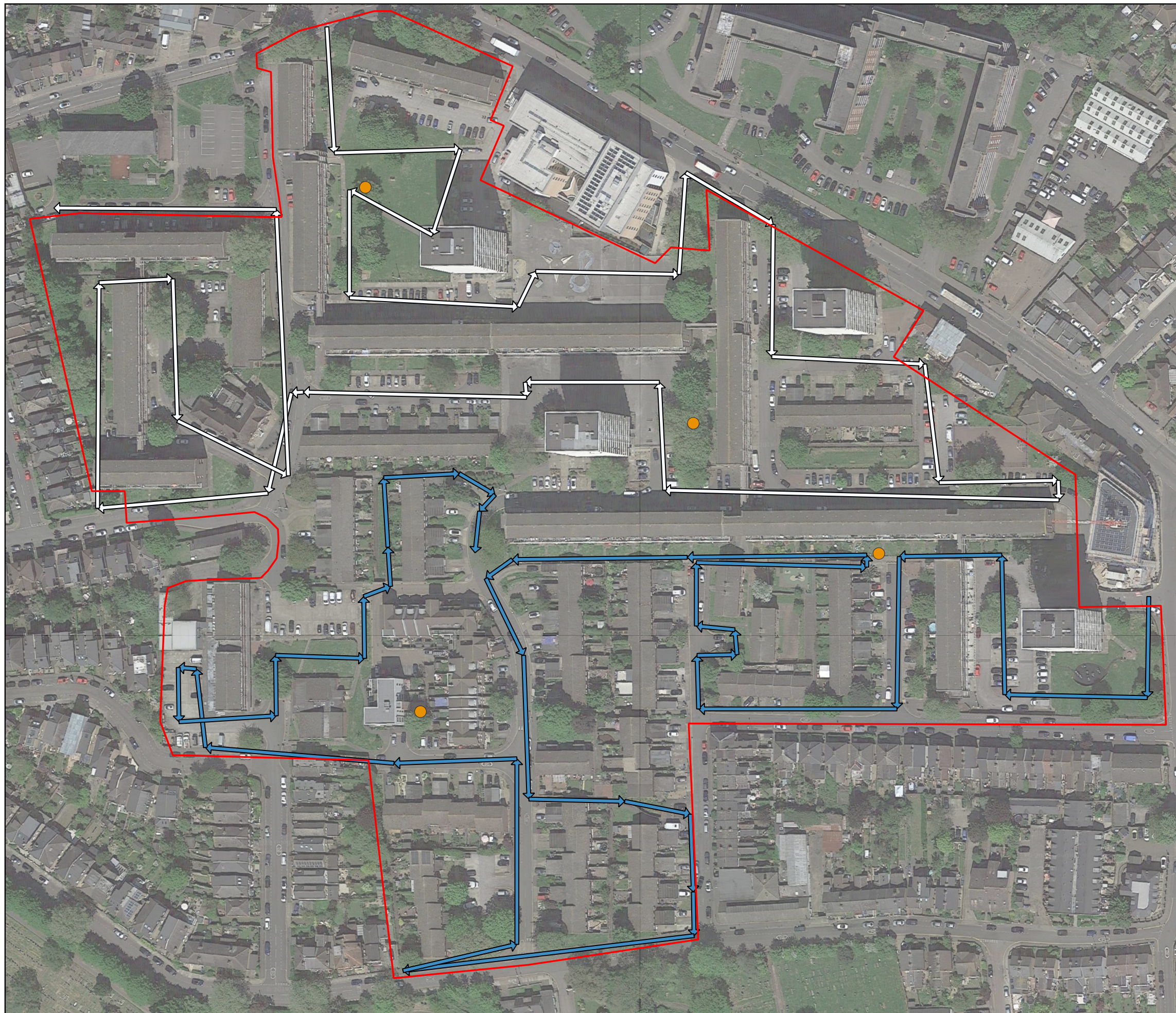


CAMBRIDGE ROAD ESTATE

- Approx Red Line Boundary
- Transect Route**
 - 1
 - 2
- Indicative Static Detector Locations



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Fig 2.0 Proposed Bat Activity Survey Plan



APPENDIX 2 RELEVANT LEGISLATION AND POLICY

LEGISLATION

Legislation Relating to Bats

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

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

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

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

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

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

This legislation applies to all bat life stages.

The implications of the above in relation to the proposed development are that where it is necessary during construction to remove trees, buildings or structures in which bats roost, it must first be determined that work is compulsory and if so, appropriate licenses must be obtained from Natural England.

PLANNING POLICY

National

National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2019⁴ sets out the Government's planning policies for England, including how plans and decisions are expected to apply a presumption in favour of sustainable development. Chapter 15 of the NPPF focuses on conservation and enhancement of the natural environment, stating plans should 'identify and pursue opportunities for securing measurable net gains for biodiversity'.

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

Regional

The London Plan: Spatial Development Strategy for Greater London⁵

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

Policy 2.18 Green Infrastructure

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

Policy 5.10 Urban Greening

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

Policy 5.11 Green Roofs and Development Site Environs

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

Policy 5.13 Sustainable Drainage

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

Policy 7.19 Biodiversity and Access to Nature

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

The Draft New London Plan (emerging)

Policy G1 Green infrastructure

- A. London’s network of green and open spaces, and green features in the built environment such as green roofs and street trees, should be protected, planned, designed and managed as integrated features of green infrastructure.
- B. Boroughs should prepare green infrastructure strategies that integrate objectives relating to open space provision, biodiversity conservation, flood management, health and wellbeing, sport and recreation.
- C. Development Plans and Opportunity Area Planning Frameworks should:
 1. identify key green infrastructure assets, their function and their potential function
 2. identify opportunities for addressing environmental and social challenges through strategic green infrastructure interventions.

Policy G2 London’s Green Belt

- A. The Green Belt should be protected from inappropriate development:
 1. development proposals that would harm the Green Belt should be refused
 2. the enhancement of the Green Belt to provide appropriate multi-functional uses for Londoners should be supported.

Policy G5 Urban greening

- A. Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

- B. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. The UGF should be based on the factors set out in Table 8.2, but tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development.

Policy G6 Biodiversity and access to nature

- C. Where harm to a SINC (other than a European (International) designated site) is unavoidable, the following approach should be applied to minimise development impacts:
1. avoid adverse impact to the special biodiversity interest of the site
 2. minimise the spatial impact and mitigate it by improving the quality or management of the rest of the site
 3. seek appropriate off-site compensation only in exceptional cases where the benefits of the development proposal clearly outweigh the biodiversity impacts.
- D. Biodiversity enhancement should be considered from the start of the development process.
- E. Proposals which create new or improved habitats that result in positive gains for biodiversity should be considered positively, as should measures to reduce deficiencies in access to wildlife sites.

Policy G7 Trees and woodlands

- C. Development proposals should ensure that, wherever possible, existing trees of quality are retained [Category A and B]. If it is imperative that trees have to be removed, there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT. The planting of additional trees should generally be included in new developments – particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy.

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

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

Nature conservation and biodiversity

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

Overheating

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

Urban greening

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

Use less energy

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

London Environment Strategy 2018⁶

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

Objective 5.1 Make more than half of London green by 2050

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

This policy states:

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

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

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

Objective 5.2 conserving and enhancement wildlife and natural habitats

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

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

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

Local

Kingston Core Strategy

Policy CS 3 - The Natural and Green Environment

The Council will protect and improve Kingston’s valued natural and green environment by:

- a. seeking to ensure that residents have access to an interconnected network of safe, well managed and maintained areas of open space through the implementation of routes in the ‘South West London Greenways Network Expansion - Feasibility Report’, Kingston’s Green Spaces Strategy, Park Management Plans and Annual Implementation Plans
- b. protecting Kingston’s open space network from inappropriate development through its open spaces designations; Green Belt, Metropolitan Open Land (MOL), Thames Policy Area, Sites of Importance for Nature Conservation (SINCs), Local Nature Reserves, Local Open Space, School Open Spaces, Green Corridors, Green Chains and Allotments, as shown on the Proposals Map
- c. facilitating regeneration, infrastructure upgrades and environmental improvement to the Hogsmill Environs
- d. incorporating appropriate elements of public open space into new developments and/or making a financial contribution to improving existing open spaces, with additional facilities and better management to Green Flag standards
- e. promoting the management of biodiversity in light of the threats arising from climate change and future development growth, by working in partnership with a range of organisations on projects to protect and enhance Kingston’s Open Space Network. This will not only provide increased wildlife habitats, but will also link wider parts of Kingston, allowing easier movement and reducing isolation of habitats.

Policy DM 6 - Biodiversity

The Council will:

- a. ensure new developments protect and promote biodiversity as part of sustainable design, through the inclusion of sustainable drainage, tree planting, soft landscaping, habitat enhancement and/or improvement, green roofs and new or improved semi-natural habitats, where appropriate
- b. require an ecological assessment on major development proposals, or where a site contains or is next to significant areas of habitat or wildlife potential. This should be completed before design work or submission of the planning application.
- c. ensure that new development does not result in a net loss of biodiversity and, where appropriate, should include new or improved habitats and provision for natural and semi-natural public green space, as set out in the Planning Obligations SPD or Community Infrastructure Levy charge.

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