

Ecology comments	
Application reference	DC/22/129789 – appeal
Proposal	Demolition of existing buildings and redevelopment of the site comprising a block rising to 5/6 storeys accommodating 1,401sqm of employment floorspace (Use Classes E(g)(i)(ii)(iii)) at ground and mezzanine floors and 60 residential units (Use Class C3) above, with associated landscaping, amenity areas, cycle, car parking and refuse/recycling stores at 21- 57 Willow Way, London, SE26
Address	21- 57 WILLOW WAY, LONDON, SE26 4QP
Officer	Ecological Regeneration Manager
Date	17/07/23

Comments:
<p>Comments on documents provided for appeal are added in red.</p> <p>Reviewed documents:</p> <ul style="list-style-type: none"> • Preliminary Ecological Assessment (PEA) • Outline Construction and Management Plan (CMP) • Proposed Drawings • Landscape Design Statement • Statement of Case – 11 May 2023 • Bat surveys • Biodiversity Metric Calculation • Biodiversity Net Gain addendum • Ecological addendum • Landscape addendum <p>After reviewing the above documents, I have the following comments:</p> <ol style="list-style-type: none"> 1. The PEA complies with requirements of best practice and the Lewisham Biodiversity Planning Guidance. <p>UPDATE: Additional ecology surveys and reports were submitted. These are following best practice, however do not comply with the Lewisham Biodiversity Planning Guidance due to not being conducted by a registered member of the Chartered Institute of Ecology and Environmental Management (CIEEM).</p> <ol style="list-style-type: none"> 2. Due to the current limited biodiversity value of the site there is potential to improve the site and deliver net gain for biodiversity. <p>UPDATE: A Biodiversity Net Gain report and Biodiversity metric calculation was provided as part of the appeal. They are conducted following best practice guidance and conclude that the</p>

development will deliver 82.6% biodiversity net gain which exceeds the required 10%. A biodiversity net gain plan and the number of proposed units will need to be conditioned.

3. Bats and breeding birds are legally protected (e.g. Wildlife and Countryside Act 1981, Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) and it is an offence to deliberately kill, injure, disturb or capture them. Demolition could affect a bat roost (or nesting birds) in a building and two buildings were identified to have low potential for supporting bat roosts. Further surveys were recommended by the PEA. These surveys have not yet been conducted or provided with the application, therefore we cannot *“fully assess the potential effects of the proposals on protected species”*. Relevant quote from the ecology report: *“Further ecological survey work will need to be undertaken prior to the determination of any planning application in order to allow the Local Planning Authority to fully assess the potential effects of the proposals on protected species. At this stage, it is therefore not possible to confirm that the proposals for the site meet the requirements of NPPF and London Borough of Lewisham (refer to Section 2.0). The full detail of mitigation measures cannot be established without the results of more detailed survey work. The more detailed survey work recommended for the site are bat emergence/re-entry surveys (Paragraph 5.5.2)”*
4. Sydenham is one of the hotspots for bats in Lewisham ([see appendix 3 of BAP](#)) so bats in this area need to be properly considered.

UPDATE: Further bat surveys were conducted, and the surveys concluded the likely absence of bats in buildings which will be demolished. No further surveys or licence required to enable the proposed works to be lawfully undertaken. Recommendations and enhancements proposed by the report are supported and will need conditioning (i.e. 8 bat bricks). In addition to bat bricks, bird bricks, bug hotels and other ecological enhancements will also need to be included in the development.

5. CMP: The outline CMP does not even mention biodiversity or any provisions on how to avoid impact on wildlife during construction.

UPDATE: The Ecology Addendum confirms that the precautionary measures mentioned in the PEA by ECOSA and other good practice during construction should be followed and included in the CEMP. This will need conditioning.

6. In general, the proposed plans do not seem to maximise opportunities to improve the site by soft landscaping at ground level as the majority of the site is proposed to be built on or covered with hardstanding (e.g. parking spaces). There is also a discrepancy between the proposed drawings and landscape design drawings at ground level. The former proposes 5 parking spaces and 5 new trees, while the latter (3.1.1) only 2 parking places and 6 trees.

UPDATE: The Landscape Addendum responds to the discrepancy explaining that 2 accessible parking spaces will be incorporated from the outset and 3 additional spaces are identified for future in the wildflower lawn area. Soft landscaping at ground level is already very limited within the proposed development and it should not be reduced further. In addition, the inclusion of 3 more paved parking spaces would negatively impact the UGF and BNG calculations.

7. Living roofs, wildlife friendly planting and podium level landscaping are welcomed in principle. However none of these will be publicly accessible. GR2, point I of the emerging local plan (Reg 19 version) requires that “*Development proposals, should maximise opportunities to introduce new publicly accessible open space, giving priority to green space, as well as improve connections to existing or planned new open spaces, particularly in areas of open space deficiency. Major developments must incorporate new publicly accessible open space unless it can be clearly demonstrated that this is not feasible, in which case off-site contributions may be required.*” The site is located in an area of deficiency to open space (>2 and >20 ha) and it is a major development therefore publicly accessible open space must be incorporated in the development.

UPDATE: The Landscape Addendum confirms that no publicly accessible open space will be provided as part of the proposed development. It refers to the ‘*constrained nature of Plot A*’ as the reason for this. It is unclear however, what mitigation is proposed to remedy this, or if the appellant considered alternative designs (e.g. reduced building footprint) which would allow public open space to be delivered as part of the proposed development. Currently new public open space provision in this area solely relies on future plans of developing the other side of Willow Way (Site B&C).

8. The UGF mentions living roofs but there are no further details provided. It is unclear if the UGF calculation considered a biosolar system or the size of the proposed living roof will be reduced due to PV panel installation on the roof in which case the UGF needs to be recalculated.

UPDATE: The Landscape Addendum clarifies that a biosolar system was considered for the UGF calculation.

9. In case the appeal is granted, further ecological enhancements will need to be conditioned including: 8 bat bricks, 12 bird bricks (8 integrated swift bricks and 4 other bird bricks), 8 bee/bug hotels or bricks, hedgehog highways in the boundary fencing.

Relevant policies:

Wildlife and Countryside Act 1981 (as amended)
Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019
Protected species standing advice
[Lewisham Biodiversity Planning Guidance](#)
[Lewisham Biodiversity Action Plan](#)
NPPF 2021
London Plan 2021
Environment Act 2021
Regulation 19 version of Lewisham Local Plan

Recommendation:

Objection

UPDATE: The appellant provided the required additional bat surveys, BNG calculations and provided response to the original officer comments. In case the appeal is granted the following needs conditioning:

- Biodiversity Enhancement and Management Plan (BEMP) – see recommended wording below
- CEMP including ecology considerations – see recommended wording below
- Biodiverse living roofs (non-sedum, sufficient substrate, seeded and plug planted, cross section drawing required) – see recommended wording below
- Wildlife sensitive lighting strategy (incl. not uplighting vegetation) – see recommended wording below
- Soft landscaping with native and/or wildlife-friendly species (e.g. night scented species)
- UGF

1. Biodiversity Enhancement & Management Plan (BEMP)

Prior to the commencement of development a Biodiversity Enhancement & Management Plan (BEMP) shall be submitted to and approved in writing by the LPA. The Plan shall deliver a minimum of 0.46 additional Habitat Biodiversity Units (82.6%) and include the following:

- a) Description and evaluation of features to be enhanced, created and managed (including but not limited to 8 integrated swift bricks, 4 various integrated bird bricks, 8 integrated bat bricks and 8 bee/bug habitat features)
- b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans
- c) Ecological trends and constraints on site that might influence management
- d) Aims and Objectives of management
- e) Appropriate management Actions for achieving Aims and Objectives
- f) An annual work programme
- g) Ongoing monitoring and remedial measures.
- h) Details of the specialist ecological management body or organisation responsible for implementation of the Plan
- i) For each of the first 5 years of the Plan, a progress report sent to the LPA reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period
- j) The Plan will be reviewed and updated every 5 years and implemented for perpetuity

The Plan shall include details of the legal and funding mechanisms by which the long-term implementation of the Plan will be secured by the developer with the specialist ecological management body or organisation responsible for its delivery. The Plan shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the Objectives of the originally approved Plan. The approved Plan will be implemented in accordance with the approved details.

Reason: to ensure the long-term protection and enhancement of biodiversity in accordance with Core Strategy Policy G8 and G9, NPPF and BS 42020:2013.

2. Construction Environmental Management Plan (CEMP) - Biodiversity

Prior to the commencement of development a Construction Environmental Management Plan (CEMP:Biodiversity) shall be submitted to and approved in writing by the LPA. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of “biodiversity protection zones”

- c) Measures to avoid or reduce impacts during construction
- d) Location and timings of sensitive works to avoid harm to biodiversity features, including but not limited to trees, nesting birds, bats and small mammals
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) The role of a responsible person (Ecological Clerk of Works) and lines of communication
- g) Use of protective fences, exclusion barriers and warning signs

3. Biodiverse Living Roofs

- a) Details of the living roofs which shall cover an area no less than 157m² of intensive green roof and 821m² of extensive green roof shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. A 1:25 scale plan of the living roof that includes contoured information depicting the extensive substrate build up and a cross section showing the living roof components shall be submitted for approval. The extensive living roof shall:
 - i) be biodiversity based with extensive substrate base (depth shall vary between 80-150mm with peaks and troughs but shall average at least 133mm
 - ii) be laid out in accordance with the indicative plan hereby approved; and will include details of access and watering provision arrangements for the proposed green roof along with details for management/establishment guarantees for a minimum of two growing seasons shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved and maintained in perpetuity
 - iii) be plug planted & seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on minimum 75% wildflower planting, and no more than a maximum of 25% sedum coverage)
 - iv) include invertebrate habitat structures (e.g. log piles, sand piles, rocks).
- b) The extensive living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- c) The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.
- d) Evidence that the roof has been installed in accordance with sub-points a) to c) above shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

Reasons:

To comply with G1, G5, G6, and SI 13 of the London Plan 2021; Policy 10 Managing and Reducing Flood Risk and Policy 12 Open Space and Environmental Assets of the Core Strategy (June 2011);

and DM Policy 24 Biodiversity, Living Roofs and Artificial Playing Pitches of the Development Management Local Plan (November 2014).

4. External lighting strategy – Biodiversity

Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall: show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the bat species using their territory or having access to their breeding sites and resting places; and not uplighting trees.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

- 5. Soft landscaping – native and wildlife-friendly species, including roof gardens (i.e. intensive living roofs)**
- 6. UGF**