



Preliminary Ecological Appraisal  
WATERMAN INFRASTRUCTURE & ENVIRONMENT



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## Quality Assurance – Approval Status

This document has been prepared and checked in accordance with  
Waterman Group's IMS (BS EN ISO 9001: 2015, BS EN ISO 14001: 2015 and BS OHSAS 18001:2007)

| Issue  | Date          | Prepared by   | Checked by   | Approved by   |
|--------|---------------|---|--|---|
| First  | August 2018   | Hayley Bishop<br>Principal Ecologist<br>       | Sebastian Fitzgerald<br>Senior Ecologist<br> | Lee Mantle<br>Associate Director<br>   |
| Second | November 2018 | Sebastian Fitzgerald<br>Senior Ecologist<br> | Lee Mantle<br>Associate Director<br>       | Lee Mantle<br>Associate Director<br> |

## Comments

First: First issue for submission with EIA Scoping Report (version 1.8.2)

Second: Updated for planning submission with design freeze development proposals and ecological mitigation

## Disclaimer

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## 1. Introduction

- 1.1. Waterman Infrastructure & Environment Ltd (Waterman) was commissioned by GPE (St Thomas Street) Limited (hereafter referred to as the 'Applicant') to undertake a Preliminary Ecological Appraisal (PEA) of New City Court, London Bridge, London (hereafter referred to as the 'Site').
- 1.2. This PEA has been undertaken to update the findings of the PEA carried out by Waterman in 2016<sup>1</sup> given that approximately two years has passed from the assessment date. The requirement to update the PEA is to present this data in line with new industry guidance<sup>2,3</sup> and to ensure that the planning application is supported by up to date information, so an accurate ecological value of the Site can be ascertained by the determining authority in line with planning policy requirements.
- 1.3. The Site is approximately 0.36 hectares (ha) in area and is centred on Ordnance Survey Grid Reference TQ 32724 80151. The Site currently comprises three office building blocks, with associated plant rooms and car parking. Ornamental planting and ephemeral / short perennial vegetation (**Figure 1**) is present at ground and rooftop levels. The Site is bound by St Thomas Street to the north, King's Head Yard to the south, the A3 to the west and Guy's hospital buildings to the east.

## Development Proposals

- 1.4. As part of the Development, the New City Court office block located at no. 20 St. Thomas Street, which occupies the majority of the Site, would be demolished and replaced. The listed Georgian terrace and Keats House retained façade would be restored and reordered. The façade of Keats House would be relocated approximately 2.7m to the west, to allow ground level servicing access onto St. Thomas Street. The proposal also includes improvement and regeneration to the setting of King's Head Yard and the introduction of new pedestrian routes through the Site.
- 1.5. The Development would comprise a new office tower building approximately 138m (144m AOD) and 37 storeys in height, including ground, mezzanine and two storeys of plant at roof level providing high quality office and retail floorspace. In addition, the Development would provide a remodelled standalone Keats House building (façade retained) and regenerated Georgian terrace.
- 1.6. There would be a double basement beneath the new office building, a single basement beneath Keats House and a lower ground level comprising a number of pavement vaults beneath the Georgian townhouses. The basements would house plant rooms, the servicing facilities including loading, service consolidation space and bin storage, cycle store and associated facilities (including showers and lockers), the building manager's suite and storage.
- 1.7. The Development would also include a range of sustainability measures and ecological enhancements which have been developed as part of the evolution of the scheme design.

## Previous Assessments

- 1.8. A Preliminary Ecological Appraisal was undertaken by Waterman in 2016. The PEA comprised the following assessments:
  - Ecological data search – July 2016;

<sup>1</sup> Waterman (2016) *Preliminary Ecological Appraisal New City Court, Southwark, London* (Report Ref: WIE11375-100\_3\_2\_1\_PEA)

<sup>2</sup> Chartered Institute of Ecology and Environmental Management (2017). *Guidelines for Ecological Report Writing*. Technical Guidance Series.

<sup>3</sup> Chartered Institute of Ecology and Environmental Management (2017). *Guidelines for Preliminary Ecological Appraisal*. Technical Guidance Series.

- 'Extended' Phase 1 Habitat Survey – 19<sup>th</sup> July 2016;
- External building inspection for bat roost potential – 19<sup>th</sup> July 2016; and
- Invasive plant species assessment – 19<sup>th</sup> July 2016.

1.9. Where relevant, the above assessment has been referred to in this PEA.

### **Purpose of this PEA**

- 1.10. As detailed within industry guidance, a PEA should be used to identify any ecological constraints and opportunities at a proposed development site. The results of the PEA have been used to inform the emerging scheme design process and suggested recommendations for ecological mitigation, compensation and enhancement measures have been incorporated into the design as far as practicable.
- 1.11. The Site is subject to Town and Country Planning (Environmental Impact Assessment Regulations) 2017 (the 'EIA Regulations')<sup>4</sup>. An EIA Scoping Report was submitted to Southwark Council in August 2018. A PEA supported the EIA Scoping Report as an appendix which proposed that ecology would be scoped out of the EIA. The Scoping Opinion, dated 4 October 2018 agreed with this and stated that the PEA should be updated in light of the Development proposals and submitted to support the planning application.
- 1.12. The purpose of this PEA is to:
- Identify the potential for 'Important Ecological Features' (IEF's) to be present within the identified Zone of Influence (Zol) and any resulting constraints or significant ecological effects to the Development;
  - Inform master-planning to allow significant ecological effects to be avoided or minimised wherever possible;
  - Identify the need for further ecological assessments, as required;
  - Allow likely mitigation measures (in line with the Mitigation Hierarchy<sup>5</sup>) to be developed, to ensure compliance with nature conservation legislation and planning policy (**Appendix A**); and
  - Allow likely ecological opportunities and enhancement measures to be developed to ensure compliance with nature conservation legislation and planning policy.

<sup>4</sup> HMSO (2017); Town and Country Planning (Environmental Impact Assessment) Regulations 2017, SI 571.

<sup>5</sup> BS 42020:2013 Clause 5.2

## 2. Methodology

### Scope of the Assessment

- 2.1. This section summarises the methodologies used for undertaking the PEA based on current guidelines<sup>6,7,8</sup>. This PEA included an ecological data search, 'Extended' Phase 1 Habitat Survey, preliminary roost assessments for bats comprising ground-based building inspections and a common invasive plant species survey.
- 2.2. The Zol is the area(s) over which ecological features maybe impacted by the biophysical changes caused by the proposed Development. Based on the scale and nature of the Development, it has been assessed that the Zol arising from these works is unlikely to be greater than 1km from the centre of the Site. Therefore, this distance has been used to collect the ecological data search information. The 'Extended' Phase 1 Habitat survey area comprised primarily the Site. However, adjacent land was viewed where possible from the Site.
- 2.3. As referenced in industry guidance, IEF's that are anticipated to be affected by the Development have been identified and subject to assessment. In this report, designated sites, habitats and species that fall into the categories in **Table 1** and **Table 2** have been identified as being ecologically important and/or legally protected/controlled and form the scope of data gathering during the data search and Site surveys.

**Table 1: Geographical Scale of Important Ecological Feature Categories**

| Geographical Level of Importance | Category  |
|----------------------------------|---|
| International                    | Statutory designated sites: Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites (including candidate SACs and proposed SACs, SPAs and Ramsar sites)  |
| National                         | Statutory designated sites: Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR) <sup>9</sup> ; Ancient Woodland; Habitats and species of principal importance for the conservation of biodiversity as listed on Schedule 41 of the NERC Act, 2006, including ecologically important hedgerows under the Hedgerow Regulations 1997; and Red List and rare species (using IUNC criteria <sup>10</sup> ) and Birds of Conservation Concern (Red List <sup>11</sup> ). |
| County                           | Local Nature Reserves (LNR) Non-statutory designated wildlife sites: known as Sites of Importance for Nature Conservation (SINCs) in London; and Local Biodiversity Action Plan habitats and species.   |

<sup>6</sup> Chartered Institute of Ecology and Environmental Management (2017). *Guidelines for Ecological Report Writing*. Technical Guidance Series.

<sup>7</sup> Chartered Institute of Ecology and Environmental Management (2017). *Guidelines for Preliminary Ecological Appraisal*. Technical Guidance Series.

<sup>8</sup> BSI (2013) BS 42020:2013. *Biodiversity - Code of Practice for Planning and Development*.

<sup>9</sup> DCLG (2018). *National Planning Policy Framework*.

<sup>10</sup> <http://www.iucnredlist.org/technical-documents/categories-and-criteria>

<sup>11</sup> [https://www.rspb.org.uk/birds-and-wildlife/bird-and-wildlife-guides/bird-guide/status\\_explained.aspx](https://www.rspb.org.uk/birds-and-wildlife/bird-and-wildlife-guides/bird-guide/status_explained.aspx)



Table 2: Legally Protected Species

| Legislation (Summarised in Appendix A)   |
|--|
| Species included on Schedules II and IV of The Conservation of Habitats and Species Regulations 2017;<br>Species included on Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 (as amended), excluding species that are only protected in relation to their sale (Section 9[5] and 13[2]); and<br>Badgers, which are protected under the Protection of Badgers Act 1992. |

## Ecological Data Search

- 2.4. The aim of the ecological data search is to collate existing ecological records for the Site and adjacent areas. Obtaining existing records is an important part of the evaluation process, as it provides additional information that may not be apparent during a site survey.
- 2.5. An ecological data search was undertaken in May 2018, during which all records of protected species, and/or other notable fauna and flora within 1km of the Site were requested from Greenspace Information for Greater London (GiGL) / eCountability<sup>12</sup>.
- 2.6. Records of important statutory and non-statutory sites designated for their nature conservation value within 1km of the Site were also requested from GiGL / eCountability and searched for on the Multi-Agency Geographic Information for the Countryside (MAGIC)<sup>13</sup>.
- 2.7. Sites with statutory, national or international designations could typically include Local Nature Reserves (LNR), Ancient Woodland, notified or candidate Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR), Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites.
- 2.8. In addition, Habitats of Principal Importance (HoPI) and Species of Principal Importance (SoPI) listed under Section 41 (S41) of the NERC Act<sup>14</sup>, as well as 'Themes' listed on the Southwark Biodiversity Action Plan, were consulted to assign an ecological context to the Site.

## 'Extended' Phase 1 Habitat Survey

- 2.9. An 'Extended' Phase 1 Habitat Survey of the Site was undertaken on 3<sup>rd</sup> May 2018 using the Joint Nature Conservancy Council (JNCC, 2010)<sup>15</sup> standard 'Phase 1' survey technique. The Phase 1 Habitat Survey methodology was 'Extended' by undertaking an assessment of the Site to support protected and notable faunal species. All habitat types within the Site were mapped (**Figure 1**) with target notes where appropriate. The survey of the Site was conducted under conditions deemed appropriate for survey (being dry).
- 2.10. Where access allowed, adjacent habitats were also considered to assess the Site within the wider landscape, and to provide information with which to assess possible impacts of the proposed Development.
- 2.11. A detailed floral species list was collated for the Site during the 'Extended' Phase 1 Habitat Survey. As such, the species list detailed within the results section of this report can be used to inform any future BREEAM reports (specific assessment guidelines dependant).

<sup>12</sup> GiGL / eCountability (2018) *An Ecological Data Search for New City Court*. Report Reference: 11969.

<sup>13</sup> Magic.defra.gov.uk. (2014). *Magic*. [online] Available at: <http://magic.defra.gov.uk/> [Accessed May 2018].

<sup>14</sup> ODPM (2006) 'Natural Environment and Rural Communities Act'

<sup>15</sup> JNCC. (2010). *Handbook for Phase 1 Habitat Survey*. Nature Conservancy Council.

## Preliminary Bat Roost Inspections

- 2.12. As part of the preliminary bat roost inspection a ground based external building assessment for roosting bats was undertaken in combination with the 'Extended' Phase 1 Habitat Survey. The survey was led by an experienced ecologist who holds a Natural England Class 2 Licence for all bat species and counties of England. The survey was based on current best practice guidelines (Collins. J, 2016)<sup>16</sup>.
- 2.13. An assessment of the buildings on Site was made in terms of their suitability to support roosting bats. The survey consisted of a visual inspection of the exterior of the buildings for evidence of bat use (e.g. droppings, scratch marks, staining and sightings). A number of factors were considered, including internal conditions, presence of features suitable for use by roosting bats, proximity to foraging habitats or cover and potential for disturbance. Notes were made relating to relevant characteristics of features providing potential access points and roosting opportunities for bats. Following the preliminary roost inspections, the buildings were scored as per the criteria set out in **Table 3**, based on adapted current best practice guidelines, to determine its potential to support roosting bats.

Table 3: Bat Roost Potential Ratings

| Assigned Bat Roosting Potential | Description  |
|---------------------------------|--|
| Known or confirmed roost        | Evidence of roosting bats within the building.   |
| High                            | A building with one or more Potential Roost Features (PRFs) that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.   |
| Moderate                        | A building with one or more PRFs that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only).  |
| Low                             | A building with one or more PRFs that could be used by individual bats opportunistically. However, these PRFs do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation). |
| Negligible                      | Building with negligible features likely to be used by roosting bats.  |

## Invasive Plant Species Assessment

- 2.14. The list of invasive plant species included on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) is extensive and these plants are found in a range of different habitats, including aquatic habitats. The 'Extended' Phase 1 Habitat Survey checked for the presence of common invasive species including; Japanese knotweed *Fallopia japonica*, giant knotweed *Fallopia sachalinensis*, hybrid knotweed *Fallopia baldschuanica*, giant hogweed *Heracleum mantegazzianum* and Himalayan balsam *Impatiens glandulifera*.

## IEF Assessment

- 2.15. Data gathered as part of this PEA has been used to identify potential IEFs (i.e. designated sites, habitats and species as listed in **Tables 1** and **2**) that are anticipated to be affected by the Development within the Zol (up to 1km from the Site).

<sup>16</sup> Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London. ISBN-13 978-1-872745-96-1

- 2.16. However, not all the IEFs within the Zol have the potential to be significantly affected by the Development, or the legislation pertaining to them to be contravened. Therefore, where features are unlikely to be affected by the Development, or where any effects that impact IEFs are unlikely to be significant, for the reasons<sup>17</sup> listed below, such features have been scoped out of the assessment:
- No pathway of effect has been identified, for example the feature is sufficient distance from the Site or there is the presence of a barrier between its location and the Site<sup>18</sup>; or
  - The feature is of insufficient biodiversity conservation value within the Zol, due to its quality, extent or population size<sup>19</sup>.
- 2.17. For all remaining features scoped into the assessment, the pathway of effect (e.g. habitat loss, lighting, noise etc.) and potential impact of this on the feature have been identified.

## Constraints and Limitations

- 2.18. Due to access issues, it was not possible to survey the ornamental planting on the south west terrace (**TN1**). However, the terrace was viewed at a distance, from above and through adjacent windows and as such, it was possible to assess the ecological value of the habitat (**Plate 1**).
- 2.19. All other contractors, designers and the client should be aware of the following: The design recommendations within this report are assessed to be the most effective ecological solution at this stage of the project. No other pre-construction information has been provided, obtained or referred to during the preparation of this report (including, but not limited to, services information, geotechnical reports and ordnance reports). In deciding whether and how to progress with this project, it will be incumbent upon the client, designers and contractors to obtain and refer to relevant pre-construction and maintenance information, as required by the Construction (Design and Management) Regulations to ensure compliance. Waterman can assist with the development and co-ordination of this design to support effective risk management on this project upon request.

<sup>17</sup> Positive or negative effects on ecological features that have the potential to influence a planning decision are considered to be significant

<sup>18</sup> Whilst the Zol of potential effects arising from the development is up to 1km from the Site, the ecological Zol (within which the feature could be affected) for each feature may vary and for some features may be much less, e.g. great crested newts generally move up to a maximum of 500m from a breeding pond and movement can be restricted by barriers such as busy roads and fast flowing rivers

<sup>19</sup> E.g. whilst a Priority Species such as skylark *Alauda arvensis* or house sparrow *Passer domesticus* is of National importance (**Table 2**), the impact of development on individual or a small population of such a species, which are generally commonly found, is unlikely to be assessed as significant

### 3. Results

#### Desk Study

##### Statutory Sites

- 3.1. The Site is not located within any statutory designated sites. Furthermore, there are no statutory designated sites within 1km of the Site boundary.

##### Non-Statutory Sites

- 3.2. The Site is not located within any non-statutory designated sites. However, there are nine non-statutory sites located within 1km of the boundary of the Site, as detailed in **Table 4** below.

Table 4: Summary of desk study records of designated sites within 1km of the Site

| Site Name   | Designation                                 | Distance from Site Boundary (km) | Description  |
|---|---|----------------------------------|--|
| River Thames and tidal tributaries                    | Site of Metropolitan Importance (SMI)       | 0.27km north east                | The Thames, London's most famous natural feature, is home to many fish and birds, creating a wildlife corridor running right across the capital. |
| London Wall and the wall of the Tower of London       | Site of Borough Importance Graded II (SBI2) | 0.8km north east                 | London rocket <i>Sisymbrium irio</i> has been recorded.  |
| Pepys Garden, Seething Lane and St Olave's Churchyard | Site of Local Importance (SLI)              | 0.7km north                      | Two small gardens with plenty of mature trees, both with a strong historic atmosphere.   |
| Cleary Gardens  | SLI   | 0.8km north                      | This is an attractive and imaginatively-designed garden, constructed on three levels.  |
| Leathermarket Gardens & Community Park                | SLI   | 0.5km south east                 | A small and very popular park in the far north of the Borough, much frequented by office workers in their lunch breaks.                          |
| Dickens Square Park (Rockingham Park)                 | SLI   | 0.85km south west                | An informal and pleasant little open space, not far from Elephant and Castle.  |
| St Mary Magdalene Churchyard, Bermondsey              | SLI   | 0.92km south east                | An attractive churchyard in the historic centre of Bermondsey.   |
| Tabard Gardens  | SLI   | 0.6km south                      | A welcome open space in a very heavily built up area.  |

| Site Name                               | Designation | Distance from Site Boundary (km) | Description   |
|---|-------------|----------------------------------|---|
| Snowsfield Primary School Nature Garden | SLI         | 0.5km south east                 | A sizeable school nature garden in the shadow of Guy's Tower. |

### Ancient Woodland

- 3.3. There is no Ancient Woodland on or within 1km of the boundary of the Site.

### Protected, BAP and Other Notable Species

- 3.4. Records of legally protected or otherwise notable species of flora and fauna within 1km of the Site were provided by GiGL / eCountability. A summary of the most significant results of relevance to the Site are provided in **Table 5** below. Full results can be obtained from the data providers but cannot be presented in this report as a result of copyright.

**Table 5: Summary of desk study records of flora and fauna within 1km of the Site**

| Species  | Category of Importance | Number of Records | Date Range of Records | Distance of closest record from the centre of the Site (km) |
|--|------------------------|-------------------|-----------------------|---|
| <b>Bats</b>  |                        |                   |                       |   |
| Common pipistrelle<br><i>Pipistrellus pipistrellus</i> | Hab Regs, WCA, LBAP    | 5                 | 2010 -2014            | 0.29km south-west   |
| Pipistrelle sp<br><i>Pipistrellus sp</i>               | Hab Regs, WCA, LBAP    | 1                 | 2014                  | 0.77km north  |
| Daubenton's bat<br><i>Myotis daubentonii</i>           | Hab Regs, WCA, LBAP    | 2                 | 1991                  | 0.07km south-west   |
| Nathusius' pipistrelle<br><i>Pipistrellus nathusii</i> | Hab Regs, WCA, LBAP    | 1                 | 2011                  | 0.64km north  |
| <b>Birds</b>   |                        |                   |                       |   |
| House sparrow<br><i>Passer domesticus</i>              | S41, Red, LBAP         | 31                | 1994 - 2014           | 0.35km south-west   |
| Black redstart<br><i>Phoenicurus ochruros</i>          | WCA, Red, LBAP         | 12                | 1985 - 2012           | 0.6km north   |
| Starling <i>Sturnus vulgaris</i>                       | S41, Red               | 25                | 1994 - 2015           | 0.36km south-west   |
| Herring gull <i>Larus argentatus</i>                   | Red, LBAP              | 2                 | 1999 - 2004           | 0.56km north-west   |

Hab Regs - Conservation of Species and Habitats Regulations 2017

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

S41 – Species of Principal Importance under The Natural Environment and Rural Communities Act 2006

Red – Red list criteria (Bird of Conservation Concern)

LBAP – London Biodiversity Action Plan

## ‘Extended’ Phase 1 Habitat Survey

### Habitats

- 3.5. The following habitat types, described in more detail below, were identified on Site during the ‘Extended’ Phase 1 Habitat Survey:
- Buildings;
  - Ephemeral / short perennial vegetation;
  - Hardstanding; and
  - Ornamental planting.
- 3.6. The habitat descriptions given below should be read in conjunction with **Figure 1** which includes target notes (**TN**) and the photographs (Plates) presented in **Appendix B**.

### Buildings

- 3.7. The Site comprises three buildings / office blocks, namely ‘New City Court’, ‘Keats House’ and the ‘Georgian Terraces’. New City Court makes up the majority of the Site and consists of a four and part-five storey building with rooftop access above the second, third and fourth floor. The façade of the building comprises glass (**Plate 2**), with no cracks or crevices noted. The roof has a flat roof with a gravel substrate laid on top together with plant machinery (**Plate 3**). Scattered ephemeral short perennial plant species were recorded on the roof, whilst other areas of the roof top are currently used for ornamental planting and for amenity purposes (detailed below).
- 3.8. ‘Keats House’ comprises a four-storey building with a flat roof and a lower ground floor plant room. The exterior comprises red brick with ornate external decoration such as pediments and cornice (**Plate 4**). The roof is flat and has a similar construction and species composition to New City Court.
- 3.9. The ‘Georgian Terraces’ comprises a four-storey building (three storey plus attic) with lower ground floor located to the north of the Site boundary. The building structure comprises red brick with tiled pitch roofs with lead flashing (**Plate 5**).

### Ephemeral / Short Perennial Vegetation

- 3.10. Small patches of ephemeral / short perennial vegetation (totalling approximately 3m<sup>2</sup> in area) was recorded on the flat roofs of the buildings. Species recorded including butterfly bush *Buddleia davidii*, ragwort *Senecio jacobaea*, red fescue *Festuca rubra*, ivy-leaved toadflax *Cymbalaria muralis*, chickweed *Stellaria media*, willowherb *Epilobium sp.*, common bent *Agrostis capillaris* and rough meadow grass *Poa trivialis*.
- 3.11. In addition, approximately three sedum species were observed on the roofs, totalling approximately 4m<sup>2</sup> in area. It is highly likely that this sedum has originated from the sedum roof installed on the nearby London Bridge Tube Station.

### Hardstanding

- 3.12. A car park comprising concrete is present in the north-west of the Site. In addition, there is a ground floor internal courtyard area in the centre of the Site which comprises patio paving (**Plate 6**).

### Ornamental Planting

- 3.13. An area of ornamental planting, measuring approximately 150m<sup>2</sup>, is present on the along the second-floor roof terrace of New City Court (**TN1, Plate 1**). The following species were recorded within this area: tree of heaven *Ailanthus altissima*, bay tree *Laurus nobilis*, butterfly bush, hebe *Hebe sp.*, and at least a further 9 species of low growing shrubs (species unknown) resulting in dense vegetation cover. In addition, c.10m<sup>2</sup> of ornamental planting is present on the roof of the 4th floor of New City Court (**TN2, Plate 7**). This ornamental planting appears unmanaged and has become dominated by cleavers *Galium aparine*. Other species recorded included Canadian fleabane *Erigeron canadensis*, sow thistle *Sonchus sp.*, red dead nettle *Lamium purpureum*, daffodil *Narcissus sp.*, ragwort, creeping thistle *Cirsium arvense* and mint *Mentha sp.*
- 3.14. On the ground floor an internal courtyard (**TN3, Plate 6**) and semi-internal courtyard are present together with approximately 40m<sup>2</sup> of ornamental planting beds. Species recorded comprise cyclamen *Cyclamen sp.*, male fern *Dryopteris filix-mas*, laurel *Laurus sp.*, bay tree *Laurus nobilis*, bittercress *Cardamine sp.*, mallow *Malva sp.*, and heather *Calluna vulgaris*.

### Protected, BAP and other Notable Fauna and Flora

- 3.15. As a result of the ecological surveys and a review of the ecological desk study, an assessment is made below on the potential of the Site to support:
- Bats;
  - Birds;
  - Terrestrial Invertebrates; and
  - Invasive plant species.
- 3.16. The fauna descriptions provided below should be read in conjunction with **Figure 1** which includes target notes and the photographs (Plates) presented in **Appendix B**.

### Bats

- 3.17. The data search returned records of four bat species within 1km of the Site. The closest record was of a Daubenton's bat recorded approximately 0.07km away in 1991.
- 3.18. The current preliminary roost inspection assessed all buildings on Site for their potential to support roosting bats. All buildings are in good condition and no features suitable for supporting roosting bats were identified on Site during the 'Extended' Phase 1 Habitat Survey. As such the Site is assessed as having **negligible** suitability for supporting roosting bats.
- 3.19. The ornamental planting and ephemeral / short perennial vegetation offer very limited bat commuting and foraging habitat given the small area and urban context of the Site.



### Birds

- 3.20. Several bird species which are commonly found in urban environments were returned within the data search.
- 3.21. Several bird species including feral pigeon *Columba livia domestica* and greenfinch *Chloris chloris* (perching within the ornamental planting of the second-floor roof terrace) were recorded on Site during the 'Extended' Phase 1 Habitat Survey, however no evidence of nesting birds such as old nests was observed. However, anecdotal evidence has indicated that gulls *Larus spp* previously utilised the roof of Keats House and New City Court for nesting and as a feeding perch. Bird deterrent measures such as netting have also been installed in a small area to the front of the Keats House roof to deter nesting birds such as gull species.
- 3.22. Whilst the Site is considered unlikely to support any protected or notable populations of bird species given the quality and the limited area of vegetation present, it is considered that the roofs of the buildings and some denser areas of ornamental planting, such as on the second-floor roof terrace, could provide nesting habitat for common urban species.

### Terrestrial Invertebrates

- 3.23. The Site's vegetated habitats are likely to offer some opportunities for common species of invertebrates. However, owing to the extent and relatively limited floral diversity of these habitats, it is considered unlikely that they would support any large populations or notable species.

### Invasive Plant Species

- 3.24. No invasive species listed on Schedule 9 on the WCA were recorded during the 'Extended' Phase 1 Habitat Survey however, tree of heaven and buddleia were noted, both of which are listed on the London Invasive Species Initiative (LISI) as species of concern.

### Other Protected and Notable Faunal and Flora Species

- 3.25. No evidence of any other protected and notable faunal or floral species were recorded on Site at the time of survey and overall, given the type and extent of habitats present, it is considered unlikely that any such species would be present on Site.



## 4. Assessment

- 4.1. As a result of the ecological surveys undertaken, the Site and ZOI are not considered to support any IEFs that would likely be significantly affected by the proposed Development. All IEFs have therefore been scoped out of further assessments due to the population or the area likely to be affected by the Development is of insufficient size or diversity to be of significant ecological value. No potential pathways between the Development and these features (**Table 6**) have been identified and contravention of the legislation relating to the feature is unlikely to occur. The rationale for scoping out IEFs is provided in **Table 6**.

Table 6: Ecological Features Scoped out of the Assessment

| Ecological Feature                  | Rational   |
|-------------------------------------|--|
| Designated Sites                    | No pathway of direct effect given distance from Site. Indirect effects also unlikely to occur based on scale of proposed works and intervening habitats present (e.g. built development). No significant effects anticipated from the Development. |
| On Site and adjacent habitats (all) | Habitat types are both nationally and locally common. No significant effects anticipated from the Development.   |
| Bats                                | All buildings are assessed as having negligible potential to support roosting bats. The Site itself is considered to provide very limited opportunities for foraging and commuting bats.   |
| Birds                               | Based on survey results usage of the Site is likely to be limited to nesting of common urban bird species only. No significant effects anticipated from the Development.   |
| Terrestrial Invertebrates           | Any population(s) likely to be of insufficient size or diversity to be of significant ecological value.  |

## 5. Ecological Constraints and Opportunities

- 5.1. The PEA has not identified any potential IEFs that are anticipated to be affected by the Development. As such, the Development is unlikely to result in significant ecological effects.
- 5.2. Although ecological features have been scoped out of the assessment (**Table 6**), mitigation measures to ensure the Development meets legal compliance are still required, along with good practice environmental measures. These measures are set out below, together with recommended ecological enhancement measures that have been incorporated into the Development to ensure that it provides a net biodiversity gain in line with planning policy.

### Designated Sites

- 5.3. It has been assessed that the designated sites within the Zol would not be significantly affected by the Development and are therefore not assessed to be an IEF. No environmental measures are therefore required.

### Habitats

- 5.4. No habitats are assessed to be IEFs.
- 5.5. All existing vegetated habitats will be lost as part of the Development. Whilst none of these habitats are assessed to be IEFs, the Development is to provide ecological enhancement measures in line with local planning policy. The following enhancement measures are to be implemented as part of the Development:
  - The landscaping includes native tree species within the ground floor public realm. Trees are to be sourced from as close to the Site as possible and would provide food and shelter to birds and invertebrates. Trees are to be planted in extensive soil volumes, which provide root space and infiltration/attenuation benefits. Indicative tree species noted within the Landscape Strategy Report for the Site<sup>20</sup> include beech *Fagus sylvatica*, small-leaved lime *Tilia cordata*, aspen *Populus tremula* and wild cherry *Prunus avium*;
  - Native plant species and species of benefit to biodiversity (such as pollen, nectar, seed and berry producing species) will also be provided in the form of temperate and hardy sub-tropical planting upon an external terrace situated on the 4<sup>th</sup>/5<sup>th</sup> levels of the tower. Indicative species noted within the Landscape Strategy Report for the Site include juniper *Juniperus communis*, spindle *Euonymus europaeus*, guelder rose *Viburnum opulus*, quince *Chaenomeles japonica*, yarrow *Achillea millefolium* and echinacea *Echinacea purpurea*; and
  - The landscaping specification will include advice on the use of peat-free composts, mulches and soil conditioners. The use of pesticides (herbicides, insecticides, fungicides and slug pellets) will be discouraged to prevent fatal effects on the food chain particularly invertebrates, birds and/or mammals. Any pesticides used would be non-residual.

### Protected and Notable Fauna

#### Bats

- 5.6. All buildings on Site have been identified as having negligible potential to support roosting bats. As such, no further assessment of these buildings is required.

<sup>20</sup> MRG Studio (2018): 'New City Court Landscape and Public Realm. Landscape Strategy Report'

- 5.7. Given the context of the Site, being located within a highly urbanised and lit environment with extremely limited green infrastructure and connecting habitat within the local area for bats, it is highly unlikely that the Site or surrounding area would be utilised by bats to a significant extent, if at all, as supported by the result of the ecological data search. Consequently, no mitigation or enhancements measures for bats are to be provided in this instance.

## Birds

- 5.8. Although birds are not assessed to be an IEF, the existing buildings and ornamental planting on Site provide some nesting opportunities for common bird species. To ensure legal compliance, the following mitigation measure should be complied with:
- The removal of buildings and ornamental planting as part of the Development should be undertaken outside of the breeding bird season (March to August inclusive). However, if works cannot be undertaken outside the breeding bird season an ecologist should inspect the buildings and planting at least 24 hours prior to any works being undertaken. If an occupied nest is detected, an appropriate buffer zone should be created around the nest, and clearance of this area delayed until the young have fledged.
- 5.9. In line with local planning policy, the Development is to provide bird boxes to enhance opportunities on Site for nesting birds, including S41 and LBAP species. This shall comprise:
- At least four nest boxes placed near each other for house sparrows *Passer domesticus*;
  - Two nest boxes with unobstructed entrances for swifts *Apus apus*; and
  - Two nest boxes for starlings *Sturnus vulgaris* placed at least 3m apart to reduce aggression in starling pairs.
- 5.10. All of these nest boxes would be self-maintaining as the design is to include these in the feature chimney pots (which are capped and have no function). Nest boxes will be installed facing an eastern aspect.
- 5.11. The use of native plant species as summarised above would provide additional foraging and nesting habitat for birds at the Site.

## Terrestrial Invertebrates

- 5.12. Although terrestrial invertebrates are not assessed to be an IEF and no mitigation measures are considered to be required, the provision of pollen and nectar producing floral species within the Development's landscape design will enhance the Site for invertebrate species. This would be provided in the form of temperate ground cover and understorey planting as part of the external terrace on the 4<sup>th</sup>/5<sup>th</sup> levels of the tower.
- 5.13. In addition to the above, deadwood will also be provided within both the external and internal areas of planting on the 4<sup>th</sup>/5<sup>th</sup> levels of the tower to provide additional opportunities for invertebrates.

## Invasive Plant Species

- 5.14. Butterfly bush and tree-of-heaven were both recorded on Site. These species are listed as Category 3 species of concern on the LISI, which states:

*“Species of high impact or concern which are widespread in London and require concerted, coordinated and extensive action to control/eradicate.”*

- 5.15. Given the above, these species are to be removed from the Site and not included with the Development’s landscape proposals.

## 6. Conclusions

- 6.1. For the reasons presented in this PEA, the Site and Zol are not considered to support any IEFs that would likely be significantly affected by the Development. All IEFs have therefore been scoped out of further assessments due to the population or the area likely to be affected by the Development being of insufficient size or diversity to be of significant ecological value. No potential pathways between the Development and these features have been identified and contravention of the legislation relating to the feature is unlikely to occur. This PEA identifies and references mitigation measures to be carried out during the construction of the Development.
- 6.2. Recommendations have been made within this report to ensure legal compliance and ensure good practice measures are adopted during the Development works. Furthermore, measures have been to be included within the scheme design to ecologically enhance the Site as part of the Development and have been summarised within this report.
- 6.3. Based on the results of the PEA, an Ecological Impact Assessment (EclA) is not considered necessary given that the Development would not give rise to significant effects on IEFs on the Site or within the Zol as categorised in **Tables 1** and **2**. This PEA is therefore in accordance with industry guidance as set out above and appropriate for the purposes of supporting the planning application for the Development.
- 6.4. It should be noted that this PEA is relevant to the legislation detailed in Section 2 and **Appendix A** at the time of writing. If there are any changes to legislation prior to the Development being completed, the advice within this PEA may require amending / updating in line with any legislative updates.
- 6.5. If there is a significant period of time (most LPAs consider this period to be to 24 months) between this PEA and the Development commencing, the ecological value of the Site may change and the Site should therefore be subject to an update survey.

## Figures

Figure 1: 'Extended' Phase 1 Habitat Survey Plan (ref. WIE11375-100\_GR\_EC\_2B)

## Figures

## APPENDICES

### A. Planning Policy and Summarised Flora and Fauna Legislation

#### National Planning Policy

##### National Planning Policy Framework, 2018

- A1. The National Planning Policy Framework<sup>21</sup> (NPPF) was published in July 2018. Section 15 (outlined below) of the NPPF, 'Conserving and Enhancing the Natural Environment', replaces Section 11 of the previous NPPF 2012 revision<sup>22</sup>. However, Government Circular 06/2005<sup>23</sup> - "Biodiversity and Geological Conservation: Statutory Obligations and Their Impact within the Planning System", remains valid and is referenced within the NPPF.
- A2. The NPPF encourages the planning system to contribute to and enhance the natural and local environment. This should be achieved by:
- *"Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
  - *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
  - *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
  - *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
  - *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
  - *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate".*
- A3. The NPPF also stipulates that Local Planning Authorities (LPAs), when determining planning applications, should apply the following principles:
- *"If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
  - *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that*

<sup>21</sup> Ministry of Housing, Communities and Local Government. (2018). *National Planning Policy Framework*.

<sup>22</sup> Department of Communities and Local Government. (2012). *National Planning Policy Framework*.

<sup>23</sup> Department of Communities and Local Government. (2005). *Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*.

*make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*

- *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*

#### National Planning Practice Guidance, 2016

- A4. The Government's National Planning Practice Guidance<sup>24</sup> (NPPG) is intended to provide guidance to local planning authorities and developers on the implementation of the planning policies set out within the NPPF. The guidance of most relevance to ecology and biodiversity is the Natural Environment Chapter, which explains key issues in implementing policy to protect biodiversity, including local requirements.

### Regional Planning Policy

#### The London Plan: The Spatial Development Strategy for London (consolidated with alterations since 2011), 2016

- A5. The London Plan: The Spatial Development Strategy for London<sup>25</sup> (London Plan) sets out the overall strategic plan, setting out a framework for development over the next 20 to 25 years and includes several policies relating to ecology. Key to the London Plan is Policy 7.19 'Biodiversity and Access to Nature' which sets out the Mayor's policy in relation to biodiversity and access to nature. In outline, it includes the following:

*“A) The Mayor will work with all relevant partners to ensure a proactive approach to the protection, enhancement, creation, promotion and management of biodiversity in support of the Mayor's Biodiversity Strategy. This means planning for nature from the beginning of the development process and taking opportunities for positive gains for nature through the layout, design and materials of development proposals and appropriate biodiversity action plans;*

*B) Any proposals promoted or brought forward by the London Plan will not adversely affect the integrity of any European site of nature conservation importance (to include special areas of conservation (SACs), special protection areas (SPAs), Ramsar, proposed and candidate sites) either alone or in combination with other plans and projects. Whilst all development proposals must address this policy, it is of particular importance when considering the following policies within the London Plan: 1.1, 2.1-2.17, 3.1, 3.3, 3.7, 5.4A, 5.14, 5.15, 5.17, 5.20, 6.3, 6.9, 7.14, 7.15, 7.25 – 7.27 and 8.1. Whilst all opportunity and intensification areas must address the policy in general, specific locations requiring consideration are referenced in Annex 1.*

*C) Development proposals should:*

<sup>24</sup> Department for Communities and Local Government. (2016). *National Planning Practice Guidance*. DCLG, London.

<sup>25</sup> Mayor of London (2016) *The London Plan, The Spatial Development Strategy for London Consolidated with Alterations Since 2011*. March 2016. Available from <https://www.london.gov.uk/what-we-do/planning/london-plan/current-london-plan>

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- *wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity;*
- *prioritise assisting in achieving targets in biodiversity action plans (BAPs) set out in Table 7.3 (refer to original document) and/or improving access to nature in areas deficient in accessible wildlife sites*
- *not adversely affect the integrity of European sites and be resisted where they have significant adverse impact on European or nationally designated sites or on the population or conservation status of a protected species or a priority species or habitat identified in a UK, London or appropriate regional BAP or borough BAP.*

*D) On Sites of Importance for Nature Conservation development proposals should:*

- *a) give the highest protection to sites with existing or proposed international designations (SACs, SPAs, Ramsar sites) and national designations (SSSIs, NNRs) in line with the relevant EU and UK guidance and regulations*
- *b) give strong protection to sites of metropolitan importance for nature conservation (SMIs). These are sites jointly identified by the Mayor and boroughs as having strategic nature conservation importance*
- *c) give sites of borough and local importance for nature conservation the level of protection commensurate with their importance.”*

## Draft London Plan, 2018

A6. As the overall strategic plan for London, the Draft London Plan 2018<sup>26</sup> sets out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years. Those policies set out within the Draft London Plan 2018 of relevance to the Site and biodiversity include:

A7. Policy G1 – ‘Green Infrastructure’ states *inter alia*:

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

A8. Policy G5 – ‘Urban Greening’ states *inter alia*:

- 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.”*

A9. Policy G6 – ‘Biodiversity and Access to Nature’ states *inter alia*:

- A. *“Sites of Importance for Nature Conservation (SINCs) should be protected. The greatest protection should be given to the most significant sites.*
- C. *Where harm to a SINC (other than a European (International) designated site) is unavoidable, the following approach should be applied to minimise development impacts:*
- 1) *avoid adverse impact to the special biodiversity interest of the site*
  - 2) *minimise the spatial impact and mitigate it by improving the quality or management of the rest*

<sup>26</sup> Mayor of London (2018) *The Draft London Plan. The Spatial Development Strategy for Greater London. Minor Suggested Changes. August 2018*

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of the site

- 3) *seek appropriate off-site compensation only in exceptional cases where the benefits of the development proposal clearly outweigh the biodiversity impacts.*
- D. *Biodiversity enhancement should be considered from the start of the development process.*
- E. *Proposals which create new or improved habitats that result in positive gains for biodiversity should be considered positively, as should measures to reduce deficiencies in access to wildlife sites."*

### The Mayor's Biodiversity Strategy: Connecting with London's Nature, 2002

A10. The Mayor's Biodiversity Strategy<sup>27</sup> complements the London Plan. It aims to protect and enhance the natural habitats of London. The strategy identifies the key issues, and outlines how biodiversity in London can be maintained and enhanced. Relevant policies within the Biodiversity Strategy on protecting London's biodiversity include:

- Policy 1 - *"The Mayor will work with partners to protect, manage and enhance London's biodiversity";*
- Policy 3: *"The Mayor will encourage and promote the management, enhancement and creation of green space for biodiversity, and promote public access and appreciation of nature";*
- Policy 5 – *"The Mayor will seek to ensure that opportunities are taken to green the built environment within development proposals and to use open spaces in ecologically sensitive ways. This is particularly important in areas deficient in open spaces and in areas of regeneration";* and
- Policy 13 – *"The Mayor is committed to increasing the funding for biodiversity projects in London, and wishes to ensure that major new development projects include provision for biodiversity".*

### Mayor of London's Supplementary Planning Guides: Sustainable Design and Construction, 2014

A11. The Mayor republished the Supplementary Planning Guidance (SPG) for Sustainable Design and Construction in April 2014<sup>28</sup>. The SPG refers to nature conservation and biodiversity and suggests that in order to conserve and enhance the natural environment and biodiversity, there should be no net loss in the quality and quantity of biodiversity across a site. The SPG also states that developments should be designed so the biodiversity is enhanced and connectivity between patches of urban habitat is increased. The design of the development should reduce indirect adverse impacts of the development on species, habitats and landscapes.

### Local Planning Policy

#### Southwark Council Planning Policy: The Southwark Plan, 2007 (Saved Policies)

A12. The Southwark Plan<sup>29</sup> was adopted on 28 July 2007. The Southwark Plan is part of the Development Plan along with the Core Strategy and London Plan. These are the main documents used to make planning decisions and set the strategy for development in Southwark. Some of the detailed Southwark plan policies were 'saved' in July 2010 with permission from the Secretary of State. Some of these policies have now been superseded by policies in the Core Strategy.

<sup>27</sup> Mayor of London, *The Mayor's Biodiversity Strategy*, 2002

<sup>28</sup> Greater London Authority (April 2014) *Sustainable Design and Construction Supplementary Planning Guidance*, London.

<sup>29</sup> Southwark Council (July,2010); 'Planning policy, The Southwark Plan (adopted 2007) Saved Policies

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- A13. Saved Policy 3.28 – ‘Biodiversity’ of the Southwark Plan is of relevance to the Site and states:

*“The LPA will take biodiversity into account in its determination of all planning applications and will encourage the inclusion in developments of features which enhance biodiversity, requiring an ecological assessment where relevant. Developments will not be permitted which would damage the nature conservation value of Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves (LNRs) and/or damage habitats, populations of protected species or priority habitats/species identified in the United Kingdom, London or the Southwark Biodiversity Action Plan. Where, exceptionally, such developments are permitted, the Council will seek mitigation and/or compensation for the damage to biodiversity. Where new Sites of Importance for Nature Conservation and Local Nature Reserves are identified, these sites will be afforded protection under this Policy and Policy 3.27, Other Open Spaces”.*

### Southwark Council Planning Policy: Southwark Core Strategy, 2011

- A14. The Southwark Core Strategy was approved at Council Assembly on the 6 April 2011.

- A15. Policy 11 – ‘Open Spaces and Wildlife’ of Southwark Core Strategy<sup>30</sup> is of relevance to the Site and states:

*“We will improve, protect and maintain a network of open spaces and green corridors that will make places attractive and provide sport, leisure and food growing opportunities for a growing population. We will protect and improve habitats for a variety of wildlife”.*

- A16. Relevant objectives within the Core Strategy Policy 11 include:

*“Continuing to protect important open spaces from inappropriate development. These will include parks, allotments, sports grounds, green chains, sites of importance for nature conservation (SINCs) and cemeteries. Large spaces of importance to all of London will be protected (Metropolitan Open Land) as well as smaller spaces of more borough-wide and local importance (Borough Open Land and Other Open Spaces);*

*Requiring new development to avoid harming protected and priority plants and animals and help improve and create habitat;*

*Promoting and improving access to and links between open spaces, including green chains;*

*Protecting woodland and trees and improving the overall greenness of places, including through promoting green corridors, gardens and local food growing; and*

*Requiring new development to help meet the needs of a growing population by providing space for children’s play, gardens and other green areas and helping to improve the quality of and access to open spaces and trees, particularly in areas deficient in open space”.*

### New Southwark Plan

- A17. The Council is currently reviewing the Southwark Plan and Core Strategy to prepare a local plan called the New Southwark Plan<sup>31</sup>. This new plan will set out the regeneration strategy from 2017 to 2033 and will be used to make decisions on planning applications submitted after its adoption. The formal consultation of the Proposed Submission Draft Version of the New Southwark Plan concluded on the 27<sup>th</sup> February 2018. The council is in the process of reviewing all the representations and submission will take place in early 2019. Relevant draft policies include:

<sup>30</sup> Southwark Council (April, 2011); ‘Planning policy, Core Strategy Plan’

<sup>31</sup> Southwark Council. ‘The New Southwark Plan’. Available on-line at [http://www.southwark.gov.uk/info/856/planning\\_policy/3315/the\\_new\\_southwark\\_plan](http://www.southwark.gov.uk/info/856/planning_policy/3315/the_new_southwark_plan)

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- P59: Biodiversity:

*“Planning permission will be granted for development that*

- Avoids material harm to biodiversity;*
- Includes features that enhance biodiversity in development, such as green and brown roofs, green walls, soft landscaping, nest boxes and habitat restoration and expansion, improved green links and buffering;*
- Supports the nature conservation value of Sites of Importance for Nature Conservation (SINCs) and local nature reserves (LNRs) and/or habitats, populations of protected species or priority habitats/species identified in the United Kingdom, London or adopted Southwark Biodiversity Action Plan.*
- Where material harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, then planning permission will be refused.”*

## Biodiversity Action Plans

### UK Post-2010 Biodiversity Framework

- A18. The Environment Departments of all four governments in the UK work together through the Four Countries Biodiversity Group. Together they have agreed, and Ministers have signed, a framework of priorities for UK-level work for the Convention on Biological Diversity. Published on 17 July 2012, the 'UK Post-2010 Biodiversity Framework'<sup>32</sup> covers the period from 2011 to 2020. This now supersedes the UK Biodiversity Action Plan (UK BAP)<sup>33</sup>. However, many of the tools developed under UK BAP remain of use, for example, background information about the lists of priority habitats and species. The lists of priority species and habitats agreed under UK BAP still form the basis of much biodiversity work in the countries.
- A19. Although the UK Post-2010 Biodiversity Framework does not confer any statutory legal protection, in practice many of the species listed already receive statutory legal protection under UK and / or European legislation. In addition, the majority of Priority national (English) BAP habitats and species are now those listed as Habitats of Principal Importance (HoPI) and Species of Principal Importance (SoPI) in England listed under Section 41 (S41) of the NERC Act 2006. For the purpose of this report, habitats and species listed under S41 of the NERC Act are referred to as having superseded the UK BAP. All public bodies have a legal obligation or 'biodiversity duty' under Section 40 of the NERC Act 2006 to conserve biodiversity by having particular regard to those species and habitats listed under S41.
- A20. Based on the results of the PEA no HoPIs are considered present on or adjacent to the Site. However, the following SoPIs listed under S41 are considered to be of potential value on and/or immediately adjacent to the Site:
- House sparrow *Passer domesticus*; and
  - Song thrush *Turdus philomelos*.

<sup>32</sup> JNCC and DEFRA (on behalf of the Four Countries' Biodiversity Group). (2012). *UK Post-2010 Biodiversity Framework*.

<sup>33</sup> HMSO. (1994) *Biodiversity The UK Action Plan*.

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### Local Biodiversity Action Plan

- A21. As part of the action plan process, Local Biodiversity Action Plans have been produced by most counties/local councils in the UK. The Site is covered by the London BAP<sup>34</sup> (LBAP) and the Southwark Council BAP<sup>35</sup> (SBAP). These documents provide an understanding of local ecology. The London Biodiversity Partnership was established in 1996 in response to the UK BAP. The partnership aims to protect and enhance London's habitats and species through Biodiversity Action Plans. The SBAP outlines how Southwark Council will work with its partners to conserve, enhance, and promote biodiversity in Southwark.
- A22. The following Local Biodiversity Action Plan habitats and species are considered to be of relevance to the Site:
- Bats (subject to a Species Action Plan on the LBAP);
  - House sparrow (subject to a Species Action Plan on the LBAP);
  - Built structures (listed as an 'Other Important Habitat' on the LBAP); and
  - The built environment (listed as a 'Theme' on the SBAP).

### Guidance

#### Biodiversity 2020: A strategy for England's wildlife and ecosystem services

- A23. In October 2010, over 190 countries signed an historic global agreement in Nagoya, Japan to take urgent and effective action to halt the alarming global declines in biodiversity. This agreement recognised just how important it is to look after the natural world. It established a new global vision for biodiversity, including a set of strategic goals and targets to drive action. England's response to this agreement was the publication of '*Biodiversity 2020: A strategy for England's wildlife and ecosystem services*'<sup>36</sup>. The mission for this strategy is:

*"to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people."*

#### BS 42020: 2013 Biodiversity: Code of Practice for Planning and Development

- A24. The UK commitment to halt overall loss of biodiversity by 2020 in line with the European Biodiversity Strategy and UN Aichi targets<sup>37</sup>, is passed down to local authorities to implement, mainly through planning policy. To assist organizations affected by these commitments, The British Standard Institute has published BS 42020 which offers a coherent methodology for biodiversity management.
- A25. This British Standard sets out to assist those concerned with ecological issues as they arise through the planning process in matters relating to permitted development and activities involved in the management of land outside the scope of land use planning, which could have site-specific ecological implications.
- A26. The standard has been produced with input from a number of organisations including the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Association of Local Government Ecologists (ALGE) and provides:

<sup>34</sup> London Biodiversity Partnership (2004) *London Biodiversity Action Plan*.

<sup>35</sup> Southwark Biodiversity Action Plan 2013-2019 [www.southwark.gov.uk](http://www.southwark.gov.uk)

<sup>36</sup> Defra. (2011) *Biodiversity 2020: A strategy for England's wildlife and ecosystem services*.

<sup>37</sup> <https://www.cbd.int/sp/targets/>

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- guidance on how to produce clear and concise ecological information to accompany planning applications;
- recommendations on professional ethics, conduct, competence and judgement to give confidence that proposals for biodiversity conservation, and consequent decisions/actions taken, are sound and appropriate; and
- direction on effective decision-making in biodiversity management a framework to demonstrate how biodiversity has been managed during the development process to minimise impact.

## Legislation

A27. Specific habitats and species receive legal protection in England under various pieces of legislation, including:

- The Conservation of Habitats and Species Regulations 2017<sup>38</sup>;
- The Wildlife and Countryside Act 1981 (as amended)<sup>39</sup>(WCA);
- The Countryside and Rights of Way (CROW) Act 2000<sup>40</sup>; and
- The Natural Environment and Rural Communities Act 2006<sup>41</sup>.

A28. Further details of legislation in respect of legally protected and notable flora and fauna of relevance to the Site are provided below;

## Birds

- A29. The level of protection afforded under the law varies from species to species. Identified game and pest species may lawfully be hunted and killed, usually under licence, whilst the most threatened or rarest species are listed on Schedule 1 of the WCA 1981 (as amended) and are protected by special penalties for offences.
- A30. All the native bird species of Britain are additionally covered by the European Union (EU) Directive on the Conservation of Wild Birds 2009 ('The Birds Directive'). The EU Birds Directive (79/409/EEC) resulted in the designation of Special Protection Areas (SPAs) for rare or vulnerable bird species listed on Annex I (The species listed in Annex I of the Birds Directive are, according to the Directive, those in danger of extinction, rare, vulnerable to specific changes in their habitat or requiring particular attention for reasons of the specific nature of their habitat) of the Directive and for regularly occurring migratory species. The Birds Directive applies to all wild birds, their eggs, nests and habitats, and provides for the protection, management and control of all species of birds naturally occurring within each member state of the European Union. It requires the UK to take measures to ensure the preservation of sufficient diversity of habitats to maintain populations of all wild birds at ecologically and scientifically sustainable levels. The requirements of the Birds Directive are implemented in the UK primarily through the WCA 1981 (as amended 1985) and Conservation of Habitats and Species Regulations 2017.

<sup>38</sup> HMSO (2010) The Conservation of Habitats and Species Regulations 2017.

<sup>39</sup> HMSO (1981) 'Wildlife and Countryside Act 1981 (as amended)'

<sup>40</sup> HMSO (2000) 'The Countryside and Rights of Way (CROW) Act'

<sup>41</sup> ODPM (2006) 'Natural Environment and Rural Communities Act (2006)'

## Appendices



## **B. Photographs**



Plate 1 – Area of ornamental planting with limited access on second floor roof terrace (TN1).



Plate 2 – Exterior view of New City Court (on right)

### **Appendices**





Plate 3 – Gravel flat roof at New City Court and Keats House



Plate 4 - View of Keats House fronting St Thomas Street.

## Appendices

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Plate 5 – View of the roof of the Georgian terrace



Plate 6 – Ground floor internal courtyard comprising patio paving and ornamental planting

## **Appendices**

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Plate 7 – Area of ornamental planting present on the roof of the 4<sup>th</sup> floor of New City Court (TN2).

## **Appendices**

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# UK and Ireland Office Locations

