



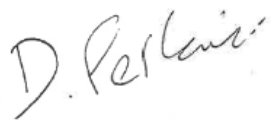
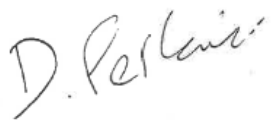


Preliminary Ecological Appraisal

ABERFELDY VILLAGE MASTERPLAN



QA

Aberfeldy Village Masterplan – Preliminary Ecological Appraisal

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1.0 EXECUTIVE SUMMARY

- 1.1 Greengage Environmental Ltd was commissioned to undertake a Preliminary Ecological Appraisal by Aberfeldy New Village LLP of the Aberfeldy Village Masterplan site in Poplar, London Borough of Tower Hamlets.
- 1.2 This document is a report of this survey and is submitted in support of a hybrid planning application for the Aberfeldy Village Masterplan. The hybrid planning application is made in relation to the north of East India Dock Road (A13), east of the Blackwall Tunnel Northern Approach Road (A12) and to the southwest of Abbot Road (the "Site") on behalf of The Aberfeldy New Village LLP' ("The Applicant"). The hybrid planning application is formed of detailed development proposals in respect of Phase A for which no matters are reserved ("Detailed Proposals"), and outline development proposals for the remainder of the Site, with all matters reserved ("Outline Proposals"). The Detailed Proposals and Outline Proposals together are referred to as the "Proposed Development".
- 1.3 The Proposed Development comprises the comprehensive redevelopment of the Site. The Proposed Development will provide new retail and workspace floorspace along with residential dwellings and the pedestrianisation of the A12 Abbott Road vehicular underpass to create a new east to west route. The Development will also provide significant, high quality public realm, including a new Town Square, a new High Street and a public park.
- 1.4 This survey established the ecological value of this site and the presence/likely absence of notable and/or legally protected species in order to inform appropriate mitigation, compensation and enhancement actions in light of proposed development works.
- 1.5 The desk study has identified that the nearest statutory/non-statutory designated site is the River Lea Site of Importance for Nature Conservation (SINC), 70m from site at its closest point. The closest statutory designated site is Tower Hamlets Cemetery Park LNR, 1.5km from the site. The site is also located approximately 6.4km from the Epping Forest Special Area of Conservation (SAC).
- 1.6 The site survey, carried out on 6th and 7th October 2020 identified only common and widespread urban habitats of limited ecological value on site.
- 1.7 The site has potential to support the following notable and/or protected species:
 - Low potential to support foraging and commuting bats;
 - Low potential to support roosting bats;
 - Moderate potential to support nesting birds; and
 - Confirmed presence of invasive/non-native species.
- 1.8 In order to ensure there are no impacts upon the River Lea SINC, a Construction Environment Management Plan should be secured through planning condition and adopted. All other designated sites are considered to be outside the zone of impact. To

assess whether the proposed development is likely to have a significant effect on the Epping Forest SAC a stand-alone Habitat Regulations Assessment Likely Significant Effects Assessment should be undertaken.

- 1.9 Bat emergence/re-entry surveys are recommended of the buildings and trees which have potential to support roosting bats in order to identify an appropriate approach to mitigation. Recommendations relating to bat-sensitive lighting are outlined to mitigate any potential impacts associated with lighting upon foraging and commuting bats.
- 1.10 Timed clearance of vegetation with potential to support bird nests, or clearance only after an ecologist confirms the likely absence of nesting birds, is recommended to ensure there are no impacts upon nesting birds. Removal of invasive/non-native species is recommended. Soft landscaping is recommended to compensate for the loss of foraging habitat for bats and birds. This soft landscaping should avoid planting potentially invasive species as identified by the London Invasive Species Initiative.
- 1.11 Ecological enhancement recommendations are made with the intention of improving the ecological value of the site in line with local Biodiversity Action Plan priorities, including:
 - Provision of living roofs designed to mimic brownfield site habitats;
 - Wildlife friendly landscaping to provide foraging resources for local notable species. Proposals should utilise vertical spaces through provision of climbing plants on trellis systems; and
 - Provision of bird and bat boxes within the built form of new buildings.
- 1.12 Adopting these recommendations will ensure compliance with biodiversity protection legislation and relevant planning policy.
- 1.13 It is recommended that a Biodiversity Impact Assessment is undertaken to quantify the change in the ecological value of the site using the DEFRA Metric 3.0, to assess whether or not the site delivers biodiversity net gain.

2.0 INTRODUCTION

- 2.1 Greengage was commissioned to undertake a Preliminary Ecological Appraisal (hereafter referred to as 'PEA') by Aberfeldy New Village LLP of the Aberfeldy Village Masterplan site in Poplar, London Borough of Tower Hamlets.
- 2.2 This document is a report of this survey and is submitted in support of a hybrid planning application for the Aberfeldy Village Masterplan. The hybrid planning application is made in relation to the north of East India Dock Road (A13), east of the Blackwall Tunnel Northern Approach Road (A12) and to the southwest of Abbot Road (the "Site") on behalf of The Aberfeldy New Village LLP' ("The Applicant"). The hybrid planning application is formed of detailed development proposals in respect of Phase A for which no matters are reserved ("Detailed Proposals"), and outline development proposals for the remainder of the Site, with all matters reserved ("Outline Proposals"). The Detailed Proposals and Outline Proposals together are referred to as the "Proposed Development".
- 2.3 The Proposed Development comprises the comprehensive redevelopment of the Site. The Proposed Development will provide new retail and workspace floorspace along with residential dwellings and the pedestrianisation of the A12 Abbott Road vehicular underpass to create a new east to west route. The Development will also provide significant, high quality public realm, including a new Town Square, a new High Street and a public park.
- 2.4 This survey aimed to establish the ecological value of this site and the presence/likely absence of notable and/or legally protected species in order to inform appropriate mitigation, compensation and enhancement actions in light of proposed development works.

SITE DESCRIPTION

- 2.5 The survey area extends to approximately 8.14 hectares and is centred on National Grid Reference TQ383815, OS Co-ordinates 538315, 181506.
- 2.6 The site includes phases 4, 5 and 6 of the existing Outline Planning Permission for the Aberfeldy Estate which comprises existing affordable homes and the retail and community uses on Abbott Road. In addition, the proposed development also includes Kilbrennan House, Blairgowrie House, nos. 33-35 Findhorn Street and the Nairn Street Estate. The two local green spaces situated along Abbot Road have also been included for their enhancement. All plots are located in Poplar in East London on a parcel of land between the A13 East India Dock Road to the south, A12 Blackwall Tunnel Northern Approach to the west and Bow Creek to the north and northeast. At its closest point, Bow Creek is 70m northeast of the site and the River Thames is ~700m south. The smaller northern plot is a former industrial site with all buildings removed and cleared.
- 2.7 The site is located within a highly urbanised area of London and includes residential and commercial buildings. Other land use in the vicinity includes industrial/former industrial

sites (largely orientated around the River Thames and Bow Creek). Transport infrastructure is the other major feature of the landscape within and surrounding the site, with major roads being present. Green infrastructure is somewhat limited, with pocket-parks and street trees within the vicinity of the site, with the exception of the Thames and its associated habitats. There are minor areas of public realm landscaping within the site, however these are limited in extent.

3.0 METHODOLOGY

- 3.1 The PEA (which included an Extended Ecological Phase 1 Survey) was undertaken in accordance with guidance in the Joint Nature Conservation Committee (JNCC) (2010) Handbook for Phase 1 Habitat Survey¹ and the Chartered Institute of Ecological and Environmental Management (CIEEM) (2017) Guidelines for Preliminary Ecological Appraisal², in accordance with BS42020:2013: Biodiversity³. The overall assessment consisted of:
- Site specific biological information gained from statutory and non-statutory consultation; and
 - A site walkover, protected species scoping assessment and phase 1 habitat survey.
- 3.2 The site-specific consultation provided the ecological context for the site survey carried out on the 6th and 7th October 2020.
- 3.3 The survey boundary and existing site is shown at Figure 1.
- 3.4 Greengage undertook the site walkover during dry, overcast weather conditions. Features within the site boundary and accessible features immediately bordering it were evaluated and the extent and distribution of habitats and plant communities were recorded and supplemented with target notes on areas or species requiring further commentary. Fauna using the area were recorded and areas of habitat suitable for statutorily protected species were identified where present, with an active search carried out for evidence of such use.

DESKTOP REVIEW

- 3.5 A review of readily available ecological information and other relevant environmental databases (included Defra's Multi-Agency Geographic Information for the Countryside (MAGIC) website⁴) was undertaken for the site and its vicinity. In addition, a biological records search from Greenspace Information for Greater London (GiGL) was reviewed to identify the location and citations of local non-statutory designated sites and presence of records for notable and protected species. This provided the overall ecological context for the site, to better inform the Phase 1 Survey.

ON SITE SURVEYS

Flora

- 3.6 The extent and distribution of different habitats on site were identified and mapped according to the standard Phase 1 Survey methodologies, supplemented with target notes describing the dominant botanical species and any features of interest. Any present protected plant species and invasive/non-natives were also noted. A habitat map has been produced to illustrate the results, as shown at Figure 1.

Fauna

- 3.7 The Phase 1 Survey specifically included assessments to identify the potential value for notable, rare and protected species at site. This involved identifying potential habitats in terms of refugia, breeding sites and foraging areas in the context of species known to be present locally and regionally.
- 3.8 The likelihood of occurrence is ranked as follows:
- Negligible - While presence cannot be absolutely discounted, the site includes very limited or poor-quality habitat for a particular species. The site may also be outside the known national range for a species;
 - Low - On-site habitat is poor to moderate quality for a given species, with few or no information about their presence from desk top study. However, presence cannot be discounted due to the national distribution of the species or the nature of on-site and surrounding habitats;
 - Moderate - The on-site habitats are of moderate quality, providing most or all of the key requirements for a species. Several factors may limit the likelihood of occurrence, habitat severance, habitat disturbance and small habitat area;
 - High - On-site habitat of high quality for given species. Site is within a regional or national stronghold for that particular species with good quality surroundings and good connectivity; and
 - Present - Presence confirmed for the survey itself or recent, confirmed records from information gathered through desk top study.
- 3.9 The species surveyed for included:

Badger (Meles meles)

- 3.10 The potential for badger to inhabit or forage within the study area was assessed. Evidence of badger activity includes the identification of setts (a system of underground tunnels and nesting chambers), grubbed up grassland (caused by the animals digging for earthworms, slugs, beetles etc.), badger hairs, paths, latrines and paw prints.

Bat Species (Chiroptera)

- 3.11 The site visit was undertaken in daylight and the evaluation of bat potential comprised an assessment of natural features on site that aimed to identify characteristics suitable for bat roosts, foraging and commuting. In accordance with Bat Conservation Trust's *Good Practice Guidelines*⁵ and methods given in English Nature's (now Natural England) *Bat Mitigation Guidelines*⁶ consideration was given to:
- The availability of access to roosts for bats;
 - The presence and suitability of crevices and other places as roosts; and

- Signs of bat activity or presence.

3.12 Definite signs of bat activity were taken to be:

- The bats themselves;
- Droppings;
- Grease marks;
- Scratch marks; and
- Urine spatter.

3.13 Signs of possible bat presence were taken to be:

- Stains; and
- Moth and butterfly wings.

3.14 Features with potential as roost sites include mature trees with holes, crevices or splits (the most utilised trees being oak, ash, beech, willow and Scots pine), caves, bridges, tunnels and buildings with cracks or gaps serving as possible access points to voids or crevices.

3.15 Additionally, linear natural features such as tree lines, hedgerows and river corridors are often considered valuable for commuting and semi-natural habitats such as woodland, meadows and waterbodies can provide important foraging resources. Consideration was given to the presence of these features both immediately within and adjacent to the assessment area.

Great Crested Newt (*Triturus cristatus*)

3.16 An assessment was carried out to identify any potential habitats that may support great crested newt (GCN) and other native amphibians. The aquatic and terrestrial habitats required generally include small, still ponds or water bodies suitable for breeding; and woodland or grassland areas where there is optimal invertebrate prey potential.

Reptiles

3.17 The potential for reptile species on site was assessed during the walkover survey. Possible species include grass snake (*Natrix natrix*), smooth snake (*Coronella austriaca*), adder (*Vipera berus*), common and sand lizard (*Lacerta vivipara* and *L. agilis*) and slow worm (*Anguis fragilis*). These native reptile species generally require open areas with low, mixed-height vegetation, such as heathland, rough grassland, and open scrub or,

in the case of grass snake, waterbody margins. Suitable well drained and frost-free areas are needed so they can survive the winter.

Dormouse (Muscardinus avellanarius)

- 3.18 During the walkover survey the potential for dormouse to be present on site was assessed. This included observations for suitable habitat such as well-layered woodland, scrub and linking hedgerows, particularly those comprised of species offering suitable food sources such as honeysuckle and hazel, in addition to direct evidence such as characteristically gnawed hazelnuts, chewed ash keys and honeysuckle flowers, or nests.

Water Vole (Arvicola terrestris)

- 3.19 Water vole potential was assessed during the walkover survey. The potential is identified by the presence of ditches, rivers, dykes and lakes with holes and runs along the banks. Latrines, footprints or piles of food can also be noted.

Otter (Lutra lutra)

- 3.20 Where desktop review or consultation indicates the presence of otter in a river catchment, the presence of water bodies with good cover and potential holt (den) sites would be noted. Spraint, footprints or food remains can also be noted.

Birds

- 3.21 During the walkover survey, the potential for breeding, wintering and migratory birds was assessed. In particular, this includes areas of trees, scrub, heathland and wetlands that could support nests for common or notable species.

Invertebrates

- 3.22 As part of the walkover survey the quality of invertebrate habitat and the potential for notable terrestrial and aquatic invertebrate species was considered. There is a wide variety of habitats suitable for invertebrates including wetland areas, heathland, areas of bare sandy soil, ephemeral brownfield vegetation and meadows.

Biodiversity Action Plan priority species/ Species of Principal Importance

- 3.23 Where consultation and desk-study indicates the presence of BAP priority species (Species of Principal Importance) not protected by statute, effort was made to establish the potential for the site to support these species.

SURVEYORS

- 3.24 Daniel Perlaki, who undertook the surveys at site and prepared this report, has an undergraduate degree in Ecology (BSc Hons), a Master's degree in Conservation Science

and Policy and is a Graduate member of CIEEM. Daniel has over 4 years' experience in the commercial ecology sector.

3.25 Mike Harris, who reviewed this report, has a Bachelor's degree in Environmental Biology (BSc Hons), a Natural England Great Crested Newt Licence (2015-17819-CLS-CLS) and Dormouse Licence (2016-21291-CLS-CLS), is a Chartered Environmentalist (CEnv) and is a Full member of CIEEM. Mike has over 17 years' experience in ecological surveying and has undertaken and managed numerous ecological surveys and assessments.

3.26 This report was written by Daniel Perlaki and reviewed and verified by Mike Harris who confirms in writing (see the QA sheet at the front of this report) that the report is in line with the following:

- Represents sound industry practice;
- Reports and recommends correctly, truthfully and objectively;
- Is appropriate given the local site conditions and scope of works proposed; and
- Avoids invalid, biased and exaggerated statements.

CONSTRAINTS

3.27 The PEA was undertaken during a suitable time of year during suitable conditions by a qualified ecologist. Several areas of the site were not accessible during the survey including areas of private residential gardens and the plot to the north of the main site. However, habitats present within these inaccessible areas were assessed through the use of aerial photography and by viewing some of these areas from publicly accessible points. Therefore, despite these areas not being surveyed in full on site, a suitable assessment has been undertaken so that conclusions can be made accordingly.

3.28 Whilst the initial PEA site visit was undertaken in October 2020, numerous site visits have been undertaken subsequently to assess the presence/likely absence of protected species from the site. These visits also confirmed the findings of the PEA site visit, and confirm that site conditions haven't changed since October 2020.

3.29 No further significant constraints that stand to impact conclusions drawn in this report therefore presented themselves.

4.0 RESULTS

DESKTOP REVIEW

Designations

- 4.1 Consultations with the local biological record centres (GiGL) and the MAGIC dataset have confirmed that there are no statutory designations of national or international importance within the boundary of the site.
- 4.2 There is however two Local Nature Reserves (LNRs) within a 2km radius. Additionally, the Epping Forest SAC lies within 6.4km of the site.
- 4.3 Records from GiGL also identified 24 non-statutory Sites of Importance of Nature Conservation (SINCs) within 2km of the site boundary. SINCs are recognised by LPAs as important wildlife sites.
- 4.4 Table 4.1 below gives the locations and descriptions of a selection of the nearest/most relevant local designations.

Table 4.1 Statutory and Non-Statutory Designated Sites within Search Radius

Site Name	Approximate Location	Description
Statutory Designations		
Epping Forest Special Area of Conservation (SAC)	6.4km north	<p>A European designated site covering approximately 1630ha comprising areas of inland water bodies (Standing water, Running water) (6%), Bogs, Marshes, Water fringed vegetation, Fens (0.2%), Heath, Scrub, Maquis and Garrigue, Phygrana (3.8%), Dry grassland, Steppes (20%) and Broad-leaved deciduous woodland (70%).</p> <p>Primary reasons for its designation include the presence of Annex I habitat Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrublayer (<i>Quercion robori-petraeae</i> or <i>Ilici-Fagenion</i>) and Annex II species stag beetle (<i>Lucanus cervus</i>). The site also supports Annex I habitats Northern Atlantic wet heaths with <i>Erica tetralix</i> and European Dry Heaths, although these habitats are not primary reason for the selection of the site.</p> <p>Epping Forest represents Atlantic acidophilous beech forests in the north-eastern part of the habitat's UK range. Although the epiphytes at this site have declined, largely as a result of air pollution, it remains important for a range of rare species, including the moss <i>Zygodon forsteri</i>. The long history of pollarding, and resultant large number of veteran trees, ensures that the site is also rich in fungi and dead-wood invertebrates.</p> <p>Epping Forest is a large woodland area in which records of stag beetle are widespread and frequent; the site straddles the Essex and east London population centres. Epping Forest is a very important site for fauna associated with decaying timber and</p>

Site Name	Approximate Location	Description
		supports many Red Data Book and Nationally Scarce invertebrate species.
Tower Hamlets Cemetery Park LNR	1.5km northwest	The site is a cemetery with habitats including wildflower sown grasslands and scattered trees, including lime (<i>Tilia spp.</i>), horse chestnut (<i>Aesculus hippocastanum</i>), London plane (<i>Platanus x hispanica</i>) and ash (<i>Fraxinus excelsior</i>). The site supports 30 species of breeding bird and 18 species of butterfly. It is designated for its wildlife value and use by schools and community groups.
Ackroyd Drive LNR	1.5km west	There is no readily available information relating to the reason for designation. Ackroyd Drive Greenlink connects Tower Hamlets Cemetery Park LNR and Mile End Park LNR to the south. Habitats include woodland and wildflower meadows.
Non-Statutory		
Lea Valley SINC (Metropolitan importance)	70m east at closest point	This sprawling series of open spaces, in the valley of the River Lea, includes lakes, reservoirs, marshes and wet grassland. This large site includes the River Lee Navigation, River Lea and associated watercourses downstream to the tidal limit in Tower Hamlets.
Robin Hood Gardens SINC (Local importance)	300m south	The site is designated for habitats including grassland and woodland, and access to nature. Most of the site is occupied by grassland with wildflowers such as black knapweed (<i>Centaurea nigra</i>), common mallow (<i>Malvus sylvestris</i>), daisy (<i>Bellis perennis</i>) and blue eryngo (<i>Eryngium planum</i>).
Thames Wharf SINC (Borough Grade I)	600m east	No information relating to designation, however habitats include scattered trees, scrub, semi-improved grassland and tall herbs.

Biodiversity Action Plans

- 4.5 UK Biodiversity Action Plans (BAPs) have been developed which set priorities for nationally important habitats and species. To support the BAPs, Species/Habitat Statements (otherwise known as Species/Habitat Action Plans) were produced that provide an overview of the status of the species and set out the broad policies that can be developed to conserve them. A list of priority species of conservation importance was also developed.
- 4.6 The UK BAP was succeeded in 2012 by the *UK-Post 2012 Biodiversity Framework* which informed the creation of the *Biodiversity 2020* strategy; England's contribution towards the UK's commitments under the *United Nations Convention of Biological Diversity*.
- 4.7 Despite this, the UK BAP priority species lists and conservation objectives still remain valid through integration with local BAPs (which remain valid), and in the form of the

Habitats and Species of Principle Importance list (as required under section 41 of the Natural Environment and Rural Communities (NERC) Act).

- 4.8 There are no BAP priority habitats on site, however the River Lea (running water) runs 70m east of the site.
- 4.9 Local Biodiversity Action Plans (LBAPs) ensure that national action plans (the UK BAP/Biodiversity 2020) are translated into effective action at the local level and establish targets and actions for locally characteristic species and habitats.

Tower Hamlets BAP 2019-2024

- 4.10 The Tower Hamlets BAP is broadly split into Habitat and Species Action Plans (HAPs and SAPs) setting out actions to conserve habitats and species of conservation importance to the borough.
- 4.11 Of note to this assessment is:
- Bats SAP;
 - Hedgehog SAP;
 - Black redstart SAP;
 - House sparrow SAP;
 - Swift SAP; and
 - Jersey cudweed SAP.

Species Record

- 4.12 The information provided in the biological data search from GiGL identified records of a number of protected and BAP priority species within 2km search radius of the site. Among others, these include the following species of relevance to the site:
- Amphibians including common frog (*Rana temporaria*) and common toad (*Bufo bufo*);
 - Slow worm (*Anguis fragilis*);
 - Birds including swift (*Apus apus*), house martin (*Delichon urbicum*), swallow (*Hirundo rustica*), herring gull (*Larus argentatus*), Mediterranean gull (*Larus melanocephalus*), house sparrow (*Passer domesticus*), black redstart (*Phoenicurus ochruros*), starling (*Sturnus vulgaris*) and song thrush (*Turdus philomelos*);
 - Terrestrial mammals including hedgehog (*Erinaceus europaeus*);
 - Bats including common noctule (*Nyctalus noctula*), lesser noctule (*Nyctalus leisleri*), common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*P. pygmaeus*) and Nathusius' pipistrelle (*P. nathusii*); and
 - Protected plant species including Jersey cudweed (*Gnaphalium luteoalbum*).

- 4.13 The species listed above are primarily those known to be in the area that may be impacted by any proposals at the site, or that stand to benefit as a consequence of potential ecological enhancements at the site and inform site-specific mitigation and enhancement recommendations described in the following chapter.

Detailed Description of Site: Habitats

- 4.14 The habitats presented across the assessment site consist of the following Joint Nature Conservation Committee (JNCC) Phase 1 Habitat categories, as mapped at Figure 1:

- Tall ruderal (C3.1);
- Amenity grassland (J1.2) with scattered trees;
- Introduced shrub (J1.4);
- Wall (J2.5);
- Buildings/hardstanding (J3.6/J3.6.1) with street trees; and
- Bare ground (J4).

Tall ruderal

- 4.15 Tall ruderal vegetation is present in the northern plot and has established amongst the bare ground habitat present there. It is almost exclusively composed of butterfly bush (*Buddleja davidii*) and bramble (*Rubus fruticosus agg.*) around the boundary of the plot.

Amenity grassland with scattered trees

- 4.16 There are several areas of amenity grassland within the assessment area predominantly in courtyards within the residential estate. In these areas the amenity grassland is actively managed for recreation and is relatively species-poor. These areas are uniform in structure and species composition in all areas of the site.

- 4.17 The habitat is dominated by ryegrass (*Lolium sp.*), with other herbs, typical of these high-nutrient, intensively managed environments including yarrow (*Achillea millefolium*), dwarf mallow (*Malva neglecta*), dandelion (*Taraxacum spp.*), black medick (*Medicago lupulina*), chickweed (*Stellaria media*), dock (*Rumex obtusifolius*), burdock (*Arctium minor*), nettles (*Urtica dioica*), dove's-foot cranesbill (*Geranium molle*), ribwort plantain (*Plantago lanceolata*), greater plantain (*Plantago major*), daisy (*Bellis perennis*), annual meadowgrass (*Poa annua*) and creeping buttercup (*Ranunculus repens*).

- 4.18 Scattered trees are present in all examples of this habitat. Specimens vary in species and age across the site but include London plane (*Platanus x hispanica*), field maple (*Acer campestre*), lime (*Tilia cordata*), horse chestnut (*Aesculus hippocastanum*),

rowan (*Sorbus aucuparia*), oak (*Quercus robur*), willow (*Salix spp.*) and birch (*Betula pendula*).

Figure 4.1 Amenity grassland with scattered trees in residential areas



Introduced shrub

- 4.19 Introduced shrub habitats vary greatly across the site, and this categorisation includes self-set patches of butterfly bush of insufficient height to be considered scrub (target

note 1), soft landscaping beds formally planted with ornamental species and private residential gardens, the latter being more prevalent.

- 4.20 Species present within formally planted beds in parks include *Yucca sp.*, blueblossom (*Ceanothus thyrsiflorus*), Mexican orange blossom (*Choisya ternata*), St. John's wort (*Hypericum sp.*), paperplant (*Fatsia japonica*), Japanese honeysuckle (*Lonicera japonica*), *Cotoneaster sp.*, cherry laurel (*Prunus laurocerasus*), rowan, *Euphorbia sp.*, pampas grass (*Cortaderia selloana*), birch, hazel (*Corylus avellana*), sage (*Salvia officinalis*), lavender (*Lavandula angustifolia*), firethorn (*Pyracantha sp.*) and *Clematis sp.*.
- 4.21 Species present within residential gardens include Virginia creeper (*Parthenocissus quinquefolia*), apple (*Malus domestica*), olive tree (*Olea europaea*), elder (*Sambucus nigra*), cherry (*Prunus avium*), whitebeam (*Sorbus aria*), rosemary (*Rosmarinus officinalis*), cucumber (*Cucumis sativus*), strawberries (*Fragaria x ananassa*), rose (*Rosa sp.*), tomatoes (*Solanum lycopersicum*), grape vines (*Vitis sp.*), false acacia (*Robinia pseudoacacia*) and squash (*Cucurbita sp.*).
- 4.22 These species lists are not considered exhaustive. Residential gardens were not able to be accessed therefore full species lists were not possible.

Figure 4.2 Introduced shrub



Wall

- 4.23 A brick wall measuring approximately 2m tall along Blackwall Tunnel Approach (A12) at the end of Baltimore Close is densely covered in ivy (*Hedera helix*).

Buildings

- 4.24 Buildings across the site are of varying type and include residential, commercial, educational and community uses. These vary from single- to six-storey buildings with a mixture of construction types. The northern residential areas of the main plot feature uniform three- to four-storey residential dwellings of brick construction with corrugated metal roofing.

Figure 4.3 Buildings in the northern section of the site off Leven Road



- 4.25 Other buildings in the main body of the site are typically four-storey flats with pitched tile roofs and balconies, but also present are terraced and semi-detached houses of brick construction.

Figure 4.4 Residential flats in the main body of the site



- 4.26 Of note is the green roof present on the art studios off Abbot Road (target note 2). This was not inspected during the site visit but viewed from satellite images.

Hardstanding with street trees

- 4.27 Hardstanding across the site includes asphalt roads, paving slabs, hard landscaping, bonded gravel play areas and brick paving. This is largely in good condition and has limited encroachment of ruderal/early colonising species.
- 4.28 There are numerous street trees present across the site. Most prominent are mature London planes. Also present are Swedish whitebeam (*Sorbus x intermedia*), sycamore (*Acer pseudoplatanus*) and tree-of-heaven (*Ailanthus altissima*).

Figure 4.5 Typical hard surfaces



Bare ground

- 4.29 The northernmost plot with scattered scrub habitat around the boundary is largely composed of bare ground. This has been colonised by species such as bramble, bristly oxtongue (*Helminthotheca echioides*) and Canadian fleabane (*Erigeron canadensis*).

Detailed description of Site: Species

Badger

- 4.30 The site is situated in an urban context which provides little value for badgers. There is insufficient foraging habitat and hardstanding/sealed surfaces are by far the most dominant habitat which is unsuitable for sett building. Additionally, there are no records for badgers within 2km of the site. As such, the site is considered to have **negligible potential** to support badgers.

Bats

Foraging and Commuting

- 4.31 There are records for five species of bat within 2km of the site. Additionally, the River Lea and Bow Creek, which run approximately 70m from the site at the closest point, connects the site to the wider landscape and provides a linear habitat feature which would allow bats to reach the site.
- 4.32 However, habitats present on site are of very limited value for foraging or commuting bats. The most common habitats on site are artificial and feature sealed surfaces with

no vegetation cover. As such they are unlikely to support invertebrate prey. The semi-natural habitats on site are all managed for amenity/recreational uses and are also unlikely to be of value for foraging or commuting. Additionally, the site is subject to high levels of disturbance associated with highly urbanised settings, such as noise, vibration and external lighting, all of which are likely to deter bats from using the site.

- 4.33 As such, the site is considered to have **low potential** to support foraging and commuting bats.

Roosting

- 4.34 An assessment of the trees on site identified numerous features which have the potential to support roosting bats:

Table 4.2 Trees with potential roosting features

Tree reference and species (See Figure 2 for location)	Potential roost feature(s)	Potential to support roosting bats
T1 London plane	Large rot hole on north side of main stem at 3m	Low
T2 London plane	Rot hole on southwest side of main stem at 3.5m and small rot hole at 4.5m on secondary branch	Low
T3 London plane	Rot hole at 6.5m on north side in canopy	Low
T4 London plan	Rot hole at 5m on southeast side of main stem	Low
T5 False acacia	Cavity at 6m in central canopy on south side, visible from public road	Low

Figure 4.6 Potential roosting features within trees



4.35 In addition, a number of features associated with the built form were identified as having potential to support roosting bats. These include:

- Gaps above garage doors leading to internal voids which were not accessible;
- Gap above soffit box and below roofing material on buildings;
- Crack between underside of slabs on balconies;
- Lifted flashing on bin stores;
- Missing/dislodged roof wiles; and
- Missing mortar/crack in brick wall.

4.36 The location of all potential roosting features identified is shown in Figure 2. The potential roosting features associated with the built form are all considered to have low potential to support summer feeding roosts of common crevice dwelling species such as common pipistrelle (*Pipistrellus pipistrellus*). None of the features identified have potential to support hibernation or maternity roosts.

Figure 4.7 Potential roosting features within the built form



Birds

- 4.37 There are records for numerous notable species within a 2km radius. During the site visit, goldfinch (*Carduelis carduelis*), carrion crow (*Corvus corone*), magpie (*Pica pica*), wood pigeon (*Columba palumbus*), rock dove (*Columba livia domestica*), great tit (*Parus major*), lesser black-backed gulls (*Larus fuscus*) and a juvenile herring gull were recorded. Of particular note was the presence of approximately 50 crows present on Aberfeldy Millennium Green at any one time.
- 4.38 Habitats on site, however, provide limited value for foraging birds. They are largely species poor with a lack of native berry producing shrubs.
- 4.39 The mature street trees and scattered trees in parks offer nesting opportunities for passerine species, however only one old nest was identified in a tree (target note 3). Overall, the site is considered to have **moderate potential** to support nesting birds, including the London BAP priority house sparrow.
- 4.40 A specific assessment of the potential for the site to support black redstart was undertaken owing to the legislative protection afforded this species. There is no suitable foraging habitat on site (black redstart favour sparse vegetation with bare rock/ground). Additionally, no features associated with the buildings present on site were identified as having potential to support nesting black redstarts.

Protected Plant Species

- 4.41 The survey did not identify the presence of Jersey cudweed or any other protected plant species. As the survey was undertaken at a suitable time of year for botanical identification, protected plant species are **likely absent**.

Other Notable/Protected Species

- 4.42 Given the site's location, setting and habitats, it is considered to have negligible potential to support great crested newt, reptiles, dormouse, water vole and otter.
- 4.43 An assessment of the potential for the site to support London and Tower Hamlets BAP priority species (see section 4.11) was undertaken. The site was determined to have negligible potential to support local BAP priority species, besides those identified earlier in this report.

Invasive/Non-native species

- 4.44 Virginia creeper is an invasive/non-native species (INNS) listed on Schedule 9 of the Wildlife and Countryside Act (as amended) 1981. This makes it an offence to cause it to grow in the wild.
- 4.45 Additionally, *Buddleja davidii* is listed on the London Invasive Species Initiative (LISI) Species of Concern list.
- 4.46 Both of these species are **confirmed present**. No other INNS were recorded on site.

5.0 EVALUATION AND DISCUSSION

BASELINE SUMMARY

5.1 The assessment site and its surroundings have potential to support the following ecological receptors of note, which could therefore be impacted upon by any future prospective development proposals, as indicated in Table 5.2 below. Comment on further recommendations for each receptor is provided; further detail and discussion can be found at paragraph 5.2 onward:

Table 5.2 Baseline Summary

Receptor	Presence/Potential Presence	Comments
Designated Sites: Statutory	Present within 1.5km	<p>Owing to the distance from the site and presence of significant geographical barriers, there are no predicted impacts during the construction phase.</p> <p>Potential impacts associated with operation include increased footfall/recreational pressure.</p> <p>In addition to the above, the impacts of the development, both during construction and operation, need to be assessed with regards to Epping Forest SAC which lies approximately 6.4km north of the site. The key potential impacts here relate to recreational pressure, water resource and air quality.</p>
Designated Sites: Non-Statutory	Present within 70m	<p>As above with regards to construction impacts.</p> <p>Operational impacts upon the closest non-statutory designated site (Lea Valley SINC) include potential for increased litter, however increased recreational pressure is not relevant due to its inaccessibility. The banks of the river nearest to the site are canalised with industrial land uses along much of the river front limiting public access for recreation.</p>
Foraging and commuting bats	Low potential	<p>The site is considered to have low potential to support foraging and commuting bats owing to the common urban habitat types present. Impacts associated with site preparation/construction, in the absence of mitigation, include permanent loss of suboptimal foraging habitat.</p>

Receptor	Presence/Potential Presence	Comments
Roosting bats	Low potential	To determine the likelihood of impacts associated with demolition/site clearance, roosting bats must be confirmed as presence or likely absent. This should be undertaken through bat emergence/re-entry surveys of features identified as having potential to support roosting bats.
Birds	Moderate potential	Site clearance has the potential to result in the destruction of active nests/killing of birds and loss of poor foraging habitat and nesting opportunities.
Invasive/Non-native species	Confirmed present	Through site clearance and preparation, all Virginia creeper and <i>Buddleja davidii</i> should be collected and removed from the site responsibly. Landscaping proposals should avoid planting species known to be INNS or those which have the potential to become invasive.

DISCUSSION AND RECOMMENDATIONS

- 5.2 Discussion is provided below on the key ecological receptors that stand to be impacted/benefit from proposed works; high level commentary on appropriate mitigation, compensation and enhancement actions is also provided.
- 5.3 An Ecological Management Plan (EMP) and Construction Environmental Management Plan (CEMP) should be produced and implemented for the site providing greater detail on the below, which should be secured through planning condition in accordance with BS 42020: 2013 Biodiversity.

Designated sites

Statutory – European Designated sites

- 5.4 To assess whether the proposed development is likely to have a significant effect on the Epping Forest SAC a stand-alone Habitat Regulations Assessment Likely Significant Effects Assessment should be undertaken. This assessment should assess, as a minimum, the potential effects of recreational pressure, air quality and water resources on the SAC.

Statutory – Local Designated sites

- 5.5 Potential operational impacts upon LNRs within 2km of the site are associated with increased footfall. However, the statutory designated sites identified are designated specifically for recreational/educational purposes and as such will be managed to tolerate high levels of visitation.

- 5.6 Additionally, the presence of existing and proposed publicly accessible parks and other outdoor spaces is likely to divert or at least dissipate visitors from the nearby LNRs.
- 5.7 It is therefore considered unlikely that the proposed development will result in significant adverse impacts upon local statutory designated sites.

Non-Statutory

- 5.8 Whilst construction phase impacts are considered to be unlikely, given the proximity of the northernmost section of the site to the River Lea, a CEMP should be produced to detail how pollution/runoff from the site during site preparation/construction is avoided and minimised.
- 5.9 As with statutory designated sites, publicly accessible SINCs within the vicinity of the site are specifically designated for access to nature. As such they will be managed for recreation and impacts associated with increased footfall/visitation are unlikely to be significantly adverse.

Bats

Foraging and Commuting

- 5.10 Site clearance has the potential to result in the loss of poor foraging/commuting habitat for bats. To avoid impacts associated with site clearance, site layout should avoid installation of hard surfaces in the green spaces within the site. Additionally, retention of all mature street trees should be sought, where possible.
- 5.11 Compensatory soft landscaping should seek to provide foraging and commuting habitat for bats, following design recommendations discussed below.

Roosting

- 5.12 Potential impacts upon roosting bats cannot be assessed without confirmation of their presence/likely absence. As the site has potential to support roosting bats, site clearance/demolition has the potential to destroy roosts/kill or injure bats, therefore should only be undertaken once roosting bats are confirmed absent or a sufficient mitigation strategy is in place. Although it cannot be confirmed at this stage, given the habitats present on site, the type of access and egress points noted and the species records within 2km, if a roost is found to be present on site it is likely to be for a relatively common species and be of low conservation value e.g. a pipistrelle summer transitory roost for a low number of individuals. This, however, will need to be confirmed through further survey.
- 5.13 To confirm the presence/likely absence of roosting bats, bat emergence/re-entry surveys should be undertaken focussing upon the buildings and trees identified as having potential roosting features. In line with best practice guidelines⁷, buildings with low potential to support roosting bats should be subject to a single emergence or return

survey between May and August. Trees with low potential do not require any further survey, instead, if they are to be lost, they should be section felled, with limbs lowered gently to the ground and left on the ground for 24hrs before being disposed of.

- 5.14 Results from these surveys will be used to identify a suitable approach to mitigation for roosting bats, should it be required.

Birds

- 5.15 The scrub, introduced shrub and scattered tree habitats across the site have potential to support nesting birds, however they are only likely to provide value for common species with no additional legislative protection over and above that provided to all nesting birds (see Appendix 1).
- 5.16 Should clearance of any of these habitats be required, it should be undertaken outside of the nesting bird season (taken to run from March to August inclusive). Should clearance be required within the nesting bird season, it should only be done so after an ecologist conducts a nesting bird check and confirms the likely absence of nesting birds.
- 5.17 Compensatory soft landscaping should be provided to compensate for the loss of foraging habitat, following design guidance below. Additionally, nest boxes should be incorporated within the built form of any new buildings on site and fitted to mature street trees retained within the scheme.

Invasive/Non-native species

- 5.18 Virginia creeper and *Buddleja davidii* should be removed from the site wherever they are encountered and disposed of responsibly.
- 5.19 Landscaping proposals should consult the LISI species of concern lists to ensure any planting does not include potential INNS.

ECOLOGICAL ENHANCEMENT OPPORTUNITIES

- 5.20 Habitats on site are of limited ecological value and are common and widespread within the immediate vicinity. As such, proposals have the opportunity to improve the ecological value of the site. The change in ecological value of the site, upon finalisation of proposals, should be assessed through a Biodiversity Impact Assessment (BIA) utilising the DEFRA Metric 2.0. Enhancement recommendations are made with the intention of improving the ecological value of the site for notable species listed in the London and Tower Hamlets BAP, in addition to supporting the relevant HAPs. The following recommendations are made for improving the ecological value of the site:

- Extensive, substrate-based biodiverse roofs should be provided on all suitable flat roof areas within the project, where possible. These should be designed with low-nutrient substrate and floral assemblages to mimic brownfield sites to provide

foraging opportunities for black redstart as well as other species of bird, bats and invertebrates;

- Landscaping proposals should be wildlife friendly and be dominated by native species, with a wide flowering window. Vertical spaces should be utilised through incorporation of climbers on trellises featuring hops (*Humulus lupulus*), ivy (*Hedera helix*), clematis (*Clematis vitalba*) and passionflower (*Passiflora sp.*). In place of standard turf mixes, species-rich lawns or wildflower meadows should be created;
- The inclusion of rain gardens as part of a surface water drainage strategy which can then be planted with native species; and
- Bird nest boxes and bat boxes should be incorporated within the built form of all new buildings in suitable locations, providing value for house sparrow, swift, black redstart and pipistrelle species.

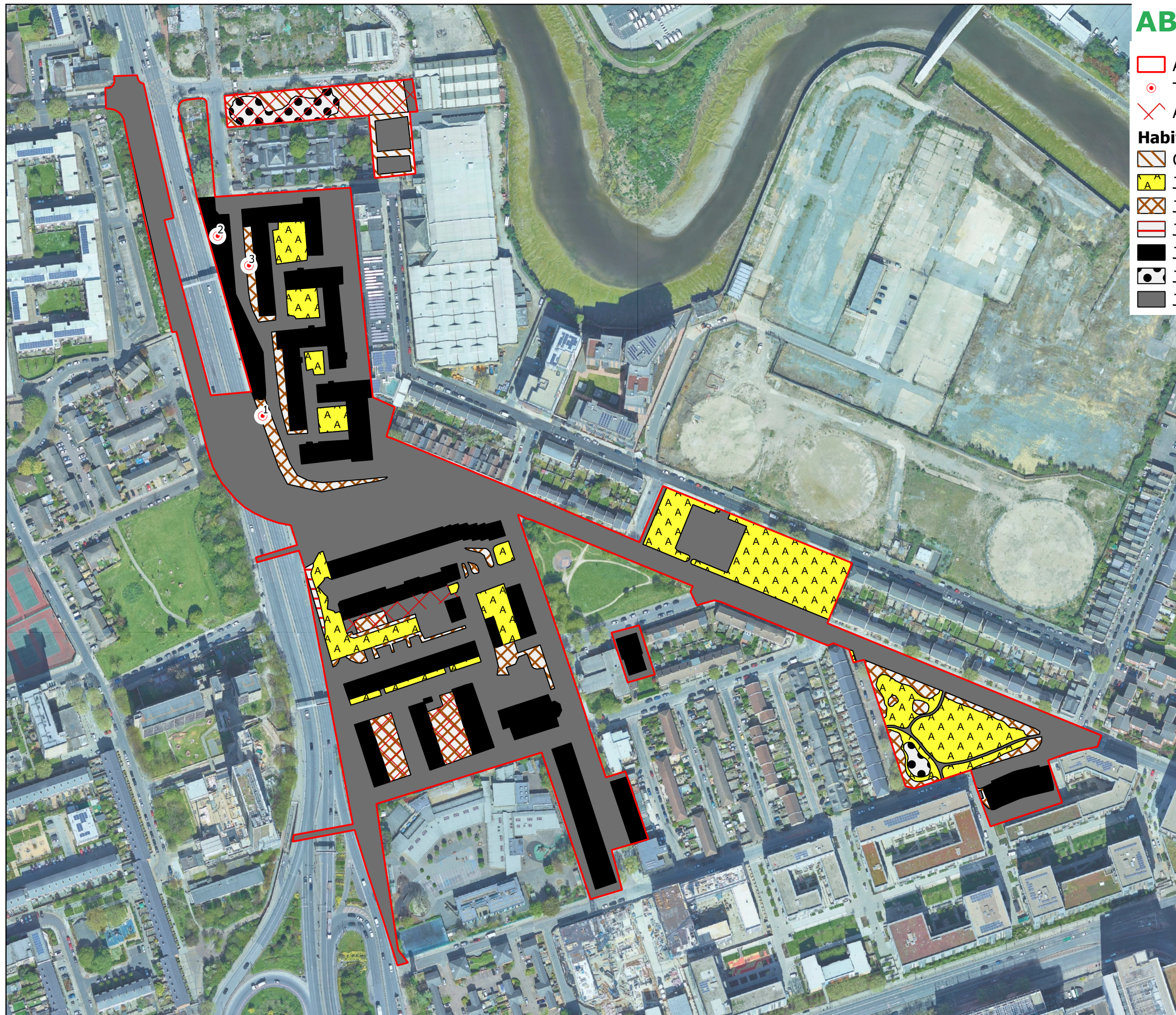
5.21 An EMP could be secured through planning condition to provide detail on all ecological mitigation and enhancement measures and actions for the site.

6.0 SUMMARY & CONCLUSION

- 6.1 Greengage was commissioned by Aberfeldy New Village LLP to undertake a PEA of the Aberfeldy Village Masterplan site in the London Borough of Tower Hamlets in order to establish the ecological value of this site and its potential to support notable and/or legally protected species.
- 6.2 The site lies within 6.4km of the European designated Epping Forest SAC and the effects of the development on this designated site should be assessed in a stand-alone HRA Likely Significance Test document.
- 6.3 The PEA identified only common and widespread urban habitats of limited ecological value on site. The nearest statutory/non-statutory designated site is the River Lea SINC, 70m from site. The site has potential to support the following notable and/or protected species:
- Low potential to support foraging and commuting bats;
 - Low potential to support roosting bats;
 - Moderate potential to support nesting birds; and
 - Confirmed presence of invasive/non-native species.
- 6.4 Key mitigation, compensation and enhancement actions are described to enable legislative and policy compliance (see context at Appendix 1), aiming to achieve net gains in biodiversity for the site.
- 6.5 Key actions should be included within EMP and CEMP documents for the site which could be secured through planning condition.

FIGURE 1 SITE PLAN AND HABITAT MAP

ABERFELDY VILLAGE



Approximate Site Boundary

Target Notes

Area not accessed

Habitats

C3.1 - Other tall herb and fern - ruderal

J1.2 - Cultivated/disturbed land - amenity grassland

J1.4 - Introduced shrub

J2.5 - Wall

J3.6 - Buildings

J4 - Bare ground

J3.6.1 - Hardstanding



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Fig 1.0 Site Plan and Habitat Map

Project Number 551566
June 2021
1 to 2,500 at A3
Basemap data: Carto DB



FIGURE 2 POTENTIAL ROOSTING FEATURE PLAN

ABERFELDY VILLAGE

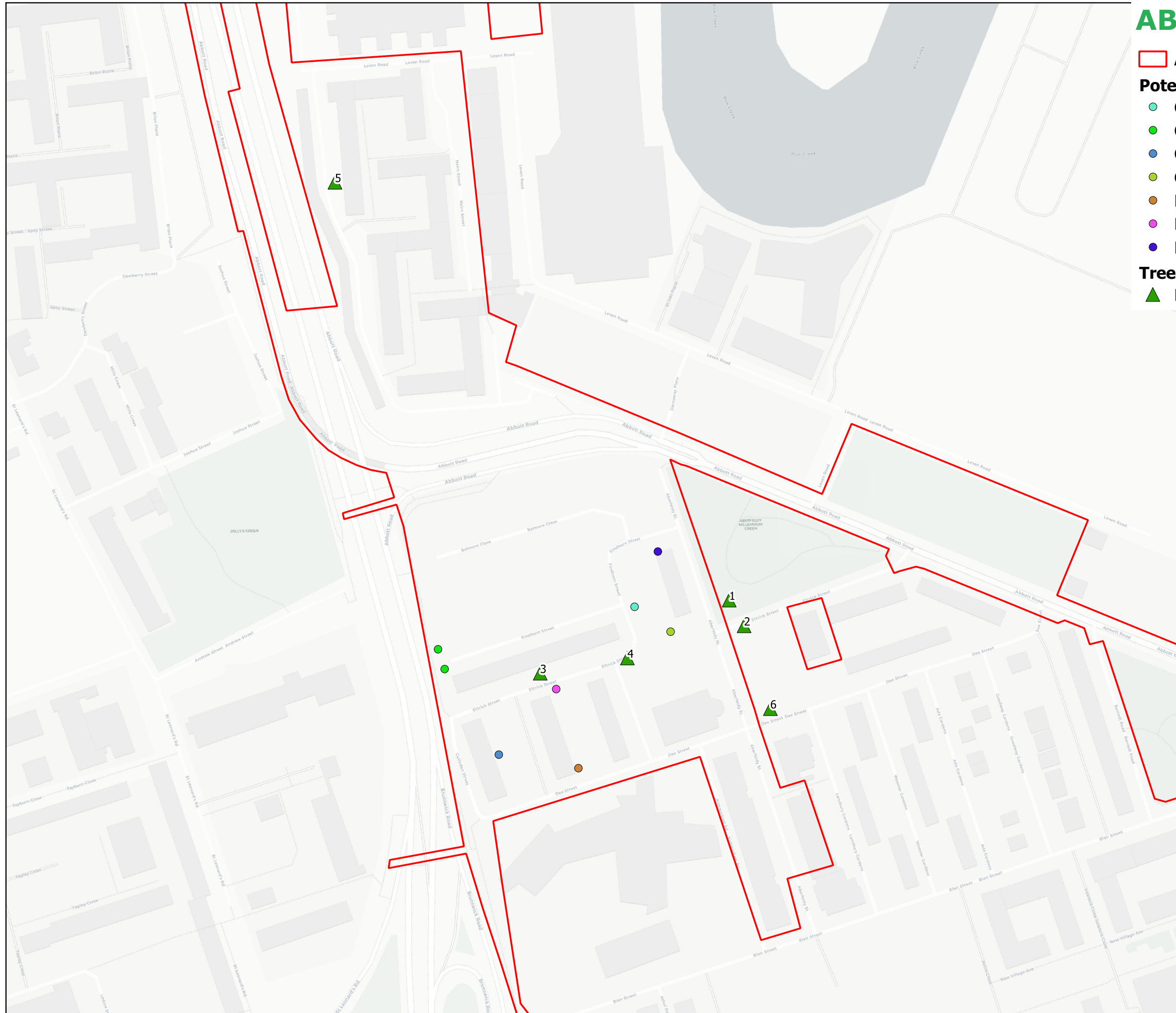
Approximate Site Boundary

Potential Roosting Features

- Gap above garage door leading to cavity
- Gap above soffit and below roofing material
- Gap between balcony slabs on underside
- Gap in brick wall
- Lifted flashing at base of balcony
- Lifted flashing on bin store
- Missing/dislodged roof tiles

Tree with Potential Roosting Feature

- ▲ Low



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Fig 2.0 Potential Roost Feature Plan

Project Number 551566
June 2021
1 to 2,000 at A3
Basemap data: Carto DB



APPENDIX 1 RELEVANT LEGISLATION AND POLICY

LEGISLATION

Current key legislation relating to ecology includes the Wildlife and Countryside Act 1981 (as amended)⁸; The Conservation of Habitats and Species Regulations 2017 ('Habitats & Species Regulations')⁹, The Countryside and Rights of Way Act 2000 (CRoW Act)¹⁰, and The Natural Environment and Rural Communities Act, 2006¹¹.

The Conservation of Habitats and Species Regulations 2017

The Conservation of Habitats & Species Regulations replace The Conservation (Natural Habitats, etc.) Regulations 1994 (as amended)¹², and transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('EU Habitats Directive')¹³, and Council Directive 79/409/EEC on the Conservation of Wild Birds ('Birds Directive')¹⁴ into UK law (in conjunction with the Wildlife and Countryside Act).

Regulation 43 and 47 respectively of the Conservation of Habitats & Species Regulations makes it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2 (European protected species of animals), or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 5 (European protected species of plant). Development that would contravene the protection afforded to European protected species requires a derogation (in the form of a licence) from the provisions of the Habitats Directive.

Regulation 63 (1) states: 'A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which —

- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and
- (b) is not directly connected with or necessary to the management of that site;

must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.'

Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) is the principal mechanism for the legislative protection of wildlife in Great Britain. This legislation is the means by which the Convention on the Conservation of European Wildlife and Natural Habitats¹⁵ (the 'Bern Convention') and the Birds Directive and EU Habitats Directive are implemented in Great Britain.

The Countryside and Rights of Way Act 2000

The Wildlife and Countryside Act has been updated by the CRoW Act. The CRoW Act amends the law relating to nature conservation and protection of wildlife. In relation to threatened species it strengthens the legal protection and adds the word 'reckless' to the offences of damaging, disturbing, or obstructing access to any structure or place a protected species uses for shelter or protection, and disturbing any protected species whilst it is occupying a structure or place it uses for shelter or protection.

The Natural Environment and Rural Communities Act 2006

The Natural Environment and Rural Communities Act 2006 states that every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Biodiversity Action Plans provide a framework for prioritising conservation actions for biodiversity.

Section 41 of the Natural Environment and Rural Communities Act requires the Secretary of State to publish a list of species of flora and fauna and habitats considered to be of principal importance for the purpose of conserving biodiversity. The list, a result of the most comprehensive analysis ever undertaken in the UK, currently contains 1,149 species, including for example, hedgehog (*Erinaceus europaeus*), and 65 habitats that were listed as priorities for conservation action under the now defunct UK Biodiversity Action Plan¹⁶ (UK BAP). Despite the devolution of the UK BAP and succession of the UK Post-2010 Biodiversity Framework¹⁷ (and Biodiversity 2020 strategy¹⁸ in England), as a response to the Convention on Biological Diversity's (CBD's) Strategic Plan for Biodiversity 2011-2020¹⁹ and EU Biodiversity Strategy (EUBS)²⁰, this list (now referred to as the list of Species and Habitats of Principal Importance in England) will be used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 41 of the Natural Environment and Rural Communities Act 2006 'to have regard' to the conservation of biodiversity in England, when carrying out their normal functions.

Biodiversity Action Plans

Non-statutory Biodiversity Action Plans (BAPs) have been prepared on a local and regional scale throughout the UK over the past 15 years. Such plans provide a mechanism for implementing the government's broad strategy for conserving and enhancing the most endangered ('priority') habitats and species in the UK for the next 20 years. As described above the UK BAP was succeeded in England by Biodiversity 2020 although the list of priority habitats and species remains valid as the list of *Species of Principal Importance for Nature Conservation*.

Regional and local BAPs are still valid however and continue to be updated and produced.

Detail on the relevant BAPs for this site are provided in the main text of this report.

Legislation Relating to Nesting Birds

Nesting birds, with certain exceptions, are protected from intentional killing, destruction of nests and destruction/taking of eggs under the Wildlife and Countryside Act 1981 (as amended) and the CRow Act. Any clearance of dense vegetation should therefore be undertaken outside of the nesting bird season, taken to run conservatively from March to August (inclusive), unless an ecologist confirms the absence of active nests prior to clearance.

Legislation Relating to Bats

All UK bats and their roosts are protected by law. Since the first legislation was introduced in 1981, which gave strong legal protection to all bat species and their roosts in England, Scotland and Wales, additional legislation and amendments have been implemented throughout the UK.

Six of the 18 British species of bat have Biodiversity Action Plans (BAPs) assigned to them, which highlights the importance of specific habitats to species, details of the threats they face and proposes measures to aid in the reduction of population declines.

Although habitats that are important for bats are not legally protected, care should be taken when dealing with the modification or development of an area if aspects of it are deemed important to bats such as flight corridors and foraging areas.

The Wildlife & Countryside Act 1981 (WCA) was the first legislation to provide protection for all bats and their roosts in England, Scotland and Wales (earlier legislation gave protection to horseshoe bats only.)

All eighteen British bat species are listed in Schedule 5 of the Wildlife and Countryside Act, 1981 and under Annex IV of the Habitats Directive, 1992 as a European protected species. They are therefore fully protected under Section 9 of the 1981 Act and under Regulation 43 of the Conservation of Habitats and Species Regulations 2017, which transposes the Habitats Directive into UK law. Consequently, it is an offence to:

- Deliberately capture, injure or kill a bat;
- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats;
- Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time);
- Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat; and
- Intentionally or recklessly obstruct access to a bat roost.

This legislation applies to all bat life stages.

The implications of the above in relation to the proposals are that where it is necessary during construction to remove trees, buildings or structures in which bats roost, it must

first be determined that work is compulsory and if so, appropriate licenses must be obtained from Natural England.

Legislation Relating to Natura 2000 Sites and Habitats Directive Annex I/II Species

European Commission Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('EU Habitats Directive'), and Council Directive 79/409/EEC on the Conservation of Wild Birds ('Birds Directive') form the cornerstones of nature conservation legislation across EU member states. Priority species requiring protection across Europe are listed in the Annexes of these Directives. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 and Offshore Marine Conservation Regulations, 2007 (as amended) transpose these directives into UK law and set the basis for the designations of protected sites (known as Natura 2000 sites; Special Areas of Conservation under the Habitat Directive and Special Areas of Protection under the Birds Directive) that are of importance for habitats, species or assemblages listed on the directive Annexes. In the UK Ramsar sites are also offered the same level of protection as SPAs and SACs however the qualifying species for the designation may differ; Ramsar sites being designated specifically as important wetland habitats.

Under article 6(3) of the Habitats Directive, where projects stand to have likely significant effect (in accordance with the European Court of Justice ruling of C-127/02 Waddenzee cockle fishing) upon the integrity of conservation objectives (i.e. conservation status of the qualifying species or habitats) within the designated sites then the Competent Authority must undertake an Appropriate Assessment.

PLANNING POLICY

National

National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2021²¹ sets out the Government's planning policies for England, including how plans and decisions are expected to apply a presumption in favour of sustainable development. Chapter 15 of the NPPF focuses on conservation and enhancement of the natural environment, stating plans should 'identify and pursue opportunities for securing measurable net gains for biodiversity'.

It goes on to state: 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'. Alongside this, it acknowledges that planning should be refused where irreplaceable habitats such as ancient woodland are lost.

Regional

The London Plan: Spatial Development Strategy for Greater London²²

The London Plan is comprised of separate chapters relating to a number of areas, including London's Places, People, Economy and Transport. The following policies have been identified within the London Plan, which relate specifically to ecology and this development.

Policy 2.18 Green Infrastructure

Policy 2.18 aims to protect, promote, expand and manage the extent and quality of, and access to, London's network of open and green spaces.

Policy 5.10 Urban Greening

This policy encourages the 'greening of London's buildings and spaces and specifically those in central London by including a target for increasing the area of green space (including green roofs etc) within the Central Activities Zone'.

Policy 5.11 Green Roofs and Development Site Environs

Policy 5.11 specifically supports the inclusion of planting within developments and encourages boroughs to support the inclusion of green roofs.

Policy 5.13 Sustainable Drainage

Policy 5.13 promotes the inclusion of sustainable urban drainage systems in developments and sets out a drainage hierarchy that developers should follow when designing their schemes.

Policy 7.19 Biodiversity and Access to Nature

'The Mayor will work with all the relevant partners to ensure a proactive approach to the protection, enhancement, creation, promotion and management of biodiversity in support of the Mayors Biodiversity Strategy.'

The London Plan 2021

Policy G1 Green infrastructure

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

-
- B. Boroughs should prepare green infrastructure strategies that integrate objectives relating to open space provision, biodiversity conservation, flood management, health and wellbeing, sport and recreation.
 - C. Development Plans and Opportunity Area Planning Frameworks should:
 - 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.

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
 - 2. the enhancement of the Green Belt to provide appropriate multi-functional uses for Londoners should be supported.

Policy G5 Urban greening

- A. Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.
- B. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. The UGF should be based on the factors set out in Table 8.2, but tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development.

Policy G6 Biodiversity and access to nature

- C. Where harm to a SINC (other than a European (International) designated site) is unavoidable, the following approach should be applied to minimise development impacts:
 - 1. avoid adverse impact to the special biodiversity interest of the site
 - 2. minimise the spatial impact and mitigate it by improving the quality or management of the rest of the site
 - 3. seek appropriate off-site compensation only in exceptional cases where the benefits of the development proposal clearly outweigh the biodiversity impacts.

- D. Biodiversity enhancement should be considered from the start of the development process.
- E. Proposals which create new or improved habitats that result in positive gains for biodiversity should be considered positively, as should measures to reduce deficiencies in access to wildlife sites.

Policy G7 Trees and woodlands

- C. Development proposals should ensure that, wherever possible, existing trees of quality are retained [Category A and B]. If it is imperative that trees have to be removed, 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. 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.

Supplementary Planning Guidance (SPG): Sustainable Design and Construction 2014

As part of the London Plan 2011 implementation framework, the SPG, relating to sustainable design and construction, was adopted in April 2014 and includes the following sections detailing Mayoral priorities in relation to biodiversity of relevance to The Site.

Nature conservation and biodiversity

The Mayor's priorities include ensuring 'developers make a contribution to biodiversity on their development Site'.

Overheating

Where priorities include the inclusions of 'measures, in the design of schemes, in line with the cooling hierarchy set out in London Plan policy 5.9 to prevent overheating over the scheme's lifetime'

Urban greening

A Priority is for developers to 'integrate green infrastructure into development schemes, including by creating links with wider green infrastructure network'.

Use less energy

'The design of developments should prioritise passive measures' which can include 'green roofs, green walls and other green infrastructure which can keep buildings warm or cool and improve biodiversity and contribute to sustainable urban drainage'.

London Environment Strategy 2018²³

The Mayor's Environment Strategy was published in May 2018. This document sets out the strategic vision for the environment throughout London. Although not primarily a planning guidance document, it does set strategic objectives, policies and proposals that are of relevance to the delivery of new development in a planning context, including:

Objective 5.1 Make more than half of London green by 2050

Policy 5.1.1 Protect, enhance and increase green areas in the city, to provide green infrastructure services and benefits that London needs now.

This policy states:

"New development proposals should avoid reducing the overall amount of green cover and, where possible, seek to enhance the wider green infrastructure network to increase the benefits this provides. [...] New developments should aim to avoid fragmentation of existing green space, reduce storm water run-off rates by using sustainable drainage, and include new tree planting, wildlife-friendly landscaping, or features such as green roofs to mitigate any unavoidable loss".

This supports the 'environmental net gain' approach promoted by government in the 25 Year Environment Plan.

Proposal 5.1.1.d The London Plan includes policies to green streets and buildings, including increasing the extent of green roofs, green walls and sustainable drainage.

Objective 5.2 conserving and enhancement wildlife and natural habitats

Policy 5.2.1 Protect a core network of nature conservation sites and ensure a net gain in biodiversity

This policy requires new development to include new wildlife habitat, nesting and roosting sites, and ecologically appropriate landscaping will provide more resources for wildlife and help to strengthen ecological corridors. It states:

"Opportunities should be sought to create or restore priority habitats (previously known as UK Biodiversity Action Plan habitats) that have been identified as conservation priorities in London [and] all land managers and landowners should take BAP priority species into account".

Tower Hamlets Local Plan 2031 (adopted Jan 2020)

The Tower Hamlets Local Plan sets out how the LPA will manage growth in Tower Hamlets and ensure the benefits are shared with all the residents over the next 15 years.

Policy S.ES1 Protecting and enhancing our environment

This policy states:

1. Proposals will be supported which minimise the use of natural resources and work proactively to protect and enhance the quality of the natural environment, through:
 - A. reducing the areas of sub-standard air quality in the borough and, contributing towards delivering the objectives of the latest Tower Hamlets, Air Quality Action Plan
 - B. protecting and enhancing biodiversity, with the aim of meeting the, objectives of the latest Tower Hamlets Local Biodiversity Action Plan and Thames River Basin Management Plan and improving opportunities to experience nature, in particular in deficient areas
 - C. using the sequential and exceptions tests to direct development away from high flood risk areas and reduce flood risk in the borough
 - D. reducing water use
 - E. following the energy hierarchy: be lean, be clean and be green
 - F. maximising climate change adaptation measures, and
 - G. improving water and land quality and mitigating the adverse effects of contaminated land on human health.

Policy D.ES3 Urban greening and biodiversity

1. Development is required to protect and enhance biodiversity, through:
 - A. maximising the provision of 'living building' elements
 - B. retaining existing habitats and features of biodiversity value or, if this is not possible, replacing them within the development, as well as incorporating additional measures to enhance biodiversity, proportionate to the development proposed, and
 - C. protecting and increasing the provision of trees, through:
 - i. protecting all trees, including street trees
 - ii. incorporating native trees, wherever possible
 - iii. providing replacement trees, including street trees, where the loss of or impact on trees in a development is considered acceptable.
2. Major development is required to submit an ecology assessment demonstrating biodiversity enhancements that contribute to the objectives of the latest Tower Hamlets Local Biodiversity Action Plan and the Thames River Basin Management Plan.
3. Planting and landscaping around developments must not include 'potentially invasive non-native species'. Invasive non-native species listed in Schedule 9 of the Wildlife and Countryside Act must be controlled, and eradicated where possible, as part of redevelopment.
4. Development must not negatively impact on any designated European site such as Special Protection Areas, Special Areas of Conservation or Ramsar sites. Developments which might have the potential to adversely impact a Special Protection Area or Special

Area of Conservation outside the borough will be required to submit a Habitat Regulations Assessment.

5. Developments which affect a Site of Importance for Nature Conservation, or significantly harm the population or conservation status of a protected or priority species, are required to be managed in accordance with the following hierarchy:

- A. Adverse impacts to the biodiversity interest should be avoided.
- B. Where avoidance is not possible, proposals must minimise and mitigate the impact to the biodiversity interest.
- C. As a last resort for exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, appropriate compensation will be sought.
- D. Where appropriate compensation is not possible, planning permission will be refused.

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POPLARWORKS

