

Photograph 4
Area of amenity grassland.
View looking south-west.



Photograph 5
Area of introduced shrub
recorded to the north of the
site. View looking south.



Photograph 6
A new area of hardstanding in
July 2020, replacing an area of
amenity grassland and
Building 5. View looking south-
east.



Appendix 3: Plant Species List

Plant Species List for Kensington Forum, London compiled from Phase 1 habitat survey carried out on the 4 August 2017 and 20 July 2020.

Scientific nomenclature and common names for vascular plants follow Stace (2019). Please note that this plant species list was generated as part of a Phase 1 habitat survey, does not constitute a full botanical survey and should be read in conjunction with the associated results section of this PEA.

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

SCIENTIFIC NAME	COMMON NAME	ABUNDANCE	QUALIFIER
<i>Acer platanoides</i>	Norway maple	R	t, s, p
<i>Aucuba japonica</i>	Spotted-laurel	O	p
<i>Bellis perennis</i>	Daisy	O	
<i>Buxus sempervirens</i>	Box	O	p
<i>Capsella bursa-pastoris</i>	Shepherd's-purse	R	
<i>Choisya ternata</i>	Mexican Orange	O	h, p
<i>Cotoneaster salicifolius</i> 'Rothschildianus'	Cotoneaster 'Rothschildianus'	R	p
<i>Erigeron canadensis</i>	Canadian fleabane	R	e
<i>Euonymus</i> sp.	Spindle	R	p
<i>Euphorbia peplus</i>	Petty spurge	LF	
<i>Forsythia x intermedia</i>	Forsythia	R	p
<i>Fraxinus excelsior</i>	Ash	LF	y
<i>Fuschia</i> sp.	Fuschia	R	p
<i>Hedera colchicha</i>	Persian ivy	LA	p
<i>Hedera helix</i>	Common ivy	R	
<i>Holcus lanatus</i>	Yorkshire-fog	R	
<i>Hordeum murinum</i>	Wall barley	R	
<i>Hypochaeris radicata</i>	Cat's-ear	O	
<i>Ilex aquifolium</i>	Holly	O	t, y
<i>Ligustrum ovalifolium</i>	Garden privet	R	p
<i>Lolium perenne</i>	Perennial rye-grass	LF	
<i>Lonicera nitida</i>	Wilson's honeysuckle	O	h, p
<i>Mahonia aquifolium</i>	Oregon-grape	R	p
<i>Malva sylvestris</i>	Common mallow	O	
<i>Oxalis corniculata</i>	Spreading yellow-sorrel	R	e
<i>Oxalis articulata</i>	Pink sorrel	O	g
<i>Plantago major</i>	Greater plantain	R	
<i>Platanus x hispanica</i>	London plane	F	t, p, e
<i>Poa annua</i>	Annual meadow-grass	F	
<i>Poa trivialis</i>	Rough meadow-grass	A	
<i>Polygonum aviculare</i>	Knotgrass	F	
<i>Potentilla reptans</i>	Creeping cinquefoil	LF	
<i>Prunella vulgaris</i>	Selfheal	O	

SCIENTIFIC NAME	COMMON NAME	ABUNDANCE	QUALIFIER
<i>Prunus laurocerasus</i>	Cherry laurel	F	p
<i>Prunus lusitanica</i>	Portugal laurel	R	p
<i>Quercus robur</i>	Pedunculate oak	R	y
<i>Ranunculus repens</i>	Creeping buttercup	O	
<i>Rhus</i> sp.	Sumach	LF	p
<i>Rubus fruticosus</i> agg.	Bramble	R	
<i>Rumex obtusifolius</i>	Broad-leaved dock	R	
<i>Senecio jacobaea</i>	Common ragwort	R	
<i>Senecio vulgaris</i>	Groundsel	R	
<i>Solanum dulcamara</i>	Bittersweet	O	
<i>Sonchus oleraceus</i>	Smooth sow-thistle	R	
<i>Stellaria media</i>	Common chickweed	O	
<i>Taraxacum</i> sp.	Dandelion	O	
<i>Thuja plicata</i>	Western red-cedar	R	t
<i>Trifolium repens</i>	White clover	LF	
<i>Urtica dioica</i>	Common nettle	O	
<i>Viburnum</i> sp.	Viburnum	R	p
<i>Viola</i> sp.	Violet	R	

Appendix 4: Legislation and Planning Policy

Important notice: This section contains details of legislation and planning policy applicable in Britain only (i.e. not including the Isle of Man, Northern Ireland, the Republic of Ireland or the Channel Islands) and is provided for general guidance only. While every effort has been made to ensure accuracy, this section should not be relied upon as a definitive statement of the law.

A NATIONAL LEGISLATION AFFORDED TO SPECIES

The objective of the EC Habitats Directive¹⁸ is to conserve the various species of plant and animal which are considered rare across Europe. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2017 (as amended) (formerly The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)) and The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended).

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

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

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

- Deer Act 1991;
- Countryside and Rights of Way (CRoW) Act 2000;
- Natural Environment & Rural Communities (NERC) Act 2006;
- Protection of Badgers Act 1992;
- Wild Mammals (Protection) Act 1996.

Species and species groups that are protected or otherwise regulated under the aforementioned domestic and European legislation, and that are most likely to be affected by development activities, include herpetofauna (amphibians and reptiles), badger, bats, birds,

¹⁸ Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora

dormouse, invasive plant species, otter, plants, red squirrel, water vole and white clawed crayfish.

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

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

Bats

All species of bat are fully protected under The Conservation of Habitats and Species Regulations 2017 (as amended) through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. all bats)
- Deliberate disturbance of bat species as:
 - a) to impair their ability:
 - (i) to survive, breed, or reproduce, or to rear or nurture young;
 - (ii) to hibernate or migrate³
 - b) to affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

Bats are also currently protected under the Wildlife and Countryside Act 1981 (as amended) through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

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

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

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

Though there is no case law to date, the legislation may also be interpreted such that, in certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded de facto protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost¹⁹.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the Wildlife and Countryside Act 1981 (as amended). Among other things, this makes it an offence to:

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

¹⁹ Garland & Markham (2008) Is important bat foraging and commuting habitat legally protected? Mammal News, No. 150. The Mammal Society, Southampton.

Certain species of bird, for example the barn owl, black redstart, hobby, bittern and kingfisher receive additional special protection under Schedule 1 of the Act and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC). This affords them protection against:

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

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

To avoid contravention of the Wildlife and Countryside Act 1981 (as amended), works should be planned to avoid the possibility of killing or injuring any wild bird, or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird breeding season which typically runs from March to August²⁰. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Those species of bird listed on Schedule 1 are additionally protected against disturbance during the breeding season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

Invasive Plant Species

Certain species of plant, including Japanese knotweed *Fallopia japonica*, giant hogweed *Heracleum mantegazzianum* and Himalayan balsam *Impatiens glandulifera* are listed on Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) in respect to Section 14(2). Such species are generally non-natives whose establishment or spread in the wild may be detrimental to native wildlife. Inclusion on Part II of Schedule 9 therefore makes it an offence to plant or otherwise cause these species to grow in the wild.

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

Although it is not an offence to have these plants on your land per se, it is an offence to cause these species to grow in the wild. Therefore, if they are present on site and development activities (for example movement of spoil, disposal of cut waste or vehicular movements) have

²⁰ It should be noted that this is the main breeding period. Breeding activity may occur outwith this period (depending on the particular species and geographical location of the site) and thus due care and attention should be given when undertaking potentially disturbing works at any time of year.

the potential to cause the further spread of these species to new areas, it will be necessary to ensure appropriate measures are in place to prevent this happening prior to the commencement of works.

Wild Mammals (Protection) Act 1996

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

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

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

B NATIONAL AND EUROPEAN LEGISLATION AFFORDED TO HABITATS

Statutory Designations: National

Nationally important areas of special scientific interest, by reason of their flora, fauna, or geological or physiographical features, are notified by the countryside agencies as statutory **Sites of Special Scientific Interest** (SSSIs) under the National Sites and Access to the Countryside Act 1949 and latterly the Wildlife & Countryside Act 1981 (as amended). As well as underpinning other national designations (such as **National Nature Reserves** which are declared by the countryside agencies under the same legislation), the system also provides statutory protection for terrestrial and coastal sites which are important within a European context (Natura 2000 network) and globally (such as Wetlands of International Importance). See subsequent sections for details of these designations. Improved provisions for the protection and management of SSSIs have been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales).

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

Statutory Designations: International

Special Protection Areas (SPAs), together with **Special Areas of Conservation** (SACs) form the **Natura 2000** network. The Government is obliged to identify and classify SPAs under the EC Birds Directive (Council Directive 2009/147/EC (formerly 79/409/EEC)) on the Conservation of Wild Birds). SPAs are areas of the most important habitat for rare (listed on Annex I of the Directive) and migratory birds within the European Union. Protection afforded SPAs in terrestrial areas and territorial marine waters out to 12 nautical miles (nm) is given by The Conservation of Habitats & Species Regulations 2017 (as amended). The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a mechanism for the designation and protection of SPAs in UK offshore waters (from 12-200 nm).

The Government is obliged to identify and designate SACs under the EC Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora). These are areas which have been identified as best representing the range and variety of habitats and (non-bird) species listed on Annexes I and II to the Directive within the European Union. SACs in terrestrial areas and territorial marine waters out to 12 nm are protected under The Conservation of Habitats & Species Regulations 2017 (as amended). The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a mechanism for the designation and protection of SACs in UK offshore waters (from 12-200 nm).

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

Statutory Designations: Local

Under the National Sites and Access to the Countryside Act 1949 **Local Nature Reserves** (LNRs) may be declared by local authorities after consultation with the relevant countryside

agency. LNRs are declared for sites holding special wildlife or geological interest at a local level and are managed for nature conservation, and provide opportunities for research and education and enjoyment of nature.

Non-Statutory Designations

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

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

Regionally Important Geological and Geomorphological Sites (RIGS) are the most important places for geology and geomorphology outside land holding statutory designations such as SSSIs. Locally-developed criteria are used to select these sites, according to their value for education, scientific study, historical significance or aesthetic qualities. As with local Wildlife Sites, RIGS are a material consideration when planning applications are being determined.

C NATIONAL PLANNING POLICY

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) replaced Planning Policy Statement (PPS9) in April 2012 as the key national planning policy concerning nature conservation. The NPPF emphasises the need for suitable development. The Framework specifies the need for protection of designated sites and priority habitats and priority species. An emphasis is also made for the need for ecological networks via preservation, restoration and re-creation. The protection and recovery of priority species – that is those listed as UK Biodiversity Action Plan priority species – is also listed as a requirement of planning policy. In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from adverse harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; planning permission is refused for

development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and The Biodiversity Duty

The Natural Environment and Rural Communities (NERC) Act came into force on 1st October 2006. Section 40 of the Act requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

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

D REGIONAL PLANNING POLICY

The London Plan (Intend to Publish version 2019)

The London Plan is the statutory Spatial Development Strategy for Greater London prepared by the Mayor of London in accordance with the Greater London Authority Act 1999 (as amended). Chapter 8 includes nine policies relating to the protection, enhancement, creation, promotion and management of biodiversity and green infrastructure in support of the London Environment Strategy (GLA, 2018). Four of these Green Infrastructure and Natural Environment policies (G1, G5, G6 & G7) are considered relevant to this assessment, as detailed below.

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 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 (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:

- 1) use up-to-date information about the natural environment and the relevant procedures to identify SINCs and ecological corridors to identify coherent ecological networks
- 2) identify areas of deficiency in access to nature (i.e. areas that are more than 1km walking distance from an accessible Metropolitan or Borough SINC) and seek opportunities to address them

3) 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.

London's Environment Strategy (2018)

The London Environment Strategy set out an ambitious vision for improving London's environment for the benefit of all Londoners. This is the first strategy to bring together approaches to every aspect of London's environment, integrating the following areas:

- Air quality
- Green infrastructure
- Climate change mitigation and energy
- Waste
- Adapting to climate change
- Ambient noise
- Low carbon circular economy

The overall aim of the strategy is for London to be the world's greenest global city by making it greener, clearer and ready for the future. The London Environment Strategy combines multiple previous strategies including the Biodiversity Strategy (GLA, 2002).

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

Proposal 5.2.1.a The London Plan includes policies on the protection of Sites of Importance for Nature Conservation (SINCs) and Regionally Important Geological Sites (RIGS)

Proposal 5.2.1.b The Mayor will develop a biodiversity net gain approach for London, and promote wildlife-friendly landscaping in new developments and regeneration projects.

E LOCAL PLANNING POLICY

Royal Borough of Kensington and Chelsea, Local Plan - Policy CE4 Biodiversity

The Council will protect the biodiversity in, and adjacent to, the Borough's Sites of Nature Conservation Importance and require opportunities to be taken to enhance and attract biodiversity.

To deliver this the Council will:

- a. protect Sites of Nature Conservation Importance and/or require the provision of significantly improved habitats to attract biodiversity in accordance with the national, regional and local policy and biodiversity targets and ecosystems targets Plans;
- b. protect the biodiversity value of Green Corridors and the Blue Ribbon Network and require that development proposals create opportunities to extend or link Green Corridors and the Blue Ribbon Network;
- c. require a site specific Ecological Impact Assessment for all major developments in or adjacent to Sites of Nature Conservation Importance, Green Corridors, open space, and the Blue Ribbon Network, and their features important for biodiversity;
- d. require other development proposals to create opportunities, where possible, for attracting biodiversity and habitat creation, having regard to the national, regional and local biodiversity and ecosystem targets.

F REGIONAL AND LOCAL BAPS

Many local authorities in the UK have also produced a local Biodiversity Action Plan (LBAP) at the County or District level. As highlighted in The Royal Borough of Kensington and Chelsea Local Biodiversity Action Plan (2010/11 to 2014/15), the borough currently covers twenty-two Sites of Importance for Nature Conservation (SINC), of which five sites will be of Metropolitan Importance, four of Borough Importance I, eight of borough importance II, and five of Local importance. There are also additional sites that currently lie outside the borough boundary, but are managed by the borough.



Ecology Consultancy

The Ecology Consultancy is part of the Temple Group.

Making places better for people and wildlife

London - Tempus Wharf, 33a Bermondsey Wall West, London, SE16 4TQ
T. 020 7378 1914 W. www.ecologyconsultancy.co.uk E. enquiries@ecologyconsultancy.co.uk

■ **Sussex** - 3 Upper Stalls, Iford, Lewes, East Sussex BN7 3EJ T. 01273 813739
■ **East Anglia** - 60 Thorpe Road, Norwich, Norfolk NR1 1RY T. 01603 628408
■ **Midlands** - 1-2 Trent Park, Eastern Avenue, Lichfield, Staffordshire WS13 6RN T. 01543 229049
■ **North** - The Paine Suite, Nostell Business Park, Doncaster Road, Wakefield, WF4 1AB T. 01924 921900
■ **Devon** - 3 Drakes Cottages, Milton Combe, Yelverton, Devon, PL20 6HB T. 01822 855196

Kensington Forum, London

Bat Survey Report

Report for Trium Environmental Consulting
LLP on behalf of Queensgate Bow UK
Holdco Limited

Job Number	6002.3				
Author	Tom Elliott BSc (Hons) ACIEEM				
Version	Checked by	Approved by	Date	Job No.	Type
1.0	Demian Lyle BSc (Hons) MSc DipIC MCIEEM	Wendy McFarlane MA MSc MCIEEM	30/08/2017	6002.2	Final
2.0	Wendy McFarlane MA MSc MCIEEM		22/07/2020	6002.3	Revision

Contents

Executive Summary	1
1. Introduction	3
2. Methodology	6
3. Results	11
4. Evaluation and Impacts	17
5. Summary and Recommendations	20
References	23
Appendix 1: Survey Map	25
Appendix 2: Photographs	27
Appendix 3: Survey Data	30
Appendix 4: Legislation and Policy	38
Appendix 5: Assessment Criteria for Preliminary Roost Assessments	46
Appendix 6: Standard Guidance for Mitigation, Compensation and Enhancement	49

LIABILITY

The Ecology Consultancy has prepared this report for the sole use of the commissioning party in accordance with the agreement under which our services were performed. No warranty, express or implied, is made as to the advice in this report or any other service provided by us. This report may not be relied upon by any other party without the prior written permission of The Ecology Consultancy. The content of this report is, at least in part, based upon information provided by others and on the assumption that all relevant information has been provided by those parties from whom it has been requested. Information obtained from any third party has not been independently verified by The Ecology Consultancy, unless otherwise stated in the report.

COPYRIGHT

© This report is the copyright of The Ecology Consultancy. Any unauthorised reproduction or usage by any person is prohibited. The Ecology Consultancy, part of The Temple Group is the trading name of Ecology Consultancy Ltd.

Executive Summary

The Ecology Consultancy was commissioned to assess the status of bats within buildings and trees at land at Kensington Forum, London. This Bat Survey Report (V2.0) updates the previously issued Preliminary Roost Assessment (PRA) (V1.0) for the site, issued in August 2017 (The Ecology Consultancy, 2017). The development proposals require the demolition of all buildings on the site as the removal of vegetation including 9 of the 22 assessed trees (SimpsonHaugh & Partners, 2018). The main findings are as follows:

- the site contained a high-rise hotel building with associated hard and soft landscaping. The main habitats present included amenity grassland, species-poor non-native hedgerows, introduced shrub and scattered trees/treelines. Habitats present are considered of value within the immediate vicinity of the site only;
- a PRA and Ground Level Roost Assessment (GLRA) were carried out on the site on 4 August 2017. This found Building 1 (Kensington Forum) to be of low suitability, two trees (T14-15) to have moderate suitability, and nine more trees (T1, T8-9, T11-13, and T20-22) to have low suitability to support roosting bats. All other trees and buildings were of negligible suitability;
- in line with best practice guidelines (Collins, 2016), one dusk emergence survey was conducted on Building 1 (Kensington Forum) on 10 August 2017. No bats were recorded emerging from or roosting within Building 1. Bat activity was scarce on the site, with only 11 calls from common pipistrelle, soprano pipistrelle, and noctule. No foraging was recorded on the site;
- the PRA and GLRA were updated on 20 July 2020 which confirmed that the trees and building were in the same condition as in 2017, with the exception of Building 5 (now removed), and T9 (which is now of negligible suitability). As the site remained in the same condition as in 2017, no update emergence surveys are required in 2020 as it is assumed that bats are currently still likely absent from Building 1;
- as a precautionary measure, it is recommended that an update emergence survey is carried out on Building 1 prior to demolition, if the works are delayed any further than August 2021 (when the emergence survey data will be four years of age). This emergence survey should occur in the bat survey season (between May and August, inclusive) immediately prior to the commencement of the demolition to Building;
- no trees were subject to emergence surveys as none of suitability for roosting bats are scheduled for removal; and

- Recommendations for enhancing the site post-development include habitat retention/creation and the erection of bat boxes. Sensitive lighting is also recommended to ensure that new and retained habitats are not impacted by artificial light spillage.

1. Introduction

BACKGROUND

- 1.1 The Ecology Consultancy was commissioned by Trium Environmental Consulting LLP ('Trium') on behalf of Queensgate Bow UK Holdco Limited ('The Applicant'), to assess the status of bats within buildings and trees at land at Kensington Forum, London. This followed recommendations made within the Preliminary Ecological Appraisal (PEA) carried out August 2017 (The Ecology Consultancy, 2017a) and updated in July 2020 (The Ecology Consultancy, 2017), which found Building 1 (Kensington Forum) as having low suitability to support roosting bats. This Bat Survey Report supersedes the Preliminary Roost Assessment issued in August 2017 (The Ecology Consultancy, 2017b).
- 1.2 The Bat Survey Report was carried out in order to provide ecological information to inform a full planning application for a proposed mixed hotel-led and residential development ('Proposed Development'). This appraisal considers land within the planning application site boundary (herein referred to as 'the site') as indicated on the plan provided by The Applicant (Simpson Haugh & Partners, 2018, on behalf of Queensgate Bow UK Holdco Limited).

SCOPE OF REPORT

- 1.3 The primary aims are, through a process of investigation and assessment, to determine if any bat roosts are present, what the type of roost may be, the species using them, their status and relative conservation importance and any likely impacts that could occur as a result of the proposals. Where impact is identified, appropriate mitigation and compensation measures are provided as supporting information to inform the planning application.
- 1.4 The assessment of a site for bats is based on the following sources of information, including that obtained from third parties and the results of surveys:
 - a desk study for bat records within a 3 kilometre (km) radius of the site;
 - a desk-based assessment of the surrounding habitats for their likely value to bats;
 - a detailed building inspection (Collins, 2016);
 - an assessment of the roost potential of any trees scheduled for removal or remedial works (Cowan, 2006); and
 - one dusk emergence survey (Collins, 2016).

- 1.5 This assessment has been prepared with reference to best practice guidance published by the Bat Conservation Trust (Collins, 2016) and as detailed in BSI Standards Publication 42020:2013 *Biodiversity – Code of Practice for Biodiversity and Development* (British Standards Institution, 2013) and BSI 8956:2015 *Surveying for Bats in Trees and Woodland* (British Standards Institution, 2015).
- 1.6 This report provides supporting information in the appendices with a georeferenced map of the survey results in Appendix 1, cross referenced photographs in Appendix 2 and raw survey data in Appendix 3.

SITE CONTEXT AND STATUS

- 1.7 The site is approximately 0.76 hectares (ha) in size and is centred on Ordnance Survey National Grid reference TQ 2610 7880. The site is situated in the centre of Kensington, London, within the Royal Borough of Kensington and Chelsea (RBKC), and is bordered by Cromwell Road to the north, Ashburn Gardens to the west, Ashburn Place to the east, and Courtfield Road to the south. Beyond the surrounding roads lie residential properties to the west and south, hotels and commercial buildings to the east, and a railway/underground line to the north.

DEVELOPMENT PROPOSALS

- 1.8 The development proposals for the site, based on current plans provided by The Applicant, are for a part 30, part 22 and part 9 storey building comprising hotel bedrooms and serviced apartments (Class C1) with ancillary bar, restaurants, conferencing and dining areas, leisure facilities and back of house areas; residential accommodation (Class C3); with associated basement, energy centre, plant, car parking, cycle parking, refuse stores, servicing areas; associated highway works and creation of new publicly accessible open space with associated hard and soft landscaping. The Proposed Development will require the removal of all buildings on site, and clearance of vegetation including 9 of 22 trees (41%).

RELEVANT LEGISLATION AND PLANNING POLICY

- 1.9 The following key pieces of nature conservation legislation are relevant to this assessment. A more detailed description of this legislation is provided in Appendix 4.
- The Conservation of Habitats and Species Regulations 2017 (as amended); and
 - The Wildlife and Countryside Act 1981 (as amended); and
 - Natural Environment and Rural Communities Act 2006.

- 1.10 The actions that could result in an offence occurring under the above legislation include: the disturbance of bats within a roost; loss or damage of a roost; blocking a roost entrance; or modification of a roost. If development proposals are likely to result in an offence then a European Protected Species Mitigation (EPSM) licence must be obtained from Natural England prior to works to provide a derogation from the legislation. Alternatively, where no more than three low conservation significance roosts are present and are used by low numbers of bats of no more than three of the (qualifying) species that EPSM licences are most commonly applied for, it may be possible to register the site under the Bat Mitigation Class Licence (BMCL) scheme. No like for like bat compensation is required for the majority of the species covered by BMCL.
- 1.11 The National Planning Policy Framework (Department of Communities and Local Government, 2019) requires local authorities to avoid and minimise impacts on biodiversity and to provide net gains in biodiversity when taking planning decisions. In addition, in England, under Section 40 of the Natural Environment and Rural Communities Act 2006, all public bodies are required to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.
- 1.12 Other planning policies at the local level which are of relevance to this Proposed Development include Policy CE4 – Biodiversity, within RBKC's Local Plan (2019). Further information is provided in Appendix 4 of the Preliminary Ecological Appraisal (The Ecology Consultancy, 2020).

2. Methodology

DESK STUDY

- 2.1 A desk study was conducted to obtain data relating to bats within a 3km radius of the site, as made available by London Bat Group¹
- 2.2 Additional contextual information was compiled from publicly available data sources:
- MAGIC (<http://www.magic.gov.uk>) – the Governments on-line mapping service. Information was sought about: the presence of ancient semi-natural woodland (ASNW), statutory designated nature conservation sites and extant or historic European Protected Species Mitigation licences for bats; and
 - Ordnance Survey mapping and publicly available aerial photography to determine any features such as: running and standing water, woodland, tree lines, hedgerows, railway corridors and the surrounding landscape uses.

BAT SURVEY

Personnel

- 2.3 The Preliminary Roost Assessment in August 2017 and the update survey in July 2020 were carried out by Tom Elliott BSc (Hons) ACIEEM, an Ecologist with over 4 years of commercial bat survey experience (Natural England Level 2 Class Licence, 2018-36440-CLS-CLS).
- 2.4 Additional assistance on the emergence survey on 10 August 2017 was provided by ecologists Tim Lees, Matt Pendry, Nick Unwin, James Read, John Myerscough, and Demian Lyle, all of whom have extensive experience with conducting commercial bat surveys.

Aims and Objectives

- 2.5 The surveys listed below made use of some or all the following equipment:
- an extendable ladder;
 - a handheld LED torch;
 - a high-powered torch for illuminating features at height;
 - close focussing binoculars;
 - Bat Box Duet, frequency division and heterodyne detector;

¹ London Bat Group data was obtained in August 2017, and as such is now 3 years old (see Limitations section).

- Elekon Bat Scanner, frequency division detector;
- Elekon bat logger M, full spectrum detector; and
- Anabat Express, Zero Crossing Analysis (ZCA) detector.

Aims and Objectives

- 2.6 The aim of the survey methodologies outlined below is to establish the presence/likely absence of bat roosts within the trees and buildings within the site boundary. Once presence has been established the secondary aim is to obtain sufficient information to characterise the type of roost according to criteria set out in the current guidelines (Collins, 2016). This includes determining the function/s of the site by bats for maternity or hibernation roosts, transitional roosts, foraging and commuting. The gathered information is then used to inform an assessment of the potential impacts of the development proposals and to devise an appropriate and proportionate mitigation strategy.
- 2.7 All inspections and surveys followed standard protocols and accepted standards (Mitchell-Jones & McLeish 2004; Collins, 2016).

Field Surveys

- 2.8 The survey methodologies below follow best practice guidelines (Mitchell-Jones & McLeish, 2004; Collins, 2016; The British Standards Institution, 2015). A standard recording form was completed for each building within the site boundary and for each tree that is likely to be impacted by the proposals. This included recording the main structural features and layout, any potential access points and roost features and photographs. The criteria used as a framework to assess the suitability for structures or trees to support roosting bats are provided in Appendix 5. This section provides methodologies for the primary survey types used to assess the status of bats at a site, depending on the particulars of the site and the commission, not all of these survey types may be carried out.

Preliminary Roost Assessment – Buildings

- 2.9 The survey comprised an external inspection of each building, involving a detailed search of all accessible architectural features for bat droppings, urine staining, scratch marks, staining around suitable crevices and feeding remains. Window panes and other external surfaces were visually checked for droppings or other secondary evidence. A high-powered torch was used to illuminate recesses and crevices at height and these were inspected using close focusing binoculars. Any features that could potentially provide access into internal areas such as roof voids and cavity walls were noted.

Preliminary Ground Level Roost Assessment – Trees

- 2.10 Any trees that were within the site boundary and likely to be impacted by the proposals were inspected for any suitable features that could provide suitable roosting locations for bats, including: loose, flaking or folded bark; cracks and fissures in limbs; woodpecker holes; or any downward-facing crevices or holes in the limbs or trunks. They were also inspected for any signs indicating possible use by bats, such as tiny scratches, rub marks and staining around access points, bat droppings in around or below access points.

Emergence/Re-Entry Surveys

- 2.11 A total of seven surveyors were employed to allow clear views of all potential roost entry/exit points identified during the preliminary roost assessments. The dusk surveys commenced 15 minutes before sunset and continued for up to 120 minutes after sunset. The dawn survey commenced 120 minutes before sunrise and continued until fifteen minutes after. Each of the surveyors noted down details of any bat activity including; bat passes, species, numbers, location, emergence or re-entry, foraging and commuting, recording details to a data sheet and a map. The surveyors employed a combination of heterodyne bat detectors for aural ID in the field, and/or, full spectrum or zero crossing detectors for sound analysis post survey.

Post-Survey Analysis

- 2.12 The audio recordings may be analysed post survey using one or more of the following software: Analook™ V3.3q., Bat Explorer™ or Kaleidoscope™, to confirm species identification and the timing of any passes. Any passes likely to have originated from one of the myotis species were determined to genus level only due to the complexity of differentiating between these species.

EVALUATION AND IMPACT ASSESSMENT

Evaluation

- 2.13 The conservation status of those species found to be roosting within the site or for which the site provides a measurable supporting function is drawn from published sources with the conservation significance of any roost provided according to accepted criteria².
- 2.14 If emergence and re-entry surveys were carried out, then the foraging and commuting activity recorded during those surveys is summarised along with an outline interpretation of the function the site may provide for these activities.
- 2.15 The ecological importance of the site for bats has been assessed broadly following guidance issued by the Chartered Institute of Ecology and Environmental Management

² Figure 4. *Guidelines for proportionate mitigation*, the Bat Mitigation Guidelines (Mitchell-Jones & McLeish, 2004) which assigns conservation significance to different types of bat roost on a sliding scale from Low to High.

(CIEEM, 2019a) which ranks nature conservation importance according to a geographic scale of reference: international and European; national; regional; metropolitan, county vice-county or other local authority-wide area; local or of value at the site scale. The following factors are considered when making this evaluation: nature conservation designations; rarity; vulnerability; distribution; and the conservation significance of any roosts.

Impact Assessment

- 2.16 An assessment is provided on the likely impacts of the development proposals on any bat roosts located within or immediately adjacent to the site boundary. This assessment is made with reference to Section 65 of the Bat Mitigation Guidelines (Mitchell-Jones & McLeish, 2004) and Natural England's standing advice⁶ and includes a summary of the scale of impact according to roost type and development effect. This section considers types of construction impact to bats and their roosts including; disturbance, loss, modification and fragmentation in relation to duration and timing. For the site as a whole, a statement is made on the geographic scale at which impact is deemed to be significant, following CIEEM guidance (CIEEM, 2019a).

DATA VALIDITY AND LIMITATIONS

- 2.17 It is important to note that even where data are held, a lack of records for a defined geographical area does not necessarily mean that there is a lack of ecological interest; the area may be simply under-recorded. Bats are highly mobile animals and can move roost sites both within and between years. Where surveys are not spread throughout the bat active season is possible that they could miss roosts that are occupied earlier or later in the year. However, where undisturbed, evidence of bats inside a building is likely to be detectable throughout the year. The detection of small numbers of crevice dwelling species may remain problematic in some cases, such as where droppings accumulate within an inaccessible void.
- 2.18 Data from bat surveys should be considered to be valid for a period of 24 months, unless there are any gross changes to the buildings or other habitats within the site.
- 2.19 The London Bat Group data search was obtained in August 2017, and following CIEEM's Advice Note (CIEEM, 2019b), these records are in date. In practice, any bat records from the last three years and within 3km of the Proposed Development will be outside the scope of this report. However, given that the site is centred in urban landscape, it is

⁵ Predicting the Impact of Development, the Bat Mitigation Guidelines (Mitchell-Jones & McLeish, 2004), assigns scale of impact to the favourable conservation status of bats according to type and extent of construction effect.

⁶ Bats: surveys and mitigation for development projects, first published 28 March 2015.

unlikely that any significant assemblages of bat species records are now present within 2km of the site.

2.20 An internal inspection of the building was not deemed necessary, due to the presence of flat roof sections over the majority of the building. The corrugated and pitched sheeting at the apex of the building, at approximately 80m height, was assessed as providing conditions that were far too exposed and far exceed typical bat roosting height. Therefore, any roof voids were assessed as providing negligible suitability to roosting bats.

3. Results

DESK STUDY

- 3.1 The data search returned 693 records for three species of bat from 1985 to 2016 within 3km of the site. According to MAGIC, one historic EPSM licence is present within a 2km radius of the site (case reference 2016-27191-EPS-MIT). This licence allowed for the destruction of a resting place of common and soprano pipistrelle in 2017.
- 3.2 A summary of the most recent and/or closest records for each species are presented in Table 3.1 below.

Table 3.1: Summary of desk study data

Species	Total number of records (1997-2017)	Distance & orientation of closest record (1997-2017)	Date of closest roost/flight record
Roosts			
Common pipistrelle	5	1.45km south-west	1999
Noctule bat	3	1.82km north-east	2008
Soprano pipistrelle	3	1.83km north-east	2009
Leisler's bat	1	1.90km north-east	2009
Pipistrelle sp.	3	2.51km south-west	1999
Flight records			
Soprano pipistrelle	165	421m north-east	2009
Common pipistrelle	297	470m north-east	2015
Nathusius' pipistrelle	46	470m north-east	2015
Noctule bat	37	470m north-east	2015
Nyctalus sp.	6	470m north-east	2015
Leisler's bat	12	1.67km north-west	2008
Daubenton's bat	4	1.90km north-west	2007
Myotis sp.	2	1.91km north-east	2010
Plecotus sp.	1	1.92km north-east	2009
Serotine	6	1.92km north-east	2009

BAT SURVEYS

Surrounding Habitat

- 3.3 The site is centred in a highly urbanised area and as such, is surrounded by busy and well-illuminated roads, particularly Cromwell Road (A4) to the north, which experiences high levels of traffic. As such, the site is poorly connected to off-site habitats, that are generally lacking.

Overview

- 3.4 Features of suitability to roosting bats were recorded on Building 1 (Kensington Forum), which was assessed as providing low suitability to roosting bats. The 2017 dusk emergence survey of Building 1 recorded no evidence of bats emerging from the building, with activity comprising six passes by common pipistrelle to the north and west, four passes by soprano pipistrelle to the east and west, and an individual pass by noctule to the north.
- 3.5 In addition, two trees of moderate suitability, and eight trees of low suitability to support roosting bats were recorded on the site. These trees are scheduled to be retained (SimpsonHaugh & Partners, 2018).

Weather Conditions

- 3.6 All surveys were carried out in optimal weather conditions.
- 3.7 *PRA and GLRA:* The first survey was carried out on 4 August 2017 in suitable weather conditions of 21°C with sunny spells, a light breeze and no rain. The second survey on 20 July 2020 was also carried out in suitable weather conditions of 22°C, clear skies, a light breeze and no rain.
- 3.8 *Emergence Survey:* The dusk emergence survey was carried out on 10 August 2017, in suitable weather conditions of 19 - 18°C, with very limited wind and no rain. Sunset was at 20:34 and the survey commenced at 20:19 and continued until 22:04.

Building Inspections

- 3.9 The external building inspections covered the entirety of Building 1 on the site. The findings of this inspection are detailed below with a site plan (Figure 1) provided in Appendix 1 and supporting photographs of key features in Appendix 2.

- 3.10 *Building 1: General Description.* Building 1 was a concrete built high-rise hotel, approximately 80m high, with a number of complex elevations forming an 'X' shape (Appendix 2, Photograph 1). The roof sections were a mixture of flat and corrugated pitch sheeting. There was a heavy goods access area to the east and the main entrance to the south-east. Glass windows and pebble-dash concrete blocks were present from ground level to the highest storey. Access to the basement car park was available to the south-east and north-west of the building. Most elevations were illuminated by either security lighting or street/room lighting.

- 3.11 *Building 1: Results.* Externally the building contained a number of features which could be used by roosting bats. Most abundantly, there were cavities underneath concrete blocks (Appendix 2, Photograph 2) that were <3 centimetres (cm) in diameter and above 10 meters (m) from ground level. There were also gaps that were <3 centimetres (cm) around the concrete arches at approximately 35m in height (Appendix 2, Photograph 3). Access into the heavy goods access area (and potentially secondary cavities) was available along the eastern elevation via gaps around air ducts, bird-proof netting, and steel shutter columns. may have provided access into other cavities and other roosting features. Single rows of small holes approximately 25m above ground level on the northern, western and southern elevations had been filled in by the second PRA survey.

- 3.12 The roof comprised a mixture of flat and pitched corrugated sheeting, and was exposed and open to the elements at 80m high, and therefore offered negligible roosting habitat for bats. This building was assessed as being of overall low potential to support roosting bats and of negligible potential to support hibernating bats.

- 3.13 *Buildings/Structures 2-10: Results.* All other buildings were scoped out as part of the PEA as they were assessed as providing negligible roosting (and hibernating) potential for bats.

Ground-Level Roost Assessment

- 3.14 A total of twenty-two trees were present on the site. Two mature London plane trees were assessed as having moderate suitability to support roosting bats (T14 and T15), due to the presence of rot and knot holes (Appendix 2, Photograph 4). A further nine mature and semi-mature trees (T1, T11, T12, and T13) were also assessed as having low bat roosting potential, due to the confirmed presence of potential roosting features (knot and/or rot holes), or as a precaution as potential roosting features were obscured from view by foliage and limbs (T8, T9, T20, T21, and T22). All other trees were assessed as having negligible bat roosting potential. Full details are provided in Table 3.2 below.

Table 3.2: Summary of Ground Level Roost Assessment of trees

Tree number	Species	Description	Suitability to roosting bats
T1	London plane	Early-mature; 10m in height; 0.4m Diameter at Breast Height (DBH); knot hole (5m north) mostly blocked by heartwood	Low
T2	Norway maple	Early-mature; 8m in height; 0.4m DBH; no features; scheduled for removal	Negligible
T3	Western red-cedar	Early-mature; 15m in height; 0.35m DBH; no features; scheduled for removal	Negligible
T4	Pedunculate oak	Young; 7m in height; 0.15m DBH; no features; scheduled for removal	Negligible
T5	London plane	Young; 8m in height; 0.25m DBH; no features; scheduled for removal	Negligible
T6	Tree of heaven	Early-mature; 11m in height; 0.45m DBH; no features; scheduled for removal	Negligible
T7	London plane	Mature; 20m in height; 0.8m DBH; knot holes fully blocked by heartwood	Negligible
T8	London plane	Mature; 22m in height; 1m DBH; knot holes (7m east; 9.5m north-east; 19m south) and branch wound (10m north-east); corvid nests also present	Low
T9	London plane	Mature; 20m in height; 0.8m DBH; large plates of flaking bark mostly gone or too exposed	Negligible (previously Low)
T10	London plane	Mature; 10m in height; 1.3m DBH; no features	Negligible
T11	London plane	Semi-mature; 22m in height; 1m DBH; knot holes (8.5m south; 12m west)	Low
T12	<i>Ilex sp.</i>	Early-immature; 7m in height; 0.2m DBH; knot holes (2.5m west; 2.5m east; 4m east; 4m north-east); small enough for low numbers of pipistrelles	Low
T13	London plane	Mature; 20m in height; 0.75m DBH; knot holes (6m north; and 6.5m north)	Low

Table 3.2: Summary of Ground Level Roost Assessment of trees

Tree number	Species	Description	Suitability to roosting bats
T14	London plane	Mature; 21m in height; 1.2m DBH; large knot holes (3.5m south; 6.5m east; and 7.5m south-east)	Moderate
T15	London plane	Mature; 22m in height; 1.4m DBH; large wound in stem (4.5m west), knot hole on overhanging branch (16m south)	Moderate
T16	Ash	young; 7m in height; 0.2m DBH; scheduled for removal	Negligible
T17	Norway maple	Young; 6.5m in height; 0.2m DBH; scheduled for removal	Negligible
T18	Ash	Young; 6.5m in height; 0.15m DBH; scheduled for removal	Negligible
T19	<i>Acer sp.</i>	Dead <i>Acer</i> ; 6m in height; 0.15m DBH; scheduled for removal	Negligible
T20	London plane	Mature; 17m in height; 0.7m DBH; knot hole (5m south-west); wound (1.5m to 4m north) with gap around dessicated heartwood throughout	Low
T21	London plane	Mature; 18m in height; 0.6m DBH; wound (1.5m to 4m north), gap around dessicated heartwood throughout	Low
T22	London plane;	Mature; 17m in height; 0.7m DBH; wound (0m to 6m north), gap toward apex behind heart wood covered in cobwebs, the rest is rest fully occluded	Low

Dusk Emergence Survey – 10 August 2017

- 3.15 No bats were seen emerging or were suspected to have emerged from the building.
- 3.16 Overall, eleven bat passes were recorded by five of the seven surveyors (Surveyors 1, 2, 3, 5 and 7) across the site. The passes were from soprano pipistrelle, common pipistrelle and noctule bat, and detailed as follows:

- three passes by soprano pipistrelle were recorded between 21:07 and 21:09, the earliest being 33 minutes following sunset which is at the end of the typical emergence period for pipistrelle species (20-30mins after sunset) (Russ, 2012), were recorded by three separate surveyors. The passes were supported by visual observation of a bat. It is assumed that the three passes were from an individual bat, which was recorded commuting along Ashburn Place by Surveyor 2 and 3, and then over the north-eastern corner of the site by Surveyor 1. An additional faint soprano pipistrelle pass confirmed by sound analysis was recorded to the west of the site at 21:58;
- six faint passes by common pipistrelle bats were recorded to the north and west of the site, the earliest of which was recorded at 21:47, 74 minutes following sunset which is beyond the typical emergence period for pipistrelle species. The bat passes were recorded to the north and west of the site and were all noted to be faint commuting passes. No common pipistrelles were observed on site; and
- an individual and faint pass by noctule bat was recorded at 21:56, 82 minutes following sunset which is beyond the typical emergence time for noctule (5-10mins after sunset) (Russ, 2012). The passes was recorded to the north of the site and not supported by any visual observation.

Sound analysis

- 3.17 The visual observations and those heard on the Bat Box Duet detectors were confirmed with analysis of the Anabat Express and Elekon Batlogger records.

4. Evaluation and Impacts

EVALUATION

Pipistrelle species

- 4.1 The two most common and widespread species; found throughout the UK with pre-breeding population estimates of common and soprano pipistrelle at up to two million (Harris and Yalden, 2008). These two species are common and widespread throughout Greater London (Law, 2014) being the species with the highest number of background records identified by the data search.

Noctule bat

- 4.2 A widespread but less common species (BCT, 2010); found throughout the UK with a population estimate of 50,000 (Harris *et al.* 1995). This species has a fairly widespread distribution throughout Greater London, similar to that of soprano pipistrelle, but at a lower density (Law, 2014).

On-site activity

- 4.3 No bats were recorded emerging the buildings during the emergence surveys. All of the pipistrelle bat calls were recorded outside the typical emergence time for the species, which suggests that there are no pipistrelles roosting in close proximity to the site. The only bat confirmed as commuting over the site boundary at any point was an individual soprano pipistrelle. All other calls were faint and therefore were unlikely to have occurred inside the site boundary. Consequently, the results of the bat survey suggest that bat usage of the site is restricted to occasional passes via commuting routes.
- 4.4 The south, east and western elevations of the building were intensively lit by spotlights, street lighting, neighbouring buildings and traffic, decreasing the value of these areas for foraging bats. Despite the high levels of lighting, the boundaries of the site are likely to be used infrequently by common and soprano pipistrelles as a commuting route between foraging patches in the wider landscape, with noctule occasionally commuting over the site.

Summary of Site's Importance to Bats

- 4.5 Bat activity during the emergence survey in August 2017 was restricted to low levels of commuting widespread (and mostly common) species, and the habitats are not considered to function as important foraging or commuting habitat for bats. As conditions on the site during the update PRA and GLRA in July 2020 remained largely the same as recorded in August 2017, it is assumed that the level of bats using the site is similar to

that as recorded during the emergence survey in August 2017. As such, the population of bats using the site is assessed as being of importance at site level only.

IMPACT ASSESSMENT

- 4.6 Although the emergence survey data is now three years old (carried out in August 2017), low levels of bat activity was observed from widespread (and mostly common species). As the condition of the site in July 2020 remains largely in a similar condition to that recorded in August 2017, it is assumed that the previous bat survey data for the site remains valid. As such, the Proposed Development is not anticipated to have any impact on roosting bats, which are assumed to remain absent from Building 1. In addition, the Proposed Development is not anticipated to impact commuting pipistrelle and noctule bats, which currently use the area at a low intensity. These species, particularly the pipistrelles, are well-known to be relatively resilient to certain types of light pollution (Fure, 2006).

Roosting Habitats

- 4.7 Assuming that bats are still absent from Building 1 (Kensington Forum), there are no constraints to the demolition of this building within the next year⁹. Other than Building 1, only structures and trees assessed as providing negligible suitability for roosting bats are scheduled to be removed, and therefore there are no constraints to the removals of these features.
- 4.8 Given that all of the bat calls were outside of the typical emergence times, it is unlikely that a roost is present in any surveyed features on site (such as trees of moderate or low suitability to roosting bats) or the immediate surroundings. As such, it is unlikely that access to roosts will be obscured during the Proposed Development, particularly as there is already high level of noise and light disturbance in the area

Foraging and Commuting Habitats

- 4.9 Bat activity is limited on the site, and as such, the removal of vegetation will have a minimal impact on foraging and commuting bats. Moreover, all of the boundary trees which will provide the highest level of suitable habitat to foraging and commuting bats, will be retained and protected (SimpsonHaugh & Partners, 2018). As such, the impact on commuting bats will be at site level only. No bats were recorded foraging on or adjacent to the site. As the limited commuting and possible foraging habitat (treelines)

on the site are being retained, the impact on foraging will be of significance at the site level only.

Summary of the Predicted Impact at Site Level

- 4.10 In the absence of mitigation, the proposals would result in a minor long-term negative impact that would be significant at site level only.

⁹ Update emergence/re-entry surveys are recommended if the building is not demolished by May 2022.

5. Summary and Recommendations

SUMMARY OF FINDINGS

5.1 This section summarises the potential impacts on bats that may be present at this site. The impact assessment is preliminary and further detailed assessment and surveys will be required to assess impacts and design suitable mitigation, where appropriate.

5.2 An emergence survey in August 2017 confirmed the likely absence of bats from Building 1. An update PRA in July 2020 confirmed that conditions remain the same as recorded in 2017. As such, it is assumed that bats are still likely absent from Building 1. No other buildings or trees scheduled for removal provide suitability to roosting bats, and therefore were not surveyed. As such, there are no bat-related constraints with regard removal of any building on site and any tree of negligible suitability to roosting bats. The following ecological constraints have been identified:

- Building 1 (Kensington Forum) was assessed as providing **low** suitability to roosting bats and is scheduled for demolition – further survey may be required if works are delayed any further;
- two London plane trees (T14-15) were assessed as providing **moderate** suitability to roosting bats and are scheduled to be retained;
- eight mixed species trees (T1, T8, T11-13, and T20-22) were assessed as providing **low** suitability to roosting bats and are scheduled to be retained;
- the results of the emergence survey demonstrate that site provides minimal levels of foraging and commuting habitat for bats; and
- in the absence of mitigation, the development proposals would:
 - result in a minor negative long-term impact to low numbers of foraging and commuting pipistrelle and noctule bats; and
 - the site wide impact of the proposals to bats and supporting habitats would be significant at site level only.

RECOMMENDATIONS

Buildings

5.3 The results of the update PRA survey in July 2020 confirmed that conditions remained similar to those recorded in August 2017. As such, no new emergence surveys are required in 2020. Although roosting bats are currently considered to be likely absent from Building 1, as a precautionary measure, it is recommended that an update emergence survey is carried out on Building 1 prior to demolition if the works are delayed any further than August 2021 (when the emergence survey data will be four years of age). This

emergence survey should occur in the bat survey season (between May and August, inclusive) immediately prior to the commencement of the demolition to Building 1.

Trees

5.4 It should be noted that all works to buildings and trees on the site must be undertaken under strict adherence to legislation relating to nesting birds and non-native and invasive plant species, as detailed within the PEA (The Ecology Consultancy, 2020).

5.5 Two trees (T14-15) of moderate suitability to roosting bats are scheduled to be retained. However, if any remedial works are required, further surveys are likely to be required to determine whether roosting bats are present. In addition, eight other trees (T1, T8, T11-13, and T20-22) were assessed as providing low suitability to roosting bats, and all are scheduled to be retained. However, if any remedial works are required this must be carried out under a 'soft fell' precautionary approach, whereby suitably qualified tree surgeons will lower cut limbs to the ground to be left overnight to allow bats (if present) to make their way out. It is recommended that an experienced bat ecologist is present to supervise these works.

5.6 All other trees were assessed as providing negligible suitability to roosting bats, and as such, do not require further survey or precautionary measures prior to removal or remedial measures.

5.7 Should a bat roost be present, then further surveys and a European Protected Species Mitigation (EPSM) licence and mitigation strategy may be required.

Foraging and Commuting Habitat Provision

5.8 It is understood that areas of the site have been identified for soft landscaping. As supported by the Draft Southwark BAP (LBS, 2020b) it is recommended that post-development landscaping plans include plants of known benefit to insects, which would encourage bats to use the site for foraging purposes. See the Bat Conservations Trusts Landscape and Urban Design for Bats and the Royal Horticultural Society's *Plants for Bats* list: <https://www.rhs.org.uk/advice/pdfs/Plants-for-bats.pdf>.

Roosting Habitat Provision

5.9 boxes/tubes should be installed on site post-development. Woodcrete tubes are recommended as they include a broad range of designs, are long lasting compared to wooden equivalents and insulate occupants from extremes of temperature and condensation. Bat boxes are free hanging and can be installed on mature trees to be retained. Alternatively, bat tubes can be incorporated into or installed on to the new build.

Bat boxes/tubes should be positioned between 3-5m above ground level facing southeast – southwest in a location that will not be lit by artificial lighting.

Sensitive Lighting

- 5.10 Although the site is subject to high levels of artificial lighting from street lights and neighbouring properties, some areas under the tree canopy should remain dark where possible. To avoid further impacting the amenity garden area and the tree-lines, a sensitive lighting regime should be employed where possible. Recommendations can be found in Appendix 6.
- 5.11 Some more generic proposals for mitigation, compensation and enhancement measures are provided in Appendix 6.

References

- Bat Conservation Trust (2011) *Statement on the impact and design of artificial light on bats*. Bat Conservation Trust, London.
- Bat Conservation Trust (2010) *Bat Conservation Trust: Noctule Bat Factsheet/* [Online] Available at: https://cdn.bats.org.uk/pdf/About%20Bats/noctule_11.02.13.pdf?mtime=20181101151302&fo cal=none [Accessed 22 July 2020].
- British Standards Institution (2013). *Biodiversity. Code of practice for planning and development: 42020*. BSI. London.
- CIEEM (2019a). *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. September 2018 Version 1.1 – Updated September 2019*. Chartered Institute of Ecology and Environmental Management, Winchester.
- CIEEM (2019b). *Advice Note on the Lifespan of Ecological Reports and Surveys*. [Online] Available at: <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf> [Accessed 21 July 2020].
- CIEEM (2017). *Guidelines for Preliminary Ecological Appraisal: Second Edition*. Chartered Institute of Ecology and Environmental Management, Winchester.
- Cowan, A (2006) *Assessment of Trees with consideration to their value for use by bats*. Kent: ArborEcology.
- Fure, A. (2006) *Bats and lighting*. The London Naturalist 85.
- Greater London Authority (GLA) (2016). *The London Plan: The Spatial Strategy for London (consolidated with alterations since 2011)*. March 2016. <https://www.london.gov.uk/what-we-do/planning/london-plan/current-london-plan> [accessed 22 July 2020].
- Harris, S. and Yalden, D. (2008) *Mammals of the British Isles: Handbook*. The Mammal Society, London.
- Harris, S., Morris, P., Wray, S. & Yalden, D. (1995) *A review of British Mammals: population estimates and conservation status of British mammals other than cetaceans*. JNCC, Peterborough.
- Jones, J. (2000) *Impact of lighting on bats*. Bat Conservation Trust, London.
- Law, R. (2014) *The London Bat Atlas*. London Bat Group, London

Mitchell-Jones and McLeish (2004). Bat Workers' Manual, Joint Nature Conservation Committee.

Royal London Borough of Kensington and Chelsea Council (2019) *Local Plan, September 2019*. [Online] Available at: <https://www.rbkc.gov.uk/sites/default/files/atoms/files/Local%20plan%202019%20%28full%20document%29.pdf> [Accessed 21 July 2020].

Russ, J. (2012) *British Bat calls; A Guide to species Identification*.

SimpsonHaugh & Partners (2018) *Kensington Forum Design and Access Statement*. London.

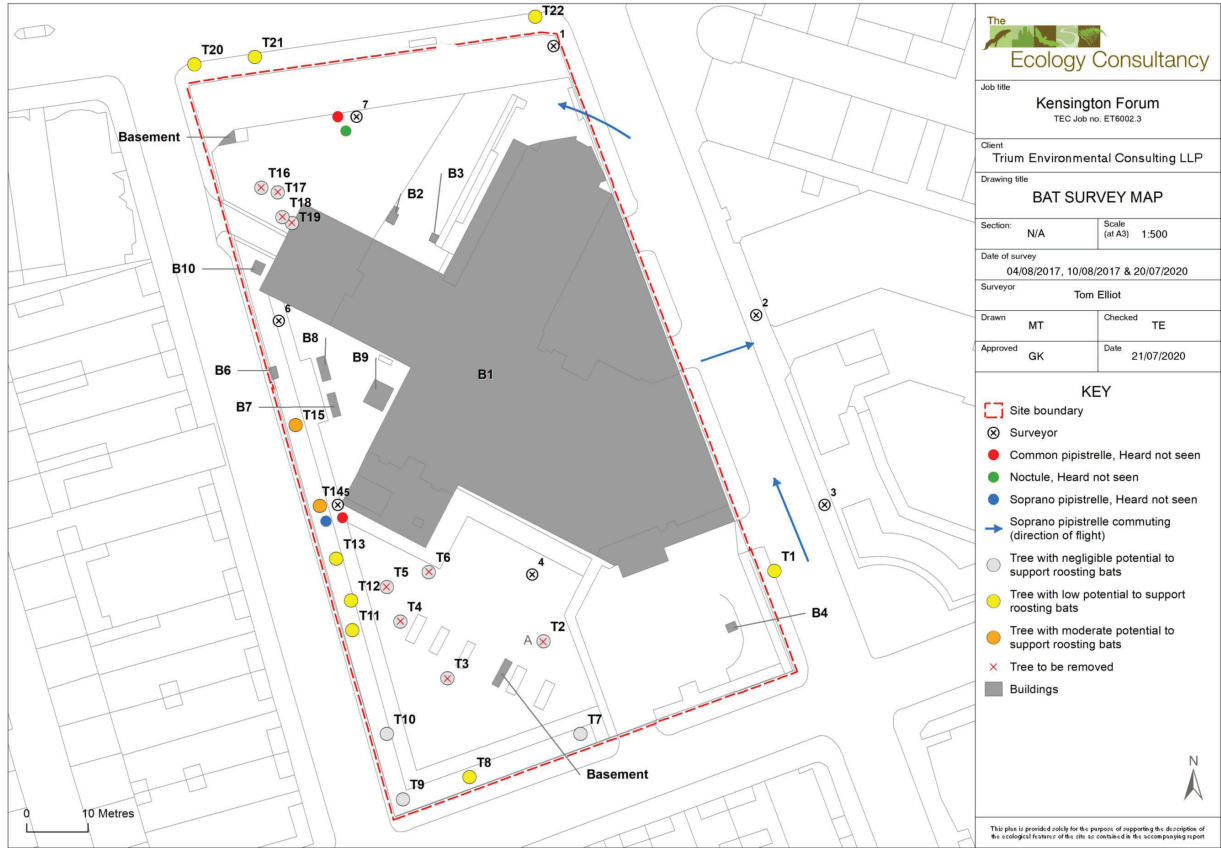
The Ecology Consultancy (2020) *Kensington Forum - Preliminary Ecological Appraisal V2.0*. Report for Trium Environmental Consulting.

The Ecology Consultancy (2017a) *Kensington Forum - Preliminary Ecological Appraisal V1.0*. Report for Trium Environmental Consulting.

The Ecology Consultancy (2017b) *Kensington Forum - Preliminary Roost Assessment V1.0*. Report for Trium Environmental Consulting.

Appendix 1: Survey Map

Figure 1: Bat Survey Results



Appendix 2: Photographs

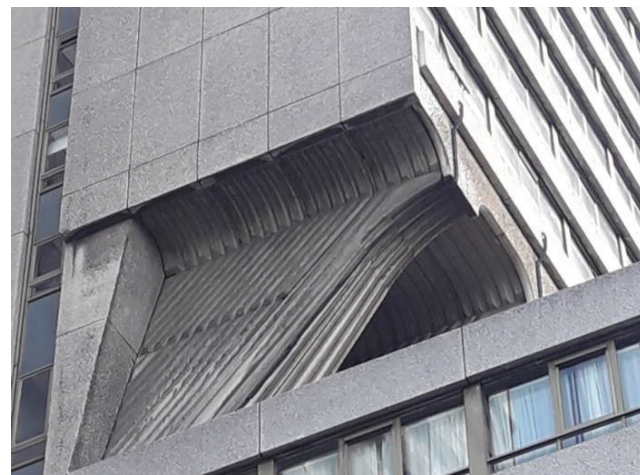
Photograph 1
Building 1 (Kensington Forum).
View looking north.



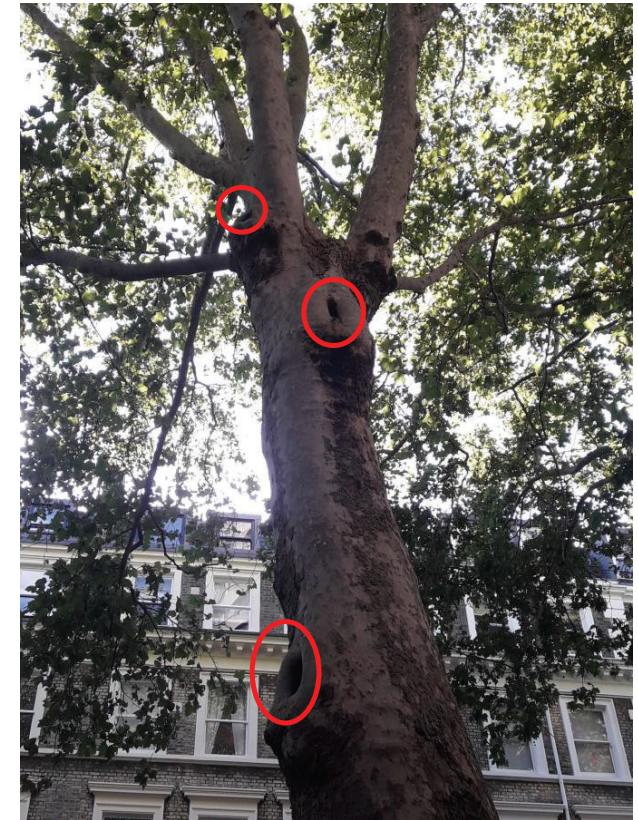
Photograph 2
Crevices underneath concrete
blocks on Building 1.



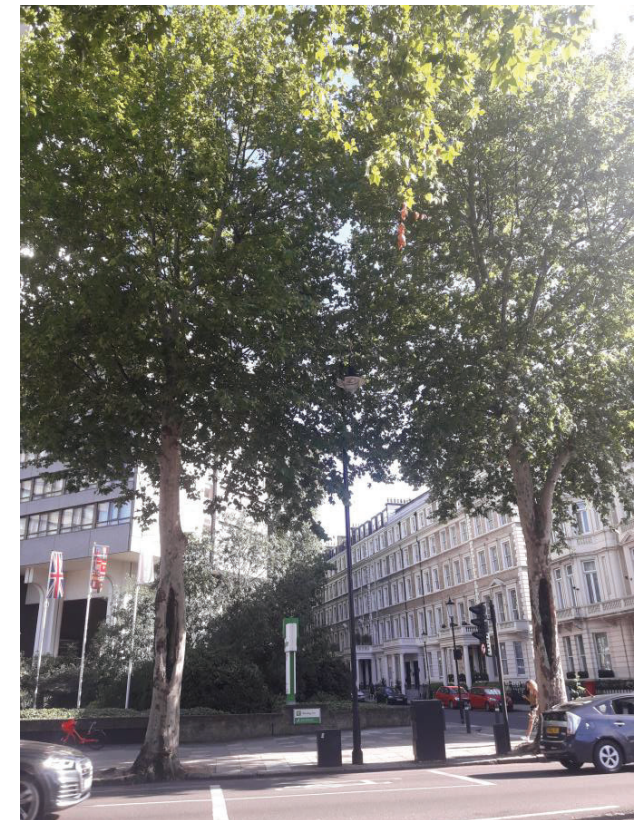
Photograph 3
Gaps around the concrete arches
of Building 1.



Photograph 5
Knot holes present on T14. View
looking west.



Photograph 5
Large wounds present on T20-
21. View looking south.



Appendix 3: Survey Data

Project		6002.2		Building reference		Building 1 (Kensington Forum)	
Surveyor		Tom Elliott		Date		10/08/2017	
Survey no		1		Survey start/end times		20:19/22:04	
Sunset/rise time		20:34		Equipment reference		Ex5	
Surveyor-Easting, Northing		526098	178873	Surveyor location		1	
General weather conditions		Clear and dry with a very light breeze.					
Temperature (start and end)	19 - 18°C	Cloud cover (0-8)	0/8	Wind (Beaufort 0-12)	1	Rain (0-5)	0
Species - (CP=common pipistrelle, SP=soprano pipistrelle, LE=long-eared, N=Noctule, S=Serotine, M=Myotis, U=Unknown)							
Activity type - (E = Emergence, R = Return to roost, C = Commuting, F = Foraging, S = Socialising)							
Time	Species	Number of bats	Seen/not seen (S/NS)	Activity type	Direction of flight	Notes (inc map ref)	
21:08	Soprano pipistrelle	1	Seen	Commuting	West	Pass across N-W corner (Ref: 3)	

Project		6002.2		Building reference		Building 1 (Kensington Forum)	
Surveyor		Tim Lees		Date		10/08/2017	
Survey no		1		Survey start/end times		20:19/22:04	
Sunset/rise time		20:34		Equipment reference		Ex6	
Surveyor-Easting, Northing		526129	178829	Surveyor location		2	
General weather conditions		Clear and dry with a very light breeze.					
Temperature (start and end)	19 - 18°C	Cloud cover (0-8)	0/8	Wind (Beaufort 0-12)	1	Rain (0-5)	0
Species - (CP=common pipistrelle, SP=soprano pipistrelle, LE=long-eared, N=Noctule, S=Serotine, M=Myotis, U=Unknown							
Activity type - (E = Emergence, R = Return to roost, C = Commuting, F = Foraging, S = Socialising)							
Time	Species	Number of bats	Seen/not seen (S/NS)	Activity type	Direction of flight	Notes (inc map ref)	
21:07	Soprano pipistrelle	1	Seen	Commuting	East	Pass across road (Ref: 2)	

Project		6002.2		Building reference		Building 1 (Kensington Forum)	
Surveyor		Matt Pendry		Date		10/08/2017	
Survey no		1		Survey start/end times		20:19/22:04	
Sunset/rise time		20:34		Equipment reference		Ex1	
Surveyor-Easting, Northing		526140	178804	Surveyor location		3	
General weather conditions		Clear and dry with a very light breeze.					
Temperature (start and end)	19 - 18°C	Cloud cover (0-8)	0/8	Wind (Beaufort 0-12)	1	Rain (0-5)	0
Species - (CP=common pipistrelle, SP=soprano pipistrelle, LE=long-eared, N=Noctule, S=Serotine, M=Myotis, U=Unknown							
Activity type - (E = Emergence, R = Return to roost, C = Commuting, F = Foraging, S = Socialising)							
Time	Species	Number of bats	Seen/not seen (S/NS)	Activity type	Direction of flight	Notes (inc map ref)	
21:07	Soprano pipistrelle	1	Seen	Commuting	East	Pass across road (Ref: 2)	

Project		6002.2		Building reference		Building 1 (Kensington Forum)	
Surveyor		Nick Unwin		Date		10/08/2017	
Survey no		1		Survey start/end times		20:19/22:04	
Sunset/rise time		20:34		Equipment reference		Ex2	
Surveyor-Easting, Northing		526091	178787	Surveyor location		4	
General weather conditions		Clear and dry with a very light breeze.					
Temperature (start and end)	19 - 18°C	Cloud cover (0-8)	0/8	Wind (Beaufort 0-12)	1	Rain (0-5)	0
Species - (CP=common pipistrelle, SP=soprano pipistrelle, LE=long-eared, N=Noctule, S=Serotine, M=Myotis, U=Unknown)							
Activity type - (E = Emergence, R = Return to roost, C = Commuting, F = Foraging, S = Socialising)							
Time	Species	Number of bats	Seen/not seen (S/NS)	Activity type	Direction of flight	Notes (inc map ref)	
No bats recorded							

Project		6002.2		Building reference		Building 1 (Kensington Forum)	
Surveyor		James Read		Date		10/08/2017	
Survey no		1		Survey start/end times		20:19/22:04	
Sunset/rise time		20:34		Equipment reference		Ex7	
Surveyor-Easting, Northing		526055	178798	Surveyor location		5	
General weather conditions		Clear and dry with a very light breeze.					
Temperature (start and end)	19 - 18°C	Cloud cover (0-8)	0/8	Wind (Beaufort 0-12)	1	Rain (0-5)	0
Species - (CP=common pipistrelle, SP=soprano pipistrelle, LE=long-eared, N=Noctule, S=Serotine, M=Myotis, U=Unknown)							
Activity type - (E = Emergence, R = Return to roost, C = Commuting, F = Foraging, S = Socialising)							
Time	Species	Number of bats	Seen/not seen (S/NS)	Activity type	Direction of flight	Notes (inc map ref)	
21:47	Common pipistrelle	1	Not seen			Anabat Express faint call	
21:58	Soprano pipistrelle	1	Not seen			Anabat Express faint call	

Project		6002.2		Building reference		Building 1 (Kensington Forum)	
Surveyor		John Myerscough		Date		10/08/2017	
Survey no		1		Survey start/end times		20:19/22:04	
Sunset/rise time		20:34		Equipment reference		Ex8	
Surveyor-Easting, Northing		526048	178828	Surveyor location		6	
General weather conditions		Clear and dry with a very light breeze.					
Temperature (start and end)	19 - 18°C	Cloud cover (0-8)	0/8	Wind (Beaufort 0-12)	1	Rain (0-5)	0
Species - (CP=common pipistrelle, SP=soprano pipistrelle, LE=long-eared, N=Noctule, S=Serotine, M=Myotis, U=Unknown)							
Activity type - (E = Emergence, R = Return to roost, C = Commuting, F = Foraging, S = Socialising)							
Time	Species	Number of bats	Seen/not seen (S/NS)	Activity type	Direction of flight	Notes (inc map ref)	
No bats recorded							

Project		6002.2		Building reference		Building 1 (Kensington Forum)	
Surveyor		Demian Lyle		Date		10/08/2017	
Survey no		1		Survey start/end times		20:19/22:04	
Sunset/rise time		20:34		Equipment reference		Batlogger 2	
Surveyor-Easting, Northing		526062	178869	Surveyor location		7	
General weather conditions		Clear and dry with a very light breeze.					
Temperature (start and end)	19 - 18°C	Cloud cover (0-8)	0/8	Wind (Beaufort 0-12)	1	Rain (0-5)	0
Species - (CP=common pipistrelle, SP=soprano pipistrelle, LE=long-eared, N=Noctule, S=Serotine, M=Myotis, U=Unknown)							
Activity type - (E = Emergence, R = Return to roost, C = Commuting, F = Foraging, S = Socialising)							
Time	Species	Number of bats	Seen/not seen (S/NS)	Activity type	Direction of flight	Notes (inc map ref)	
21:39	Common pipistrelle	1	Not seen	Commuting		Brief pass	
21:43	Common pipistrelle	1	Not seen	Commuting		Brief pass	
21:48	Common pipistrelle	1	Not seen	Commuting		Brief pass	
21:56	Noctule	1	Not seen	Commuting		Brief pass	
21:57	Common pipistrelle	1	Not seen	Commuting		Brief pass	
22:04	Common pipistrelle	1	Not seen	Commuting		Batlogger faint call	

Appendix 4: Legislation and Policy

Important Notice: This section contains details of legislation applicable in Britain only (i.e. not including the Isle of Man, Northern Ireland, the Republic of Ireland or the Channel Islands) and is provided for general guidance only. While every effort has been made to ensure accuracy, this section should not be relied upon as a definitive statement of the law.

NATIONAL LEGISLATION AFFORDED TO BAT SPECIES

The objective of the EC Habitats Directive¹⁰ is to conserve the various species of plant and animal which are considered rare across Europe. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2017 (formerly The Conservation (Natural Habitats, &c.) Regulations 2010 (as amended) and The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended).

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

Explanatory notes relating to all bat species protected under The Conservation of Habitats and Species Regulations 2017 are given below.

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

¹⁰ Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora

All species of bat are fully protected under The Conservation of Habitats and Species Regulations 2017 through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (all bats)
- Deliberate disturbance of bat species as:
 - a) to impair their ability:
 - (i) to survive, breed, or reproduce, or to rear or nurture young;
 - (ii) to hibernate or migrate³
 - b) to affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place
- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

Bats are also currently protected under the Wildlife and Countryside Act 1981 (as amended) through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

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

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

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

Though there is no case law to date, the legislation may also be interpreted such that, in certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded *de facto* protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost¹¹.

¹¹ Garland & Markham (2008) Is important bat foraging and commuting habitat legally protected? Mammal News, No. 150. The Mammal Society, Southampton.

NATIONAL PLANNING POLICY

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) replaced Planning Policy Statement (PPS9) in April 2012 as the key national planning policy concerning nature conservation. The NPPF emphasises the need for suitable development. The Framework specifies the need for protection of designated sites and priority habitats and priority species. An emphasis is also made for the need for ecological networks via preservation, restoration and re-creation. The protection and recovery of priority species – that is those listed as UK Biodiversity Action Plan priority species – is also listed as a requirement of planning policy. In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from adverse harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and The Biodiversity Duty

The Natural Environment and Rural Communities (NERC) Act came into force on 1st October 2006. Section 40 of the Act requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

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

REGIONAL PLANNING POLICY

The London Plan (Intend to Publish version 2019)

The London Plan is the statutory Spatial Development Strategy for Greater London prepared by the Mayor of London in accordance with the Greater London Authority Act 1999 (as amended). Chapter 8 includes nine policies relating to the protection, enhancement, creation, promotion and management of biodiversity and green infrastructure in support of the London

Environment Strategy (GLA, 2018). Four of these Green Infrastructure and Natural Environment policies (G1, G5, G6 & G7) are considered relevant to this assessment, as detailed below.

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 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 (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:

- 1) use up-to-date information about the natural environment and the relevant procedures to identify SINCs and ecological corridors to identify coherent ecological networks
- 2) identify areas of deficiency in access to nature (i.e. areas that are more than 1km walking distance from an accessible Metropolitan or Borough SINC) and seek opportunities to address them
- 3) 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.

London's Environment Strategy (2018)

The London Environment Strategy set out an ambitious vision for improving London's environment for the benefit of all Londoners. This is the first strategy to bring together approaches to every aspect of London's environment, integrating the following areas:

- Air quality
- Green infrastructure
- Climate change mitigation and energy
- Waste
- Adapting to climate change
- Ambient noise
- Low carbon circular economy

The overall aim of the strategy is for London to be the world's greenest global city by making it greener, clearer and ready for the future. The London Environment Strategy combines multiple previous strategies including the Biodiversity Strategy (GLA, 2002).

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

Proposal 5.2.1.a The London Plan includes policies on the protection of Sites of Importance for Nature Conservation (SINCs) and Regionally Important Geological Sites (RIGS)

Proposal 5.2.1.b The Mayor will develop a biodiversity net gain approach for London, and promote wildlife-friendly landscaping in new developments and regeneration projects.

E LOCAL PLANNING POLICY

Royal Borough of Kensington and Chelsea, Local Plan - Policy CE4 Biodiversity

The Council will protect the biodiversity in, and adjacent to, the Borough's Sites of Nature Conservation Importance and require opportunities to be taken to enhance and attract biodiversity.

To deliver this the Council will:

- a. protect Sites of Nature Conservation Importance and/or require the provision of significantly improved habitats to attract biodiversity in accordance with the national, regional and local policy and biodiversity targets and ecosystems targets Plans;
- b. protect the biodiversity value of Green Corridors and the Blue Ribbon Network and require that development proposals create opportunities to extend or link Green Corridors and the Blue Ribbon Network;
- c. require a site specific Ecological Impact Assessment for all major developments in or adjacent to Sites of Nature Conservation Importance, Green Corridors, open space, and the Blue Ribbon Network, and their features important for biodiversity;
- d. require other development proposals to create opportunities, where possible, for attracting biodiversity and habitat creation, having regard to the national, regional and local biodiversity and ecosystem targets.

F REGIONAL AND LOCAL BAPS

Many local authorities in the UK have also produced a local Biodiversity Action Plan (LBAP) at the County or District level. As highlighted in The Royal Borough of Kensington and Chelsea Local Biodiversity Action Plan (2010/11 to 2014/15), the borough currently covers twenty-two Sites of Importance for Nature Conservation (SINC), of which five sites will be of Metropolitan Importance, four of Borough Importance I, eight of borough importance II, and five of Local importance. There are also additional sites that currently lie outside the borough boundary, but are managed by the borough.

Appendix 5: Assessment Criteria for Preliminary Roost Assessments

ASSESSMENT CRITERIA – PRELIMINARY ROOST ASSESSMENT – STRUCTURES

The potential for structures to support roosting bats, ranging from negligible to the presence of a confirmed roost, is assessed using the findings of the survey and the desk study. The following criteria were used to determine the level of potential of the buildings for roosting bats:

- **Negligible potential** – While presence cannot be absolutely discounted there were no significant visible features that could be used by bats for roosting.
- **Low** – Small number of potential roosting features such as could be utilised by individual opportunistic roosting bats. Site situated within isolated habitat that could be used by foraging bats but which is not connected by prominent linear features such as woodland edge, hedgerows and tree lines.
- **Moderate** – Several potential roosting features in the buildings or other structures. There is surrounding habitat such as woodland, scattered trees, hedgerows suitable to support foraging and roosting bats. The site is connected with the wider landscape by linear features such as woodland edge, hedgerows and tree lines that could be used by commuting bats.
- **High** – Buildings or other structures, such as mines, caves, tunnels, ice houses and cellars, with numerous features of potential significance for roosting bats. Surrounding landscape has high value habitat for roosting, foraging and commuting that is contiguous with on-site habitats. The site is connected with the wider landscape by strong linear features and may be close to known roosts or other potentially valuable habitat resources.
- **Confirmed roost** – Evidence indicates a building or other structure is used by bats, for example:
 - bats seen roosting or observed flying from a roost or freely in the habitat;
 - droppings, carcasses, feeding remains;
 - bats heard ‘chattering’ inside on a warm day or at dusk.

ASSESSMENT CRITERIA – GROUND LEVEL ROOST ASSESSMENT – TREES

All trees that may have a level of potential for a roost are assessed using the Cowan Scale (Cowan, 2006). The following values are assigned in considering the availability of suitable features for roosting bats:

- **0 – negligible potential** – No visible features that could be used by bats for roosting
- **1 – low potential** – One or two minor features, possible associated with feeding or night-time roosts, such as:

- sparse ivy *Hedera helix*;
- minor branch splits or fissures;
- small areas of loose bark;
- features less than ten years old.
- **2 – moderate potential** – Features that may provide a more secure site for individuals or small groups of bats, such as:
 - dense ivy;
 - significant branch splits;
 - small cavities such as woodpecker holes;
 - features present for between 10 and 30 years.
- **3 – high potential** – Features of particular significance, suitable for high priority roost such as maternity roosts and likely to be used by larger groups of bats, such as:
 - features that provide rare or uncommon conditions in the local area;
 - large cavities or extensive branch or trunk splits;
 - multiple features in the same tree;
 - features present for more than 30 years that could have been used by several generations of bats.
- **4 – confirmed roost** – Evidence indicating use by bats, such as:
 - droppings, carcasses, feeding remains;
 - bats heard ‘chattering’ inside on a warm day or at dusk;
 - bats seen roosting or observed flying from a feature.

Appendix 6: Standard Guidance for Mitigation, Compensation and Enhancement

Bat tubes, bat bricks and bat boxes

To compensate for the loss of roosts used by crevice dwelling species or to provide enhancement measures thought should be given to utilising proprietary products from recognised manufacturers such as: Bird Brick Houses, The Nest Box Company, Schwegler, Habibat, Causa and Vincent. Bat tubes and integrated bat bricks are artificial roost features that can be incorporated into building structures. Bat boxes are generally fitted externally to mature trees or structures. The site's value to bats could be enhanced by installing any of these features. Any bat tubes and bat bricks used for enhancement would need to be in addition to any required to compensate for the loss of the roosts.

Bat tubes, bat bricks or bat boxes should be located at least 5m above ground level facing southeast – southwest and to allow for clear flight paths and should not be directly lit by artificial lighting. Bat boxes should be woodcrete designs as they are long lasting compared to wooden boxes and insulate occupants from extremes of temperature and condensation.

Breathable roof membrane

Breathable roof membranes (BRMs) have been shown to entangle roosting bats, leading to mortality, sometimes of entire colonies. Therefore it is recommended that only bitumen roofing felt that does not contain polypropylene filaments (e.g. bitumen felt type 1F) should be used to reduce the risk of bat mortality.

Bats and lighting

While different species of bat react differently to night time lighting, research has found that bats overall are sensitive to artificial lighting. Excessive and/or poorly directed lighting may delay bats in emerging from their roosts; shortening the time available for foraging, as well as causing bats to move away from suitable foraging grounds, movement corridors or roosting sites, to alternative dark areas (Jones, 2000).

To minimise indirect impacts from lighting associated with the proposed development it is recommended that artificial lighting is only directed where necessary for health and safety reasons. Lighting should not illuminate any trees and hedgerows on site, or suspected or confirmed bat roosting sites. Lighting should only be used for the period of time for which it is required (Jones, 2000). This can be achieved by following accepted best practice (Fure, 2006;

Institute of Lighting Engineers 2009; Bat Conservation Trust 2011; Stone 2013; Bat Conservation Trust 2014):

- Where appropriate, professional lighting designers should be consulted, and the need for quantitative lighting measurements should be considered;
- Lighting mitigation should be based on robust baseline surveys of bat behaviour and existing light levels on site wherever possible;
- The level of artificial lighting including flood lighting should be kept to an absolute minimum;
- Where this does not conflict with health and safety and/or security requirements, the site should be kept dark during peak bat activity periods (0 to 1.5 hours after sunset and 1.5 hours before sunrise);
- Variable lighting regimes (VLR) can be utilised to lower lighting levels during periods of low human activity (e.g 00:30-05:30);
- Lighting required for security or safety reasons should use a lamp of no greater than 2000 lumens (150 Watts) and should comprise sensor-activated lamps;
- Use narrow-spectrum light sources that peak higher than 550 nanometres, avoiding lights with UV, white and blue wavelengths;
- Lights utilising LED technology are the preferred option as these lights do not emit on the UV spectrum, are easily controllable in terms of direction/spill and can be turned on and off instantly;
- Avoid the use of sodium or metal halide lamps, these gas lamps require a lengthy period in which to turn off and the diffuse nature of the light emitted makes light spillage a significant problem.
- Lights required for night time deliveries or security patrols could be set to activate with pressure activated sensors set into the ground;
- Lighting should be directed to where it is needed to minimise light spillage. This can be achieved by limiting the height of the lighting columns and by using as steep a downward angle as possible and/or a shield/hood/cowl/ that directs the light below the horizontal plane and restricts the lit area;
- Usually using lower lighting columns and increasing the spacing between them reduces light intensity and spill;
- Plant vegetation to form light barriers and dark corridors. Use close-boarded fencing to screen light until vegetation matures. Dark corridors should be well connected to commuting routes;

- Artificial lighting should not directly illuminate any confirmed or potential bat roosting features or habitats of value to commuting/foraging bats. Similarly, any newly planted linear features or compensatory bat roosting features should not be lit; and
- The use of reflective surfaces under lights should be avoided.



Ecology Consultancy

The Ecology Consultancy is part of the Temple Group.

Making places better for people and wildlife

London - Tempus Wharf, 33a Bermondsey Wall West, London, SE16 4TQ
T. 020 7378 1914 W. www.ecologyconsultancy.co.uk E. enquiries@ecologyconsultancy.co.uk

■ **Sussex** - 3 Upper Stalls, Iford, Lewes, East Sussex BN7 3EJ T. 01273 813739
■ **East Anglia** - 60 Thorpe Road, Norwich, Norfolk NR1 1RY T. 01603 628408
■ **Midlands** - 1-2 Trent Park, Eastern Avenue, Lichfield, Staffordshire WS13 6RN T. 01543 229049
■ **North** - The Paine Suite, Nostell Business Park, Doncaster Road, Wakefield, WF4 1AB T. 01924 921900
■ **Devon** - 3 Drakes Cottages, Milton Combe, Yelverton, Devon, PL20 6HB T. 01822 855196

Appendix: Traffic and Transport (Replacement Appendix)

Annex 1 Transport Assessment Addendum (Replacement Assessment)



Queensgate Bow UK Holdco Limited

KENSINGTON FORUM, CROMWELL ROAD

Transport Assessment Addendum



Queensgate Bow UK Holdco Limited

KENSINGTON FORUM, CROMWELL ROAD

Transport Assessment Addendum

TYPE OF DOCUMENT (VERSION) PUBLIC

PROJECT NO. 70024917

OUR REF. NO. 001

DATE: JULY 2020

WSP

WSP House
70 Chancery Lane
London
WC2A 1AF

Phone: +44 20 7314 5000

Fax: +44 20 7314 5111

WSP.com



QUALITY CONTROL

Issue/revision	First issue	Revision 1	Revision 2	Revision 3
Remarks	Draft	For Issue		
Date	July 2020	July 2020		
Prepared by	Thomas Giles	Thomas Giles		
Signature				
Checked by	Bryony Vaughan/ Rea Turohan	Bryony Vaughan/ Rea Turohan		
Signature				
Authorised by	Alec Prince	Alec Prince		
Signature				
Project number	70024917	70024917		
Report number	001	001		
File reference				



CONTENTS

1	INTRODUCTION	1
1.1	BACKGROUND	1
1.2	OVERVIEW	1
2	PLANNING POLICY GUIDANCE	3
2.1	INTRODUCTION	3
2.2	REVISED REGIONAL POLICY	3
2.2.1	INTEND TO PUBLISH LONDON PLAN (2019)	3
2.3	LOCAL POLICY	6
2.3.1	REVISED RBKC LOCAL POLICY	6
3	BASELINE TRANSPORT NETWORKS	8
4	SUMMARY AND CONCLUSIONS	10



1 INTRODUCTION

1.1 BACKGROUND

- 1.1.1 WSP has been commissioned by Rockwell on behalf of Queensgate Bow UK Holdco Ltd to review and, where appropriate, update the Transport Assessment provided in relation to the development proposals at Kensington Forum, 97 Cromwell Road, within the Royal Borough of Kensington and Chelsea (RBKC).
- 1.1.2 A Transport Assessment (TA) was originally prepared and submitted to the Local Planning Authority (LPA) [as standalone document and Appendix to the Environmental Statement] supporting the planning application for the site (Preference P/18/03461), received in June 2018. The LPA notified the GLA in October 2018 that it was minded to refuse the planning application.
- 1.1.3 In November 2018 the Mayor of London issued a direction to call in the planning application for the Kensington Forum development (Reference 4266). The application proposals were amended on 1st May 2019. The amendments included the following:
- an increase in the number of residential units from 46 to 62;
 - an increase in the height of the seven storey element of the building containing the residential units by two storeys to nine storeys;
 - all of the residential units now proposed as affordable;
 - internal and external reconfiguration of the residential element of the building;
 - other external alterations to the elevational design, including integration of wind mitigation measures; and
 - amendments to cycle and refuse storage at ground and basement level.
- 1.1.4 The revised application was supported by a Transport Assessment Addendum (issued April 2019).
- 1.1.5 A hearing was held in June 2019, following which the Mayor decided to grant permission for the application subject to planning conditions and conclusion of a section 106 legal agreement.
- 1.1.6 RBKC subsequently submitted a judicial review request to the High Court, challenging this decision. The Greater London Authority (GLA) consented to judgement and the decision was quashed.
- 1.1.7
- 1.1.8 As a result, there is a procedural requirement for a second Stage 3 Hearing and redetermination by the Mayor or Deputy Mayor. The GLA has asked the applicant to review and update (as necessary) its planning submission to taken into account any changes in planning policy and best practice guidance since the planning application for the Kensington Forum development was determined in June 2019. There have been no changes made to the scheme since 1 May 2019 (which were addressed in the April 2019 Transport Assessment Addendum).
- 1.1.9
- This further Transport Assessment Addendum (TAA) outlines the Policy and best practice guidance changes relevant to Transport and updates and/or verifies the assessments of the previously submitted 2018 TA and 2019 TAA.

1.2 OVERVIEW

- 1.2.1 A review of the transport documents submitted to date has been undertaken to ascertain the validity of the information contained in the previously submitted TA and TAA. An overview of the changes that have been made in each Chapter of the 2018 TA and 2019 TAA is summarised in the Table overleaf.



Table 1-1 TA and TAA Chapter Review

Chapter	To be Updated
Planning Policy and Guidance	Yes
Baseline Transport Networks	Yes
Proposed Development	No
Trip Generation	No
Transport Impact Assessment	No
Management Plans	No
Summary and Conclusions	Yes

2 PLANNING POLICY GUIDANCE

2.1 INTRODUCTION

2.1.1 This section will focus on the changes in government policy since the April 2019 Transportation Addendum. This includes:

- publication of the Intend to Publish (IP) London Plan in December 2019, and
- adoption of the Royal Borough of Kensington and Chelsea (RBKC) Local Plan in September 2019.

2.1.2 This is detailed in **Table 2-1**.

Table 2-1 Updated Policy Documents

Policy included in original TA & TAA	Updated and covered in this TAA
National Planning Policy Framework 2019	Unchanged
Mayor's Transport Strategy (March 2018)	Unchanged
The London Plan (current) 2016	Unchanged
The Draft London Plan (EiP – Minor suggested changes) 2019	Updated to Intend to Publish London Plan (2019)
RBKC Local Plan 2015	Updated to Revised in 2019
RBKC Transport and Streets Supplementary Planning Document 2016	Unchanged

2.2 REVISED REGIONAL POLICY

2.2.1 INTEND TO PUBLISH (IP) LONDON PLAN (2019)

2.2.2 The IP London Plan was published in December 2019 and is expected to be adopted by the end of 2020. The document aims to ensure that London's transport is easy, safe and convenient for everyone, and encourages the use of cycling, walking and public transport.

Healthy Streets

2.2.3 The IP London Plan acknowledges that a strategic shift is needed to reduce Londoners' dependency on the car, creating a healthy, pleasant and sustainable street environment in which people can walk, cycle and use public transport.

2.2.4 'Policy T2 Healthy Streets' outlines that development proposals should:

- Demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London Guidance;
- Reduce the dominance of vehicles on London's streets whether stationary or moving; and
- Be permeable by foot and cycle and connect to local walking and cycling networks as well as public transport.

2.2.5 Given the planning application was first submitted prior to the IP London Plan publication, an active travel zone assessment has not been undertaken, however a high level Healthy Streets review has been completed for the scheme. **Table 2-2** considers the proposed development against the 10 Healthy Streets indicators, highlighting where the changes would impact the scores.

Table 2-2 Healthy Streets Review

Healthy Street Indicator	Commentary
HS1: Pedestrians from all walks of life	Provision of blue badge car parking spaces are included in line with the Intend to Publish London Plan standards and the development includes improved public realm linking to the Underground station and the restoration of a public garden making the area safer and more desirable for Londoners of all walks of life.
HS2: Easy to cross	The provision of the crossing between Cromwell Road and Grenville Place and Ashburn Place, and improved pedestrian routes through the site will provide better access between rail station and local bus stops.
HS3: Shade and shelter	Through the restoration of a formal public garden places of shade and shelter are provided, improving the existing provision.
HS4: Places to stop and rest	Opportunities to stop and rest will be provided within the development in the public realm and gardens.
HS5: Not too noisy	The scheme is seeking to shelter the garden from noise through the provision of a feature wall located between the taxi drop off and greening.
HS6: People choose to walk, cycle and use public transport	Additional cycle parking (24 short-stay cycle parking spaces) will be provided in the area, as well as a contribution to cycle hire. The scheme has been designed to accommodate 'non-standard bikes' catering for the needs of all cyclists in line with the Intend to Publish London Plan and LDCS standards.
HS7: People feel safe	Active frontage is provided along the Cromwell Road which will ensure the pavement is overlooked for increased safety. The conflicts between vehicles and pedestrians are managed by giving pedestrian priority and improving the footways around the site, new crossings and a better-quality route from the site to the Underground station.
HS8: Things to see and do	The hotel lobby will feature access from Cromwell Road and Ashburn Place and the restored gardens will provide a vibrant addition to the site with ground floor activity.
HS9: People feel relaxed	The development is committing to improve the pedestrian provision in the development surroundings improving the quality of the public realm along the route from the Site to the Underground Station which will improve pedestrian safety and thus will result in a more relaxed environment for people. Furthermore, the restored gardens will offer opportunities to relax and will be easily accessed from the surroundings.
HS10: Clean air	The ES reports that there is a net zero change in air quality due to the development better building standards and increased greening.

2.2.6 The proposed development legal agreement includes contributions towards promotion of sustainable travel which are a result of the transport assessment impact assessment and proposed mitigations:

- Management Plans and financial contribution and towards the monitoring of the Management Plans (Travel Plan, Construction Logistic Plan, Deliveries and servicing Plan, Hotel Event Travel Management Plan)
- A financial contribution toward the TfL cycle hire facilities improvement;
- A financial contribution toward Legible London signage update;
- Parking permit exemption for future residents;
- Public realm improvement works (including highway works) contribution of £2.45M.

2.2.7 The Mayor's key target, as set out in Policy T1 is that:

- 80% of all trips in London are to be made by foot, cycle or public transport by 2041.

2.2.8 The Intend to Publish London Plan recognises that London's challenges of guaranteeing its status as an efficient, well-functioning globally-competitive city are intertwined with the obstacles and opportunities that transport brings. It states that the integration of land use and transport is essential in realising and maximising growth and ensuring that different parts of the city are connected in a sustainable and efficient way.

2.2.9 In order to achieve this, the Intend to Publish London Plan acknowledges that a strategic shift is needed to reduce Londoners' dependency on the car, creating a healthy, pleasant and sustainable street environment in which people can walk, cycle and use public transport.

Cycle Parking

2.2.10 The Intend to Publish London Plan cycle parking standards are summarised in **Table 2-3**.

Table 2-3 – Minimum Cycle Parking Standards

Use Class		Long-stay (e.g. for residents or employees)	Short-stay (e.g. for visitors or customers)
C1	Hotels (bars, restaurants, gyms etc. open to the public should be considered individually under relevant standards)	1 space per 20 bedrooms	1 space per 50 bedrooms
C3- C4	Dwellings (all)	1 space per studio or 1 person bedroom dwelling, 1.5 spaces per 2 person 1 bedroom dwelling, 2 spaces per all other dwellings	5 to 4 dwellings 2 spaces Thereafter 1 space per 40 dwellings

2.2.11 The proposed development cycle parking was revised prior to GLA hearing in June 2019 to include the standards illustrated in the table above, as well as a percentage of the spaces being provided for larger non-standard bicycles.

2.2.12 The proposed development is therefore in compliance with the IP London Plan cycle parking standards.

Car Parking

2.2.13 With regards to parking, Policy T6 states that Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Where car parking is provided in new developments, provision should also be made for infrastructure for electric or other Ultra-Low Emission vehicles.

2.2.14 The Intend to Publish London Plan car parking standards for hotel and residential uses are summarised in **Table 2-4**.

Table 2-4 - Maximum car parking standards

Use	Location	Maximum Parking provision
Hotel and leisure uses	CAZ and locations with a PTAL 4-6	Any on-site provision should be limited to operational needs, disabled persons parking and parking required for taxis, coaches and deliveries or servicing. All operational parking must provide infrastructure for electric or other Ultra-Low Emission vehicles, including active charging points for all taxi spaces. Disabled persons parking should be provided as set out in Policy T6.5 Non-residential disabled persons parking.
	Central Activities Zone	Car-free
Residential	Inner London Opportunity Areas Metropolitan and Major Town Centres All areas of PTAL 5 – 6 and Inner London PTAL 4	Car-free
	Inner London PTAL 5-6	Car-free

2.2.15 In comparison to the previous version of the London Plan there are no alterations to the car parking standards.

2.2.16 Whilst the proposed development is not car free, the re-provided site car parking is significantly reduced and allocation will be prioritised to provide for blue badge holders first and will feature EV charging.

2.2.17 Since the London Plan standards have not changed as a result of the IP London Plan and the scheme remains unchanged, the information contained in the previously submitted TA and TAA remains valid.

2.3 LOCAL POLICY

2.3.1 REVISED RBKC LOCAL POLICY

2.3.2 The RBKC Consolidated Local Plan was adopted in September 2019. The Local Plan sets out the vision, objectives and detailed spatial strategy for future development in the Royal Borough up to 2028 along with specific strategic policies and targets, development management policies and site allocations.

2.3.3 In relation to transport, Chapter 20 focuses on Better Travel Choices, with Policy CO 3 detailing the strategic objective for Better Travel Choices, that walking, cycling and public transport are safe, easy and attractive, and preferred by residents to private car ownership and use.

2.3.4 Policy CT1 focusses on improving alternatives to car use, making it easier and more attractive to walk, cycle and use public transport and by managing traffic congestion and the supply of car parking. To deliver this it states that the Council will:

- "a. require high trip generating development to be located in areas of the borough where public transport accessibility has a PTAL score of 4 or above and where there is sufficient public transport capacity, or that will achieve PTAL 4 and provide sufficient capacity as a result of committed improvements to public transport;
- b. require it to be demonstrated that development will not result in any material increase in traffic congestion or on-street parking pressure;
- c. require that all new additional residential development be permit-free;

- d. require car parking provided in new residential development to be at or below the adopted car parking standards;
- e. require that parking in non-residential development is for essential need only;
- f. require cycle parking, showering and changing facilities in new development;
- g. require improvements to the walking and cycling environment, including securing pedestrian and cycle links through new developments;
- h. require new development to incorporate measures to improve road safety, and in particular the safety of pedestrians, cyclists and motorcyclists, and resist development that compromises road safety;
- i. require Transport Assessments and Travel Plans for larger scale development;
- j. ensure that new developments provide or contribute toward improvements to public transport services, access to them and interchange between them, giving priority to north-south bus links and areas that currently have lower levels of accessibility;
- k. work with partners to ensure that step-free access is delivered at all Underground and rail stations by 2028, require new developments to contribute toward step-free access and ensure it is delivered at Underground and rail stations in the borough where there is a redevelopment opportunity;
- l. resist new public car parks and the loss of off-street coach parking;
- m. require that where a development creates new on-street parking it is managed so that parking demand is controlled and the need for off-street parking is minimised;
- n. require that new development adjacent to the River Thames or Grand Union Canal takes full advantage of, and improves the opportunities for, public transport and freight on the water, access to the water for recreation and walking and cycling alongside it;
- o. work with TfL to improve the streets within the Earl's Court one-way system by:
 - i. investigating the return of the streets to two-way operation, and by implementing the recommended improvements, should TfL and the Council deem them feasible;
 - ii. by securing improvements to the pedestrian environment;
 - iii. requiring developments to contribute to objectives i and ii.
- p. ensure that development does not reduce access to, or the attractiveness of, existing footways and footpaths used by the public, or land over which the public have a right of way."

2.3.5 The proposed development is aligned with the new RBKC Consolidated Local Plan.

RBKC Transport and Streets Supplementary Planning Document

2.3.6 The Transport and Streets Supplementary Planning Document (SPD) was adopted in April 2016. The SPD sets out the Council's parking standards. Car parking standards are summarised within **Table 2-6**.

Table 2-6 RBKC Maximum Car Parking Standards

Land Use	Standard
C3 - Flats of 2 bedrooms or less	0.5 per dwelling
C3 - All houses or flats of 3+ bedrooms	First three dwellings: 1 per dwelling Each subsequent dwelling: 0.5 per dwelling
C1 - Hotels	1 space per 40 bedrooms

2.3.7 There are no alterations to the car parking standards in the SPD as a result of the New Local Plan and as the scheme remains unchanged, the information contained in the previously submitted TA and TAA remains valid.

2.3.8

3 BASELINE TRANSPORT NETWORKS

TA & TAA Baseline review

3.1.1 The baseline transport networks presented in the TA and TAA included:

- Pedestrian and cycle accessibility review
 - It should be noted that the review was supported by PERS and CLoS audits. Whilst the results of the audits remain valid, TfL has issued new transport assessment and best practice guidance which is promoting Active Travel Zone Assessments and Cycle Route Quality Audit tools as a method to ascertain the baseline conditions of the pedestrian and cycle networks.
- Public transport accessibility review
 - the PTAL (public transport accessibility level) for the proposed development site is excellent, whilst this remains true it should be noted that currently public transport services are operating under exceptional circumstances.
- Road network review
 - the baseline road network commentary relied upon data collected in 2016 to quantify the traffic flows, whilst the conclusions of the surveys for the specific timeframe remain valid more recent data is now available.
- Parking review
 - the current site arrangements remain unchanged.
- Personal Injury Accident (PIA) review
 - the review carried out included data for a 3-year period (2014-2017), whilst the conclusions of the PIA review for the specific timeframe remain valid more recent data is now available.

3.1.2 In consideration of the above, ordinarily the baseline transport network analysis would be validated by newly collected data, in particular with regards to:

- Out of date surveys such as the traffic surveys that are 4 years (48 months) old. New 'neutral period' surveys should be carried out to validate the previously presented baseline. In light of the recent pandemic (COVID19) and subsequent lockdown measures and social distancing measures which impact the highway layout, the transport network operations and usage has been affected. This was acknowledged by Government who are monitoring transport network usage. Any traffic surveys carried out in this period therefore would not be 'neutral', and could not be relied on to provide a 'neutral baseline'.
- Personal Injury Accident (PIA) data to include 2017 – 2019 information. The PIA information available for this period does not contain description of the accident therefore it would add little benefit, furthermore the development contributes to improvement of the public realm and pedestrian safety which would ultimately mitigate risks flagged by the PIA review.

3.1.3 Since the Proposed Development is already contributing to improve the public realm, and is aligned with Healthy Streets principles, additional audits such as the Active Travel Zone and Cycle Route Quality Audit are not deemed necessary because they are unlikely to fundamentally change the assessment conclusions.

July 2020 baseline validity

3.1.4 At the time of writing this TAA the baseline transport networks are operating under exceptional conditions.

3.1.5 The COVID-19 pandemic, also known as the coronavirus pandemic, is an ongoing pandemic of coronavirus disease 2019 (COVID-19), caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).



The World Health Organization declared the outbreak a public health emergency of international concern on 30 January 2020, and a pandemic on 11 March 2020.

- 3.1.6 In response to the unprecedented public health emergency in March, the UK government imposed a lockdown, banning all "non-essential" travel and contact with people outside one's home and closing most business and gathering places.
- 3.1.7 Social distancing was found to effectively help in slowing the rate of infection and the Government published on 9 May 2020 (updated since) an update to the Traffic Management Act 2004 in response to the COVID 19 emergency.
- 3.1.8 Introducing the update, the Secretary of State acknowledged the challenge that the public transport networks are facing, and he highlighted the importance that is now placed on walking and cycling as alternative and safer mode of transport. The updated guidance introduces measures to reallocate road space to walking and cycling to enable people to move at a safe distance.
- 3.1.9 In consideration of the exceptional circumstances described above (COVID-19 related lockdown effects on transport networks), the baseline information described in the TA and TAA represents the best approximation to a baseline which we can presently rely on.



4 SUMMARY AND CONCLUSIONS

- 4.1.1 In conclusion, this document has outlined the transport related implications for the Kensington Forum GLA application in relation to:
 - Planning policy updates.
 - i. Intend to Publish London Plan (2019).
 - ii. Updated RBKC Local Plan (2019).
 - Baseline transport network analysis validity.
- 4.1.2 Having concluded that the proposed development complies with the relevant standards and new policy framework, and that the baseline analysis presented in the TA and TAA (April 2019) represent the best approximation to a normalised 'current' baseline considering the exceptional circumstances at the time of writing, the proposed development scheme transport elements and the accompanying transport planning evidence remain valid.



WSP House
70 Chancery Lane
London
WC2A 1AF

wsp.com

PUBLIC