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Ref: HGY/2023/0338. Redevelopment of Mallinson Sport Centre, to include: 1) Partial demolition of existing structure, squash and fives buildings; 2) Refurbishment and extension of the remaining facilities, comprising new part single basement, new double height sports hall and new entrances, new teaching classrooms, offices, gym and exercise studios, circulation and ancillary accommodation; 3) New basement level outdoor covered fives courts; 4) External sunken oval sports pitch; and 5) Associated landscaping and improved provision for emergency services and servicing.

To whom it may concern,

With reference to the above planning application. This letter refers to serious concerns about the ecological assessment and other documents that have been submitted to support the application.

There are a number of initial comments concerning the Ecology Report containing the Preliminary Ecological Appraisal (PEA), Biodiversity Net Gain Assessment, BREEAM 2018 Assessment and Landscape Ecological Management Plan (Applied Ecology Limited (AEL), November 2022), which collectively raise serious questions as to the robustness of the approach and assessment as a whole. These points are detailed as follows:

- the first concern relates to the appropriateness of use of a PEA in relation to the proposed development. The Chartered Institute of Ecology and Environmental Management (CIEEM) states that: *"The results of a PEA can be presented in a Preliminary Ecological Appraisal Report (PEAR). The primary audience for a PEAR is the client or developer and relevant members of the project team, such as the architect, planning consultant, and landscape architect. It is normally produced to inform a developer (or other client), and their design team, about the key ecological constraints and opportunities associated with a project, possible mitigation requirements and any detailed further surveys required to inform an Ecological Impact Assessment (EclA). Under normal circumstances it is not appropriate to submit a PEAR in support of a planning application because the scope of a PEAR is unlikely to fully meet planning authority requirements in respect of biodiversity policy and implications for protected species."* The absence of rigorous assessment that is provided by an EclA is clearly missing from the 'Ecology Report' produced by AEL, which had been used to support the planning application;
- buildings on site do not appear to have been assessed for breeding bird potential as this is not mentioned in the report;
- *"The woodland, hedgerows and mature and semi-mature trees were of elevated ecological value and should be retained and protected where possible."* There is no valuation of importance stated in the assessment; without this it is not possible to quantify the significance of effects in relation to the potential impacts of the proposed scheme. In addition, there is no further detail regarding appropriate protection measures during the construction and

operational phases (dust, pollution etc. have not been mentioned; there is no mention of ecological issues in the Construction Management Plan); in general, there does not appear to have been enough importance placed on this habitat in terms of retention;

- “... the woodland area and lines of trees were assessed as being of low value to commuting and foraging bats.” Having reviewed aerial photographs of the site and wider locality as part of this review, the valuation does not appear to be in line with Bat Conservation Trust (BCT) guidance¹. The low valuation suggests that this area of woodland is isolated from other habitats of value to bats; it is clear from the aerial photographs that the woodland is well connected via mature tree lines/hedgerows and mature gardens with other areas of significant habitat value to bats within the locality, such as Kenwood House to the south-east. Given the setting of the woodland within an urban area, it is argued that the woodland (and hedgerow habitats) comprises a significant resource of semi-natural habitat with good connectivity;
- the woodland is identified as a Priority habitat² on Magic maps, which is not mentioned in the report;
- there appears to be a contradiction with regards to lighting: “No lighting planned” and, “Additional after-dark lighting, particularly of woodland habitats, should be minimised to reduce potential adverse impacts on nocturnal wildlife.” Clarity around lighting provision should be provided in the assessment and robustly assessed where lighting is proposed – likely to require further survey work for bats to understand how they are using the site. In addition, there is no information provided regarding best practice measures with regards to lighting, particularly in relation to bats (BCT guidance);
- the report does not appear to have considered the potential for amphibians to be present;
- “no habitat potentially suitable for reptiles was present.” This statement does not appear to be accurate when considered in light of hedgerows, woodland edge habitat and unmanaged grassland at the edge of the woodland block being present, all of which have potential to support reptiles;
- local planning policy does not appear to have been considered;
- with regards to the Biodiversity Impact Calculation for the Biodiversity Net Gain assessment, the condition assessment sheets and calculator spreadsheet are not included;
- BREEAM – LE 02, criterion 4: the zone of influence is not defined; the ecological value of habitats is not defined; direct and indirect risks are not explicitly defined in terms of value;
- LE 03, criterion 3: the report has only mentioned a couple of potential issues that need mitigating for, there is no mention of the protection of retained habitat, potential for stag beetle or hedgehog. Criterion 4: mitigation strategy is mentioned but there does not appear to be a mitigation strategy;
- LEMP: the only ecological constraint mentioned is breeding birds. No mention of bats (trees not previously checked for potential roost features (PRFs), stag beetle, amphibians, reptiles, hedgehog). 5.2.1. refers to the felling of trees – there is no mention of PRF check which should be undertaken as a best practice measure prior to felling to ensure legislation is not contravened, there is also no detail on recommended measures, for example, in relation to the removal of rhododendron and restriction of recreation in the woodland. Dormice are also mentioned; however, there is no previous consideration of this species being present within the PEA section of the report and consideration of the implications of development in this regard;
- disturbance effects of the proposed sunken sports pitch during operation in relation to retained habitats has not been assessed.

Amongst other local plan policies Highgate School SPD was formally adopted in March 2021. The SPD states that the Council will expect any redevelopment scheme to ensure that any proposed development would not have an adverse impact on any trees within the Metropolitan Open Land (MOL) boundary (Policy SP13) –the Planning Statement (Bidwells, January 2023), indicates that the woodland area falls within the MOL boundary. The proposed removal of trees to facilitate the construction of the Oval Sports Basin, appears, therefore, to go against this policy.

¹ Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London.

² Priority habitats are those which have been deemed to be of principal importance for the purpose of conserving biodiversity.

The independent hydrology review of the proposals (Haycock Environmental Consultants Limited, June 2023) details that *“the Oval Sports Basin will be part excavated into the Claygate geology but there are no ground investigations for this structure and the associated excavation works. The known groundwater lenses in the Claygate geology in this area have not been reviewed. The impact of the excavation on the groundwater lenses has not been reviewed in terms of the groundwater that may drain into the Oval Sports Basin nor the impact on the wider area should the hydro-geology of these lenses be changed. Wider impacts may include serious impacts on tree health within the applicant’s property (including the wooded area) as well as the gardens of Broadlands Road.”*

The review goes on to state, *“The applicant’s Ecology and Arboriculture reports needs to review the above information and assess the impact of the development on tree health (flood and drought stress) as well as the impact on tree root plates should ground movement occur due to bank slippage. Equally, the construction of the Basin Dam will most likely have an impact on the trees and hedgerow between the MSC and the Oval Basin and needs to be assessed given the historical significance of this hedgerow.”*

In line with the above review, the absence of assessment with regards to how the proposed sunken sports pitch, to double as a flood storage attenuation area, will impact ecology (woodland, hedgerow and ditches), is a significant omission that should be addressed and appropriately considered within an Ecological Impact Assessment.

Given the above, it is my professional opinion that the documents submitted are not appropriate for the planning authority to adopt in its assessment of impacts. This should be addressed through an Ecological Impact Assessment, to include the points made within this letter, in addition to a Mitigation Strategy and Construction Management Plan.

If you have any queries, please do not hesitate to contact me.

Kind regards

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