Preliminary Ecological Appraisal

ecologybydesign

High Road, Wembley

On behalf of Regal Wembley Limited

February 2022

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EBD02245	High Road Preliminary Ecological Appraisal	11th February 2022

	Name	Date
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Checked by	Laura Grant BSc (Hons) MCIEEM	11th February 2022

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1 Executive Summary

Report purpose	This report identifies the potential ecological impacts, mitigation, compensation, and enhancement measures for a proposed development of land at High Road, Wembley.
Date and methods of survey	An initial survey of the site was conducted in February 2022 including: • An extended habitat survey; and • Daytime building and tree assessments for bats.
Key findings	The site, situated in Wembley in London, measures approximately 0.15ha comprising multi-storey buildings, hardstanding and mixed scrub. Protected and priority species present or potentially present include: • The buildings have low potential to support roosting bats; • Opportunities for foraging and commuting bats in habitat adjacent to the site; • Opportunities for nesting birds within the buildings and mixed scrub; • Negligible opportunities for other protected or priority species.
Potential impacts	Habitats within the site are of 'Negligible' value in terms of ecological interest. In the absence of mitigation, development within the site may result in: • Disturbance of foraging/commuting bats in habitat adjacent to the site through altered/increased levels of lighting; • Destruction of bat roosts within the buildings with low potential to support roosting bats; and • Destruction of active wild birds' nests during building demolition and vegetation clearance.
Further survey	Further survey comprising a bat dusk emergence survey should be completed to establish if bats are roosting within buildings.
Measures to avoid and/or reduce impacts	• Habitat creation to improve the biodiversity value of the site; • Implementation of a sensitive lighting scheme to avoid disturbing bats; • A check for hedgehog prior to clearance of the mixed scrub; • Demolition of buildings and vegetation clearance undertaken outside of the nesting bird season (March to August inclusive) or preceded by a check from a suitably experienced ecologist; • Control of invasive species to prevent their spread; and • Implementation of appropriate site management practices. This report will be updated once the above bat survey has been completed.
Delivering biodiversity enhancement	• Habitats for wildlife will be incorporated within the detailed design scheme; • Ten bird boxes will be integrated into the design of the new buildings or installed on new buildings following construction; and • Five insect nest boxes will be installed on a south-facing wall within the site.

2 Introduction

2.1 Background

2.1.1 Ecology by Design Ltd was commissioned by Regal Wembley Limited to undertake a preliminary ecological appraisal (PEA) of land at 390-406 High Road, Wembley, London, HA9 6AS (central grid reference TQ 18621 85274). The client seeks planning permission for redevelopment of the site.

2.2 Site Description

2.2.1 The site situated in Wembley, London, covers approximately 0.15 hectares comprising buildings, hardstanding, and a small area of mixed scrub. The site is immediately surrounded by residential and commercial development to the east and west, a main road to the south and a car park to the north. The wider landscape is dominated by urban development with railway lines located approximately 45m north and 470m to the west of the site, Wembley stadium 600m to the north-east, sports fields 350m south and a park 330m north-west.

2.3 Proposed Works

2.3.1 Regal Wembley Limited seeks planning permission for the demolition of the existing buildings and construction of a multi-storey space including student accommodation and commercial/retail space along with associated landscaping.

2.4 Aims of Report

2.4.1 This report presents a preliminary appraisal of the potential ecological impacts of the proposed development works. The report outlines recommendations for avoidance, mitigation, compensation, and enhancement measures. This report is not suitable for submission to inform a planning application at the site until further surveys are completed to inform the assessment of potential impacts and refine the recommendations.

2.5 Personnel

2.5.1 The project was led by Ecologist Emily Bartlett, BSc (Hons) MSc ACIEEM, who has over five years of experience in ecological consultancy and is experienced at conducting habitat and protected species assessments.

2.5.2 Project supervision and review of the report was provided by Associate Ecologist Laura Grant, BSc (Hons) MCIEEM, who has been an ecological consultant for 15 years.

3 Methods

3.1 Desk Study

3.1.1 A desk study was carried out to identify:

- Internationally protected sites within the potential zone of influence of the site (minimum of 7km);
- Nationally protected sites within 5km of the site; and
- Non-statutory designated sites and records of protected or priority species within 2km of the site (central OS national grid reference TQ 18621 85274).

3.1.2 A 2km search radius for species and non-statutory designated sites is justified due to the small size of the site and small-scale development works being undertaken. It is thought highly unlikely that species or non-statutory sites outside this search zone would be affected by the project. A larger search radius is applied for internationally and nationally designated sites as these sites are protected to a higher level and can often be more sensitive to disturbance. These search distances are also based on industry standard guidance.

3.1.3 Sources consulted include:

- Greenspace Information for Greater London (returned 27th January 2022);
- MAGIC (www.magic.gov.uk) (accessed 9th February 2022); and
- Local Planning Policy documents.

3.2 Preliminary Ecological Appraisal

3.2.1 A Preliminary Ecological Appraisal (PEA) was conducted on 4th February 2022 by Ecology by Design Ecologists Emily Bartlett and Olyvia Hall using standard techniques and methodologies (CIEEM, 2017) and the nomenclature of Stace (2019).

3.2.2 The PEA includes a survey of the habitats utilising the UK Habitat Classification System (Butcher *et al*, 2020). Weather conditions during the survey were cold (7°C), windy (wind 3 on Beaufort scale[1]), sunny (cloud 3/8[2]) and dry. Photographs of the site are given in Appendix 1 and a UKHab habitat map is included in Appendix 2.

3.2.3 Opportunities for or evidence of protected and priority species were also identified. Where potential impacts on features of ecological interest are identified, the PEA is extended to

[1] The Beaufort scale is an empirical measure from 0-12 which relates wind speed to observed conditions. 0- Calm, 1- Light air, 2- Light breeze, 3- Gentle breeze, 4- Moderate breeze, 5- Fresh breeze etc.
[2] Cloud cover is measured using the system called oktas. The visible sky is divided into eight and cloud presence is determined within each section. A value of one to eight is then assigned (1 okta being cloudless to 8 oktas being total cloud cover).

include an assessment of impact. Any further surveys required are outlined and recommendations are made for appropriate avoidance, mitigation, compensation, and enhancement measures.

3.3 Preliminary Roost Assessment

3.3.1 An external and internal Preliminary Roost Assessment was conducted of all buildings at 390-406 High Road, Wembley, on 4th February 2022 by Ecology by Design. The assessment was based on the guidance in Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016) and government guidance (Gov.uk., 2015).

3.3.2 The survey was conducted by Emily Bartlett (Natural England Level 1 Licence 2019-43526-CLS-CLS) and Olyvia Hall.

3.3.3 The surveyors used a high-power torch (LEDLenser Lamp), 10x42mm close focusing binoculars, and 3.8m telescopic ladder to inspect features of interest. All external areas of the buildings were inspected as well as internal areas. Evidence searched for included the presence of free hanging bats and bats within gaps and crevices, bat droppings, urine stains, rub marks, scratch marks and feeding remains. Where bat droppings were found, a sample was collected to enable DNA analysis to identify the species at a future date, if required.

3.4 Ground Level Tree Roost Assessment

3.4.1 A ground level tree assessment was conducted by Emily Bartlett (Natural England Level 1 Licence 2019-43526-CLS-CLS) and Olyvia Hall whilst conducting the habitat survey.

3.4.2 The surveyors used a high-power torch (LEDLenser Lamp) and 10x42mm binoculars to identify features of interest. Where possible, each aspect of the tree was inspected to identify features with potential to support roosting bats such as woodpecker holes, rot holes, splits, cracks, flaking bark and/or ivy cover. Where any evidence of use by bats such as droppings, staining or scratches around such features were present this was noted.

3.4.3 Each tree or cluster of trees was identified as having high, medium, low, or negligible suitability for roosting bats. Collins (2016) categorizes the suitability of trees for roosting bats as follows:

- Negligible = Negligible habitat features likely to be used by roosting bats.
- Low = A tree of sufficient size and age to contain potential roosting features but with none seen from the ground or features seen with only very limited roosting suitability.
- Medium = A tree with one or more potential roost sites 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.

- High = A structure or tree with one or more potential roost sites 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.

3.5 Limitations/Constraints

3.5.1 The wildlife and wider ecological interest of a site can change. The report presented here is a statement of the findings of surveys carried out in February 2022. For the purpose of this report the results of site visits are discussed in the present tense. Any appreciable delay in making reference to this report or changes to the proposed development boundary may necessitate a re-survey.

3.5.2 The species information gained from local record centres is largely derived from data submitted from members of the public and volunteers. For this reason, it should be understood that the desk study may not provide an exhaustive list of all protected species that could occur in the local area.

3.5.3 Weather conditions were suitable to conduct the surveys.

4 Results and Interpretation

4.1 Designated Sites

4.1.1 No internationally protected sites are located within 7km of the site. One nationally protected site notified for its ecological interest is located within 5km of the site boundary and 26 non-statutory designated site of ecological interest is located within 2km of the site, as detailed in Table 1.

Table 1: *Statutory notified sites within 5km of the site and non-statutory sites within 2km of the site*

Site name & reference	Distance & direction	Size and interest
Chiltern Line between River Brent and Sudbury Hill Harrow SINC[3] (BrBI06F)	0.02km N	20.45ha including wide cuttings which serve as wildlife corridors containing a mosaic of trees, shrubs, tall ruderal vegetation and grass habitats
Grand Avenue verges SINC (BrL25)	0.7km E	0.63ha including trees and shrubs on a residential road verge.
Harlesden to Wembley Central railsides, including the Wembley Brook SINC (BrBI06D)	0.8km SE	11.41ha which serve as wildlife corridors including areas of semi-natural broadleaved or mixed woodland habitat and tall ruderal vegetation.
St John's Old Burial Ground, Wembley SINC (BrBII10)	0.8km E	1.18ha comprising a churchyard including grassland and scattered trees.
Alperton Community School scrub SINC (BrL28)	1.0km S	0.22ha including former tennis courts converted into a wildlife area with scrub and trees.
Heather Park Drive embankment SINC (BrL30)	1.0km S	0.16ha including scattered trees and scrub on a step sided bank and access road.
Barham Park SINC (BrL12)	1.1km W	10.02ha including a mosaic of amenity grassland, scattered trees and plantation woodland.

[3] SINC = Sites of Importance for Nature Conservation (

Site name & reference	Distance & direction	Size and interest
Barham Primary School Wildlife Area SINC (BrL15)	1.2km SW	0.13ha including scattered trees, scrub, semi-improved neutral grassland.
Wealdstone Brook Wembley Park Section SINC (BrBII19)	1.3km NE	2.49ha including a heavily shaded open concrete culvert.
Jubilee Line from Stanmore Junction to Queensbury SINC (BrBI06G)	1.4km N	17.9ha which serve as wildlife corridors including areas of semi-natural broadleaved or mixed woodland habitat and tall ruderal vegetation.
One Tree Hill, Alperton SINC (BrBII13)	1.4km SW	0.82ha of semi-natural broad-leaved woodland, dense scrub, immature trees and tall ruderal vegetation developing on former allotments.
Horsenden Hill SINC (M044)	1.5km SW	138.82ha botanically diverse historic pastures, meadows, and hedges.
Brent River Park, Wembley SINC (BrBI05)	1.5km NE	8.92ha of river bordered by semi-natural broadleaved woodland and scrub.
Oakington Manor Primary School SINC (BrL26)	1.5km E	0.37ha a school wildlife area in an area of previously dense woodland with scrub.
Alperton Cemetery and Clifford Road Allotments SINC (BrL11)	1.5km SW	4.34ha including a cemetery with a species rich hedge with trees and an area of allotments.
Wembley Park Sports Field (BrL13)	1.5km NE	0.28ha with semi-improved neutral grassland, scattered trees and scrub.
Northwick Park and Kenton railsides SINC (BrBI06H)	1.6km NW	6.85ha which serve as wildlife corridors including areas of semi-natural broadleaved or mixed woodland habitat and tall ruderal vegetation.
River Brent west of Stonebridge SINC (BrBII18)	1.7km SE	4.05ha containing river habitat with banks containing plantation and semi-natural broadleaved woodland.
London's Canals SINC	1.7km SW	189.66ha supporting a variety of aquatic flora and uncommon species.

Site name & reference	Distance & direction	Size and interest
(M006)		
Piccadilly line between One Tree Hill and Sudbury Hill SINC (BrBI06E)	1.7km S	7.46ha which serve as wildlife corridors including areas of semi-natural broadleaved or mixed woodland habitat and tall ruderal vegetation.
The Canal Feeder SINC (BrBII01)	1.8km SE	3.31ha including canal with species poor well maintained grassland.
Abbey Road Mound and Bestway Park SINC (BrBII07)	1.8km SE	0.75ha including semi-improved neutral grassland, trees and a ditch.
Quainton Street Open Space SINC (BrBI01)	1.8km NE	5.35ha semi-natural broad-leaved woodland flanking the river
Abbey Estate Wayleave SINC (BrL32)	1.9km S	0.43ha containing, scrub, semi-improved neutral grassland and tall ruderal habitats.
Twyford Abbey Grounds SINC (EaBII14)	2.0km S	5.42ha comprising woodland, scrub, semi-improved neutral grassland, amenity grassland, scattered trees and tall ruderal vegetation.
River Brent at Hanger Lane SINC (EaBII22)	2.0km S	1.83ha including river within a concrete channel.
Brent Reservoir SSSI[4] (1000119)	2.8km NE	69.37ha notified for assemblages of breeding birds of lowland open waters.

4.1.2 The closest designated site is the Chiltern Line between River Brent and Sudbury Hill Harrow SINC located approximately 15m north of the site boundary, which is a Borough Grade I SINC and therefore a site of 'exceptional interest', and provides an important wildlife corridor with areas of woodland and varied vegetation supporting a diversity of birds, reptiles, mammals and insects. The proposals are similar in scale and nature to the existing conditions within the site it is therefore considered that impacts on the SINC from the proposed development would be negligible, however, recommendations for sensitive lighting have been included to ensure that there are no adverse impacts as a result of potential increases in light spill.

[4] SSSI = Site of Special Scientific Interest (See Section 6.4 Greater London Authority for further information)

4.1.3 Natural England defines Impact Risk Zones (IRZs) around SSSI's and categories of development for local authorities to determine if they need to consult Natural England in regard to potential impacts upon them. The IRZ for which the site lies within is not considered to apply to the category of planning application proposed at the site and as such, the potential for impacts on the SSSI are considered unlikely.

Conclusion

4.1.4 It is considered that the notable features of the designated sites will not be impacted by the proposed development due the nature and small scale of the proposals along with the distance from the designated sites.

4.2 Habitats

4.2.1 At the time of the survey (February 2022) the following habitats were recorded on site. Recorded habitats are described in Table 2 below; Photographs are included in Appendix 1 and a habitat map is included in Appendix 2.

Table 2: *Habitat types identified during the habitat survey*

Habitat type & UKHabs code	Description
Mixed scrub (h3h)	In the north-east corner of the site is a small, vegetated area which includes a mixture of small trees, scrub and introduced shrub and covers approximately 0.01ha. The area does not clearly align with the criteria for a specific habitat type but is considered to be closest to that of mixed scrub. The area includes abundant ivy (*Hedera helix*) with frequent bamboo (*Bambuseae* sp.), bramble (*Rubus fruticosus agg.*) and sycamore (*Acer pseudoplatanus*) with occasional cotoneaster (*Cotoneaster* sp.), silver birch (*Betula pendula*), ash (*Fraxinus excelsior*), cherry (*Prunus* sp.), smooth sowthistle (*Sonchus oleraceus*), willow (*Salix* sp.), rose (*Rosa* sp.) shepherd's purse (*Capsella bursa-pastoris*) and herb Robert (*Geranium robertianum*).
Developed land sealed surface (u1b)	A significant portion of the site, approximately 0.05ha, is hardstanding comprising a tarmac car park and paved footpath.
Buildings (u1b5)	The site is dominated by several large buildings which cover approximately 0.09ha of the site. The buildings are mostly not in active use and vary in height from single storey areas to a seven-storey former office block. The buildings are largely constructed with red brick walls with flat roofs of bitumen felt. The southern elevation of the ground floor comprises shop fronts and restaurants with garage areas on the north-west elevation. See *Preliminary Roost Assessment* below for further details.

4.2.2 The habitats on site are common and widespread, being of negligible value to local wildlife (assessed separately below). None of the habitats within the site meet the criteria for a habitat

of principal importance under the NERC[5] Act 2006 (Maddock, 2011). The majority of the habitats on site will be lost under the current proposals.

Conclusion

4.2.3 The habitats within the site are common and widespread and are therefore considered to be of negligible value in accordance with the criteria in Appendix 4.

4.3 Species

4.3.1 The results of the preliminary ecological appraisal and desk study are presented together in Table 3 below. Relevant legislation and policy is referred to as appropriate and further details are provided in Section 6.

4.3.2 There are no watercourses within the site or 500m of the site therefore species associated with such habitats such as white-clawed crayfish (*Austropotamobius pallipes*), otter (*Lutra lutra*) and water vole (*Arvicola amphibius*) are considered unlikely to be affected by the proposals. As such, they are not discussed further within this report.

Table 3: *Presence of or potential for protected / notable / invasive species within the site and local area*

Species	Protection or Status *	Presence/potential at the site
Bats	EPS[6]. Some species are also SPIs[7]. W&CA 1981[8] Sch5[9]	47 records of at least seven bat species have been recorded within 2km of the site including serotine (*Eptesicus serotinus*), Daubenton's (*Myotis daubentonii*), Leisler's bat (*Nyctalus leisleri*), noctule (*Nyctalus noctula*), Nathusius' pipistrelle (*Pipistrellus nathusii*), common pipistrelle (*Pipistrellus pipistrellus*) and soprano pipistrelle (*Pipistrellus pygmaeus*). The site is situated within the core sustenance zones[10] of all bat species recorded in the desk study. The site offers negligible foraging and commuting habitat however, individuals are likely to forage and commute within the woodland and railway corridor to the north of the site. A few small trees are located in the north-east of the site within the mixed scrub. These were inspected for bat roosting potential and assessed as having negligible potential to support roosting bats. The buildings within the site were inspected and assessed as having low potential to support roosting bats. See *Ground Level Tree Roost Assessment* and *Preliminary Roost Assessment* below.

[5] NERC Act 2006 = Natural Environment and Rural Communities Act 2006
[6] European Protected Species under the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended)
[7] Species of Principal Importance under Section 41 of the NERC Act 2006
[8] Wildlife and Countryside Act 1981 (as amended)
[9] Schedule 5 Animals which are Protected (W&CA 1981)
[10] Core sustenance zone refers to the area surrounding a communal bat roost within which habitat availability and quality have a significant influence on the resilience and conservation status of the colony using the roost. See Appendix 6.

Species	Protection or Status *	Presence/potential at the site
Dormouse *(Muscardinus avellanarius)*	EPS. SPI. W&CA 1981 Sch5	No records of the species were returned within the desk study and there is no suitable habitat within the site. It is considered that dormouse are likely absent from the site due to the absence of suitable habitat and isolated nature of the site.
Great crested newt (*Triturus cristatus*)	EPS. SPI. W&CA 1981 Sch5	One record of the species was located within 2km of the site in the desk study dating from 2001-2002 and located 1.9km from the site. There are no ponds within the site or within 500m of the site. Whilst the scrub habitat in the north of the site could provide suitable terrestrial habitat for the species, due to the distance from suitable breeding habitat and isolated nature of the site it is considered that great crested newts are likely absent from the site.
Badger (*Meles meles*)	Protection of Badgers Act 1992.	One record of badger was returned in the desk study dating from 2020. The habitats on site are considered to be of negligible value for foraging badger due to their highly developed nature. No evidence of badger such as setts or latrines were recorded during the survey. Badgers are considered likely absent from the site.
Nesting birds	W&CA 1981 Sch1[11]/ Sch5	Records of 51 bird species were located within the desk study comprising a mix of species typical of urban and suburban habitats. There are limited opportunities for foraging and nesting birds within the site including within the scrub and trees. Potential bird nesting material was recorded within the stairwell at the top of the seven-storey building.
Reptiles	W&CA 1981 Sch5	Five reptile records were returned within the desk study comprising slow-worm (*Anguis fragilis*). The most recent record dates from 2021 and the closest record is located approximately 0.8km east from the site. The habitat within the site is considered to be of negligible value as it is heavily shaded by adjacent buildings and isolated from further suitable habitat by hardstanding therefore, it is considered that reptiles are likely absent from the site.
Western European hedgehog (*Erinaceus europaeus*)	SPI	Twenty records of the species were located in the desk study. The closest record is located 0.1km east of the site and the most recent record is from 2021. The 0.01ha of mixed scrub has a poor species-diversity and structure offering limited opportunities for invertebrate prey. The ivy may provide some areas of cover for any individuals which may predominantly reside and forage within the SINC to the north.
Common toad (*Bufo bufo*)	SPI	Two records of the species were returned in the desk study. There are no ponds within the site or within 500m of the site. It is considered that common toad are likely absent from the site.
Invertebrates	W&CA 1981 Sch5, SPI	Records of 57 protected and notable invertebrate species were returned by the desk study. As detailed above, the 0.01ha of mixed scrub within the site offers negligible opportunities for invertebrate assemblages of importance.

[11] Schedule 1 Birds which are Protected by Special Penalties (W&CA 1981)

Species	Protection or Status *	Presence/potential at the site
Protected plants	W&CA 1981 Sch8[12]. SPIs	Five records of notable and protected plant species were returned within the desk study. No protected or priority plant species were identified within the site, and it is considered unlikely to support any due to the poor structure and diversity of the mixed scrub habitat present.
Invasive species	W&CA 1981 Sch9[13]	Records of twenty invasive plant species and two invasive animal species were returned within the desk study. Cotoneaster was discovered on site. Cotoneaster is a difficult plant group in terms of identification within excess of one hundred species being naturalised in Britain. The fruits produced by the genus are eaten by birds which spread the seeds into the wild. Identification to species is only possible by examination of the seeds. Five Cotoneaster species are listed on Schedule 9. It is not possible to confirm which species is present on the site so as a precautionary measure we suggest that the plant is treated as a Schedule 9 species in terms of control. No other invasive plant or animal species were noted.

Ground Level Tree Roost Assessment

4.3.3 Within the scrub in the north-east of the site are a few small trees with diameters at breast height of approximately 2cm to 5cm comprising a mix of species including ash, sycamore, cherry and willow. The trees were inspected from ground level to assess their potential to support roosting bats and no suitable crevices or holes that would form potential roosting features were noted on the trees. The trees are assessed as having 'negligible' potential to support roosting bats.

Preliminary Roost Assessment

4.3.4 All buildings within the site were inspected externally. The central seven-storey structure and western three-storey structures were also inspected internally. The seven-storey building was generally in good condition externally with no missing mortar noted from ground level. Some open windows were noted, however, contractors were working within the building at the time therefore this is likely only temporary and short term. The door to the plant room on the roof of the building was open at the time of the survey which allowed access to the stair well of the building, however, not suitable roosting features were noted with the upper levels of the stairwell. Multiple weep holes are present on all elevations at regular intervals going up the seven-storey structure. The southern elevation of the building is located on the main road with

[12] Schedule 8 Plants which are Protected (W&CA 1981)
[13] Schedule 9 Animals and Plants to which Section 14 Applies (W&CA 1981)

streetlights and likely high levels of light pollution from cars it is therefore considered unlikely that bats would use features exposed to such lighting levels. The weep hole features towards the north are less exposed to light pollution and adjacent to the SINC and railway corridor and are therefore considered to be suitable to support roosting bats. No loft spaces are present within the building which mostly comprises large open rooms with windows on all elevation of the building. Mouse droppings were located within the building, however, no evidence of bats was located during the inspection.

4.3.5 The three-storey structure had multiple holes within the brickwork on the northern elevation, likely because of historic pipework. Some of the holes appear to allow access to the single storey garage/storage areas on the ground floor while holes further up may lead to cavity walls. No loft spaces are present within the building which mostly comprises large open rooms with windows on multiple elevation of the building. The internal inspection of the three-storey area located numerous rat droppings and some mouse droppings, however, no evidence of bats was located during the inspection.

Summary

4.3.6 Bats are likely to forage and commute within habitat adjacent to the site and the buildings within the site could support roosting bats.

4.3.7 The mixed scrub and buildings' rooftops and accessible areas of the stairwell of the seven storey building within the site provide suitable habitat for nesting birds.

4.3.8 The site has potential for use by foraging and resting hedgehog, although limited due to the extent and poor structure.

Conclusion

4.3.9 In accordance with the criteria in Appendix 5 the site is considered to be of negligible value for species.

5 Potential Impacts and Recommendations

5.1 Designated Sites

Potential Impacts

5.1.1 It is considered that the notable features of the designated sites will not be impacted by the proposed development due the nature of the proposals and/or distance from the designated sites.

5.2 Habitats

Potential Impacts

5.2.1 The proposals would result in the loss of approximately 0.01ha of mixed scrub which is of very limited value to local wildlife due to its condition and extent. The proposed landscaping for the site is at a very early stage and therefore the specification has yet to be defined. It is considered that should the proposals include some habitat creation they are likely to result in a net gain in biodiversity

Recommendation R1: To help offset any potential loss of biodiversity it is recommended that habitat creation is undertaken within the site which could include tree planting, green roofs, wildflower grassland, pond creation and/or hedge planting. Any potential grassland, hedge or tree planting should incorporate native plants which are of local provenance and are of benefit to wildlife.

5.2.2 Any tree planting could incorporate a mix of species such as alder (*Alnus glutinosa*), silver birch (*Betula pendula*), wild cherry (*Prunus avium*), bird cherry (*Prunus padus*), crab apple (*Malus sylvestris*), rowan (*Sorbus aucuparia*), common beech (*Fagus sylvatica*), field maple (*Acer campestre*) and/or goat willow (*Salix caprea*).

5.2.3 Native plants which are of local provenance and of benefit to wildlife could be used to create native species rich hedging. Hedge planting could include at least five native woody species such as common hawthorn, blackthorn, hazel, spindle, elder, dogwood, wayfaring tree (*Viburnum lantana*) and/or wild cherry (*Prunus avium*). To enhance the hedging, climbing plants can be incorporated such as honeysuckle (*Lonicera periclymenum*) and dog rose (*Rosa canina*).

5.2.4 Any grassland planting should incorporate a species rich seed mix with a mixture of wildflowers to provide opportunities for pollinators such as Emorsgate EL1 Flowering Lawn Mixture or EM2 Standard General Purpose Meadow Mixture, or similar.

5.3 Protected Species

5.3.1 Species for which potential impacts are not considered likely to occur as a result of the proposed development are outlined alongside justification in Table 3 above; these are excluded from further assessment. The following sections focus on those ecological features likely to be significantly affected (adverse or beneficial) only.

Bats

5.3.2 The buildings within the site were identified as having low potential to support roosting bats therefore their demolition could result in the destruction of potential bat roosts and killing or injury of any bats which may be present.

5.3.3 The habitats within the site offer negligible foraging and commuting opportunities for bats however, habitat to the north of the site could provide a foraging and commuting corridor for bats. Increased levels of artificial light can cause disturbance to bats. Though several bat species can take advantage of artificial lighting systems for foraging, feeding off the insects they attract, other species avoid them as foraging within an illuminated area increases the risk of predation by nocturnal birds of prey or even domestic cats. If lighting is intensive and widespread, particularly lighting from lamps, which emit UV light (such as mercury vapour); it can deter some bats from utilising the site and in some instances can act as a barrier across commuting lines. Research has also shown that certain types of artificial lighting have been proven to disturb the emergence patterns of bats when they are placed within the vicinity of entrances to a bat roost.

5.3.4 **Recommendation R2:** Further survey should be undertaken to establish if bats are roosting within the buildings identified as having low potential to support roosting bats. A single emergence/return to roost survey using four surveyors should be completed between May and September with surveyors located around the buildings focused on potential roosting features. In the event roosting bats are present, an appropriate number of surveys will be required to enable characterisation of the roost(s).

Recommendation R3: Any lighting for the development will need to be designed sensitively in accordance with industry standard guidance (BCT & ILP, 2018) and the following principles will need to be adopted:

- Maintaining dark corridors along the northern site boundary;
- Not illuminating planted or retained offsite trees;
- Where lighting is required, ensuring:
  - Light levels are less than 3 Lux;

- LED luminaires with a warm white spectrum ideally <2700 Kelvin (to avoid blue / UV elements);
- Bollard or low-level downward directional luminaires are used and mounted on the horizontal (with no upward tilt); and
- Security lighting, if required, is motion-activated with short (1 minute) timers.

Birds

5.3.5 The buildings and mixed scrub within the site could support nesting bird species, therefore vegetation clearance or building demolition could result in the destruction of active wild bird nests.

Recommendation R4: Any wild birds' nests are protected whilst in use. If any active wild birds' nests are found prior to demolition or vegetation clearance, then these must be left alone until they cease to be in use. Ideally, works to suitable nesting habitat/features should be scheduled to avoid the bird nesting season (March to August inclusive). Should such works take place during March-August inclusive, they must be immediately preceded by a check for any active nests by a suitably qualified ecologist. Any active nests identified during works (regardless of time of year) would need to be protected and left with a suitable buffer (to be defined by the ecologist) until the nest is no longer active.

Other Wild Animals

5.3.6 Although the site offers limited potential for wild animals it is possible that wild animals, such as hedgehog and fox (*Vulpes vulpes*), might traverse the site.

Recommendation R5: The mixed scrub should be searched by an ecologist prior to clearance to ensure hedgehogs are not killed or injured, if present.

5.3.7 Detailed proposals should include measures to safeguard wild animals should they enter the site during construction works, and to discourage wild animals from entering the site. This can be achieved by implementing the following standard mitigation measures:

- trenches or pits left overnight should be provided with a means of escape for wild animals should they enter such as a collapsed edge or a flat roughened stable plank (no steeper than 45°) acting as a ramp to the surface;
- pipes should be capped off overnight to prevent animals entering and becoming trapped; and
- all trenches and pits will be inspected each morning to ensure no wild animals have become trapped overnight. Should a badger become trapped in a trench it will likely dig

itself into the side of the trench. Should a trapped badger be encountered, a suitably qualified ecologist should be contacted immediately for further advice.

5.4 Enhancements

5.4.1 In line with planning policy, which requires developments to enhance the site for wildlife, a number of enhancements will be included within the design plans (example specifications are included in Appendix 7).

Recommendation R6: In order to enhance the local area for wildlife ecological features will be created/installed around the site including:

- Ten woodcrete / woodstone bird boxes will be integrated into the design of the new buildings or affixed to the buildings or retained trees following construction. Specified boxes should target local notable species which are likely to occur within the area such as starling (*Sturnus vulgaris*) and house sparrow (*Passer domesticus*).
- Five woodcrete / woodstone insect nest boxes will be installed on south-facing walls or trees in a sheltered location within the site to enhance the site for invertebrates.
- Any fences or walls on the northern boundary of the site will include hedgehog friendly gravel boards with holes 13cm x 13cm in the base to prevent habitat fragmentation for hedgehog.

6 Relevant Legislation and Policy

6.1 Exit from European Union

Various pieces of UK wildlife legislation are subject to a draft amendment at the time of writing by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. These include the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 (as amended), the Conservation of Offshore Marine Habitats and Species Regulations 2017 and the Offshore Petroleum (Conservation of Habitats) Regulations 2001.

The amendments prescribed by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 allow existing protections afforded by current wildlife legislation and transposed EC Council Directives to continue following the UK's exit from the European Union.

6.2 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was updated in July 2021 (MHCLG, 2021) thereby replacing the older version of February 2019. The new framework sets out in section 15 that to protect and enhance biodiversity and geodiversity, plans should:

- identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation and
- promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

When determining planning applications, local planning authorities 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 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 improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

The following should be given the same protection as habitats sites:

- potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites; and
- sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

6.3 Natural Environment and Rural Communities (NERC) Act 2006 – Habitats and species of principal importance (England)

The Natural Environment and Rural Communities (NERC) Act came into force on 1st October 2006. Section 41 (S41) of the Act require the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The list has been drawn up in consultation with Natural England as required by the Act. In accordance with the Act the Secretary of State keeps this list under review and will publish a revised list if necessary, in consultation with Natural England.

The S41 list is used to guide decision-makers such as public bodies, including local authorities and utilities companies, in implementing their duty under Section 40 of the NERC Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions, including development control and planning. This is commonly referred to as the 'Biodiversity Duty.'

Guidance for public authorities on implementing the Biodiversity Duty has been published by Defra. One of the key messages in this document is that 'conserving biodiversity includes restoring and enhancing species populations and habitats, as well as protecting them.' In England the administration of the planning system and licensing schemes are highlighted as having a 'profound influence on biodiversity

conservation.' Local authorities are required to take measures to "promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species. The guidance states that 'the duty aims to raise the profile and visibility of biodiversity, clarify existing commitments with regard to biodiversity, and to make it a natural and integral part of policy and decision making.'

In 2007, the UK Biodiversity Action Plan (BAP) Partnership published an updated list of priority UK species and habitats covering terrestrial, freshwater and marine biodiversity to focus conservation action for rarer species and habitats in the UK. The UK Post-2010 Biodiversity Framework, which covers the period from 2011 to 2020, now succeeds the UK BAP. The UK priority list contained 1150 species and 65 habitats requiring special protection and has been used as a reference to draw up the lists of species and habitats of principal importance in England.

In England, there are 56 habitats of principal importance and 943 species of principal importance on the S41 list. These are all the habitats and species found in England that were identified as requiring action in the UK BAP and which continue to be regarded as conservation priorities in the subsequent UK Post-2010 Biodiversity Framework.

6.4 Local Planning Policy

Brent Council

The London Borough of Brent's Local Development Framework: Core Strategy was adopted on 12th July 2010 and contains the following relevant policy.

Policy CP 18 Protection and Enhancement of Open Space, Sports and Biodiversity

Open space (including waterways) of local value will be protected from inappropriate development and will be preserved for the benefit, enjoyment, health and well being of Brent's residents, visitors and wildlife. Support will be given to the enhancement and management of open space for recreational, sporting and amenity use and the improvement of both open space and the built environment for biodiversity and nature conservation. New or improved provision (including improved access) will be sought in areas of deficiency and where additional pressure on open space and outdoor play facilities would be created. This includes new parks in Church End and Wembley and improvements to existing open spaces in Alperton, South Kilburn and Burn Oak/Colindale growth areas.

Greater London Authority

The London Plan 2021 was adopted in March 2021 and contains the following relevant policy.

Policy G6 Biodiversity and access to nature

A. Sites of Importance for Nature Conservation (SINCs) should be protected.

B. Boroughs, in developing Development Plans, should:

    1) use up-to-date information about the natural environment and the relevant procedures to identify SINCs and ecological corridors to identify coherent ecological networks

    2) identify areas of deficiency in access to nature (i.e. areas that are more than 1km walking distance from an accessible Metropolitan or Borough SINC) and seek opportunities to address them

    3) support the protection and conservation of priority species and habitats that sit outside the SINC network, and promote opportunities for enhancing them using Biodiversity Action Plans

    4) seek opportunities to create other habitats, or features such as artificial nest sites, that are of particular relevance and benefit in an urban context

    5) ensure designated sites of European or national nature conservation importance are clearly identified and impacts assessed in accordance with legislative requirements.

C. Where harm to a SINC is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:

    1) avoid damaging the significant ecological features of the site

    2) minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site

    3) deliver off-site compensation of better biodiversity value.

D. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.

E. Proposals which reduce deficiencies in access to nature should be considered positively.

6.5 Protected Species

European Protected Species (EPS)

The Conservation of Habitats and Species Regulations 2017 (as amended) transpose the EC Habitats Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (Council Directive 92/43/EEC) into national law.

"European protected species" (EPS) of animal are those which are shown on Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended). They are subject to the provisions of Regulation 43 of those Regulations. All EPS are also protected under the Wildlife and Countryside Act 1981 (as amended). Taken together, these pieces of legislation make it an offence to:

a) intentionally or deliberately capture, injure or kill any wild animal included amongst these species;
b) possess or control any live or dead specimens or any part of, or anything derived from these species;
c) deliberately disturb wild animals of any such species;
d) deliberately take or destroy the eggs of such an animal; or
e) intentionally, deliberately or recklessly damage or destroy a breeding site or resting place of such an animal, or obstruct access to such a place.

For the purposes of paragraph (c), disturbance of animals includes in particular any disturbance which is likely—

a) to impair their ability—
    i. to survive, to breed or reproduce, or to rear or nurture their young; or
    ii. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
b) to affect significantly the local distribution or abundance of the species to which they belong.

Although the law provides strict protection to these species, it also allows this protection to be set aside (derogated) through the issuing of licences. The licences in England are currently determined by Natural England (NE) for development works. In accordance with the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended), a licence can only be issued where the following requirements, known as the "Three Tests", are satisfied:

1. The proposal is necessary 'to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'
2. 'There is no satisfactory alternative'

The proposals 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Birds

All nesting wild birds are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. In addition to this, for some rarer species (listed on Schedule 1 of the Act), it is an offence to disturb them whilst they are nest building or at or near a nest with eggs or young, or to disturb the dependent young of such a bird.

The Conservation of Habitats and Species Regulations 2017 (as amended) places duties on competent authorities (including Local Authorities and National Park Authorities) in relation to wild bird habitat. These provisions relate back to Articles 1, 2 and 3 of the EC Directive on the conservation of wild birds (2009/147/EC, 'Birds Directive') (Regulation 10 (3)) requires that the objective is the 'preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the United Kingdom, including by means of the upkeep, management and creation of such habitat, as appropriate, having regard to the requirements of Article 2 of the new Wild Birds Directive…' Regulation 10 (7) states: 'In considering which measures may be appropriate for the purpose of security or contributing to the objective in [Regulation 10 (3)] Paragraph 3, appropriate account must be taken of economic and recreational requirements'.

In relation to the duties placed on competent authorities under the 2017 Regulations (as amended), Regulation 10 (8) states: 'So far as lies within their powers, a competent authority in exercising any function [including in relation to town and country planning] in or in relation to the United Kingdom must use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds (except habitats beyond the outer limits of the area to which the new Wild Birds Directive applies).'

7 References

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Appendix 1 – Photographs

Photo 1: Southern elevations of the buildings

Photo 2: Western elevation of the three-storey buildings

Photo 3: Northern elevation of the three-storey building and western elevation of seven-storey building

Photo 4: Northern elevation of the three-storey building

Photo 5: Scrub and introduced shrub in north-east of the site

Photo 6: East elevation of seven-storey structure

Photo 7: Interior of seven-storey building

Photo 8: Interior of three-storey building

Photo 9: Weep holes within the brickwork

Photo 10: Holes within brickwork

Appendix 2 – Figures

Figure 1: Phase 1 habitat map

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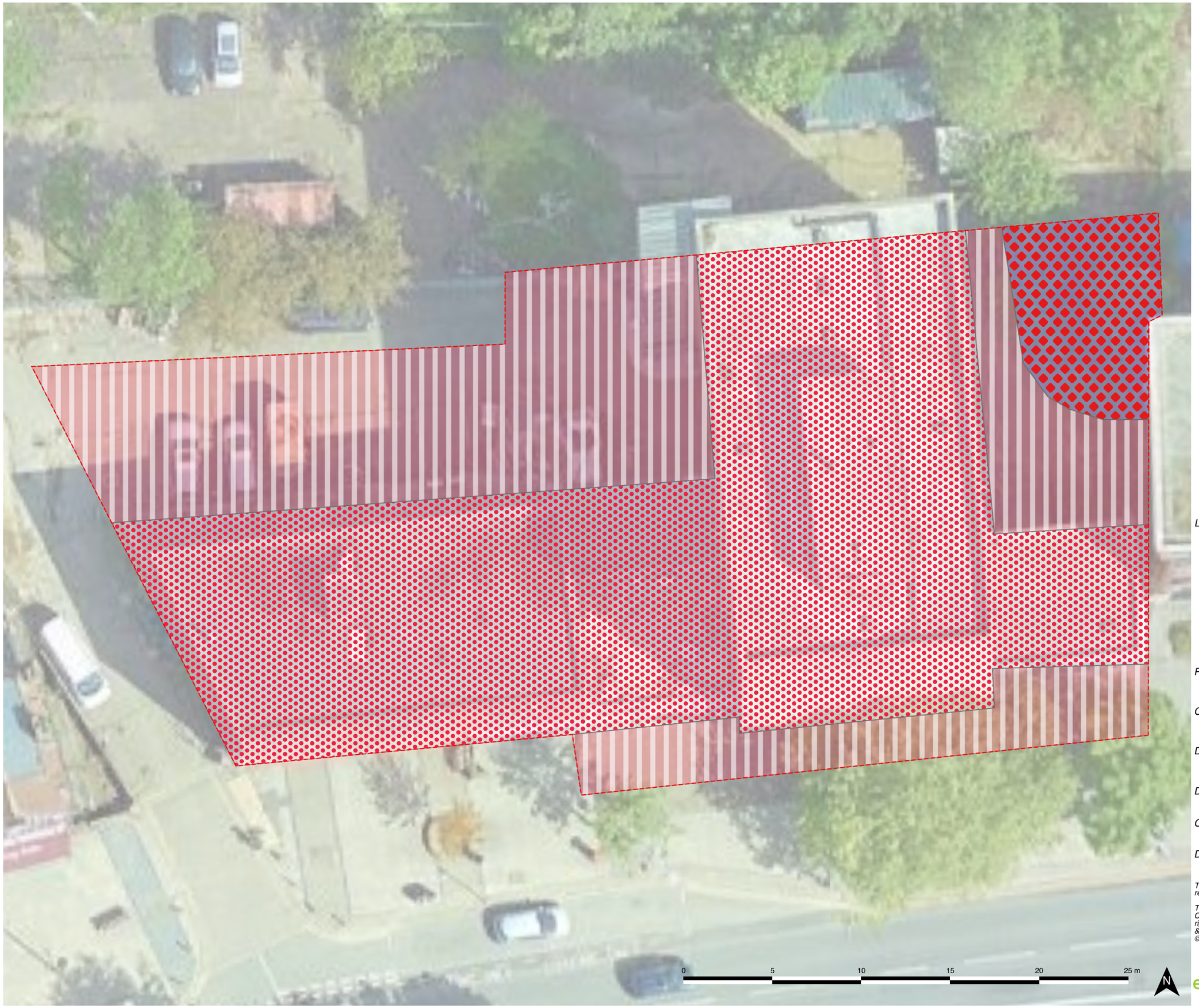

LEGEND

Site boundary (0.15 ha)

UK Habs Habitats

Habitats

h3h - mixed scrub (0.01 ha)

u1b - developed land; sealed surface (0.05 ha)

u1b5 - buildings (0.09 ha)

Location (1:10,000):

Project:

High Road, Wembley

Client:

Regal Wembley Limited

Drawing Title:

Map of Habitats

Drawing No.:	*Scale (@A3):*
EBD_2245_DR001	1:203.061233
Central Eastings, Northings:	*Date Drawn:*
518606, 185279	09/02/2022
Drawn by:	*Approved by:*
EB	BG

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Appendix 3 – Plant Species List

Common Name	Latin
Sycamore	*Acer pseudoplatanus*
Bamboo	*Bambuseae* sp.
Silver birch	*Betula pendula*
Shephard's purse	*Capsella bursa-pastoris*
Cotoneaster	*Cotoneaster* sp.
Ash	*Fraxinus excelsior*
Ivy	*Hedera helix*
Rose	*Rosa sp.*
Bramble	*Rubus fruticosus agg.*
Willow	*Salix* sp.
Smooth sowthistle	*Sonchus oleraceus*

Appendix 4 – Definitions of the level of Habitat Value

Geographic level of Value	Examples
International value	Ramsar Sites, Special Protection Areas, Biosphere Reserves, Special Areas of Conservation. Sites supporting populations of internationally important species.
National value	SSSIs or non-designated Sites meeting SSSI selection criteria, NNRs, Marine Nature Reserves, NCR Grade 1 Sites. Sites containing viable areas of key habitats identified in the UK Biodiversity Action Plan.
Regional value	Sites containing viable areas of threatened habitats listed in a Regional BAP (or some Natural Areas), comfortably exceeding SINC criteria, but not exceeding SSSI criteria.
County / Metropolitan	Sites meeting the criteria for county or metropolitan designation (SINC, CWS, etc.). Ancient semi-natural woodland, LNRs or viable areas of key habitat types listed in county BAPs/Natural Areas.
District / Borough	Undesignated Sites or features considered to appreciably enrich the habitat resource in the District or Borough.
Parish / Neighbourhood	Undesignated Sites or features which appreciably enrich the habitat resource within the Parish or Neighbourhood.
Negligible value	Low grade and widespread habitats.

Appendix 5 – Definitions of the level of Species Value

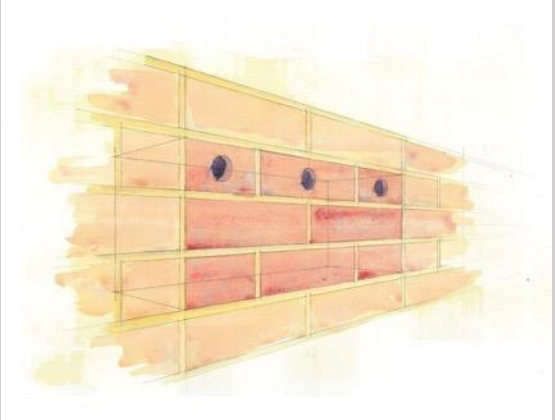
Geographic level of Value	Examples
International	Any regularly occurring population of an internationally important species, which is threatened or rare in the UK. i.e. it is a UK Red Data Book species or listed as occurring in 15 or fewer 10km squares in the UK (categories 1 and 2 in the UK BAP) or of uncertain conservation status or of global conservation concern in the UK BAP. A regularly occurring, nationally significant population/number of any internationally important species.
National	Any regularly occurring population of a nationally important species which is threatened or rare in the region or county (see local BAP). A regularly occurring, regionally or county significant population/number of any nationally important species.
Regional	Any regularly occurring, locally significant population of a species listed as being nationally scarce which occurs in 16-100 10km squares in the UK or in a Regional BAP or relevant Natural Area on account of its regional rarity or localisation; A regularly occurring, locally significant number of a regionally important species.
County/ Metropolitan	Any regularly occurring, locally significant population of a species which is listed in a County/Metropolitan "red data book" or BAP on account of its regional rarity or localisation; A regularly occurring, locally significant number of a County/Metropolitan important species.
District / Borough	A population of a species that is listed in a District/Borough BAP because of its rarity in the locality or in the relevant Natural Area profile because of its regional rarity or localisation; A regularly occurring, locally significant number of a District / Borough important species during a critical phase of its life cycle.
Parish / Neighbourhood	Species that are not threatened but are valued at a local level on intrinsic appeal.
Negligible	Common or widespread species.

Appendix 6 – Bat Core Sustenance Zones

Table adapted from Table 3.5 of the Bat Survey Guidelines (Collins, 2016)

Core Sustenance Zones	Species
1 km	Whiskered/Brandt's bat (*Myotis mystacinus/brandtii*), Bechstein's bat (*Myotis bechsteinii*)
2 km	Lesser horseshoe (*Rhinolophus hipposideros*), Daubenton's bat (*Myotis daubentonii*), common pipistrelle (*Pipistrellus pipistrellus*)
3 km	Greater horseshoe (*Rhinolophus hipposideros*), Leisler's bat (*Nyctalus leisleri*), soprano pipistrelle (*Pipistrellus pygmaeus*), Nathusius' pipistrelle (*Pipistrellus nathusii*), brown long-eared bat (*Plecotus auritus*), grey long-eared bat (*Plecotus austriacus*)
4 km	Natterer's bat (*Myotis nattereri*), noctule (*Nyctalus noctula*), serotine (*Eptesicus serotinus*)
6 km	Barbastelle (*Barbastella barbastellus*)

Appendix 7 – Proposed Enhancements

Products	Description
	**Schwegler Bird Box 1B (or similar)** The 1B nest box will attract a wide range of species and is available with different entrance hole sizes to prevent birds from competing with each other for the boxes. https://www.nhbs.com/1b-schwegler-nest-box
	**3S Schwegler Starling Nest Box (or similar)** A versatile box that attracts other species such as woodpeckers, nut hatches and pied flycatchers**.** http://www.nhbs.com/title/177925/3s-schwegler-starling-nest-box
	**Habibat Terraced Sparrow Box** Three-chambered box designed for sparrows that can be integrated into a wall and faced with the same material as the wall to leave only small holes for bird access. http://www.habibat.co.uk/category/bird-boxes/habibat-terraced-sparrow-box

Products	Description
	**Schwegler Clay and Reed Insect Nest (or similar)** A woodcrete / woodstone surrounded insect nest suitable for sunny, sheltered locations. The different sections provide a range of habitats to suit varying types of invertebrates. http://www.nhbs.com/title/181090/schwegler-clay-and-reed-insect-nest
	**Hedgehog gravel boards** A gravel board for use with slotted posts to allow hedgehogs free passage between gardens. Holes 13cm x 13cm could be installed at the base of any gravel board. https://www.jacksons-fencing.co.uk/product/sc_667610/hedgehog-gravel-board-for-use-with-slotted-posts-1.83m-x-150-x-28mm-incl.1-x-end-packer-1-x-length-packer-jakcured