Mr. C. Westwood 23rd December 2014

Case Officer

Planning Department

London Borough of Bexley, Civic Offices

2 Watling Street

Bexleyheath,

Kent DA6 7AT

Dear Mr. Westwood,

**MILL MEADOW, BEXLEY HIGH STREET, BEXLEY**

***Planning application reference: 14/02102/FULM***

Provision of two sports pitches with removal of redundant buildings. Erection of residential units comprising one block providing 1 x 4 bed and 3 x 3 bed houses, one three storey block to provide cycle and refuse storage on the ground floor with 2 x 2 bed flats above and alterations and conversion of the stable block to provide 3 x 2 bed houses.

London Wildlife Trust (hereafter referred to as the Trust) has concerns over the proposed development of the above site. We believe that the proposed planning application has significant impacts on ecology, notably;

* the amount of area designated as a Site of Metropolitan Importance for Nature Conservation (SINC) (see appendix 2);
* protected species;

In our view the proposal will result in a net biodiversity loss, whilst failing to mitigate adequately against this loss.

We also believe that the current proposal restricts biodiversity connectivity across the site. The Ecological Appraisal submitted is highly inadequate and the proposed development has many missed opportunities to provide a greener healthier environment, for wildlife and local residents alike.

Overall, should this development go ahead as it stands it will significantly adversely impact upon the site’s biodiversity value and could be considered to breach of a number of national and local policies and guidance. We therefore **strongly** **object** to the application and recommend that it be refused permission as it stands. Based on the above information, the Trust recommends that Bexley Council cannot make an informed decision on the impact of the proposed development on the biodiversity of the site and adjacent habitats. As such permission should be **refused** for the application as it stands, particularly on the grounds of the site designations and the potential biodiversity impacts on protected species within the development area.

Our comments on a number of points are set out on the following pages, in order to elaborate our concerns.

If you wish for clarification or further details on these and the attached points, please don’t hesitate to contact me.

Yours sincerely,



Tony Wileman, MCIEEM

*Conservation Ecologist*

**MILL MEADOW, BEXLEY HIGH STREET, BEXLEY**

***Planning application reference: 14/02102/FULM***

**Comments by London Wildlife Trust, December 2014**

**Loss of Site of Importance for Nature Conservation**

Most of the area of Mill Meadow is designated as part of a Site of Metropolitan Grade Importance for Nature Conservation (SINC) (M106 River Cray).

Mill Meadows was first designated as a SINC in September 1988 and the citation was last updated (prior to an LWT assessment in 2013) in September 2007.

London Wildlife Trust undertook a review of the SINCs in London Borough of Bexley in 2013 but direct access to Mill Meadow was not obtained. The site was therefore accessed (viewing with the use of binoculars) from neighbouring land. The current citation was largely (some minor grammar changes were made) unchanged by LWT due to the lack of access but some areas were proposed to be removed because of previous land usage changes reducing their biodiversity level. The site was originally designated because The River Cray is one of London’s finest chalk streams and any adjoining pieces of land were included in the designated area because they complemented the river habitat with a mosaic of secondary woodland, scrub, ruderal communities and grasslands. This was considered to not have significantly changed for the rest of the site. A row of trees immediately to the west of the cricket nets on the western edge of the development area was proposed to be added to the designated area because of its potential for supporting bats and its connectivity with trees to the south which were already within the designated area.

The proposed development plans indicate that significant areas of wildlife valuable grasslands within the designated area will be removed and/or seeded/turfed with replacement amenity grassland of a much lower biodiversity value than that currently present. Additionally, an area of the current grasslands is also to be lost to an all weather surface with negligible or zero biodiversity value. This will inevitably lead these areas in future surveys to be removed from the SINC designation. In addition small areas of the designated grassland area will also be lost to the proposed residential development in the east of the site as the footprint of these is larger than the existing disused stable buildings that occupy the site presently.

Under Policy 7.19 of *The London Plan (2012)* it states that:

“*development proposals should give strong protection to sites of metropolitan importance for nature conservation”* as *“These are sites jointly identified by the Mayor and boroughs as having strategic nature conservation importance*”.

The London Plan also states that:

*“When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest, the following hierarchy will apply:*

*1 avoid adverse impact to the biodiversity interest*

*2 minimize impact and seek mitigation*

*3 only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.”*

These policies are mirrored within the Bexley Core Strategy that under Policy CS18 Biodiversity and Geology where it states that:

*“The Council will protect and enhance its biodiversity and geological assets, whilst complying with national and regional policy and guidance by:*

*b protecting, conserving and enhancing Bexley’s Sites of Special Scientific Interest (SSSI) and Sites of Importance for Nature Conservation (SINC)”.*

**Protected Species coverage**

The Trust has concerns with the extent of information provided in the submitted application with regard to protected species notably bats, breeding birds, reptiles and water vole. We believe that insufficient detail is provided to know if these species would be impacted upon given planning application approval.

It is noted that no specific surveys of protected species have been undertaken prior to the submission of the proposed development application. The Trust therefore has concerns that should these protected species surveys be undertaken as development conditions then they may not be subject to the appropriate scrutiny required to ensure compliance with recommended methodologies (see Ecological Appraisal below). London Wildlife Trust would wish to be a consultee on any conditional ecological surveys that are undertaken to ensure that they comply with relevant legislation and planning policy and follow appropriate surveying and mitigation guidelines.

We have a few additional points to make on the protected species relevant to the site:

Bats

The proposal has the potential to disturb bats through the increase of lighting to the area from residential windows, security lighting for the building and sports pitch lighting. The Trust would like to see full details of any proposed lighting to ensure that its impact on bat foraging within the development site is minimised effectively and that any remaining impacts are appropriately mitigated for.

Breeding birds

Because of the nature of the grassland there is potential usage of the site by birds that nest at ground or near ground level such as meadow pipit, wren, blackcap and common whitethroat. Any breeding bird survey should consider that these species can nest in areas of grassland amongst thick tussocks of ruderal herbs and therefore it is not just the removal of low bramble scrub, shrubs and trees that may impact upon breeding birds. No work for removing vegetation including grassland should be undertaken during the months that birds could be breeding (March-September inclusive) without an ecologist ensuring that no breeding birds will be subject to harm or disturbance from the vegetation removal.

Reptiles

Reptiles are known to be present on site and a recent translocation approved by LB Bexley in the Borough was not compliant with proposed best practice. Given this, should any reptiles be found on site and the proposal is given permission, the Trust would want to see that an adequate mitigation proposal is set up and any further translocation methodologies rigorously tested.

Water voles

Although the development does not impact upon the River Cray directly there are concerns that this species could be impacted upon through loss of bankside vegetation (through conversion to amenity grassland or just through ‘tidying up processes’) and increased disturbance. We would consider a water vole survey essential prior to any works that change or remove vegetation from the River Cray banks within 5m of the water’s edge. This would also be a requirement if any heavy plant machinery was to traverse any part of this 5m zone due to the potential of compaction to burrows in the banks.

**Ecological Appraisal**

The Ecological Appraisal produced by Landscape Planning Limited is considered by London Wildlife Trust to be of inadequate quality and content to provide a baseline assessment of the site. The reasons we consider this are as follows:

1. The Appraisal states that:

*“All habitats on the site were recorded in accordance with the methods outlined in the Handbook for Extended Phase 1 Habitat Survey and Habitat Audit, JNCC 2007. The survey included the identification of the main habitat types, as well as an assessment of the potential for protected species. Habitats were mapped and target notes made for any ecological features.”*

Yet, the survey was undertaken in February 2013 which is outside the time recommended (considered Late March - Mid October for the south of Britain). The impact of this is that the vegetation species recorded are exceptionally low indicating a lesser value than typically found during a survey undertaken at the appropriate time of year. Therefore a true understanding of the given habitat values cannot be properly assessed.

1. Habitats recorded are not given any context of biodiversity value and thus are not assessed despite this being a brief of the Appraisal. The exercise undertaken was purely a habitat mapping exercise.
2. Fails to mention the full suite of related planning designations for the site despite this bring part of the brief to identify conservation designations i.e. Most of the site is a Site of Metropolitan Importance for Nature Conservation (SINC). A designation equivalent to the County Wildlife Sites designations throughout the rest of Great Britain and covered under the London Plan Policies and Local Borough policies.
3. Appraisal fails to mention the River Cray habitat despite at least a small section being considered to be part of the survey area on the Phase I Habitat Survey Map (Drawing 53894-01).
4. Refers to just tree works regarding impacts on bird breeding disturbance potential (no reference to scrub removal or other vegetation removal impacting on birds breeding within those habitats or on potential ground nesting birds).

**Habitat loss, species loss, mitigation and long term management**

Habitat loss

From the limited information provided in the Ecological Appraisal (and author knowledge of the site) it can be assessed that there is approximately the following current extent of habitats and their biodiversity value\*:

Semi-improved grassland: 3.6ha (of moderate biodiversity value)

Tall ruderal: 0.7ha (of low to moderate biodiversity value)

Dense scrub: 0.1ha (of moderate biodiversity value)

Amenity grassland: 0.8ha (of low biodiversity value)

River: 0.1ha (of at least moderate biodiversity)

Bare ground: 0.07ha (of low biodiversity value)

Hardstanding and buildings: 0.13ha (of (generally) low biodiversity value)

So the Mill Meadows site can be said to currently support at least 3.8ha of at least moderate biodiversity value and at 1.7ha of low biodiversity value habitat.

This is proposed to be approximately replaced by the following habitats:

Semi-improved grassland: 2.3ha (of moderate biodiversity value)

Tall ruderal: 0.6ha (of low to moderate biodiversity value)

Dense scrub: 0.07ha (of moderate biodiversity value)

Amenity grassland: 1.5ha (of low biodiversity value)

River: 0.1ha (of at least moderate biodiversity)

Bare ground: 0.07ha (of low biodiversity value)

Hardstanding and buildings: 0.6ha (of (generally) low biodiversity value)

Pond and swales: 0.28ha (of moderate biodiversity value)

This amounts to approximately 2.75ha of at least moderate biodiversity value and 2.77ha of low biodiversity value habitat.

This suggests there will be a **net loss** of approximately 1.05 ha of moderate or higher biodiversity value habitat. However this has considered that no existing habitat other than that immediately impacted upon on the same footprint as the new cricket pitch and new all weather hockey pitch will be affected. Realistically, more tall ruderal and semi-improved grassland habitats are likely to be lost to increased amenity grasslands so this net biodiversity loss area is likely to be around 1.5ha and could be higher

\* Biodiversity value has been assessed using the table below which is based on ecological standards set out by the Chartered Institute of Ecology and Environmental Management. (CIEEM).

|  |  |
| --- | --- |
| **Habitat Evaluation Criteria** | **Biodiversity Value** |
| Habitat is known to support stable nationally or regionally (county) important species and/or species endangered on a local level (London Borough, district etc) and is managed in a wildlife sensitive way. (For example: SSSI sites, most Sites of Metropolitan Importance for Nature Conservation) | Very High |
| Habitat is known to support stable locally important species and is managed in a wildlife sensitive way. (For example; most Sites of Borough Importance for Nature Conservation) | High |
| Habitat has a typical assemblage of species but is not necessarily managed in a wildlife sensitive way and/or habitat would normally be considered good but is isolated from other habitats depriving it of its biodiversity (For example: railway linesides, waste ground areas, ornamental shrubberies, small isolated areas of greenspace) (parts of SINCs may fall into this category) | Moderate |
| Habitat is limited in its biodiversity usage or is managed in such a way that inhibits its biodiversity value. (For Example: amenity grassland, ornamental gardens with limited ‘wild’ space) | Low |
| Habitat has very limited value for wildlife due to lack of vegetation features that may support biodiversity (hard surfaces such as paths, buildings and roads) | Negligible |

Species loss

Considering the habitat loss the Trust believes that this will have a profound effect on the species that currently inhabit the area and believe using sound ecological knowledge that post development:

* Bat species may be stable but the availability of food sources will be reduced (see inverts below) without extensive high quality terrestrial mitigation habitat improvement works;
* Any potential reptile populations on site will be reduced as they will be forced into a much smaller area. Given a smaller area any isolation any resident population could result in it becoming extinct from the site within a few years without extensive high quality terrestrial mitigation habitat improvement works;
* Food resources for several bird species are almost certainly going to be reduced and some species may be lost without extensive high quality terrestrial mitigation habitat improvement works;
* invertebrate populations on site are likely to be reduced because of habitat loss without extensive high quality terrestrial mitigation habitat improvement works;
* any potential small mammal populations will be lost due to a much reduced feeding resource without extensive high quality terrestrial mitigation habitat improvement works;

As a result the Trust believes there will be a **net loss** to species using the site post development as the proposed development stands.

Mitigation and long term management

Other than some mention of maintaining some areas of ruderals, scrub and meadow grasslands there is no mitigation or long term management plan provided to ensure that the above loss of habitats and species has been considered.

**Missed opportunities**

There are host of missed opportunities could have provided to enhance the overall biodiversity value of the proposed development. These include:

* Provision of built in bat and bird boxes into building designs;
* Provision of a Mitigation and Long Term Management Plan so as to commit to: the management of the remaining habitats to a high standard for biodiversity, the creation of new biodiversity valuable habitats and enhancing the biodiversity value of the site.
* Create connected green corridors in all directions across the site. These could amount to 2-4 metre wide strips of ‘wild’ vegetated areas of hedgerows, meadows and treelines without hard surfaces severing them.

**Conclusions**

London Wildlife Trust strongly believes that should the development be given planning approval as it stands that Bexley Council will have failed to follow its own Core Strategy in several of its policies namely Policy CS05; Policy CS17, and Policy CS18 (see Appendix 2).

The Trust believes that should the proposed development application be approved in its current form, there will be a significant adverse impact upon the existing biodiversity, notably the almost complete loss or change of a Site of Metropolitan Importance for Nature Conservation for the site. In addition, the potential for maintaining or enhancing the biodiversity on site post development will be minimal.

There is also a potential that protected species such as bats, reptiles, breeding birds and water voles and their roosts will be presented with additional pressures that over time could reduce the site’s viability for their survival and thus contributing to failing to achieve biodiversity targets as set out in *The London Plan*.

Based on the above information, the Trust recommends that Bexley Council cannot make an informed decision on the impact of the proposed development on the biodiversity of the site and adjacent habitats as required under the Natural Environment and Rural Communities Act 2006. As such permission should be **refused** for the application as it stands, particularly on the grounds of the site designations and the potential biodiversity impacts on protected species within the development area.

*London Wildlife Trust, December 2014***Appendix 1**

***London Borough of Bexley Core Strategy, February 2012***

**Relevant policies**

**Policy CS05 *Crayford and Old Bexley geographic region***

*“The vision for the Crayford and Old Bexley geographic region will be achieved by:*

*e) ensuring development enhances biodiversity, particularly along the River Cray, and*

*mitigates against flood risk, particularly through design solutions that incorporate*

*flood resilience and resistance in areas at risk of flooding and, where appropriate,*

*seeking to ensure that development in areas susceptible to localised flooding*

*incorporates measures to manage surface water drainage;*

**Policy CS17 *Green infrastructure***

*“Bexley’s green infrastructure, including open spaces and waterways will be protected, enhanced and promoted as valuable resources. In particular, this will be achieved by:*

*a)* *protecting metropolitan green belt and metropolitan open land from inappropriate*

*development;*

*d) protecting and enhancing the biodiversity, heritage and archaeological values of*

*open spaces, including the Rivers Thames, Cray, Shuttle and their tributaries within*

*the borough;*

*e) protecting significant green corridors, and seeking opportunities to increase*

*connectivity between the network of green spaces and habitats;*

*f) working in partnership, seeking funding and supporting projects to promote the*

*restoration and enhancement of open spaces, public realm and the Blue Ribbon*

*Network within the borough;*

*g) implementing the priorities outlined in the Bexley Open Space Strategy including,*

*where appropriate, rivers and waterways restoration; and*

*h) providing opportunities within waterside development for river restoration and the*

*protection and enhancement of biodiversity.”*

**Policy CS18 *Biodiversity and geology***

*“The Council will protect and enhance its biodiversity and geological assets, whilst*

*complying with national and regional policy and guidance by:*

*b) protecting, conserving and enhancing Bexley’s Sites of Special Scientific Interest (SSSI) and Sites of Importance for Nature Conservation (SINC);*

*c) resisting development that will have a significant impact on the population or conservation status of protected species and priority species as identified in the UK, London and Bexley Biodiversity Action Plans;*

*d) protecting and enhancing the natural habitat as far as practicable, seeking biodiversity enhancements and improved access to nature, particularly in areas of deficiency, through new development, including new residential development and projects that help deliver the Open Space Strategy. Preference will also be given to enhancements which help to deliver the targets for habitats and species set out in the London Plan and Bexley Biodiversity Action Plan;*

*g) Seeking opportunities to provide for greening of the built environment, including green roofs and walls in new buildings.”*

**Appendix 2**

***Criteria for identifying Site of Borough Importance for Nature Conservation***

**Greater London Authority, 2013[[1]](#footnote-1)**

\**Sites of Metropolitan Importance designation criteria for reference*

*A1.2.2 Sites of Metropolitan Importance for Nature Conservation are those sites which contain the best examples of London’s habitats, sites which contain particularly rare species, rare assemblages of species or important populations of species, or sites which are of particular significance within otherwise heavily built-up areas of London.*

*A1.2.3 They are of the highest priority for protection. The identification and protection of Metropolitan Sites is necessary, not only to support a significant proportion of London’s wildlife, but also to provide opportunities for people to have contact with the natural environment.*

*A1.2.3.1 The best examples of London’s habitats include the main variants of each major habitat type, for example hornbeam woodland, wet heathland, or chalk downland. Habitats typical of urban areas are also included, eg various types of abandoned land colonised by nature (‘wasteland’ or ‘unofficial countryside’). Those habitats which are particularly rare in London may have all or most of their examples selected as Metropolitan Sites.*

*A1.2.3.2 Sites of Metropolitan Importance include not only the best examples of each habitat type, but also areas which are outstanding because of their assemblage of habitats, for example the Crane corridor, which contains the River Crane, reservoirs, pasture, woodland and heathland.*

*A1.2.3.3 Rare species include those that are nationally scarce or rare (including Red Data Book species) and species which are rare in London.*

*A1.2.5 Should one of these sites be lost or damaged, something would be lost which exists in a very few other places in London. Management of these sites should as a first priority seek to maintain and enhance their interest, but use by the public for education and passive recreation should be encouraged unless these are inconsistent with nature conservation.”*

1. *Process for selecting and confirming Sites of Importance for Nature Conservation (SINCs) in Greater London*, GLA, 2013 [↑](#footnote-ref-1)