be retained until it has been confirmed that the young have left the nest, or the nest is no longer deemed active.

OTHER PROTECTED SPECIES

4.17 In the unlikely event that any protected species are found during site clearance or construction works must stop immediately and advice sought from a suitably qualified ecologist on how to proceed.

ENVIRONMENTAL BEST PRACTICE

4.18 Best environmental practice measures which should be implemented, where required, to include the appropriate storage of fuels and chemicals to minimise the risk of accidental spillage. Sources of best construction practice and environmental management include CIRIA guidance (Connolly and Charles, 2005) and various Defra/Environment Agency guidelines (2016). This guidance relates to various pieces of legislation including the Environmental Damage (Prevention and Remediation) Regulations 2009. A site-specific management plan should be produced for the Site prior to works commencing and should include guidance on the appropriate management and maintenance of soft landscaping features on Site.

4.19 Best environmental practice measures which should be implemented where appropriate to include:

- Appropriate storage of fuels and chemicals to minimise the risk of accidental spillage. Sources of best construction practice and environmental management include CIRIA guidance (Connolly and Charles, 2005) and various Defra/ Environment Agency guidelines (2016). This guidance relates to various pieces of legislation including the Environmental Damage (Prevention and Remediation) Regulations 2009.
- All materials should be stored on hardstanding. Where materials cannot be stored on hardstanding, methods for ground protection should be considered

and put in place to prevent damage to the root system of any retained trees within the development footprint or wider area. This would also protect against any damage caused by the tracking of heavy machinery during construction works.

- Adherence to best construction practice including CIRIA guidance (Connolly and Charles, 2015) and various Defra/Environment Agency guidelines (2016) that have replaced the Pollution Prevention Guidelines (Environment Agency, 2007).
- All individuals on Site should perform frequent checks for plant material on shoes, vehicle tracks and tyres, and equipment to prevent transfer of invasive plant material across the area and beyond the Site boundary.

- overnight working should be avoided to minimise noise and disturbance to protected species including badgers, bats, breeding birds and dormice;
- any trenches should be covered overnight, or include a means of escape for any animals falling in (such as a ramp); and
- any open or exposed pipe work should be capped to prevent animals from gaining access.

INVASIVE SPECIES MANAGEMENT

4.20 Buddleja is an invasive non-native species and can be found on the LISI. If this plant is to be affected during works then appropriate site management and waste disposal may be required. Environmental management guidance to prevent the spread of invasive plant species is available on the Government website (Natural England, Defra & Environment Agency, 2016).

4.21 Mechanical methods of control and removal are advised, and these comprise pulling young seedlings and excavating the root mass. Appropriate measures should be taken to ensure it is contained during works to avoid spreading and specialist guidance on how to safely remove and dispose of invasive species should be adhered to

4.22 All personnel working on Site should perform frequent checks for plant material on shoes, vehicle tracks and tyres, and equipment to prevent transfer of invasive plant material across the wider Site and beyond the ownership boundary.

FURTHER SURVEY REQUIREMENTS

4.23 No further surveys are recommended.

SUMMARY OF RESIDUAL EFFECTS

4.24 Provided that the above is adhered to, all identified impacts to ecological receptors will have been addressed, with no residual impacts.

OPPORTUNITIES FOR ECOLOGICAL ENHANCEMENT

4.25 Planning policy at the national and local level and strategic biodiversity partnerships encourage inclusion of ecological enhancements in development projects. Ecological enhancements can also contribute to green infrastructure and ecosystem services such as storm water attenuation and reducing the urban heat island effect. Measures set out below can be used to achieve a net gain in biodiversity. Please note, however, that no formal calculations have been provided in this instance.

4.26 The following measures would be suitable for integration into the Site's design.

Wildlife planting

4.27 Wildlife planting should be integral to the soft landscape plans and should include native species and/or species of recognised wildlife value[11]. The use of nectar-rich and berry producing plants will attract a wider range of insects, birds and mammals. Trees should also be provided and can be under-planted to improve structure and cover for wildlife.

[11] For example, The Royal Horticultural Society (RHS) Perfect for Pollinators Scheme https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/encourage-wildlife-to-your-garden/plants-for-pollinators and the joint RHS/Wildlife Trust's Gardening with Wildlife In Mind Database http://www.joyofplants.com/wildlife/home.php

4.28 Good horticultural practice should be utilised, including the use of peat-free composts, mulches and soil conditioners, native plants with local provenance and avoidance of the use of invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

4.29 Landscaping should include the use of climbing plants growing on a support structure to provide vertical nesting habitat and foraging resources for birds and invertebrates. The support structure should ideally be placed 50-100mm off the façade. Plants should comprise native species or non-native species of recognised wildlife value and either deciduous or evergreen species depending on the specification.

4.30 There was one large shrub found one Site, Buddleja. It is recommended that this non-native and invasive scrub species is removed from the Site. While invasive, it is recognised that buddleja can provide an excellent foraging resource for invertebrate species and can provide structural diversity within urban sites providing nesting opportunities for wild birds. It is recommended that landscape planting is mindful of these functions and seeks to incorporate replacement planting in the form of native tree species and butterfly and bee friendly native grassland and/or herbaceous seed mixes.

Provision of bird, swift bricks, and/or house sparrow terraces

4.31 To increase the overall provision of nesting and roosting habitat at the Site it is recommended that swift bricks are integrated into the buildings.

4.32 Swift nest bricks, hollow blocks sized to hold a nest, are an excellent way to provide Swifts with nesting opportunities. They should be fitted either on a side of the building that gets some shade during the day, or under an overhang or under the eaves, to give protection from heat, but not over windows or near to vents. They should be sited at least 5 metres above ground, with clear adjacent airspace so the Swifts can access them in high-speed direct flight (they usually fly straight in and out). Make sure that predators (cats, crows, magpies, squirrels, and rats) do not have easy access (e.g. by climbing up creepers or flying in from close perches).

4.33 It is recommended that at least four bricks are provided, but ten would highly be recommended as swifts like to nest with con specifics.

4.34 If swift bricks are not possible to incorporate into the development, then house sparrow terraces are recommended. Ideally, it will be under the eaves or high on a wall. The box will need to be at least 3m (10 feet) from the ground, facing north or east to avoid it getting too hot or wet. Avoiding direct sunlight and busy areas.

4.35 House sparrow boxes are usually wooden, and the thickness and quality are important, to insulate and stop warping. Once again, a minimum of four is recommended but ten is ideal.

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Appendix 1: Maps

Figure 1: Site Context Map

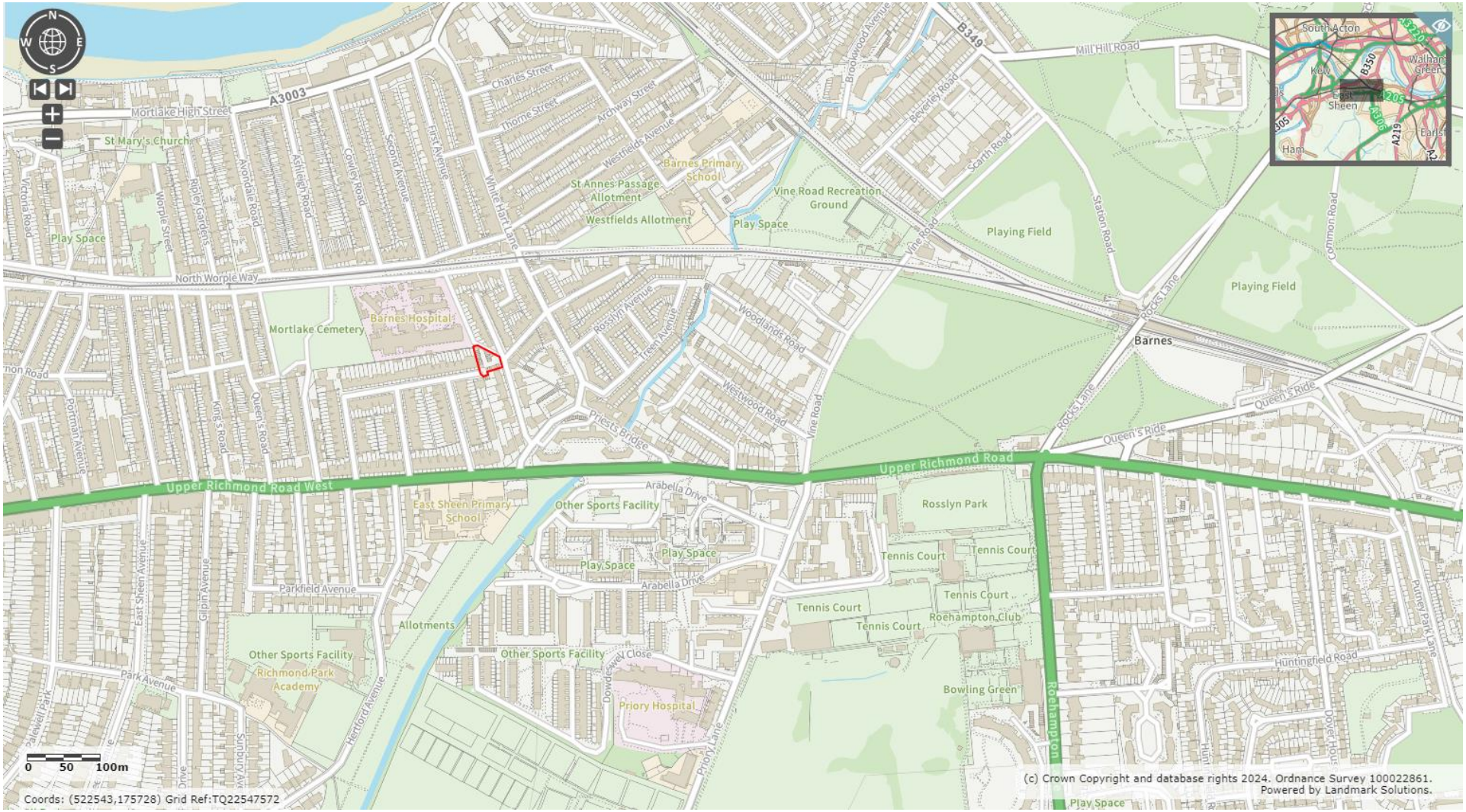


Figure 2: Designated Sites Map

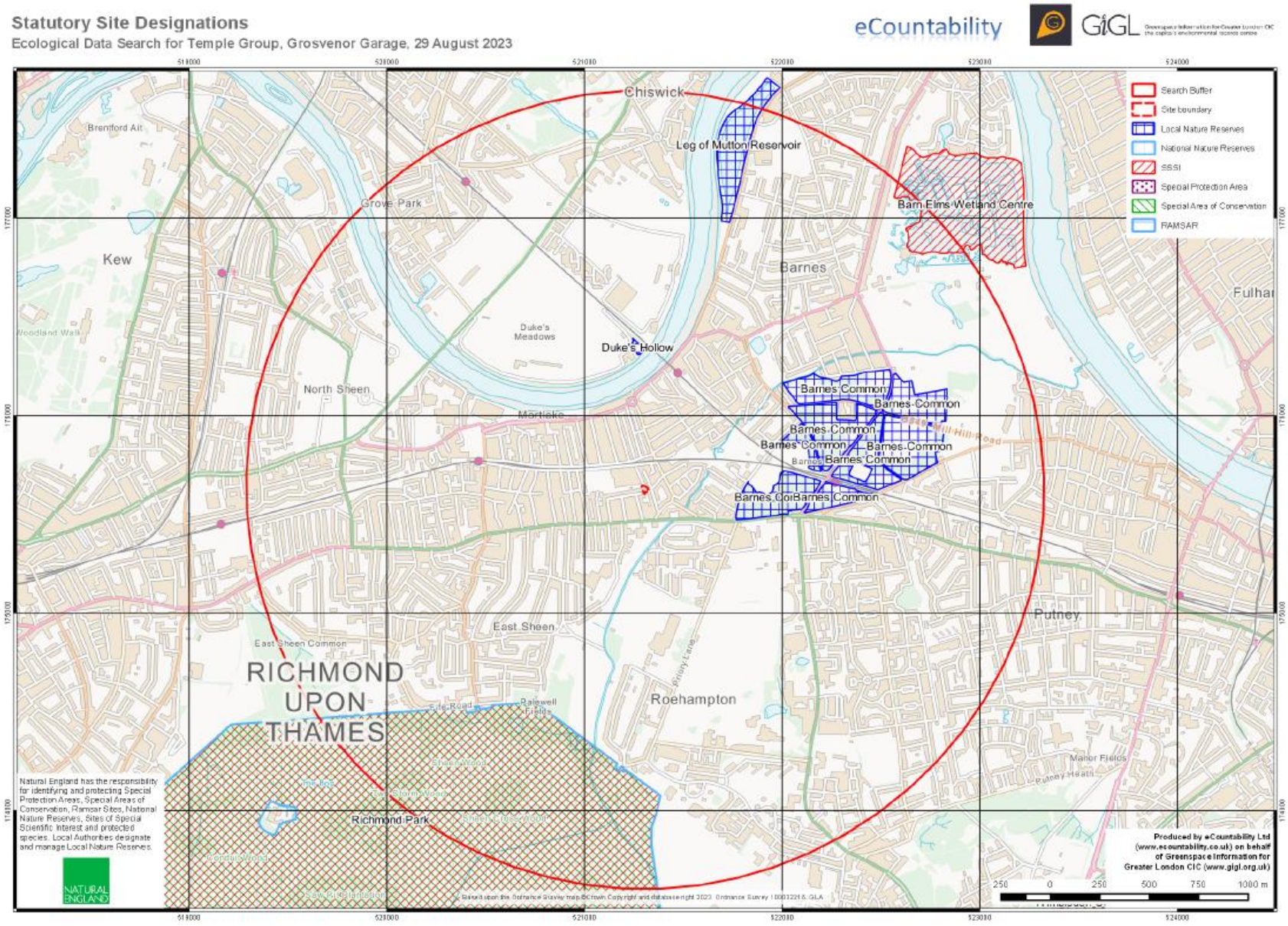


Figure 3: Habitat Survey Map

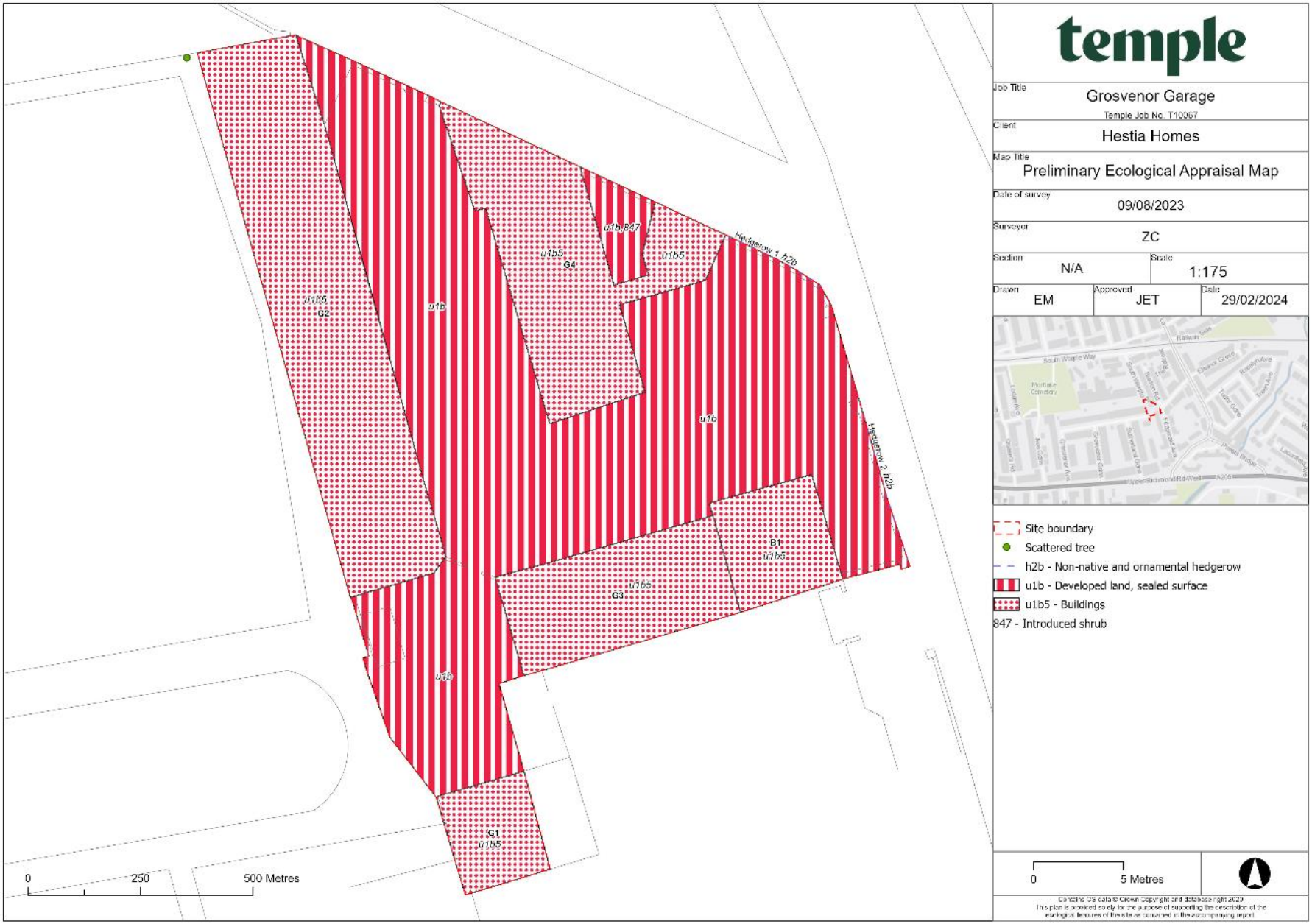
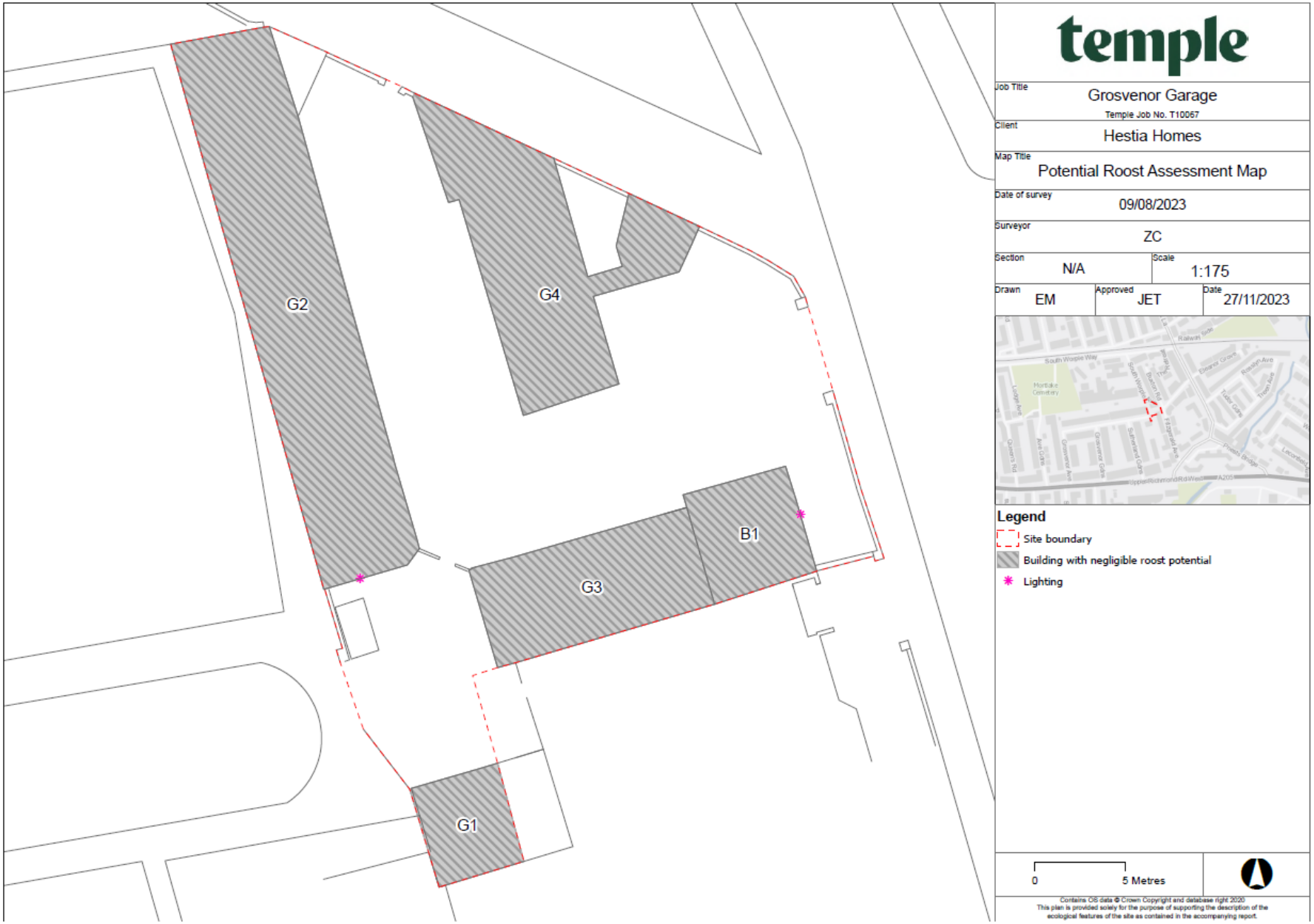


Figure 4: Preliminary Roost Assessment Map



Appendix 2: Species List

Botanical Species List for Grosvenor Garage, Fitzgerald Avenue, London compiled from UKHabs survey carried out on the 9th of August 2023.

Scientific nomenclature and common names for vascular plants follow Stace (2019) and Blockeel and Long (1998) for bryophyte species. Please note that this plant species list was generated as part of a UKHab habitat survey, does not constitute a full botanical survey and should be read in conjunction with the associated results section of this PEA.

Abundance was estimated using the DAFOR scale and additional notes taken as follows:
D = dominant, A = abundant, F = frequent, O = occasional, R = rare, L = locally
c=clumped, e=edge only, g=garden origin, p=planted, y = young, s=seedling or sucker, t=tree, h=hedgerow, w=water

Scientific Name	Common Name	Abundance	Qualifier
Ligustrum japonicum	Privet	R	h
Buddleja davidii	Buddleia	R	p
Mycelis muralis	Wall lettuce	R	
Taraxacum officinale	Dandelion	R	
Lolium perenne	Perennial rye grass	R	
Senecio jacobaea	Ragwort	R	
Sonchus oleraceus	Sowthistle	R	
Asclepias syriaca	Milkweed	R	
Lamium purpureum	Reddead nettle	R	
Parietaria judaica	Spreading pellitory	R	
Erigeron annuus	Fleabane	R	

Appendix 3: Photographs

Photograph 1 Hedgerow 1

Photograph 2 Hedgerow 2

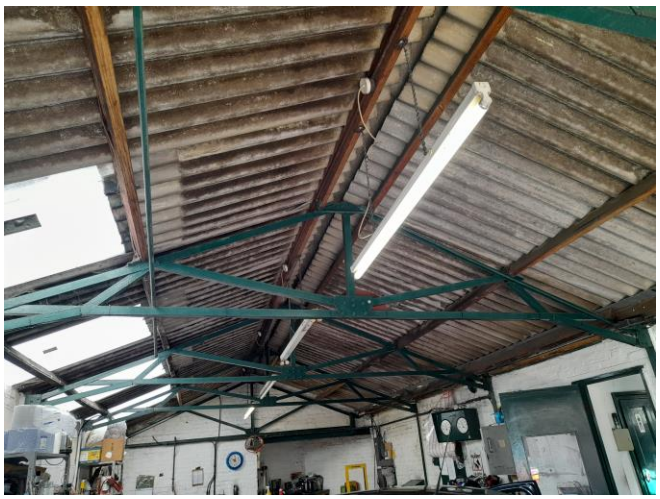
Photograph 3 Hardstanding and Building Group G4

Photograph 4 Building B1

Photograph 5 Buddleia on Site and horse chestnut tree, off Site boundary

Photograph 6 Internal view of roof space in building group G1

Photograph 7 Internal view of roof space in building group G4



Photograph 8 Internal view of roof space in building group G2

Appendix 4: Legislation and Planning Policy

Important Notice: This section contains details of legislation applicable in England and Wales only (i.e. not including Scotland, the Isle of Man, Northern Ireland, the Republic of Ireland or the Channel Islands) and is provided for general guidance only. While every effort has been made to represent the current (at the time of writing) situation with respect to the UK's position outside of the EU and to ensure accuracy throughout, this section should not be relied upon as a definitive statement of the law.

Over the past few years, three important bills have been published which are intended to shape how growing pressures on the environment post-Brexit (post-transition period) are tackled. Both the Agriculture Bill and Fisheries Bill gained Royal Assent in November 2020 and are now the Agriculture Act 2020 and Fisheries Act 2020 respectively; and, more recently, the Environment Bill was passed into law in November 2021, becoming the Environment Act 2021. *N.B. as environment policy is a devolved matter, most of this Act applies to England only.*

A LEGISLATION AFFORDED TO SPECIES

The objective of the EC Habitats Directive[12] is to conserve the various species of plant and animal which are considered rare across Europe. The Directive is transposed into UK law by **The Conservation of Habitats and Species Regulations 2017 (as amended)** and **The 'Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)**.

Various amendments to the 2017 Regulations in England and Wales have been made through the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. These changes came into effect on the 1 January 2021 following the UK's departure from the EU and the end of the Transition Period. The changes are largely limited to 'operability changes' that will ensure the Regulations can continue to have the same working effect as before.

[12] Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora

The Wildlife and Countryside Act 1981 (as amended) is a key piece of national legislation which implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and implements the species protection obligations of Council Directive 2009/147/EC (formerly 79/409/EEC) on the Conservation of Wild Birds (EC Birds Directive) in Great Britain.

Since the passing of the Wildlife & Countryside Act 1981, various amendments have been made, details of which can be found on www.opsi.gov.uk. Key amendments have been made through the Countryside and Rights of Way (CRoW) Act (2000).

As well as delivering long-term targets to reduce waste and improve resource efficiency and improve air and water quality targets, the **Environment Act 2021** aims to halt the decline of nature by 2030, mandates Biodiversity Net Gain for developments in England and amends the Wildlife and Countryside Act 1981 (as amended) to introduce an additional purpose for granting a protected species licence in relation to development which is 'for reasons of overriding public interest'. The Act also introduces the Office for Environmental Protection (OEP), which will be a new public body intended to hold government and public authorities to account, although the government will be able to issue guidance to the OEP on how it enforces policies and legislation.

Some of the key biodiversity elements in the Act that will have a bearing on species protection in the UK include:

- A strengthened biodiversity duty on Local Planning Authorities;
- Biodiversity net gain to ensure developments, including Nationally Significant Infrastructure Projects (NSIP), deliver at least 10% increase in biodiversity;
- Local Nature Recovery Strategies to support a Nature Recovery Network;
- Duty upon Local Authorities to consult on street tree felling;
- Strengthen woodland protection enforcement measures;
- Conservation Covenants;
- Protected Site Strategies and Species Conservation Strategies to support the design and delivery of strategic approaches to deliver better outcomes for nature;

- Introduces the power for the Habitats Regulations to be amended or 'refocused' to 'to deliver creative public policy thinking that delivers results'.

This section does not provide further detail on the Environment Act 2021 as, at the time of writing (November 2021), the Act, in its final form, has not been published and it remains to be seen how and when the various elements will be enacted at a national and local level.

Other legislative Acts affording protection to wildlife and their habitats include:

- Salmon and Freshwater Fisheries Act 1975;
- Deer Act 1991;
- Protection of Badgers Act 1992;
- Wild Mammals (Protection) Act 1996;
- Countryside and Rights of Way (CRoW) Act 2000;
- Natural Environment & Rural Communities (NERC) Act 2006;
- The Eels (England and Wales) Regulations 2009; and
- Environment (Wales) Act 2016.

Species and species groups that are protected or otherwise regulated under the aforementioned legislation, and that are most likely to be affected by development activities, include herpetofauna (amphibians and reptiles), badger, bats, birds, dormouse, invasive species, otter, plants, red squirrel, water vole and white clawed crayfish.

Explanatory notes relating to species protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which includes smooth snake, sand lizard, great crested newt, natterjack toad, all bat species, otter, dormouse and some plant, invertebrate and fish species, are given below. **These should be read in conjunction with the relevant species sections that follow.**

- In the Habitats Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.

- The Conservation of Habitats and Species Regulations 2017 (as amended) does not define the act of 'migration' and therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered where relevant.
- In order to obtain a mitigation licence for species protected under the Conservation of Habitats and Species Regulations 2017 (as amended), the application must demonstrate that it meets all of the following three 'tests': i) the action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment; ii) that there is no satisfactory alternative and iii) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

BATS

All species of bat are fully protected under The Conservation of Habitats and Species Regulations 2017 (as amended) through their inclusion on Schedule 2. Regulation 43 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. all bats);
- Deliberate disturbance of bat species as:

  a) to impair their ability:
    - to survive, breed, or reproduce, or to rear or nurture young; or
    - to hibernate or migrate.

  b) to affect significantly the local distribution or abundance of the species.
- Damage or destruction of a breeding site or resting place; and
- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

Bats are also protected under the Wildlife and Countryside Act 1981 (as amended) in respect to sub-sections 9 (4) (b) and (c) and 9 (5) through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance while in their place of shelter (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

How is the legislation pertaining to bats liable to affect development works?

The appropriate licence issued by the relevant countryside agency (e.g. Natural England, Natural Resources Wales) will be required for works liable to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licence is to derogate from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Though there is no case law to date, the legislation may also be interpreted such that, in certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost[13].

BIRDS

All wild birds, their nests and eggs are protected under Sections 1-8 of the Wildlife and Countryside Act 1981 (as amended). A wild bird is defined as any bird of a species that is resident in or is a visitor to the European Territory of any member state in a wild state. Among other things, the legislation makes it an offence to:

- Intentionally kill, injure or take any wild bird;
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built;
- Intentionally take or destroy an egg of any wild bird; or
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.

[13] Garland and Markham (2008) Is important bat foraging and commuting habitat legally protected? Mammal News, No. **150**. The Mammal Society, Southampton.

Certain species of bird, for example the barn owl *Tyto alba*, black redstart *Phoenicurus ochruros*, hobby *Falco subbuteo*, bittern *Botaurus stellaris* and kingfisher *Alcedo atthis* receive additional special protection under Schedule 1 of the Act. This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young.
- Intentional or reckless disturbance of dependent young of such a bird.

How is the legislation pertaining to birds liable to affect development works?

To avoid contravention of the Wildlife and Countryside Act 1981 (as amended), works should be planned to avoid the possibility of killing or injuring any wild bird or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction is to undertake work outside the main bird nesting season which typically runs from March to August[14]. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Those species of bird listed on Schedule 1 are also protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest. It should be noted that there is no threshold under which disturbance is not an offence, that is to say that disturbance need not be 'significant' for an offence to be committed.

While it is possible to obtain a licence to permit some activities that would otherwise constitute an offence, these can only be issued for specific purposes set out in the Act. This includes damage to crops, to preserve public health or safety and to preserve air

[14] It should be noted that this is the main breeding period. Breeding activity may occur outside this period (depending on the particular species, geographical location of the site and vagaries of the season in any particular year) and thus due care and attention should be given when undertaking potentially disturbing works at any time of year.

safety, but does not include development, some land management and recreational activities and damage to property.

WILD MAMMALS (PROTECTION) ACT 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to:

- Mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention, due care and attention should be taken when carrying out works (for example operations near burrows or nests) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

PLANTS

All wild plants are protected under the Wildlife and Countryside Act 1981 (as amended). This makes it an offence for an 'unauthorised' person to intentionally uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Certain rare species of plant, for example some species of orchid, red-tipped cudweed *Filago lutescens*, spiked speedwell *Veronica spicata*, holly-leaved naiad *Najas marina*, and field cow wheat *Melampyrum arvense* are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended) in respect of Section 13. This prohibits any person:

- Intentionally picking, uprooting or destruction of any wild Schedule 8 species; and
- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof.

In addition to the legislation outlined above, several plant species, such as slender naiad *Najas flexilis*, fen orchid *Liparis loeselii* and early gentian *Gentianella anglica*, are fully

protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2017 (as amended). These are species of European importance. Regulation 45 makes it an offence to:

- Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species; and
- Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

How is the legislation pertaining to protected plants liable to affect development works?

A mitigation licence issued by the relevant countryside agency (e.g. Natural England, Natural Resources Wales) will be required for works liable to affect species of plant listed under The Conservation of Habitats and Species Regulations 2017 (as amended). The licence is to derogate from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

INVASIVE PLANT SPECIES

Under Section 14 (2) of the Wildlife and Countryside Act 1981 (as amended), it is an offence to plant or otherwise cause to grow in the wild any species of plant listed on Part II of Schedule 9. Schedule 9 plant species include Japanese knotweed *Fallopia japonica*, giant hogweed *Heracleum mantegazzianum* and Himalayan balsam *Impatiens glandulifera*. In the main, Schedule 9 species are those that are already established in the wild, but which continue to pose a threat to the conservation of native biodiversity and habitats, such that further releases should be regulated.

How is the legislation pertaining to invasive plants liable to affect development works?

Although it is not an offence to have these plants on your land per se, it is an offence to cause these species to grow in the wild. Therefore, if they are present on site and development activities (for example movement of spoil, disposal of cut waste or vehicular movements) have the potential to cause the further spread of these species to new areas, it will be necessary to ensure appropriate measures are in place to prevent this happening prior to the commencement of works.

As a rule, planting on managed land (private gardens, estates and amenity planting, for example), where it is expected that the spread of the plant will be kept under control, and where the plant will not have an adverse impact, is not regarded as planting in the wild and thus would not constitute an offence. However, where the plant is inadequately managed or contained and is likely to have an adverse effect, it may. Whether or not planting is an offence should therefore be judged on a case-by-case basis, taking into account the potential impacts on habitats and native flora and fauna, and the existence or extent of management practices to be employed[15].

B EUROPEAN AND NATIONAL LEGISLATION AFFORDED TO SITES AND HABITATS

As for certain species described above, habitats and sites are also protected directly through the Wildlife & Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 (as amended) and the 'Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) through the notification, classification or designation of various protected sites as detailed below.

In addition, The Environment Act 2021 and the Water Framework Directive indirectly afford protection to non-designated habitats through the duties placed on public and private bodies to promote nature conservation and biodiversity, for example, the creation of Local Nature Recovery Strategies (LNRS) and associated Species Conservation and Protected Site strategies, and to reduce or avoid harmful activities. Many of these duties and targets form the basis for national and local planning policy and wider conservation strategies and are not covered in detail here.

STATUTORY SITE DESIGNATIONS: NATIONAL

Nationally important areas of special scientific interest, by reason of their flora, fauna, or geological or physiographical features, are notified by the countryside agencies as statutory **Sites of Special Scientific Interest** (SSSI) under the National Parks and Access to the Countryside Act 1949 and latterly the Wildlife & Countryside Act 1981 (as amended). As well as underpinning other national designations (such as **National Nature Reserves**

[15] Defra (2010) Guidance on Section 14 of the Wildlife and Countryside Act, 1981. [ARCHIVED CONTENT] (nationalarchives.gov.uk)

which are declared by the countryside agencies under the same legislation), the system also provides statutory protection for terrestrial and coastal sites which are important within a European context (formerly referred to as part of the Natura 2000 network and recently amended to the National Site Network in line with the UK's departure from the EU) and globally (such as Wetlands of International Importance) - see subsequent sections for details of these designations. Improved provisions for the protection and management of SSSI have been introduced by the Countryside and Rights of Way Act 2000.

The Wildlife & Countryside Act 1981 (as amended) also provides for the making of **Limestone Pavement Orders**, which prohibit the disturbance and removal of limestone from such designated areas, and the designation of **Marine Nature Reserves**, for which byelaws must be made to protect them.

STATUTORY SITE DESIGNATIONS: INTERNATIONAL

Special Protection Areas (SPAs), together with **Special Areas of Conservation** (SACs) form the basis of the **National Site Network** (until recently, these were part of the Natura 2000 network whilst the UK was part of the EU). SPAs are identified and classified by the Government under the EC Birds Directive (Council Directive 2009/147/EC (formerly 79/409/EEC)) on the Conservation of Wild Birds) via the mechanisms set out in the Habitats Regulations (as applicable at the time of classification).

SPAs are areas of the most important habitat for rare (listed on Annex I of the Directive) and migratory birds within the European Union. Protection afforded SPAs in terrestrial areas and territorial marine waters out to 12 nautical miles (nm) is given by The Conservation of Habitats & Species Regulations 2017 (as amended). The 'Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) provide a mechanism for the classification and protection of European Marine Sites or EMS (SPAs and SACs) in UK offshore waters (from 12-200 nm).

SACs are identified and designated under the EC Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora) via the

mechanisms set out in the Habitats Regulations (as applicable at the time of designation). These are areas which have been identified as best representing the range and variety of habitats and (non-bird) species listed on Annexes I and II to the Directive within the European Union. SACs in terrestrial areas and territorial marine waters out to 12 nautical miles are protected under The Conservation of Habitats & Species Regulations 2017 (as amended). The 'Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) provide a mechanism for the designation and protection of European marine sites or EMS (SACs and SPAs) in UK offshore waters (from 12-200 nm).

Ramsar sites are listed under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and wise use, in particular recognizing wetlands as ecosystems that are globally important for biodiversity conservation. Wetlands can include areas of marsh, fen, peatland or water and may be natural or artificial, permanent or temporary. Wetlands may also incorporate riparian and coastal zones adjacent to the wetlands. Ramsar sites are underpinned through prior notification as Sites of Special Scientific Interest (SSSI) and as such receive statutory protection under the Wildlife & Countryside Act 1981 (as amended) with further protection provided by the Countryside and Rights of Way (CRoW) Act 2000. Policy statements have been issued by the Government highlighting the special status of Ramsar sites. This effectively extends the level of protection to that afforded to sites in England and Wales which have been designated under the EC Birds and Habitats Directives as part of the Natura 2000 network and now the National Site Network (e.g. SACs and SPAs).

STATUTORY DESIGNATIONS: LOCAL

Under the National Parks and Access to the Countryside Act 1949 **Local Nature Reserves** (LNRs) may be declared by local authorities after consultation with the relevant countryside agency. LNRs are declared for sites holding special wildlife or geological interest at a local level and are managed for nature conservation and provide opportunities for research and education and enjoyment of nature.

NON-STATUTORY DESIGNATIONS

Areas considered to be of local conservation interest may be designated by local authorities as a **Wildlife Site**, under a variety of names such as **Local Wildlife Sites** (LWS), **County Wildlife Sites** (CWS), **Listed Wildlife Sites** (LWS), **Local Nature Conservation Sites** (LNCS), **Sites of Biological Importance** (SBIs), **Sites of Importance for Nature Conservation** (SINCs), or **Sites of Nature Conservation Importance** (SNCIs). The criteria for designation may vary between counties.

Together with the statutory designations, these are defined in Local Plan documents under the Town and Country Planning system and are a material consideration when planning applications are being determined. The level of protection afforded to these sites through local planning policies may vary between counties.

THE HEDGEROW REGULATIONS 1997

The Hedgerow Regulations 1997 are intended to protect 'important' countryside hedgerows from destruction or damage. Under the 'Wildlife and Landscape' criteria of the Regulations, a hedgerow is considered important if (a) it has existed for 30 years or more; and (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Under the Regulations, it is against the law to remove or destroy important hedgerows without permission from the local planning authority. Hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys are covered by these regulations. Hedgerows *'within or marking the boundary of the curtilage of a dwelling-house'* are not.

C PLANNING POLICY

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework replaced PPS9 and emphasises the need for sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and priority species (see Section D below). An emphasis is also made for the need for ecological networks via preservation, restoration and re-creation.

The protection and recovery of priority species is also listed as a requirement of planning policy. In determining planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from adverse harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

THE NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006 AND THE BIODIVERSITY DUTY

Section 40 of The Natural Environment and Rural Communities (NERC) Act requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act (Section 42 in Wales) requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity.' This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

LOCAL PLANS

The London Borough of Richmond Upon Thames Local Plan (2018) includes the following nature conservation policies that are relevant to the Site proposals.

Policy LP 10

Local Environmental Impacts, Pollution and Land Contamination A.

The Council will seek to ensure that local environmental impacts of all development proposals do not lead to detrimental effects on the health, safety and the amenity of existing and new users or occupiers of the development site, or the surrounding land.

These potential impacts can include, but are not limited to, air pollution, noise and vibration, light pollution, odours and fumes, solar glare and solar dazzle as well as land contamination. Developers should follow any guidance provided by the Council on local environmental impacts and pollution as well as on noise generating and noise sensitive development. Where necessary, the Council will set planning conditions to reduce local environmental impacts on adjacent land uses to acceptable levels.

Air Quality B.

The Council promotes good air quality design and new technologies. Developers should secure at least 'Emissions Neutral' development. To consider the impact of introducing new developments in areas already subject to poor air quality, the following will be required: 1. an air quality impact assessment, including where necessary, modelled data; 2. mitigation measures to reduce the development's impact upon air quality, including the type of equipment installed, thermal insulation and ducting abatement technology; 3. measures to protect the occupiers of new developments from existing sources; 4. strict mitigation for developments to be used by sensitive receptors such as schools, hospitals and care homes in areas of existing poor air quality; this also applies to proposals close to developments used by sensitive receptors.

Noise and Vibration C.

The Council encourages good acoustic design to ensure occupiers of new and existing noise sensitive buildings are protected. The following will be required, where necessary: 1. a noise assessment of any new plant and equipment and its impact upon both receptors and the general background noise levels; 2. mitigation measures where noise needs to be controlled and managed; 3. time limits and restrictions for activities where noise cannot be sufficiently mitigated; 4. promotion of good acoustic design and use of new technologies; 5. measures to protect the occupiers of new developments from existing sources.

Light Pollution D.

The Council will seek to ensure that artificial lighting in new developments does not lead to unacceptable impacts by requiring the following, where necessary: 1. an assessment of any new lighting and its impact upon any receptors; 2. mitigation measures, including the type and positioning of light sources; 3. promotion of good lighting design and use of new technologies.

Odours and Fume Control E.

The Council will seek to ensure that any potential impacts relating to odour and fumes from commercial activities are adequately mitigated by requiring the following: 1. an impact assessment where necessary; 2. the type and nature of filtration to be used; 3. the height and position of any chimney or outlet; 4. promotion and use of new abatement technologies.

Land Contamination F.

The Council promotes, where necessary, the remediation of contaminated land where development comes forward. Potential contamination risks will need to be properly considered and adequately mitigated before development proceeds.

Construction and demolition G.

The Council will seek to manage and limit environmental disturbances during construction and demolition as well as during excavations and construction of basements and subterranean developments. To deliver this the Council requires the submission of Construction Management Statements (CMS) for the following types of developments: 1. all major developments; 2. any basement and subterranean developments; 3. developments of sites in confined locations or near sensitive receptors; or 4. if substantial demolition/excavation works are proposed. Where applicable and considered necessary, the Council may seek a bespoke charge specific to the proposal to cover the cost of monitoring the CMS.

Policy LP 13

Green Belt, Metropolitan Open Land and Local Green Space Green Belt and Metropolitan Open Land A.

The borough's Green Belt and Metropolitan Open Land will be protected and retained in predominately open use. Inappropriate development will be refused unless 'very special circumstances' can be demonstrated that clearly outweigh the harm to the Green Belt or Metropolitan Open Land. Appropriate uses within Green Belt or Metropolitan Open Land include public and private open spaces and playing fields, open recreation and sport, biodiversity including rivers and bodies of water and open community uses including allotments and cemeteries.

Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt or Metropolitan Open Land. B.

It will be recognised that there may be exceptional cases were inappropriate development, such as small-scale structures for essential utility infrastructure, may be acceptable.

C. Improvement and enhancement of the openness and character of the Green Belt or Metropolitan Open Land and measures to reduce visual impacts will be encouraged where appropriate. When considering developments on sites outside Green Belt or Metropolitan Open Land, any possible visual impacts on the character and openness of the Green Belt or Metropolitan Open Land will be taken into account. 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 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 in terms 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 were 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.

D BIODIVERSITY ACTION PLANS (BAPs)

Since the publication of the UK BAP in 1994, new strategies and frameworks have resulted in the development of biodiversity issues and changes in the terminology used to describe these habitats and species in England. This has been brought about through the replacement of the previous England Biodiversity Strategy with *Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services* (2011) and the replacement of the UK BAP itself with the *UK Post-2010 Biodiversity Framework* (2012). All previous UK BAP species and habitats are still of material consideration in the planning process but are now referred to as Habitats and Species of Principal Importance (as described under the NERC Act 2006 above).

The distribution of BAP/priority habitats has been used to identify Biodiversity Opportunity Areas at a regional scale through Biodiversity Strategies/Partnerships. They represent a strategic landscape scale approach to habitat creation, restoration or expansion. They represent regional priority areas of opportunity to restore and create key habitats. They are therefore a spatial representation of targets for Habitats of Principal Importance and are areas of opportunity, not constraint.

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