

*123 Grove Park, Southwark Ecological Assessment and Critique
London Conservation Services 9th Aug 2011*

London Conservation Services

123 GROVE PARK CAMBERWELL

**Ecological Assessment and
Critique of existing
documentation**

9th Aug 2011



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9th Aug 2011

Sign-off History:

Issue No.	Date:	Prepared by:	Checked/ Approved by:	Reason for Issue:
1	[22 nd July 2011]	[Tony Wileman, CE]	[Jo Lyon, Mathew Frith]	[Draft for client review]
2	9 th Aug 2011	Tony Wileman CE	Jo Lyon, Mathew Frith	Draft for client review

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1 Executive Summary

A planning application has been submitted by Citrus Healthcare for the erection of several residential homes and an extension of the existing building on the land of 123 Grove Park in the London Borough of Southwark. London Conservation Services was commissioned by local residents to undertake a brief ecological assessment and critique of that application.

None of the current habitats present on site are considered scarce or rare within Greater London or the local area but several protected and Biodiversity Action Plan species have been recorded within the GiGL data search area of 500m. In addition, suitable habitat for other protected species, which may be present on site, has also been identified.

In the view of LCS, there are a number of points which have not been addressed or taken into consideration as part of the submitted development proposal. It is the view of LCS that these omissions may prevent Southwark Council from making an informed decision on whether the proposed development adheres to national, regional and local biodiversity policies.

The development represents an approximate 90% loss of current vegetated open space from the existing site. This does not appear to have been effectively mitigated for in the development proposals.

LCS recommends that further ecological surveys and assessments, as well as landscape designs that address the likely adverse impacts, are produced and submitted, before any planning decision is made.

1.1 Company and report information

London Conservation Services is a wholly-owned trading subsidiary of the London Wildlife Trust. The recommendations set out within the report broadly reflect London Wildlife Trust's core principles and objectives, but not necessarily reflect the Trust's view of the development proposal.

- The information in this document is, to the best knowledge of the author and London Conservation Services, correct at time of writing.
- The ecological recommendations offered in this document are based on current legislation on protected species but should not be treated as legal advice. The report may also contain additional, non-statutory, recommendations. These are clearly identified as optional where they are offered.
- London Conservation Services does not take any responsibility for future decisions about the site that is the subject of this assessment.

2 Introduction

A planning application has been submitted by Citrus Healthcare for the erection of several residential homes and an extension of the existing building on the land of 123 Grove Park, Camberwell, in the London Borough of Southwark. London Conservation Services was commissioned by local residents to undertake a brief ecological assessment and critique of that application.

The assessment aims to augment the ecological information that has already been provided with the submitted documentation, in order that it provides enough information for Southwark Council to make an informed choice on the grounds of biodiversity, as set out in national, regional and local planning policies.

2.1 Site details

2.1.1 Location

The land of 123 Grove Park is composed of a large, unlisted late-19th/early 20th-century house with associated gardens at the front, sides and to the rear. The property lies to the southeast of Denmark Hill railway station in Camberwell in the London Borough of Southwark at TQ 33231 76116. The rear garden forms part of an area of back garden land that lies between residential homes on Grovelands Close to the north, Grove Crescent and a similarly aged neighbouring house on Grove Park to the west and the green space surrounding Adelaide House (also of Grove Park) to the east. Similarly aged, unlisted houses also occupy land opposite to 123 Grove Park to the south. The lands immediately surrounding this area are also predominantly residential. The entire site is approximately 0.58 hectares in size.

2.1.2 Access and usage

The lands and house were formerly used as a nursing home and more recently as a youth offending centre managed by the National Offending Management Services Estates (NOMS).

In March 2005 the site was considered surplus to requirements by NOMS and has since remained empty although it has been occupied by squatters on occasions. The site otherwise has no public access.

2.2 Site proposals

In September 2007 the London Borough of Southwark produced a Supplementary Planning Document (SPD) for 123 Grove Park to provide a framework for the re-use of the site that preserves and enhances the character of the conservation area.¹

The primary objectives of the 123 Grove Park SPD is to:

- Facilitate the re-use of the site, maximising its potential, whilst protecting its conservation value, consistent with strategic policies 14 (sustainable buildings) and 15 (open space and biodiversity) of the *Southwark Plan*².
- Ensure that any development preserves or enhances the character and appearance of the Camberwell Grove conservation area, consistent with strategic policy 13 (design and heritage) of the *Southwark Plan*.

¹ http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1252/123_grove_park_spd/2

² http://www.southwark.gov.uk/downloads/download/2284/the_southwark_plan

- Ensure that new development maximises the social, economic and environmental potential of the site.

The current development proposal submitted by the new owners of the land, Citrus Healthcare Limited, began in 22nd March 2010 with a pre-application submission.

Following discussions with Southwark Council in May 2010 further information and revised layouts were submitted on 25th May and 9th June 2010.

A second pre-application was submitted on 2nd September 2010.

The current proposals were submitted (10/AP/3751) and were supported by a number of documents that included a Design and Access Statement by KSR Architects, A Landscape Design Statement by Randle Siddeley, an Environmental Statement and Sustainability Strategy by Hoare Lea, a Tree Report by Landmark Trees and an Ecological Report by Applied Ecology.

The current proposed works include:

- The refurbishment and alterations to the existing building, to convert it into one house and five flats;
- An extension to the building in the form of one new house;
- New landscaping to provide open space;
- Five new houses to the rear within the landscape;
- Construction of a new access driveway and associated garden landscaping and infrastructure.

2.3 Aims of this assessment and critique

The aims are to:

- Determine the importance of the habitats and species present on site regarding their biodiversity value in a local, regional (London) and national context as noted in Biodiversity Action Plans;
- Determine whether or not the site is likely to support notable, rare and/or protected species;
- Critique the submitted application documents on their merits and weaknesses in ensuring the development meets biodiversity related policies set out at a national, regional and local level.
- Provide further information on best practice to allow the development to be undertaken while maintaining or increasing the biodiversity of the site.

2.4 Desktop study

The aim of the desktop study was to obtain information on the present and historical biological interest of the site. The desktop study comprised a data search on 5th July 2011 obtained from Greenspace Information for Greater London (GiGL)³ of which the London

³ Greenspace Information for Greater London (GiGL) is the capital's environmental records centre - we collate, manage and make available detailed information on London's wildlife, parks, nature reserves, gardens and other open spaces.

Borough of Southwark is a partner. GiGL were requested to provide information on protected and Biodiversity Action Plan (BAP) plant and animal species, invasive species, habitat community information and data on statutory and non-statutory sites within a 500m radius of the centre of the survey area.

3 Ecological assessment and evaluation

3.1 Habitats

In 1994 the site was surveyed (excluding the existing building) by the London Ecology Unit following the Wildlife Habitat Survey of London carried out by London Wildlife Trust in 1984-85 under commission from the Greater London Council. The survey was part of a borough-wide survey of Southwark, as part of the rolling programme of borough habitat surveys carried out by the London Ecology Unit (following the abolition of the GLC), and subsequently the Greater London Authority.

Data from these surveys are held by Greenspace Information for Greater London and was obtained from the GiGL data search (GiGL, 2011). Only two habitats were recorded on site during this survey: non-native broadleaved woodland and scrub.

The ecological appraisal that accompanies the current planning application was undertaken in July 2006 by Applied Ecology Ltd (AE). Additional site visits were made by AE in March 2011 and June 2011 (Applied Ecology Ltd a, b and c. 2006 (a), 2011 (b+c)). The ecological survey work indicates that the current habitats present on site are comprised of:

- a small area of amenity grassland that has been neglected and is thus developing towards a semi-improved neutral grassland character (approximately 0.13 hectares);
- an area occupying the majority of the garden of predominantly non-native broadleaved woodland (approximately 0.26 hectares);
- successional scrub habitat between the woodland and grassland (approximately 0.03 hectares);
- several small areas of planted shrubbery (negligible)
- a small area of ruderal or ephemeral vegetation (negligible);
- a small neglected pond hidden by scrub (negligible).
- Building footprint and paths and tracks 9approximately 0.12 hectares

The Applied Ecology Ltd surveys describe these habitats sufficiently well to determine that none would be considered scarce or rare within Greater London or the local area.

In addition, no plant species present, except for a small population of grey sedge (*Carex divulsa* ssp. *divulsa*) that is located along the edge of the western woodland flank close to the house, is considered scarce or rare. Grey sedge is a London notable species which is one that occurs in less than 14% of the tetrads of London as identified in the "Flora of the London Area" (Burton, 1983). Nationally, grey sedge is considered stable but has recently been better recorded as recorders have become more familiar with the different subspecies (Preston et al, 2002).

3.2 Species

3.2.1 Protected and priority species

Several protected species have been recorded within the GiGL data search area of 500m and of these only common pipistrelle bat (*Pipistrellus pipistrellus*) is fully protected. Bats are protected by the following legislation:

The Conservation (Natural Habitats, &c.) Regulations 2010 (as amended) through their inclusion in schedule 2. Regulation 41 prohibits:

- a. deliberate capture, injuring or killing of any bat,
- b. deliberate disturbance of any bat in such a way as to impair their ability:
 - to survive, to breed or reproduce, or to rear or nurture their young, or
 - to hibernate or migrate
 - to affect significantly the local distribution or abundance of bat species
- c. damage or destroying of a breeding site or resting place of any bat,
- d. to be in possession of, or to control, to transport, to sell or exchange, or to offer for sale or exchange any live or dead bat or part of a bat which has been taken from the wild, and which is of a species or subspecies listed in Annex IV(a) to the Habitats Directive.

The Wildlife and Countryside Act 1981 (as amended) through their inclusion on Schedule 5. Under this Act it is an offence to:

- a. intentionally or recklessly kill, injure or take any bat;
- b. have in their possession or control any live or dead wild bat or any part of, or anything derived from a bat;
- c. intentionally or recklessly damage or destroy any structure or place which any bat uses for shelter or protection;
- d. disturb any bat while it is occupying a structure or place which it uses for shelter or protection;
- e. obstruct access to any structure or place which any bat uses for shelter or protection.
- f. sell, offer for sale, possess or transport for purpose of sale, or advertise for sale, any live or dead bat, or any part of or anything derived from any bat.

Common pipistrelle bats were recorded using the site for foraging purposes in surveys undertaken by Applied Ecology in July 2007 and May 2011. In the latter survey two *Nyctalus* bats (probably noctule (*Nyctalus noctula*)) were recorded commuting over the site.

Stag beetle (*Lucanus cervus*), common toad (*Bufo bufo*), common frog (*Rana temporaria*) are also been recorded on site and are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) by it being an offence to:

- sell, offer for sale, possess or transport for purpose of sale, or advertise for sale, any live or dead animal, or any part of or anything derived from such animal.

In addition to the above four species the site also supports habitat suitable for slow-worm (*Anguis fragilis*) and grass snake (*Natrix natrix*), although the latter is more unlikely. The lack of data records for the area for these protected reptiles may be due to the lack of local records rather than an absence. The pond may also hold smooth newt (*Lissotriton vulgaris*).

These three species are also protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) as the stag beetle, common toad and common frog above but both the slow-worm and grass snake are additionally protected by it being an offence to:

- intentionally or recklessly kill, injure or take any slow-worm or grass snake

The site's habitat will support a number of common bird species which are likely to breed on site and are also protected whilst they are doing so by Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) where it is an offence to Intentionally or recklessly:

- a. kill, injure or take any wild bird;
- b. take, damage, destroy or otherwise interferes with the nest of any wild bird while that nest is in use or being built;
- c. or at any other time takes, damages, destroys or otherwise interferes with any nest habitually used by any wild bird included in Schedule A1;
- d. obstructs or prevents any wild bird from using its nest;
- e. takes or destroys an egg of any wild bird.

The site is unlikely to be used by any other protected species except other bats species but they should not be ruled out.

The Biodiversity Action Plan priority species recorded in the GiGL data search were house sparrow (*Passer domesticus*) and Western European hedgehog (*Erinaceus europaeus*) within the UK BAP, and dunnoek (*Prunella modularis*) and common starling (*Sturnus vulgaris*) within the London BAP.

3.2.2 Other species

No other specific records for the site are held by GiGL or the Trust.

However, collectively the habitats present on site (and within the mosaic of garden and railside habitats in the neighbourhood) are likely to attract a number of common and uncommon urban, garden and woodland invertebrate species and may hold a rare species or two. For vertebrates it will be attractive to a variety of garden and woodland bird species and may attract species more unusual in urban areas such as kestrel (*Falco tinnunculus*). Typical urban mammals such as house mouse (*Mus musculus*), wood mouse (*Apodemus sylvaticus*), grey squirrel (*Sciurus carolinensis*) and red fox (*Vulpes vulpes*) will also likely use the site for feeding and making their homes.

3.3 Designated site context

There are three Sites of Importance for Nature Conservation (SINCs) within 500 metres of the site. In addition an Area of Deficiency (AOD) lies just to the east of the site. Definitions of SINCs and AODs are detailed below as provided by the GiGL data search (GiGL, 2011).

3.3.1 Sites of Borough Importance

There are two sites of Borough Importance within the area both graded of Grade II Importance:

- **Grove Park Cuttings and Peckham Rye to East Dulwich Railsides (SoBII02)** which lies very close to the north but also to the east of the site; and
- **Lettsom Gardens (SoBII19)** to the south.

These are sites which are important on a borough perspective. Although sites of similar quality may be found elsewhere in London, damage to these sites would mean a significant loss to the borough. While protection for their biodiversity is important, management of Borough sites should usually allow and encourage their enjoyment by people and their use for education.

Since 1988 Borough sites have been divided, on the basis of their quality, into two grades, but it must be stressed that they are all important on a borough-wide view.

In defining Sites of Borough Importance, the search is not confined rigidly to borough boundaries; these are used for convenience of defining areas substantially smaller than the whole of Greater London, and the needs of neighbouring boroughs should be taken into account. Parts of some boroughs are more heavily built-up and some borough sites are chosen there as oases providing the opportunity for enjoyment of nature in extensive built environments.

The borough is an appropriate search area in relation to Planning Policy Guidance on nature conservation (1994) which, in paragraphs 15 and 25, states that local plans should identify, and include policies for, areas of local nature conservation importance.

Since essentially a comparison within a given borough is made when choosing Sites of Borough Importance, there is considerable variation in quality between those for different boroughs; for example, those designated in Barnet will frequently be of higher intrinsic quality than those in Lambeth, a borough comparatively deficient in wildlife habitat. Only those sites that provide a significant contribution to the ecology of an area are identified.

3.3.2 Sites of Local Importance

There is one site of Local Importance nearby:

- **Lucas Gardens (SoL07)** to the north.

A Site of Local Importance is one which is, or may be, of particular value to people nearby (such as residents or schools). These sites may already be used for nature study or be run by management committees mainly composed of local people. Where a Site of Metropolitan or Borough Importance may be so enjoyed it acts as a Local site, but further sites are given this designation in recognition of their role. This local importance means that these sites are also deserving of protection in planning.

Local sites are particularly important in areas otherwise deficient in nearby wildlife sites. To aid the choice of these further local sites, Areas of Deficiency (see below) are identified. Further Local sites are chosen as the best available to alleviate this deficiency; such sites need not lie in the Area of Deficiency, but should be as near to it as possible. Where no such sites are available, opportunities should be taken to provide them by habitat enhancement or creation, by negotiating access and management agreements, or by direct acquisition. Only those sites that provide a significant contribution to the ecology of an area are identified.

3.3.3 Areas of Deficiency

Areas of Deficiency are defined as built-up areas more than one kilometre actual walking distance from an accessible Metropolitan or Borough site. These aid the choice of Sites of Local Importance (see above). The nearest AOD is approximately 300 metres to the east of the site.

3.4 Backland development

Backland is the term given to a block or mosaic of rear gardens in residential areas. Many support a good range of habitats, provided by such features as woodland, trees, shrubs, borders, hedgerows, ponds, long and short grassland and wall-climbers. They are particularly important for a variety of birds, amphibians and invertebrates, but detailed knowledge of their biodiversity is often poor because of ownership and access. Despite these difficulties there have been some studies undertaken such as the Biodiversity in Urban Gardens projects (BUGS) undertaken by the University of Sheffield⁴ and the work undertaken by Jennifer Owen⁵⁶. Who in a thirty year study recorded 2,673 species: 474 plants, 1,997 insects, 138 other invertebrates (such as spiders, woodlice and slugs) and 64 vertebrates, 54 of them birds in her garden in Leicester (RHS, 2010).

Gardens are known to constitute a significant part of London's green space (approximately 14% of the city's total area (Smith, 2011)), and are also important in providing green corridors and network linkages to adjacent open spaces such as woodlands, playing fields and parks.

A majority of London borough UDPs (LDF's and Strategic plans) make reference to backland development. A number have specific policies to ensure that such proposals will only be acceptable if they fulfil a number of criteria – which usually include the protection of wildlife features (Machin, 2004). The Mayor's Biodiversity Strategy states:

Proposal 7: The Mayor expects that biodiversity and wildlife habitat will be taken into account in proposals for the redevelopment of garden land, and will develop guidelines for the evaluation of such proposals.

Furthermore, in The London Plan in Policy 3.5 it has been addressed that:

Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified.

This further strengthens that back garden land is an important resource and that development should avoid, if possible, reduce its impact upon it.

In *London: Garden City?* (Smith, 2011) it states that approximately 41% of London's overall garden area is composed of hard surfaces, sheds, garages and greenhouses and side passages with the rest composed of green spaces (lawns, shrubs and herbaceous borders and tree canopy cover). Also around 6ha of vegetated garden land is lost to housing development on gardens each year in Greater London (the equivalent of two and half Hyde Parks) and although this is not particularly notable at a pan-London scale, on a local scale the impact may be profound, in terms of wildlife resources, flood drainage and climate change adaptation.

⁴ <http://www.bugs.group.shef.ac.uk/>

⁵ <http://www.rhs.org.uk/Plants/RHS-Publications/Journals/The-Garden/2010-issues/November/Ecology-begins-at-home-wildlife-case-study>

⁶ <http://www.independent.co.uk/environment/nature/me-and-my-garden-how-jennifer-owen-became-an-unlikely-champion-of-british-wildlife-2131712.html>

4 Planning context

4.1 National Policies

*Planning Policy Statement 9: Biodiversity and Geological Conservation 2005*⁷ is the Government's current national planning policy on the protection of biodiversity and geological conservation. The relevant key principals PPS9 which should be adhered to by regional and local planning authorities are as follows:

- I. Development plan policies and planning decisions should be based upon up-to-date information about the environmental characteristics of their areas. These characteristics should include the relevant biodiversity resources of the area. In reviewing environmental characteristics, local authorities should assess the potential to sustain and enhance those resources.
- II. Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity interests within the wider environment.
- III. Plan policies on the form and location of development should take a strategic approach to the conservation, enhancement and restoration of biodiversity, and recognise the contribution that sites, areas and features, both individually and in combination, make to conserving those resources.
- IV. Plan policies should promote opportunities for the incorporation of beneficial biodiversity within the design of development.
- V. Development proposals where the principal objective is to conserve or enhance biodiversity interest should be permitted.
- VI. The aim of the planning decisions should be to prevent harm to biodiversity interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would cause less or no harm. In the absence of any such alternatives, local planning authorities should ensure that before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against or compensated for, then planning permission should be refused.

⁷ <http://www.communities.gov.uk/documents/planningandbuilding/pdf/147408.pdf>

4.2 The Mayor's Biodiversity Strategy and the London Plan

4.2.1 The Mayor's Biodiversity Strategy

The Mayor's Biodiversity Strategy⁸ sets out a total of 14 policies and 72 proposals to implement the policies. This document provides information for London planning authorities to use as a base for their specific planning policies. The relevant policies are:

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.

4.2.2 The London Plan

*The London Plan*⁹ is the spatial development strategy document for Greater London. Within it there are a number of policies relevant to London's Living Places and Spaces. The following are those most relevant to the biodiversity and wildlife of the proposed development:

Policy 3.5: Housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in this Plan to protect and enhance London's residential environment and attractiveness as a place to live. Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified.

Further relevant information regarding this policy is addressed in section 3.34 of The London Plan where it is stated that:

'Directly and indirectly back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities' sense of place and quality of life. Pressure for new housing means that they can be threatened by inappropriate development and their loss can cause significant local concern. This Plan therefore supports development planned presumptions against development on backgardens where locally justified by a sound local evidence base. Such a presumption has been taken into account in setting the Plan's housing targets and reflects Government's recognition in PPS3 (amended June 2010) that the definition of previously developed land in its Annex B now excludes private residential gardens. The London-wide SHLAA assumed a theoretical reduction of 90% in the historic level of garden development, so there is no strategic housing land availability obstacle to the formulation of relevant DPD policies that seek to protect back gardens or other private residential gardens from housing development. Local

⁸ http://legacy.london.gov.uk/mayor/strategies/biodiversity/docs/strat_full.pdf

⁹ <http://www.london.gov.uk/sites/default/files/The%20London%20Plan%202011.pdf>

approaches to the surfacing of front gardens should also reflect the broader policies of this Plan, including the need for such surfaces to be permeable, subject to permitted development rights.'

Policy 7.19A: 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.

Policy 7.19C: Development Proposals should:

- a) wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity;
- b) prioritise assisting in achieving targets in Biodiversity Action Plans (BAPs), and/or improving access to nature in areas deficient in accessible wildlife sites;
- c) 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 identified in a UK, London or appropriate regional BAP or Borough BAP.

Policy 7.21A: Trees and woodlands should be protected, maintained, and enhanced, following the guidance of the London Tree and Woodland Framework (or any successor strategy). In collaboration with the Forestry Commission the Mayor will produce supplementary guidance on Tree Strategies to guide each borough's production of a Tree Strategy covering the audit, protection, planting and management of trees and woodland. This should be linked to the borough's Open Space Strategy.

Policy 7.21B: Existing trees of value should be retained and any loss as the result of development should be replaced following the principle of 'right place, right tree'. Wherever appropriate, the planting of additional trees should be included in new developments particularly large-canopied species.

4.3 Local planning policies

The *Southwark Biodiversity Action Plan* outlines how Southwark Council will work with its partners to conserve, enhance and promote biodiversity in the London Borough of Southwark for the benefit of residents, visitors and future generations (LB Southwark, 2006). It consists of a generic action plan with five objectives plus three habitats (Parks and Open Spaces, Woodland and Private Gardens) and three species (Bats, Stag beetle and Corky-fruited water-dropwort) action plans so as to deliver on this statement. The sections in these action plans that are specifically relevant to this proposed development are set out below.

4.3.1 *Southwark Biodiversity Action Plan*

Generic plan

Objective 1: Improve the health of the Borough through biodiversity actions.

Action: Ensure design for Biodiversity is incorporated into all new developments.

Objective 2: To raise the standards in our schools and increase education and awareness of biodiversity for all in the Borough.

Action: Provide ecological guidance to developers and planners, through the distribution of information on new legislation and national and regional guidance.

Objective 4: Create a high quality sustainable environment through biodiversity.

Action: Ensure ecological enhancement is included in regeneration projects wherever possible.

Action: Review planning applications and identify opportunities for ecological enhancement.

Private Gardens Habitat Action Plan

Objective 3: To promote benefits of wildlife gardening and promote sustainable gardening.

Action: Promote sustainable garden development and design.

Bats Species Action Plan

Objective 1: To raise awareness of bats, their ecology, conservation and legal protection in Southwark.

Action: Ensure bat surveys are undertaken by developers and planners.

Action: provide advice of bats and their habitat to public, developers and contractors.

Objective 3: To conserve bats and their habitats in Southwark.

Action: Promote retention of mature trees, standing dead wood and ivy-covered trees across the borough.

Stag Beetle Species Action Plan

Objective 1: To conserve and increase the populations of stag beetle in Southwark.

Action: Retain dead wood including standing dead wood where applicable

4.3.2 *Southwark Strategic Plan*

In addition to the Biodiversity Action Plan, The Southwark Plan¹⁰ has two Strategic Policies that relate to the open space and biodiversity conservation. These are set out below with their relevant policies.

¹⁰ http://www.southwark.gov.uk/downloads/download/2284/the_southwark_plan

SP 11 Amenity and environmental quality

All developments should protect and improve amenity and environmental quality and encourage sustainable development.

Policy 3.1 Environmental effects

Planning permission for the establishment of uses that would cause material adverse effects on the environment will not be granted, and proposals for activities that will have a material adverse impact on the environment and quality of life will be refused.

Reasons

All new development has some kind of effect on the environment. This includes effects on ecosystems, natural resources (land, air and water), buildings and people. Effects can be temporary, permanent or cumulative. All effects need to be considered in assessing a planning application to determine whether the proposal is acceptable and whether any adverse effects will be able to be avoided or mitigated.

Policy 3.3 Sustainability assessment

Planning permission will not be granted for major development unless the applicant demonstrates that the economic, environmental and social impacts of the proposal have been addressed through a sustainability assessment. The level of detail required in the sustainability assessment should correspond to the scale and complexity of the development.

Reasons

Sustainability assessment are required in order to assess the most sustainable option to:

- Ensure that their environmental, social and economic impacts are assessed and balanced to find the most sustainable option for the development
- Demonstrate the impacts of developments and how they are being mitigated; and
- Meet government requirements in terms of environmental impact assessments and transport assessments.

Further details setting out the format of the sustainability assessment are set out in the sustainability assessment Supplementary Planning Document.

SP 15 Open space and biodiversity

All developments should, where appropriate, create, preserve and enhance open spaces, green corridors, traffic free routes, and biodiversity. The benefits of open space include those associated with health, sport, recreation, children's play, regeneration, the economy, culture, biodiversity and the environment.

Background

Open spaces make a significant contribution to the landscape of Southwark and provide a valuable resource to those living in, working in and visiting the borough. It is important to provide and protect a network of open spaces of a high quality that cater for a variety of needs including leisure, recreation and sport, and that these are accessible to all members of the community. Natural areas also provide important habitats for a wide variety of plants and animals. These habitats must be preserved to ensure biodiversity is protected. The council's Open Spaces Strategy contains a needs analysis and provides a clear framework for investment priorities and action. The strategy identifies land for protection,

which is designated in this UDP as well as an operational plan for creating and enhancing open space to improve provision and reduce deficiencies. The different types of protection are metropolitan open land, borough open land and other open spaces.

Policy 3.28 Biodiversity

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.

Reasons

The council has an obligation to protect biological diversity under national and international legislation, including the Convention on Biological Diversity (1992),

The Habitats Directive (1992), National Parks and Access to the Countryside Act (1949) and the Wildlife and Countryside Act (1981). The council has a responsibility to protect and enhance biodiversity throughout Southwark and particularly to protect areas of nature conservation. Due to the intense pressure on land for development, it is important that areas of nature conservation value or ecological importance are identified and the flora and fauna associated with these areas are protected and enhanced as outlined in the council's biodiversity action plan.

Access to wildlife also enables people to experience wildlife in an otherwise intensely urban environment, promoting well-being and providing a number of educational benefits.

5 Development proposal critique

Through scrutiny of the Design and Access Statement, approximately 90% of the existing open space (most existing trees excepted) will be impacted upon from this development proposal, dramatically reducing the amount of 'natural' greenspace occurring on site. This is to be replaced with a variety of green spaces but none shown in the Design and Access Statement are 'natural' in character but rather ornamental even though native species may be incorporated into these designs. Many of the existing trees will be retained but they will lose substantial ecological value when left in a landscape predominantly devoid of 'natural' occurring habitat.

In addition to this direct impact on the current existing ecology, there are a number of points in the submitted documents which have not been addressed or taken into consideration during this development proposal, with regards to the biodiversity and open space policies as set out at a national, regional (London) and local level.

As such, LCS believes that the submitted documents under-value the ecological interests of the site and do not adequately address the impacts that the development proposals are likely to have on the site's ecology and its immediate environs.

These points are detailed below:

- In chapter 10 Requirements, of the Supplementary Planning Document 123 Grove Park adopted in November 2007 states:

'A full planning application and conservation area consent application (if demolition is proposed) would need to be accompanied by amongst other documents a specialist invertebrate survey'.

Although stag beetles have been covered under the submitted ecological appraisal no specialist invertebrate survey has been submitted to accompany this proposal.

- The submitted ecology survey report (that is available on the LB Southwark planning website¹¹) is merely an update on an existing Ecological Appraisal of 123 Grove Park undertaken by the same consultant in 2006 and a Bat Report also undertaken by the same consultant in 2007. However, neither of these previous reports appear to have been formally submitted as part of the planning application.
- Although the information in the updated ecological survey report is sound ecological advice LCS considers it an inadequate gathering of current ecological data for a development proposal on a number of grounds. These are:
 - a. No contextual data search was undertaken as part of the ecological appraisal, e.g. from data held by Greenspace Information for Greater London (GiGL) or similar. This would be required in order to gather all the relevant habitat and species data available for the site and environs to inform of the current biodiversity value of the site and it affects or is impacted by the ecology of the area. A data search is now considered standard practice for members of the Institute of Environmental Managers and Ecologists (IEEM) for all ecological assessments.
 - b. The report only assesses the site for bats, stag beetle and Japanese knotweed (*Fallopia japonica*) and does not take into consideration any other protected

¹¹ http://planningonline.southwarksites.com/planningonline2/DocsOnline/Documents/158930_1.pdf

species or Biodiversity Action Plan species that may potentially be on site, such as reptiles and amphibians, or the site's potential for breeding birds. The lack of this information does not inform of the potential impacts the development may have on protected or Biodiversity Action Plan species, let alone the broader site's ecology.

- c. No habitat information is provided in this updated report, nor are any maps or diagrams to show how the proposals will impact upon the overall character and habitats currently on site. The lack of this information prevents an assessment being made of whether important or Biodiversity Action Plan habitat and species are present on site and will be impacted.

Both the Design and Access Statement by KSR Architects and the Landscape Design Statement by Randle Siddeley show a lack of detail in the design of the open space areas and do not list any plant species that could be used in the formal and informal plantings of the landscaped open space areas of the design. Without this detail it is not clear whether the proposed development will mitigate for the likely impacts on the biodiversity on site. LCS considers this lack of detail to be unsatisfactory for the proposals at this stage.

6 Recommendations

If the development is given planning permission in its current format there is a risk that it would be considered to be in breach of current planning policies, as set out by the government, the Mayor's Biodiversity Strategy, and by LB Southwark.

It is recommended that decisions over the proposed development are postponed until further information is gathered on the site's ecology and the likely impacts of the proposal as it stands. In addition, proposals for the mitigation for any loss or damage to the site's ecology should also be set out and supplied to Southwark Council, so that they can make an informed decision on the impact of the proposed development on the biodiversity of the site.

LCS recommends the following actions:

- An extended Phase I habitat survey should be undertaken between the months of April – September. This document should incorporate findings from a GIGL data search and fully assess the current biodiversity value of the site within the context of the local area and show clearly how the proposed development would impact on the habitats and species currently present.
- A specialist invertebrate survey should be undertaken as indicated as a requirement for any development proposal for the site in the Supplementary Planning Document 123 Grove Park (LB Southwark, 2007). The survey should be undertaken between the months of April – September on key indicative invertebrate taxa, and include a full survey of the site's potential for stag beetle.
- An amphibian and reptile survey would better inform the likely presence or absence of protected species such as slow-worm, grass snake and the presence of other amphibian species on site.
- A comprehensive evaluation of the likely impacts of the development on the site's ecology (and of the immediate environs) should be submitted, including the proposed steps to mitigate and/or compensate for any loss/damage that may occur. This could include, for example, a detailed planting programme for the open spaces, together with additional features to be considered (for example, green roofs).

7 References

Applied Ecology Ltd, 2006. *Ecological Appraisal of 123 Grove Park, Southwark*. Applied Ecology Ltd, Cambridge.

Applied Ecology Ltd, 2007. *123 Grove Park, Southwark Bat Report*. Applied Ecology Ltd, Cambridge.

Applied Ecology Ltd, 2011. *Ecology Survey Report - 123 Grove Park, Southwark*. Applied Ecology Ltd, Cambridge.

Applied Ecology Ltd, 2011. *123 Grove Park, Southwark bat Activity Survey*. Applied Ecology Ltd, Cambridge.

Applied Ecology Ltd, 2011. *Ecology Matters - 123 Grove Park, Southwark*. Applied Ecology Ltd, Cambridge.

Archer, J., Britton, B., Burley, R., Hare, T., and Yarham, I., 1989. *Nature Conservation in Southwark*. London Ecology Unit. London.

Brown, J., 2010. *Me and my garden: How Jennifer Owen became an unlikely champion of British wildlife*. An article in the Independent newspaper 12th November 2010. Available at: <http://www.independent.co.uk/environment/nature/me-and-my-garden-how-jennifer-owen-became-an-unlikely-champion-of-british-wildlife-2131712.html>

BUGS, 2007. *Biodiversity in Urban Gardens*. University of Sheffield. Available at <http://www.bugs.group.shef.ac.uk/>

Burton, R., 1983. *Flora of the London Area*. London Natural History Society, London.

Frith, M., 2000. *Stag beetle; an advice note for its conservation in London*, London Wildlife Trust.

GIGL, 2011. *An Ecological Data Search for 123 Grove Park*, Report Reference 11/179, Greenspace Information for Greater London.

Greater London Authority, 2011. *The London Plan, Spatial Development Strategy for Greater London 2011*. Greater London Authority.

JNCC, 1993. UKBAP website. Available at <http://www.ukbap.org.uk>

KSR Architects, 2010. *123 Grove Park Design and Access Statement*. KSR Architects, London .

Landmark Trees, 2010. *Arboricultural Impact Assessment Report for 123 Grove Park*. Landmark Trees Ltd, Devizes.

Machin, N. 2004. *Planning for the Wild*. London Wildlife Trust 2004

LB Southwark, 2007. *123 Grove Park adopted Supplementary Planning Document*. Southwark Planning Authority.

LB Southwark, 2010. *Southwark Plan*. Southwark Planning Authority

LB Southwark, 2011. Southwark Planning documents from Planning Application - 10/AP/3751 Available at:
<http://planningonline.southwarksites.com/planningonline2/AcolNetCGI.exe?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=9538576>

LEU (London Ecology Unit), 1994. *Habitat Survey for Greater London*. London Ecology Unit, London.

London Biodiversity Partnership, 2007. <http://www.lbp.org.uk/index.html>

Mayor of London, 2002. *Connecting with London's nature; The Mayor's biodiversity strategy*, Greater London Authority.

Preston, C. D., Pearman, D. A. & Dines, T. D., 2002. *New Atlas of the British & Irish Flora*. Oxford University Press. Oxford.

Randle Siddeley Associates, 2010. *123 Grove Park Landscape Design Statement REF 1002-RP-002*. Randle Siddeley Associates, London

RHS, 2010. *Ecology Begins at Home*. Article in GARDEN November 2010 pp 754-755 Royal Horticultural Society. 2010. Available at: <http://www.rhs.org.uk/Plants/RHS-Publications/Journals/The-Garden/2010-issues/November/Ecology-begins-at-home-wildlife-case-study>

Smith, C., 2011. London: *Garden City, investigating the changing anatomy of London's private gardens, and the scale of their loss*. London Wildlife Trust, Greenspace Information for Greater London and Greater London Authority.

Stace C.A., 2010. *New flora of the British Isles (3rd ed.)*, Cambridge University Press, Cambridge.

UK Government, 1994. *Biodiversity: the UK Action Plan*. CM2428, HMSO, London. 28, HMSO, London.

UK Government, 2005. *Planning Policy Statement 9 Biodiversity and Geological Conservation*. HMSO London.