

Preliminary Ecological Appraisal

Forest Hill School, Dacres Road, London

A Report To: Labosport Limited Report Number: RT-MME-181796-04 Date: March 2025









Quality Assurance				
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Declaration of Compliance

This study has been undertaken in accordance with British Standard 42020:2013 "Biodiversity, Code of Practice for Planning and Development". The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide **opinions**.

Disclaimer

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Validity of Data

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.



Non-Technical Summary

Project Background

In January 2025 Labosport Limited commissioned Middlemarch to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Forest Hill School, Dacres Road, London. This assessment is required to inform a planning application associated with the implementation of a new artificial grass pitch.

Scope of Appraisal

To fulfil the above brief, an ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey) were undertaken. The survey was carried out on 30th January 2025 by Zeina Farhat (Ecological Consultant) and Ruby Hill (Ecological Project Officer). An initial review of the ecological data was subsequently carried out to determine the features of ecological importance on site as well as a preliminary assessment of the potential impacts the proposed development could have on these features.

Preliminary Evaluation and Impact Assessment

Key ecological features in proximity to the site include Dacres Wood LNR and SINC. Within the site, the line of trees have intrinsic ecological value and are irreplaceable in the short to medium term; they have the potential to support roosting bats. Furthermore, the dense scrub has potential to support a range of wildlife, including nesting birds, terrestrial mammals and herpetofauna.

Potential impacts which could occur as a result of the proposals include disturbance to designated sites and the killing, injury or disturbance of protected and notable species.

Whilst the proposed development has the potential to adversely impact ecological features, it also presents opportunities to deliver ecological enhancements, please refer to Section 5.6 for full details.

Recommendations

In order to ensure compliance with wildlife legislation and relevant planning policy and to secure a net gain for biodiversity overall, the following recommendations are made (full details are provided in Chapter 6):

Dacres Wood LNR/SINC	Follow precautionary measures within a CEcMP for this site.		
Scheme Design and Ecological Enhancements	In accordance with Section 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024, the site is exempt from the biodiversity net gain (BNG) mandate as the site does not impact upon any priority habitat and it will impact less than 25 square metres of on-site habitat that has a biodiversity value greater than zero. However, there are opportunities within the site to deliver ecological enhancements and increase the sites overall biodiversity.		
Further Ecological Surveys	Middlemarch has been commissioned to undertake a Ground-Level Tree Assessment for roosting bats, further assessment work is included within this report (RT-MME-181796-05). An Ecological Lighting Strategy Review should be produced for the site to ensure that any proposed lighting is designed to safeguard dark boundary corridors of value to nocturnal fauna including foraging and commuting bats.		
Construction Ecological Management Plan (CEcMP)	A CEcMP should be produced for the site setting out the safeguards and appropriate working practices that will be employed to minimise adverse effects on biodiversity and ensure compliance with UK Wildlife Legislation. This should include specific measures to protect the adjacent nature conservation site and minimise risk to amphibians, reptiles, foraging terrestrial mammals, stag beetles and nesting birds.		



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1. Introduction

1.1. Project Background

In January 2025 Labosport commissioned Middlemarch to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Forest Hill School, Dacres Road, London. This assessment is required to inform a planning application associated with the removal of the current Multi-Use Games Area (MUGA) and implementation of a new artificial grass pitch.

Middlemarch has been commissioned to undertake the following surveys/assessments:

- Preliminary Arboricultural Assessment (RT-MME181796-01);
- Arboricultural Impact Assessment (RT-MME181796-02);
- Arboricultural Method Statement (RT-MME18176-03); and,
- Ground Level Tree Assessment (RT-MME-181796-05).

1.2 Site Description and Context

Table 1.1 provides a brief summar	y of the site and its surroundings.
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Attribute	Description	
Location	Forest Hill School, Dacres Road, London	
National Grid Reference	TQ 35730 72278	
Site Area (ha)	0.5	
Topography	Predominately flat, with sloping along the perimeter from north to south and east to west.	
Land Cover (on site)	The site is dominated by hardstanding. The remaining land comprises of amenity grassland with a line of trees in the west perimeter and dense scrub along the northern and eastern boundaries.	
Land Cover (site surrounds)	The wider landscape is predominately urban residential with hardstanding, buildings and associated mown grassland dominating the area. The site sits within Forest Hill and is boarded by the urban settlements of Dulwich and Bell Green.	

Table 1.1: Summary of Site and Surroundings

1.3 Documentation Provided

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.2.

Document / Drawing Number	Author
TOPO - BRI1090	Labosport
Forest Hill School LSUK 24 0 01 EXISTING BLOCK PLAN	Labosport

 Table 1.2: Documentation Provided by Client (continues)



Document / Drawing Number	Author
Forest Hill School LSUK 24 0 01 EXISTING ELEVATIONS	Labosport
Forest Hill School LSUK 24 0 01 FLOODLIGHTING OVERSPILL rev A	Labosport
Forest Hill School LSUK 24 0 01 LOCATION PLAN	Labosport
Forest Hill School LSUK 24 0 01 LOCATION PLAN rev C	Labosport
Forest Hill School LSUK 24 0 01 PROPOSED BLOCK PLAN rev B	Labosport
Forest Hill School LSUK 24 0 01 PROPOSED ELEVATIONS rev A	Labosport

 Table 1.2 (continued): Documentation Provided by Client



2. Methods

2.1 Desk study

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England MAGIC website for statutory conservation sites;
- Greenspace Information for Greater London CIC (GIGL)

The desk study included a search for:

- Relevant local planning policy/strategies with regard to biodiversity and nature conservation;
- European statutory nature conservation sites in the UK (collectively the 'National Site Network') within a 10 km radius of the site;
- UK statutory sites within a 2 km radius; and,
- Non-statutory sites and protected/notable habitats and species records within a 1 km radius.

The data collected from the consultees are discussed in Chapter 3. In compliance with the terms and conditions relating to its commercial use, the full desk study data are not provided within this report.

2.2 Phase 1 Habitat / UK Hab Survey

A field survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee¹ and the Institute of Environmental Assessment². Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site.

During the survey, the presence or potential presence of protected species was noted where observed. This included a review of suitable habitat opportunities or field signs of notable species groups (amphibians, bats, birds, terrestrial and aquatic invertebrates, terrestrial and aquatic mammals, plants and reptiles). A full detailed assessment of any built structures and/or trees was not undertaken as part of the survey, however their potential to support roosting bats was considered.

The survey was carried out on 30/01/2025 by Zeina Farhat (Ecological Consultant) and Ruby Hill (Ecological Project Officer). Table 2.1 details the weather conditions at the time of the survey.

¹ Joint Nature Conservation Committee (2010). *Handbook for Phase 1 Habitat Survey: A technique for environmental audit (reprint)*. Joint Nature Conservation Committee, Peterborough.

² Institute of Environmental Assessment. (1995). *Guidelines for Baseline Ecological Assessment, Institute of Environmental Assessment.* E&FN Spon, An Imprint of Chapman and Hall. London.



Parameter	Condition
Temperature (°C)	7
Cloud (%)	0
Wind (Beaufort)	F1
Precipitation	Dry

Table 2.1: Weather Conditions During Field Survey

Field Survey Constraints and Limitations

The recommended timeframe for completing a Phase 1 Habitat Survey is April – September. The survey was carried out in January and therefore it is possible that some plant species were entering a period of winter dormancy and so may have been under-recorded or underestimated. However, this did not constrain the assignment of habitats on site to Phase 1 habitat types.

2.3 Preliminary Evaluation and Impact Assessment

An initial review of the ecological data (desk study and Phase 1 Habitat Survey) has been undertaken to identify ecological features that by virtue of their legal status, their inclusion in any national policy or plan, or their rarity or contribution to local ecological networks, are worthy of further consideration in the planning system. This typically includes statutory or non-statutory nature conservation sites, species protected by law, Habitats and Species of Principal Importance in England as defined by the Natural Environment and Rural Communities (NERC) Act 2006 or other ecological corridors and Biodiversity Opportunity Areas outlined in local policy. A preliminary assessment of the potential impacts on these features that could occur as a result of the proposed development has been undertaken. This initial assessment of impacts is based on Middlemarch's current understanding of the project.



3. Desk Study

3.1 Local Planning Policies/Strategies

Local Planning Policies/Strategies of relevance to ecology in the context of the development are described in Table 3.1. Full details are provided in Appendix 1.

Policy Document/Strategy	Relevance to Ecology/Development		
	Policy G1 Green Infrastructure – Sets out how green infrastructure, including green and open spaces and green features should be protected and enhanced.		
	Policy G2 London's Green Belt – Describes how green belt land in London will be protected from inappropriate development. It is noted that the current development does not fall within an area designated as green belt.		
	Policy G3 Metropolitan Open Land – Describes how Metropolitan Open Land in London will be protected from inappropriate development. It is noted that the current development does not fall within an area designated as Metropolitan Open Land.		
	Policy G4 Open Space – Describes how open space areas will be protected and promoted within London.		
London General Plan (Greater London Authority)	Policy G5 Urban Greening – Describes how major developments should contribute to the greening of London, such as through the creation of green walls and green roofs. Also describes the need for Urban Greening Factor in major development projects.		
	Policy G6 Biodiversity and Access to Nature – Describes how nature conservation sites, such as Sites of Importance for Nature Conservation (SINCs), should be protected, and how development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.		
	Policy G7 Trees and Woodlands – Describes how London's urban forest and woodlands should be protected and maintained, and new trees and woodlands should be planted in appropriate locations in order to increase the extent of London's urban forest.		
	Policy SI 17 Protecting and enhancing London's waterways – Describes how development plans should support river restoration and biodiversity improvements.		
Lewisham Local Plan	The Council is at an advanced stage of preparing a new Local Plan (Lewisham Local Plan 2022 - 2040). Once adopted, the Lewisham Local Plan will replace the currently adopted documents as follows: Core Strategy (2011), Site Allocations (2013), Development Management (2014) and Lewisham Town Centre (2014) local plans.		
2022-2024	The Local Plan will establish a future vision for Lewisham, along with the planning and investment framework for its delivery over a 20-year period (2020 to 2040). The Local Plan, together with the London Plan and Neighbourhood Plans, forms the statutory Development Plan for Lewisham, and they are used to assess all planning applications across the borough.		

Table 3.1: Summary o	f Relevant Local	Planning Policies/Strategies	(continues)
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Policy Document/Strategy	Relevance to Ecology/Development
	Policy 12 of Core Strategy, Open Space and Environmental Assets – Describes the importance of the natural environment and to help mitigate against climate change and how the Council aims to conserve nature, green the public realm and provide opportunities for sport, recreation, leisure and well-being.
	Policy 24 of Development Management, Biodiversity, living roofs and artificial playing pitches- Artificial grass sport pitches are required to be delivered on hard surfaces and previously developed land rather than on existing natural grass, wherever feasible. Applicants should give consideration to the potential loss of open space, the effect on drainage and surface water flooding and the impact of the pitch, lighting and use on the amenity of the adjacent areas.
Local Development Framework (LDF)	Policy 25 of Development Management, Landscaping and trees – All major developments and, where appropriate, non-major development will be required to submit a Landscape Scheme, proportionate to the size of the development, containing landscape plans and a 5 year management plan. If a Tree Preservation Order in place the developer will be required to submit an Arboricultural Survey and retain existing trees.
	Policy 27 of Development Management, Lighting - The Council will require applicants to protect local character, residential amenity and the wider public, biodiversity and wildlife from light pollution and nuisance, by taking appropriate measures in lighting design and installation, using energy efficient and solar powered lighting for energy conservation where feasible, providing sensitive lighting with particular consideration of the potential adverse impact on biodiversity and preventing the adverse impact of light pollution at all stages of development.

 Table 3.1 (continued): Summary of Relevant Local Planning Policies/Strategies

3.2 Nature Conservation Sites

Statutory and non-statutory nature conservation sites located in proximity to the survey area are summarised in Table 3.2.

Site Name	Designation	Proximity to the Survey Area	Description
UK Statutory Sit	tes		
Dacres Wood (continues)	LNR	165 m south- west	Much of the site is secondary woodland, but there is a discontinuous canopy dominated by very large Turkey oaks <i>Quercus cerris</i> , as well as a few horse chestnut <i>Aesculus</i> <i>hippocastanum</i> and English oak <i>Quercus</i> <i>robur</i> .

Table 3.2: Summary of Nature Conservation Sites (continues)



Site Name	Designation	Proximity to the Survey Area	Description
Dacres Wood (continued)			The secondary woodland is comprised of young sycamore <i>Acer pseudoplatanus</i> , English elm <i>Ulmus minor 'Atinia</i> ', horse chestnut and other species. Much of the field layer/under-story is dominated by bramble <i>Rubus fruticosus agg.</i> and with other species such as native bluebell <i>Hyacinthoides non- scripta</i> and red campion <i>Silene dioica</i> . Towards the rear of the site there is small grassy clearing. The flora of the glade is not particularly diverse with grasses such as cocksfoot <i>Dactylis glomerata</i> and perennial rye grass <i>Lolium perenne</i> . The site's close abutment to a railway line, with broad overgrown banks to the cutting, makes possible potential colonization and the spread of many species up this 'green corridor'.
Sydenham Hill Wood and Fern Bank	LNR	1.1 km west	Sydenham hill wood are predominately made up of sessile oak and hornbeam, with over 200 species of trees and wildflowers and over 174 species of fungi. All three British woodpeckers breed in the woods, along with nuthatch <i>Sitta europaea</i> , treecreeper <i>erthia</i> <i>familiaris</i> , tawny owl <i>Strix aluco</i> and sparrowhawk <i>Accipiter nisus</i> .
One Tree Hill	LNR	1.7 km north	The LNR is a mixture of re-seeded rye-grass and the original acid grassland, which contains heath-grass, which is scarce in London, and compact rush, which is rare in Southwark, among bents and fescues. Towards the southern part of the site, acid indicators are largely absent, with mainly tussock-forming grasses such as cocksfoot <i>Dactylis glomerata</i> and false oat grass <i>Arrhenatherum elatius</i> . The woodland is dominated by English oak and ash <i>Fraxinus</i> <i>excelsior</i> , but there are also a large number of mature London plane and hybrid black-poplar, relics from the former landscaping. The number and range of animal species present (bats, birds, insects and reptiles) are indicative of the variety of habitats present and the size of the site.
Non-statutory S	ites	1	
Dacres Wood Nature Reserve and Sydenham Park railway cutting (continues)	SINC (Borough II)	165 m south- west	The nature reserve is chiefly covered with secondary woodland dominated by several turkey oaks. Beneath these are other trees, particularly pedunculate oak, sycamore and ash. Hawthorn, elder <i>Sambucus nigra</i> , holly <i>Ilex aquifolium</i> and a few exotic species dominate the shrub layer.

Table 3.2: Summary of Nature Conservation Sites (continues)



Site Name	Designation	Proximity to the Survey Area	Description	
Non-statutory S	ites			
Dacres Wood Nature Reserve and Sydenham Park railway cutting (continued)			There are two ponds: one quite large and definitely a relic of the old Croydon Canal. This has a good number of aquatic species associated with it including water plantain Alisma plantago-aquatica and fool's-watercress <i>Rorippa nasturtium-aquatica</i> , reed sweet-grass <i>Glyceria maxima</i> . Many of the familiar birds of parks and gardens can be found here. Perhaps particularly worthy of note are blackcap <i>Sylvia atricapilla</i> , chiffchaff <i>Phylloscopus collybita</i> and nuthatch. Invertebrates include stag beetle <i>Lucanus cervus</i> .	
Mayow Park	SINC (Borough II)	230 m south	The park has more than 20 veteran pedunculate oaks. These provide the main conservation interest of Mayow Park as these are particularly valuable for wildlife as they provide a tremendous variety of different niches, including sap runs, dead wood, holes, rot and fissures in the bark. A high diversity of invertebrates is usually associated with such trees, including many beetles whose larvae feed on dead wood. Amongst these is the stag beetle, the nationally rare sycamore fungus beetles <i>Cicones undatus</i> and <i>Synchita</i> <i>separanda</i> , and the nationally scarce ant <i>Lasius brunneus</i> .	
Queenswood Road Nature Reserve	SINC (Local)	255 m east	This small nature reserve contains a good variety of habitats including an area of woodland, an organic garden, wildlife pond, meadow and biodiverse green roof. A large proportion of the site comprises native woodland. A large proportion of the site comprises native woodland. Species include pedunculate oak, ash and sycamore, with a shrub layer of hawthorn <i>Crataegus monogyna</i> . Log piles and dead-hedging abound and provide habitat for invertebrates such as stag beetle. The roof creates conditions similar to that of the Habitat of Principal Importance "open mosaic habitat on previously developed land", and will be of value to invertebrates particularly butterflies, solitary bees, crickets and spiders.	
Albion Millennium Green (continues)	SINC (Local)	335 m north- west	This former tennis club was landscaped into an informal park in 2000 under the Countryside Agency's 'Millennium Greens' scheme. Near the entrance with Albion Villas is an area of frequently mown amenity grassland.	

Table 3.2: Summary	of Nature Conservation	Sites (continues)
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Site Name	Designation	Proximity to the Survey Area	Description	
Non-statutory S	ites			
Albion Millennium Green (continued)			Germander speedwell <i>Veronica chamaedrys</i> is particularly common in the turf. Towards the eastern end, young woodland has developed. The site is of value to a range of birds and butterflies.	
Forest Hill to New Cross Gate Railway Cutting	SINC (Metropolitan)	780 m north	An extensive railway cutting between New Cross Gate and Forest Hill stations. The woodland is dominated by sycamore and ash, with some birch <i>Betula spp.</i> . Several locally uncommon ground flora plants include bitter-vetch <i>Lathyrus linifolius</i> , ramsons <i>Allium ursinum</i> and goldenrod <i>Solidago</i> <i>virgaurea</i> Open neutral grassland supports the London rarities common restharrow <i>Ononis</i> <i>repens</i> and common centaury <i>Centaurium</i> <i>erythraea</i> . The breeding avifauna includes tawny owl, lesser spotted woodpecker <i>Dryobates minor</i> and bullfinch <i>Pyrrhula pyrrhula</i> . A surprisingly diverse invertebrate fauna includes several nationally scarce species, amongst which is the white-letter hairstreak butterfly <i>Satyrium w-album</i> .	
Railsides south of Sydenham	SINC (Borough II)	840 m south-west	Lewisham's rail sides comprise an extensive series of low disturbance wildlife habitats and a vital network of green corridors. The key rail side habitats include rough grassland, tall herbs, scrub, scattered trees and woodland, which occur together in various combinations to form a very large linear patchwork. Extending throughout the borough, the rail network provides feeding and breeding sites, shelter and means of dispersal for very many species of plants, bird, mammals and insects.	
Pool River Linear Park	pSINC	890 m east.	This is a large linear park located through the centre of the borough between Catford and Bell Green. It includes a short section of the River Ravensbourne along with approximately 1.7km of the River Pool. A series of purpose-built planters are covered in yellow day-lily <i>Hemerocallis lilioasphodelus</i> , reed canary-grass <i>Phalaris arundinacea</i> and flag iris <i>Iris pseudacorus</i> . Surrounding grassland is herb-rich and include grass vetchling <i>Laythrus nissolia</i> , which is uncommon in Lewisham.	
Key: LNR: Local Nature Reserve SINC: Site of Importance for Nature Conservation				

SINC (Metropolitan): Site of Metropolitan Importance

SINC (Borough): Site of Borough Importance (borough I and borough II)

SINC (Local): Site of Local Importance

pSINC: Proposed Sites of Importance for Nature Conservation

 Table 3.2 (continued): Summary of Nature Conservation Sites



The site does not fall within any SSSI Impact Risk Zones.

3.3 Habitats

Reference to Magic indicates that Dulwich wood, an area with Ancient Woodland is located 1.2 km west of the site boundary. There are also multiple small blocks of deciduous woodland (priority habitat) within 500 metres of the site boundary, to the north, south and south-west. The closest is located 40 m north of the site. There is one water body 210 m to the south-west of the site within Dacres Wood, Pool River runs within a 1.2 km radius of the east of the site.

3.4 Protected / Notable Species

Table 3.3 and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Survey Area	Species of Principal Importance?	Legislation / Conservation Status
Mammals - Bats					
Soprano pipistrelle <i>Pipistrellus pygmaeus</i>	11	2012	217 m south-west	✓	ECH 4, WCA 5, WCA 6
Common pipistrelle Pipistrellus pipistrellus	24	2016	217 m south-west	-	ECH 4, WCA 5, WCA 6
Unidentified Nyctalus <i>Nyctalu</i> s sp.	4	2010	329 m east	#	ECH 4, WCA 5, WCA 6
Unidentified Pipistrellus <i>Pipistrellus</i> sp.	6	2018	382 m west	#	ECH 4, WCA 5, WCA 6
Noctule <i>Nyctalus noctula</i>	5	2016	504 m north-east	~	ECH 4, WCA 5, WCA 6
Serotine <i>Eptesicu</i> s serotinus	1	2011	566 m north-east	-	ECH 4, WCA 5, WCA 6
Leisler's bat <i>Nyctalu</i> s leisleri	4	2016	566 m north-east	-	ECH 4, WCA 5, WCA 6
Unidentified bat Vespertilionidae sp.	12	2016	625 m south	#	ECH 2 #, ECH 4, WCA 5, WCA 6
Daubenton's bat <i>Myotis daubentonii</i>	2	2023	*Potentially within 1 km	-	ECH 4, WCA 5, WCA 6
Unidentified bat <i>Chiroptera</i> sp.	1	2016	976 m south-west	#	ECH 2 #, ECH 4, WCA 5, WCA 6
Brown long-eared bat Plecotus auritus	1	2016	*Potentially within 1 km	~	ECH 4, WCA 5, WCA 6

Table 3.3: Summary of Protected/Notable Species Records (continues)



Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Survey Area	Species of Principal Importance?	Legislation / Conservation Status
Mammals - Other					
Badger <i>Meles meles</i>	1	2014	†	-	WCA 6, PBA
Hedgehog <i>Erinaceus europaeus</i>	27	2021	238 m north-west	×	WCA 6
Amphibians				·	
Common frog Rana temporaria	34	2018	286 m north-east	-	WCA 5 S9(5)
Common toad Bufo bufo	6	2020	849 m south	~	WCA 5 S9(5)
Reptiles					
Slow worm Anguis fragilis	3	2009	783 m north-east	~	WCA 5 S9(1), WCA 5 S9(5)
Birds					
Kingfisher Alcedo atthis	8	2021	360 m south-west	-	WCA 1i
Firecrest <i>Regulus ignicapillus</i>	3	2016	533 m south	-	WCA 1i
Brambling Fringilla montifringilla	3	2020	779 m north-west	-	WCA 1i
Mediterranean gull Larus melanocephalus	1	2020	779 m north-west	-	WCA 1i
Redwing <i>Turdus iliacus</i>	42	2021	420 m south	-	WCA 1i
Osprey Pandion haliaetus	1	2019	780 m north	-	WCA 1i
Red kite <i>Milvus milvus</i>	13	2021	785 m south-west	-	WCA 1i
Fieldfare <i>Turdus pilaris</i>	9	1998	785 m south-west	-	WCA 1i
Peregrine Falco peregrinus	8	2021	+	-	WCA 1i
Hobby Falco subbuteo	9	1994	+	-	WCA 1i
Invertebrates					
Stag beetle Lucanus cervus	6	2023	101 m north	~	ECH 2, WCA 5 S9(5)

Table 3.3: Summary of Protected/Notable Species Records (continues)



Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Survey Area	Species of Principal Importance?	Legislation / Conservation Status
Invertebrates					
Ramshorn snail Anisus (Disculifer) vorticulus	1	2020	306 m south-west	✓	ECH 2
Jersey tiger moth Euplagia quadripunctaria	2	2023	652 m south-west	-	ECH 2
Kov					

Key:

#: Dependent on species.

†: Badger records are confidential and therefore proximity is not provided within the report.

+: Records are confidential and therefore proximity is not provided within the report.

+: Grid reference provided was six figures and as such, the record may be located within 100 m of the study site.

*: Potentially within a 1 km radius. Grid reference given to four figures only.

ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation.

ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection.

PBA: Protection of Badgers Act 1992.

WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times.

WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds).

WCA 5 S9(1): Schedule 5 Section 9(1) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to intentional killing, injury or taking.

WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal.

WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods.

WCA 8 S13(2): Schedule 8 Section 13(2) of Wildlife and Countryside Act 1981 (as amended). Protection limited to selling, offering for sale, possessing or transporting for purpose of sale, or advertising for sale, any live or dead plant, or any part of, or anything derived from, such plant

 Table 3.3 (continued): Summary of Protected/Notable Species Records

Invertebrates

The desk study provided one record of white-letter hairstreak butterfly *Satyrium w-album* within 1 km of the site and cinnabar *Tyria jacobaeae*. These species are listed as Species of Principal Importance.



Birds

The desk study provided numerous records of bird species listed as Species of Principal Importance within a 1 km radius including: linnet *Linaria cannabina*, herring gull *Larus argentatus*, house sparrow *Passer domesticus* and lapwing *Vanellus vanellus*

The desk study also provided numerous records of bird species listed on the Birds of Conservation Concern Red List including: skylark *Alauda arvensis*, woodstock *Scolopax rusticola*, lesser spotted woodpecker *Dryobates minor* as well as records listed on the RSPB Amber List including tawny owl.

Plants

The desk study provided numerous records of plant species with varying levels of protection. Strawberry clover *Trifolium fragiferum* and chamomile *Chamaemelum nobile* were identified 320 m east of the site boundary and are listed as vulnerable on the Vascular Plants Red Data List for Great Britain. Also on this list, and within 1 km of the site, were Northern Hawk's-beard *Crepis mollis* and corn chamomile *Anthemis arvensis*, both of which are listed as endangered and of local conservation concern. Other species of local conservation concern within 1 km of the site include water-soldier *Stratiotes aloides* and cornflower *Centaurea cyanus*.

3.5 Invasive Species

Table 3.4 provides a summary of invasive species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Survey Area	Legislation / Conservation Status
Butterfly-bush <i>Buddleia davdii</i>	18	2020	110 m south-west	LISI 3
False-acacia Robinia pseudoacacia	78	2020	110 m north	LISI 4
Snowberry Symphoricarpos albus	14	2015	110 m north	LISI 2
Canadian waterweed Elodea canadensis	2	2002	120 m south-west	WCA 9, LISI 4
Bluebell Hyacinthoides non-scripta x massartiana	2	2015	120 m south-west	LISI 4
Green alkanet Pentaglottis sempervirens	6	2024	120 m south-west	LISI 6
Cherry laurel Prunus lauroceraus	19	2024	120 m south-west	LISI 3
Turkey oak <i>Quercus cerris</i>	15	2020	120 m south-west	LISI 5
Evergreen oak <i>Quercus ilex</i>	15	2020	140 m south-west	LISI 5

 Table 3.4: Summary of Invasive Species Records (continues)



Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Survey Area	Legislation / Conservation Status
Tree-of-heaven Ailanthus altissima	4	2020	190 m south	LISI 3
Goat's-rue Galega officinalis	4	2005	300 m east	LISI 4
Gallant soldier Galinsoga parviflora	2	2005	300 m east	LISI 3
Three-cornered garlic Allium triquetrum	1	2003	340 m east	WCA 9, LISI 4
Spanish bluebell Hyacinthoides hispanica	2	2003	340 m east	LISI 4
New Zealand pigmyweed Crassula helmsii	1	2002	610 m north-east	WCA 9, LISI 3
Shaggy soldier Galinsoga quadriradiata	1	2024	740 m north-west	LISI 3
Tree Cotoneaster Cotoneaster horizontalis	1	2020	820 m north	WCA 9, LISI 3
Parrot's-feather Myriophyllum aquaticum	1	2002	900 m west	WCA 9, LISI 3
Japanese knotweed Fallopia japonica	9	2017	940 m north-east	WCA 9, LISI 3
Cotoneaster Cotoneaster sp.	9	2024	Potentially within 1 km*	WCA 9, LISI 5

Key:

*: Potentially within a 1 km radius. Grid reference given to four figures only.

WCA 9: Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Invasive, non-native, plants and animals.

LISI: London Invasive Species Initiative

LISI 2: London Invasive Species Initiative – Species of high impact or concern present at specific sites that require attention (control, management, eradication etc).

LISI 3: London Invasive Species Initiative – Species of high impact or concern which are widespread in London and require concerted, coordinated and extensive action to control/eradicate.

LISI 4: London Invasive Species Initiative – Species which are widespread for which eradication is not feasible but where avoiding spread to other sites may be required.

LISI 5: London Invasive Species Initiative – Species for which insufficient data or evidence was available from those present to be able to prioritise.

LISI 6: London Invasive Species Initiative – Species that were not currently considered to pose a threat or have the potential to cause problems in London.

 Table 3.4 (continued): Summary of Invasive Species Records



4. Survey Results

4.1 Habitats

The habitat types recorded on site during the field survey are described in Table 4.1. A Phase 1 Habitat Survey Drawing (C181796-04-01) illustrating the location and extent of all habitat types recorded on site, is provided in Chapter 7. Photographs taken during the field survey are presented in Chapter 8.

Polygon/ Line Ref.	Phase 1 Habitat Type	Habitat Description
Area Habit	ats	
TN1	Hardstanding	The survey was dominated by the MUGA, a concrete area used for sports, fenced off with welded mesh fence. A strip of hardstanding was also present in the north-west of the site to allow access from outside of the school to the MUGA area. Adjacent to this were two small metal storage containers.
TN2	Amenity Grassland	Managed amenity grassland ran along the west perimeter of the site. The grassland had a short sward and consisted of species such as perennial rye-grass <i>Lolium perenne</i> , dandelion <i>Taraxacum officinale</i> agg., ribwort plantain <i>Plantago lanceolata</i> , clover <i>Trifolium</i> sp. and daisy <i>Bellis perennis</i> . Areas of green alkanet were present towards the north of the amenity grassland (F2). A small patch of amenity grassland was situated in the south-east of the site.
TN3	Line of trees	A line of trees bordered the western perimeter of the site within the areas of introduced shrub. These were young to mature in age, and species included: pedunculate oak <i>Quercus robur</i> , hawthorn <i>Crataegus monogyna</i> , sycamore <i>Platanus occidentalis</i> and cherry <i>Prunus avium</i> . Three mature Lawson cypress <i>Chamaecyparis lawsoniana</i> trees were situated in the north-west of the site, located next to the line of trees.
TN4	Introduced shrub	Areas of introduced shrub planting were present along north, south and west of the amenity grassland. Cherry laurel (F1) dominated with bramble <i>Rubus fruticosus</i> also present. Ivy <i>Hedera sp.</i> , holly <i>Ilex</i> <i>aquifolium</i> and yew <i>Taxus baccata</i> frequently occurred and young ash <i>Fraxinus excelsior</i> trees were present.
TN5	Dense scrub	Dense scrub was present along the northern and eastern borders of the site. The ground beneath the scrub was dominated by ivy and other species within the scrub included bramble, holly, Himalayan firethorn <i>Pyracantha crenulata</i> laurestine <i>Viburnum tinus</i> and garden privet <i>Ligustrum ovalifolium</i> . The scrub also consisted of groups of young trees such as cherry, sycamore, yew and hazel <i>Corylus</i> <i>avellana</i> (G1 & G2). Cotoneaster sp. was present within the dense scrub (F5).

Table 4.1: Summary of Habitats on Site



4.2 Protected/Notable Species

Table 4.2 summarises the suitability of the site for protected/notable species and any species/evidence of species that were recorded during the survey. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

Species/Group	Description
Amphibians	The dense scrub on site does provide suitable terrestrial cover and it is possible that amphibians may use this as a source of refugia. The site contains no ponds or other suitable breeding habitat for amphibians, however there are two waterbodies located 260 metres to the west of the site; based on aerial photography, the immediate site surroundings are urban residential with some limited connectivity in the surrounding landscape for common amphibian species to residential gardens.
Bats	The line of trees within the site contains occasional semi-mature to mature scattered trees, some of which were noted as having features that may be suitable to support roosting bats. Whilst the site is dominated by hardstanding, the line of trees along with the dense scrub along the north and eastern boundaries provide foraging opportunities at the site boundaries and may provide connectivity to the wider landscape, particularly to the pockets of nearby woodland such as Dacres Wood Nature Reserve.
Badger	No evidence of badgers, such as burrows or latrines were recorded on site, however the sloping gradient of the north and east site boundaries provide potential opportunities for sett building. The vegetated habitats on site may provide very limited foraging opportunities for badger, albeit the site overall is of minimal value for this species. Therefore, it is possible that badgers may commute through the site or use its boundary habitats.
Other terrestrial mammals (including fox and hedgehog)	The site provides suitable foraging and commuting habitat for terrestrial mammals such as fox <i>Vulpes vulpes</i> and hedgehog <i>Erinaceus europaeus</i> , with links to further suitable habitat, such as residential gardens, in the surrounding landscape. In addition, a mammal track was located along the northern boundary of the site and three small mammal holes were located on the sloping aspects of the north-east corner of the site, within the dense scrub.
Birds	The site is likely to support a range of common/generalist species which may nest among the introduced shrub and scattered trees.
Reptiles	The site, which is dominated by hardstanding and mown amenity grassland, is predominantly of negligible value for reptiles. However, the introduced shrub and dense scrub at the site boundaries provides some suitable foraging and refugia opportunities. The immediate site surroundings are urban residential with some limited connectivity in the surrounding landscape for common reptile species to residential gardens.
Stag beetle	The site contained suitable log piles and deadwood within the areas of dense scrub which larvae depend on for feeding.

Table 4.2: Summary	of	Species/Species	Evidence	Recorded on Site
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4.3 Invasive Species

Cherry laurel *Prunus laurocerasus* was located throughout the vegetative habitats of the site, see F1 on Drawing C181796-04-01. Cherry laurel is listed under the London Invasive Species Initiative (LISI) 3, meaning that it is a species of high impact or concern which is widespread in London and requires concerted, coordinated and extensive action to control/eradicate.

Green alkanet was located amongst the amenity grassland and introduced shrub on site, F2 on Drawing C181796-04-01. Green alkanet is listed under the LISI 6, meaning that it is a species that does not currently pose a threat or potential to cause a problem in London.

Cotoneaster sp. was recorded, see F5 on Drawing C181796-04-01. As the survey was carried out in January, the cotoneaster sp. on site was not identified to species level. Hjelmqvist cotoneaster *Cotoneaster hjelmqvist*, Himalayan cotoneaster *Cotoneaster simonsii* and Hollyberry cotoneaster *Cotoneaster bullatus* are all listed as under LISI 2, meaning they are species of high impact or concern at specific sites that require attention (control, management, eradication etc). The latter two are also listed under Schedule 9 of Wildlife and Countryside Act 1981 (as amended).



5. Preliminary Evaluation and Impact Assessment

5.1 Summary of Proposals

The development proposals consist of the removal of the current concrete MUGA area for the implementation of a new synthetic turf sports pitch. The plans include the construction of two goal storage recesses, the installation of new perimeter fencing and new floodlight columns. The majority of proposed works will be confined to the hardstanding habitat, with a maximum of 25m² of dense scrub habitat to be impacted to facilitate the installation of the goal recesses. It is understood that a group of Lawson cypress trees in the north-west corner of the site require some pruning to facilitate installation of new fencing.

The proposed development has the potential to adversely impact ecological features, but also presents opportunities to deliver new or enhanced habitats and benefits to biodiversity.

Activities likely to be associated with the proposed development during the construction and operational phases are outlined below.

Construction Phase

- Site clearance and ground preparation;
- Use and movement of heavy goods vehicles and machinery;
- Storage of plant, materials and waste; and,
- Presence of and movement of site personnel.

Operational Phase

- Use of new lighting associated with the synthetic turf pitch; and,
- Maintenance of landscaping surrounding the pitch, such as the regular pruning of trees.

5.2 Nature Conservation Sites

An initial review of the proposals (see Section 5.1) has been undertaken to determine whether the project has the potential to affect any nature conservation sites. The identified sites are listed in Table 5.1, and justification for scoping them in or out of further assessment is provided.

Nature Conservation Site	Evaluation of Importance and Potential Impacts vation			
UK Statutory S	Sites			
LNR- Dacres Wood (continues)	The site is located 165 m north-east of Dacres Wood LNR. This LNR is separated from the proposed development site by residential housing which is likely to buffer the LNR from potential impacts such as runoff, light or noise pollution. Considering this, as well as the nature and scale of the proposed development, it is unlikely that the proposals risk impacting the LNR. Nonetheless, it is recommended that	Precautionary measures within a CEcMP (Recommendation R2)		

 Table 5.1: Summary of Potential Impacts on Nature Conservation Sites (continues)



Nature Conservation Site	Evaluation of Importance and Potential Impacts	Further Action Required?		
UK Statutory S	Bites			
LNR- Dacres Wood (continued)	precautionary measures are included within a Construction Ecological Management Plan (CEcMP) for the site in order to safeguard this LNR and other habitats surrounding the site from pollution, noise and vibration.			
Non-statutory	Sites			
Dacres Wood Nature Reserve and Sydenham Park railway cutting- SINC (Borough II)	This SINC is located 165 m south-west of the site. Again, given the distance and separation of this designation from the site and the nature and scale of the proposals, the proposed works are unlikely to risk impacting the SINC. Nonetheless, it is recommended that precautionary measures are included within a Construction Ecological Management Plan (CEcMP) for the site in order to safeguard this site.	Precautionary measures within a CEcMP (Recommendation R2)		
Mayow Park SINC and four other SINCs & one pSINC	Five other SINCs and one pSINC are located within 1 km of the site, the closest of which is Mayow Park SINC, located 230 m south. Given the nature and scale of the development, the distances of the SINCs and the largely built-up nature of the intervening habitat, it is considered highly unlikely that the construction or operational phases of the development will impact these SINCs.	No, sites scoped out.		

Table 5.1 (continued): Summary of Potential Impacts on Nature Conservation Sites

5.3 Habitats

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local BAP (if relevant). Also taken into account is the intrinsic value of the habitat, its rarity and contribution to local ecological networks.

Table 5.2 below summarises the potential adverse impacts on habitats that may occur as a result of the construction and operational activities of the proposed development (see Section 5.1), in the absence of mitigation. A separate discussion of the value of the habitats on site to protected or notable species is provided in Section 5.4.

Habitats	Evaluation of Importance and Potential Impacts	Further Action Required?							
Priority Habit	ats								
No Priority Ha	bitats are present on site.								
Non-Priority I	Non-Priority Notable Habitats								
Line of trees (continues)	A number of trees were recorded on site, many of which were recorded to be semi-mature to mature in age. These trees therefore have intrinsic ecological value and cannot be easily replaced in the short to medium term.	Refer to recommendations in the made within Preliminary Arboricultural Assessment (RT- MME181796-01)							

Table 5.2: Summary of Potential Impacts on Habitats (continues)



Habitats	Evaluation of Importance and Potential Impacts	Further Action Required?								
Non-Priority Notable Habitats										
Line of trees (continued)	The trees will be sought for retention under the proposals, however, any activities (such as site storage or use of vehicles) located within the root protection areas of scattered trees would risk the damage or degradation of trees.	Arboricultural Impact Assessment (RT- MME181796-02) and the Arboricultural Method Statement (RT-MME18176-03). Protection measures to be incorporated into a CEcMP (Recommendation R2).								
Other Habitat	S									
Other habitats (dense scrub, amenity grassland and introduced shrub)	These habitats are considered to be of low ecological value and do not require further detailed consideration in the context of assessing impacts. Due to the scale of the proposed development they do not require consideration through the use of a biodiversity metric tool. However, they do hold some value and enhancements can be made to help increase contribution to overall site biodiversity.	Enhancement opportunities (5.6 Biodiversity Opportunities).								
Hardstanding	N/A									

 Table 5.2 (continued): Summary of Potential Impacts on Habitats

5.4 Protected / Notable Species

Table 5.3 below summarises the potential adverse impacts on species/species groups that may occur as a result of the construction and operational activities of the proposed development (see Section 5.1), in the absence of mitigation.

Species/species groups discussed are based on those species highlighted in the desk study exercise and other species for which potentially suitable habitat occurs within or adjacent to the survey area. This includes species protected by law under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended), as well as those listed as Species of Principal Importance in England.

Species / Species Group	Evaluation of Importance and Potential Impacts	Further Action Required?
Amphibians (continues)	The desk study returned no records of great crested newt <i>Triturus cristatus</i> within 1 km of the site. Great crested newt require an interconnected network of waterbodies. Reference to MAGIC identified only two ponds within 500 m of the site and furthermore there was a lack of connectivity between the site and these waterbodies for amphibians due to the urban nature of the site and its surroundings. Therefore, given the	

Table 5.3: Summary of Potential Impacts on Protected/Notable Species (continues)



Species / Species Group	Evaluation of Importance and Potential Impacts	Further Action Required?
Amphibians (continued)	lack of records and lack of connectivity between waterbodies and the site, the presence of great crested newts on site is considered highly unlikely. In contrast, the desk study returned 40 records for common amphibian species. The dense scrub area will be impacted by site works, as this is suitable terrestrial refugia for amphibians, the works risk harming common amphibian species.	(Recommendation R2)
Bats	There are records of at least six bat species within a 1 km radius. The line of trees within the site contains occasional semi- mature to mature trees, some of which were noted as having features that may be suitable to support roosting bats. In addition, the group of trees and dense scrub may form a suitable landscape feature for foraging and commuting bats. Whilst the development does not directly impact these trees, indirect impacts from the proposed works may increase disturbance i.e. the pruning of trees or the implementation of new lighting.	Refer to recommendations in the GLTA (RT- MME-181796-05) Ecological Lighting Review (Recommendation R1)
Badger	The desk study returned one record of badger within a 1 km radius. The exact locations of records are not provided due to animal welfare reasons. Whilst no definitive evidence of badger was recorded during the field survey, there is a low chance that badgers may use the site for foraging, commuting or sett building purposes. Works are mostly confined to the hardstanding, with only small areas of dense scrub to be impacted. If badgers enter the site during the construction phase, they are at risk from entrapment within any excavations or open pipework.	General construction safeguards included within CEcMP (Recommendation R2)
Birds	The desk study identified records of 10 bird species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) within the search radius, as well as numerous other notable bird species. The vegetation on site provides suitable foraging habitat for birds, whilst the scrub, introduced shrub and scattered trees provide suitable nesting habitat. It is understood that some trees will be pruned, and small areas of dense scrub may be impacted. Any clearance of these habitats would therefore risk the killing or injury of nesting birds or the destruction of an active bird nest.	Nesting bird safeguards included within the CEcMP (Recommendation R2)
Reptiles	There are three records of slow worm within a 1 km radius of site. The site, which is dominated by hardstanding and mown amenity grassland, is predominantly of negligible value for reptiles and therefore the risk of these species being present on site is considered low. However, the introduced shrub and dense scrub at the site boundaries provides some suitable foraging and refugia opportunities. A small amount of the dense scrub habitat area will be impacted by site works, therefore a precautionary recommendation is made regarding reptiles to prevent harm to these species.	Reasonable Avoidance Method Statement as part of a CEcMP (Recommendation R2)

 Table 5.3: Summary of Potential Impacts on Protected/Notable Species (continues)



Species / Species Group	Evaluation of Importance and Potential Impacts	Further Action Required?
Terrestrial mammals (hedgehog)	There are 27 records of hedgehog within a 1 km radius of the site, the closest of which being 238 m north-west. The habitat on site offers these species opportunities for refuge, foraging and commuting. The construction phase of the development has the potential to result in the killing or injury of terrestrial mammals if excavations are left uncovered.	Appropriate measures to be incorporated in a CEcMP (Recommendation R2)
Stag beetle	The desk study returned several records for stag beetle within a 1 km radius, the closest of which being 101 m north from site. There is suitable deadwood on site and therefore precautions are to be included in the CEMP in case any dead wood is to be impacted by works.	Reasonable Avoidance Method Statement as part of a CEcMP (Recommendation R2)
Other species	Other species, including dormouse <i>Muscardinus avellanarius</i> , and red squirrel <i>Sciurus vulgaris</i> have been scoped out of further assessment due to a lack of desk study records and absence of suitable habitats within the development site and its surroundings.	No, species/species group scoped out

Table 5.3: Summary of Potential Impacts on Protected/Notable Species (continued)

5.5 Invasive Plant Species

Cherry laurel, green alkanet and cotoneaster sp. were recorded on site. All species are listed under the LISI. Works in the vicinity of invasive plant species may risk spreading these species, which can lead to a reduction in biodiversity as native species are outcompeted. Therefore, appropriate safeguards within a CEcMP are required (see Recommendation R2 within Chapter 6).

5.6 Biodiversity Opportunities

The proposed development does not meet the requirements for statutory net gain, however there are opportunities for enhancements within the site to increase the overall biodiversity value.

- Removal of cherry laurel, green alkanet and cotoneaster sp. and replacement planting with native and wildlife attracting species; and,
- Species specific measures, such as:
 - installation of nest boxes for species such as house sparrow and bat boxes for species such as pipistrelle; and
 - creation of deadwood habitat for herpetofauna and invertebrate species.

6. Recommendations

All recommendations provided in this section are based on Middlemarch's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

- **R1 Further Ecological Surveys / Assessments:** It is recommended that the following ecological survey/assessment work are undertaken:
 - A Ground Level Tree Assessment (GLTA) in relation to roosting bats has been undertaken. All recommendations within this report should be followed (RT-MME-181796-05).
 - An Ecological Lighting Strategy Review should be produced for the site to ensure that any proposed lighting is designed to safeguard dark boundary corridors of value to nocturnal fauna including foraging and commuting bats. It is particularly important to prevent excessive light spill on the western tree line which has trees with potential bat roosting features.
- **R2** Construction Ecological Management Plan (CEcMP): A Construction Ecological Management Plan should be produced for the site setting out the safeguards and appropriate working practices that will be employed to minimise adverse effects on biodiversity and ensure compliance with UK Wildlife Legislation. The details of the CEcMP will be informed by the final site design and ongoing ecological survey works but should include as a minimum:
 - Measures will be undertaken to ensure that Dacres Wood LNR and SINC is safeguarded during the proposed works. Safeguards should include, as a minimum, pollution prevention measures and noise and vibration safeguards. A summary of measures is included below, albeit full details should be included within the CEcMP report:
 - <u>Pollution Prevention</u>: Pollution prevention measures should be incorporated, including dust suppression, avoidance of silty water production, avoidance of storing fuel and other liquids on site and the availability of spill kits.
 - <u>Noise and Vibration:</u> Reasonable measures will be taken to avoid significant increases in noise and vibration during the proposed works.
 - Development standoffs and safeguards for all retained habitats such as the line of trees and retained dense scrub;
 - Construction timetables to avoid sensitive periods such as nesting bird season;
 - Nesting bird survey methodology for any clearance of suitable nesting habitat during the nesting bird season (March to September inclusive);
 - Vegetation management measures to minimise the risk to protected or notable species such as reptiles, amphibians and terrestrial mammals;
 - Safeguards to protect stag beetle should any deadwood be impacted;
 - Covering open excavations and pipework to prevent accidental entrapment of terrestrial mammals; and,
 - Safeguards to ensure the proposed works do not result in the spread of invasive plant species.



The CEcMP should be submitted to the Local Planning Authority for Approval and implemented in full thereafter.

R3 Scheme Design and Biodiversity Net Gain: In accordance with Section 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024, the site is exempt from the biodiversity net gain (BNG) mandate as the site does not impact upon any priority habitat and it will impact less than 25 square metres of on-site habitat that has a biodiversity value greater than zero. No linear habitats, (such as hedgerows) or watercourses will be impacted. Nevertheless, in accordance with the NPPF, opportunities to integrate BNG within the design should be considered where feasible. This could include the incorporation of habitat features such as invertebrate boxes, log piles or native species planting beds.



7. Drawings

Drawing C181796-04-01 - Phase 1 Habitat Map



Lege	nd			Project	orest Hill So	chool, London	
	Site boundary	$oldsymbol{eta}$	Target note - habitat parcel	Drawing Phase 1 Habitat Map			
	Scattered tree	ullet	Target note - feature	Cilent Labosport Limited			
A	Amenity grassland		F1. Cherry laurel F2. Green Alkanet	Drawing Number C18179	96-04-01	Revision 00	0
	Hardstanding		F3.Deadwood/tree F4. Mammal track/mammal hole	Scale @ A3	400	February 2025	181
	Introduced shrub		F5. Cotoneaster sp.	R	кн	BD	796-
	Other habitat: Containers on amenity grassland				MIDI	DLEMARCH	-04-01
				Triumph House E:ad	e, Birmingham Ro T:01676 Imin@middlemar	oad, Allesley, Coventry CV5 9AZ 5 525880 ch-environmental.com	
		This map is reproduced from the Outrance Survey material with the permission of Orbitance Survey on behalf of The Controller of Hs Mapping Statisticary (Sine Core and Singhi). Laurabinistic production infringes Count copyright and may lead by proceedings. © Once copyright and databases right 252C Softwares Survey (



8. Photographs



Plate 8.1: Hardstanding.



Plate 8.2: Line of trees within introduced shrub, bordering the amenity grassland.





Plate 8.3: Introduced shrub within tree line. Plate 8.4: Dense scrub with young trees.



Plate 8.4: Dense scrub.



Plate 8.5: Mammal hole.





Plate 8.6: Mammal track.



Plate 8.7: Standing deadwood.



Plate 8.8: Log pile



Plate 8.9: Example of PRF on tree.



Appendix 1

General Biodiversity Legislation and Policy

The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (the Habitats Regulations 2019)

The Habitats Regulations 2017 (as amended) transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into English and Welsh law. Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1 January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

The Habitats Regulations 2019 have created a 'National Site Network' on land and at sea, including both the inshore and offshore marine areas in the UK. The National Site Network includes:

- Existing Special Areas of Conservation (SACs), which are designated due to their importance to the habitats and species listed in Annexes I and II of the Habitats Directive;
- Existing Special Protection Areas (SPAs), which are designated due to their importance for wild birds in accordance with the Wild Birds Directive; and,
- New SACs and SPAs designated under these Regulations.

SACs and SPAs in the UK no longer form part of the European Union's Natura 2000 ecological network. Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new National Site Network. However, guidance provided by Freeths (2020)³ recommends that SACs and SPAs can continue to be referred to as "European sites" / "European marine sites".

Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the National Site Network. Many Ramsar sites overlap with SACs and SPAs and may be designated for the same or different species and habitats. All Ramsar sites remain protected in the same way as SACs and SPAs.

The 2019 Regulations establish management objectives for the National Site Network. The network objectives are to:

• Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status; and,

³ Freeths (2020). *The Habitats Regulations Assessment regime after 31 December 2020 – how will it look?* Available: https://www.freeths.co.uk/2020/10/22/the-habitats-regulations-assessment-regime-after-31-december-2020-how-will-it-look/?cmpredirect



• Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.

The appropriate authorities must also have regard to the:

- Importance of protected sites;
- Coherence of the National Site Network; and,
- Threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.

The network objectives contribute to the conservation of UK habitats and species that are also of pan-European importance, and to the achievement of their favourable conservation status within the UK.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2017 and the Habitats Regulations 2019, offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

The Environment Act 2021

The Environment Bill completed its passage through parliament on 13th October 2021 and received Royal Assent on 9th November 2021. The Environment Act introduces a new framework for setting long-term, legally binding targets for environmental improvement, including nature and biodiversity (Part 6 & 7).

The Town and Country Planning Act 1990

Schedule 7A (Biodiversity Gain in England) and regulations made under Schedule 7A contain most of the statutory framework for mandatory biodiversity gain (referred to as 'biodiversity net gain'). With some exceptions every grant of planning permission is subject to the condition that development may not begin until a biodiversity gain plan has been approved by demonstrating how the objective of delivering at least a 10% gain in biodiversity will be achieved. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The Countryside and Rights of Way (CRoW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions.



Section 40, as amended by the Environment Act 2021, places a 'biodiversity duty' on all public authorities who operate in England to consider how they can conserve and enhance biodiversity, agree policies and specific objectives based on that consideration and deliver policies to achieve their objectives. Local Authorities (excluding parish councils) and Local Planning Authorities have a duty under Section 40A to report on the performance of this duty.

Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These habitats and species are a material consideration in the planning process.

The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

National Planning Policy Framework

In December 2023, the National Planning Policy Framework (NPPF) was updated, replacing the previous framework published in 2012 and revised in 2018, 2019 and 2021. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 15, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing existing sites of biodiversity value;
- minimising impacts on and providing net gains for biodiversity; and,
- establishing coherent ecological networks.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused. With respect to development on land within or outside of a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect (either alone or in-combination with other developments) would only be permitted where the benefits of the proposed development clearly outweigh the impacts on the SSSI itself, and the wider network of SSSIs. Development resulting in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons for the development, and a suitable compensation strategy is provided.

Chapter 15 identifies that development whose primary objective is to conserve or enhance biodiversity should be supported and opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature.

Chapter 11, making effective use of the land, sets out how the planning system should promote use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Opportunities for achieving net environmental gains, including new habitat creation, are encouraged.



Planning Practice Guidance

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the Planning Practice Guidance (PPG). This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England.

The guidance includes a section entitled *'Natural Environment'*, which was updated in February 2024. This document sets out information with respect to the following:

- the statutory basis for seeking to conserve and enhance biodiversity;
- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- how plan-making bodies identify and safeguard Local Wildlife Sites, including Standard Criteria for Local Wildlife Sites;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;
- how policy should be applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured;
- definitions of environmental net gain including information on how it can be achieved and assessed; and,
- the consideration of ancient woodlands and veteran trees in planning decisions and how potential impacts can be assessed.

Other relevant PPG sections include:

- 'Appropriate assessment: Guidance on the use of Habitats Regulations Assessment' (updated July 2019) which provides information in relation to Habitats Regulations Assessment processes, contents and approaches in light of case law. This guidance will be relevant to those projects and plans which have the potential to impact on European Sites and European Offshore Marine Sites identified under the Conservation of Habitats and Species Regulations 2017 (as amended).
- 'Biodiversity Net Gain' (updated May 2024) which provides information on the statutory framework referred to as 'biodiversity net gain' and how it is applied through the planning process, from submission of a planning application through to determination of the Biodiversity Gain Plan. Guidance is also provided on exemptions, the Biodiversity Gain Hierarchy and phased developments.

Local Planning Policy

The Lewisham Core Strategy

The Full Council adopted the Core Strategy on the 29th June 2011, and covers a 15 year period from 2011 to 2026. The Core Strategy policies will help Council to assess all future planning applications; the policy of relevance to ecology is:

Policy 12 'Open Space and Environmental Assets'

In recognising the strategic importance of the natural environment and to help mitigate against climate change the Council will:



- conserve nature;
- green the public realm; and
- provide opportunities for sport, recreation, leisure and well-being.

This will be achieved by:

- protecting the character, historic interest and amenity of, and within, open spaces, as well as the effects of development outside their boundaries.
- protecting Metropolitan Open Land, open space, urban green space and green corridors from inappropriate built development to ensure there is no adverse effect on their use, management, amenity or enjoyment in accordance with the principles of PPG2 and the London Plan.
- maintaining and improving the publicly accessible open space network, such as the Waterlink Way, the Thames Path, the South East London Green Chain, the East London Green Grid, parks and gardens, playing fields, nature reserves, allotments, community gardens, amenity green space, cemeteries and churchyards as well as smaller open spaces that have townscape quality.
- designating additional Metropolitan Open Land in accordance with the London Plan definitions, in particular Sydenham Wells Park, Horniman Gardens and Telegraph Hill Park due to the role they perform in the South East London Green Chain.
- improving the quality of accessibility to existing open space by public transport, cycle and foot.
- preserving or enhancing the local biodiversity and geological conservation interests in accordance with national and regional policy, in the form of PPS9 and the London Plan by designating Sites of Importance for Nature Conservation.
- protecting trees, including street trees, and preventing the loss of trees of amenity value, and replacing trees where loss does occur.
- seeking new on-site provision of public and private open space as part of new development.
- improve accessibility to existing areas of public open space in the identified areas of open space deficiency within the wards of Brockley, Catford South, Lee Green, Perry Vale and Telegraph Hill.
- seeking exemplary design for new, and improvements to existing open space, in the context of the local character and its distinctive historical qualities working with the Environment Agency (EA) where appropriate.
- maximising opportunities for sport and recreation through well-designed and managed spaces, which take into account the Mayor's Children and Young People's play space requirements in a safe environment.
- promoting living roofs and walls in accordance with London Plan policy and Core Strategy Policy 8.
- promoting and supporting local food growing and urban agriculture.

Planning obligations will be sought to ensure the implementation of this policy where appropriate.

Development Management Local Plan

The Development Management Local Plan was adopted on the 26th November 2014. It sets out additional planning policies to guide decisions on planning applications where locational or site-



specific provision has not been outlined in the Core Strategy or the London Plan. The policies relating to ecology are:

DM Policy 24 'Biodiversity, living roofs and artificial playing pitches'

The Council will require all new development to take full account of biodiversity and geodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity and geodiversity.

Applicants for all major and, where appropriate, non-major development will be required to use up to date surveys and reports that are based on the latest legislation and carried out by a suitably qualified ecologist registered with the Chartered Institute of Ecology and Environmental Management (CIEEM). The surveys should be carried out during an optimal time and contain the appropriate degree of detail needed to identify and consider existing biodiversity interests and possible impacts on them, where the proposed site is part of, or located adjacent to, a site designated for its biodiversity value.

New living roofs are required to be designed and fitted by a qualified and accredited installer and include an extensive substrate base, except where it can be demonstrated that such a base is not feasible and achievable. Developers should enter into an agreement with an installer that guarantees 80% coverage in 5 years.

Artificial grass sport pitches are required to be delivered on hard surfaces and previously developed land rather than on existing natural grass, wherever feasible. Applicants should give consideration to the potential loss of open space, the effect on drainage and surface water flooding and the impact of the pitch, lighting and use on the amenity of the adjacent areas.

Policy DM Policy 25 'Landscaping and trees'

Applicants for all major development and, where appropriate, non-major development will be required to submit a Landscape Scheme, proportionate to the size of the development, containing:

- a Landscape Plan for areas not occupied by buildings that takes note of the relevant site features and indicates those that are to be retained, including trees and the presence of any species of nature conservation interest;
- details of all enabling work required to ensure the implementation of the Landscape Plan; and,
- a 5 year Landscape Management Plan detailing the provision, management and maintenance of high quality hard and soft landscapes and trees.

Applicants for all major development and, where appropriate, non-major development (and always when there is a Tree Preservation Order in place) will be required to:

- submit an Arboricultural Survey carried out by an appropriate, competent person, in line with BS5837.
- retain existing trees for the most part and in the event of tree removal, replacement planting will normally be required. New and replacement tree planting must use an appropriate species that reflects the existing biodiversity in the borough.

Policy DM Policy 27 Lighting

The Council will require applicants to protect local character, residential amenity and the wider public, biodiversity and wildlife from light pollution and nuisance, by:



- taking appropriate measures in lighting design and installation to control the level of illumination, glare, spillage of light, angle and hours of operation;
- using energy efficient and solar powered lighting for energy conservation where feasible;
- providing sensitive lighting for footpaths, cycling paths and public parking areas in the development with particular consideration of the potential adverse impact on biodiversity; and,
- preventing the adverse impact of light pollution at all stages of development, from building demolition and construction to occupation.

London – General

https://www.london.gov.uk/what-we-do/planning/london-plan

The London Plan 2021

The London Plan is the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London over the next 20–25 years. It is the policies in this document that form part of the development plan for Greater London, and which should be taken into account in taking relevant planning decisions, such as determining planning applications.

This London Plan runs from 2019 to 2041. It was formally published by the Mayor on 2nd March 2021. This is a new plan, replacing all previous versions.

The policies of relevance to ecology are:

Policy G1 Green Infrastructure

- A. London's network of green and open spaces, and green features in the built environment, should be protected and enhanced. Green infrastructure should be planned, designed and managed in an integrated way to achieve multiple benefits.
- B. Boroughs should prepare green infrastructure strategies that identify opportunities for cross-borough collaboration, ensure green infrastructure is optimised and consider green infrastructure in an integrated way as part of a network consistent with Part A.
- C. Development Plans and area-based strategies should use evidence, including green infrastructure strategies, to:
 - 1) identify key green infrastructure assets, their function and their potential function
 - 2) identify opportunities for addressing environmental and social challenges through strategic green infrastructure interventions.
- D. Development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network.

Policy G2 London's Green Belt

- A. The Green Belt should be protected from inappropriate development:
 - 1) development proposals that would harm the Green Belt should be refused except where very special circumstances exist,
 - 2) subject to national planning policy tests, the enhancement of the Green Belt to provide appropriate multi-functional beneficial uses for Londoners should be supported.



B. Exceptional circumstances are required to justify either the extension or de-designation of the Green Belt through the preparation or review of a Local Plan.

Policy G3 Metropolitan Open Land

- A. Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt:
 - 1) MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt
 - 2) boroughs should work with partners to enhance the quality and range of uses of MOL.
- B. The extension of MOL designations should be supported where appropriate. Boroughs should designate MOL by establishing that the land meets at least one of the following criteria:
 - 1) it contributes to the physical structure of London by being clearly distinguishable from the built-up area
 - 2) it includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London
 - 3) it contains features or landscapes (historic, recreational, biodiverse) of either national or metropolitan value
 - 4) it forms part of a strategic corridor, node or a link in the network of green infrastructure and meets one of the above criteria.
- C. Any alterations to the boundary of MOL should be undertaken through the Local Plan process, in consultation with the Mayor and adjoining boroughs. MOL boundaries should only be changed in exceptional circumstances when this is fully evidenced and justified, taking into account the purposes for including land in MOL set out in Part B.

Policy G4 Open Space

- A. Development Plans should:
 - 1) undertake a needs assessment of all open space to inform policy.
 - Assessments should identify areas of public open space deficiency, using the categorisation set out in Table 8.1 (the reader should refer to the full text within the plan) as a benchmark for the different types required. Assessments should take into account the quality, quantity and accessibility of open space
 - 3) include appropriate designations and policies for the protection of open space to meet needs and address deficiencies
 - 4) promote the creation of new areas of publicly accessible open space particularly green space, ensuring that future open space needs are planned for, especially in areas with the potential for substantial change
 - 5) ensure that open space, particularly green space, included as part of development remains publicly accessible.
- B. Development proposals should:
 - 1) not result in the loss of protected open space
 - 2) where possible create areas of publicly accessible open space, particularly in areas of deficiency.

Policy G5 Urban Greening

A. Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by



incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

- B. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. The UGF should be based on the factors set out in Table 8.2 (the reader should refer to the full text within the plan), but tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development (excluding B2 and B8 uses).
- C. Existing green cover retained on site should count towards developments meeting the interim target scores set out in (B) based on the factors set out in Table 8.2.

Policy G6 Biodiversity and Access to Nature

- A. Sites of Importance for Nature Conservation (SINCs) should be protected.
- B. Boroughs, in developing Development Plans, should:
 - use up-to-date information about the natural environment and the relevant procedures to identify SINCs and ecological corridors to identify coherent ecological networks
 - identify areas of deficiency in access to nature (i.e. areas that are more than 1 km walking distance from an accessible Metropolitan or Borough SINC) and seek opportunities to address them
 - support the protection and conservation of priority species and habitats that sit outside the SINC network, and promote opportunities for enhancing them using Biodiversity Action Plans
 - 4) seek opportunities to create other habitats, or features such as artificial nest sites, that are of particular relevance and benefit in an urban context
 - 5) ensure designated sites of European or national nature conservation importance are clearly identified and impacts assessed in accordance with legislative requirements.
- C. Where harm to a SINC is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:
 - 1) avoid damaging the significant ecological features of the site
 - 2) minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site
 - 3) deliver off-site compensation of better biodiversity value.
- D. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.
- E. Proposals which reduce deficiencies in access to nature should be considered positively.

Policy G7 Trees and Woodlands

- A. London's urban forest and woodlands should be protected and maintained, and new trees and woodlands should be planted in appropriate locations in order to increase the extent of London's urban forest the area of London under the canopy of trees.
- B. In their Development Plans, boroughs should:
 - 1) protect 'veteran' trees and ancient woodland where these are not already part of a protected site
 - 2) identify opportunities for tree planting in strategic locations.
- C. Development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees



there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments – particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy.

Policy SI 17 Protecting and enhancing London's waterways

- A. Development Plans should support river restoration and biodiversity improvements.
- B. Development proposals that facilitate river restoration, including opportunities to open culverts, naturalise river channels, protect and improve the foreshore, floodplain, riparian and adjacent terrestrial habitats, water quality as well as heritage value, should be supported. Development proposals to impound and narrow waterways should be refused.
- C. Development proposals should support and improve the protection of the distinct open character and heritage of waterways and their settings.
- D. Development proposals into the waterways, including permanently moored vessels, should generally only be supported for water-related uses or to support enhancements of water-related uses.
- E. Development proposals along London's canal network, docks, other rivers and water space (such as reservoirs, lakes and ponds) should respect their local character, environment and biodiversity and should contribute to their accessibility and active water-related uses. Development Plans should identify opportunities for increasing local distinctiveness and recognise these water spaces as environmental, social and economic assets.
- F. On-shore power at water transport facilities should be considered at wharves and residential moorings to help reduce air pollution.



Appendix 2

Relevant Species Legislation

Bats

Bats and the places they use for shelter or protection (i.e. roosts) receive legal protection under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1st January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, *or obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to intentionally or recklessly* disturb any
 protected species while it is occupying a structure or place which it uses for shelter or
 protection.

*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.



As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The reader should refer to the original legislation for the definitive interpretation.

The following bat species are Species of Principal Importance for Nature Conservation in England: barbastelle bat *Barbastella barbastellus*, Bechstein's bat *Myotis bechsteinii*, noctule *Nyctalus noctula*, soprano pipistrelle *Pipistrellus pygmaeus*, brown long-eared bat *Plecotus auritus*, greater horseshoe bat *Rhinolophus ferrumequinum* and lesser horseshoe bat *Rhinolophus hipposideros*. Species of Principal Importance for Nature Conservation in England are material considerations in the planning process. The list of species is derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006.

Badger

Badgers and their setts are protected under the Protection of Badgers Act 1992. The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury, badgers are not protected for conservation reasons. The following are criminal offences:

- To intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.
- To wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so.

A badger sett is defined in the legislation as:

• 'Any structure or place that displays signs indicating current use by a badger'.

'Current use' is not synonymous with current occupation and a sett is defined as such (and thus protected) as long as signs of current usage are present. Therefore, a sett is protected until such a time as the field signs deteriorate to such an extent that they no longer indicate 'current usage'.

Badger sett interference can result from a multitude of operations including excavation and coring, even if there is no direct damage to the sett, such as through the disturbance of badgers whilst occupying the sett. Any intentional or reckless work that results in the interference of badger setts is illegal without a licence from Natural England. In England a licence must be obtained from Natural England before any interference with a badger sett occurs.

The reader should refer to the original legislation for the definitive interpretation.

Common amphibians

Common frogs, common toad, smooth newt and palmate newt are protected in Britain under Schedule 5 of the Wildlife and Countryside Act (1981, as amended) with respect to sale only. They are also listed under Annex III of the Bern Convention 1979. Any exploitation of wild fauna specified in Appendix III shall be regulated in order to keep the populations out of danger. The convention seeks to prohibit the use of all indiscriminate means of capture and killing and the use of all means capable of causing local disappearance of, or serious disturbance to, populations of a species.

Common toad is listed as a Species of Principal Importance for Nature Conservation in England.



Hedgehog

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a licence.

Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.

Nesting Birds

The Conservation of Habitats and Species Regulations 2017, (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

Reptiles

All of the UK's native reptiles are protected by law. The two rarest species – sand lizard *Lacerta agilis* and smooth snake *Coronella austriaca* – benefit from the greatest protection.

Common lizard *Zootoca vivipar*a, slow-worm *Anguis fragilis*, adder *Vipera berus* and grass snake *Natrix helvetica* are protected under the Wildlife and Countryside Act 1981 (as amended) from intentional killing or injuring.

Sand lizard and smooth snake are protected under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that it is illegal to kill, injure, capture, handle or disturb these animals. Places they use for breeding, resting, shelter and protection are also protected from being damaged or destroyed. In addition, it is illegal to obstruct these animals from using such areas.

All native reptile species are listed as Species of Principal Importance for Nature Conservation in England and as such are material considerations in the planning process.



This is a simplified description of the legislation. In particular, the offences mentioned here may be absolute, intentional, deliberate or reckless. Note that where it is predictable that reptiles are likely to be killed or injured by activities such as site clearance, this could legally constitute intentional killing or injuring.

The reader should refer to the original legislation for the definitive interpretation.

Stag beetle

The stag beetle is in decline globally. It is listed on Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora (a list of animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation). Stag beetle also receives protection under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, making the following activities illegal: selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal. Stag beetle is also listed as a Species of Principal Importance for Nature Conservation in England.



Appendix 3

Survey Calendar



SPECIES SURVEY CALENDAR

Recommended survey time

This calendar helps identify the seasonal constraints associated with many ecological and protected species surveys.

Possible survey time

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Extended Phase 1 Habitat Survey												
Botanical Survey												
Bats (initial bat survey)												
Bats (activity survey)												
Bats (hibernation survey)												
Great Crested Newt (habitat assessment)												
Great Crested Newt (presence/absence survey)												
Reptiles												
Badger												
Water Vole												
Otter												
Birds (winter birds)												
Birds (nesting bird)												
Dormouse												
White Clawed Crayfish												

