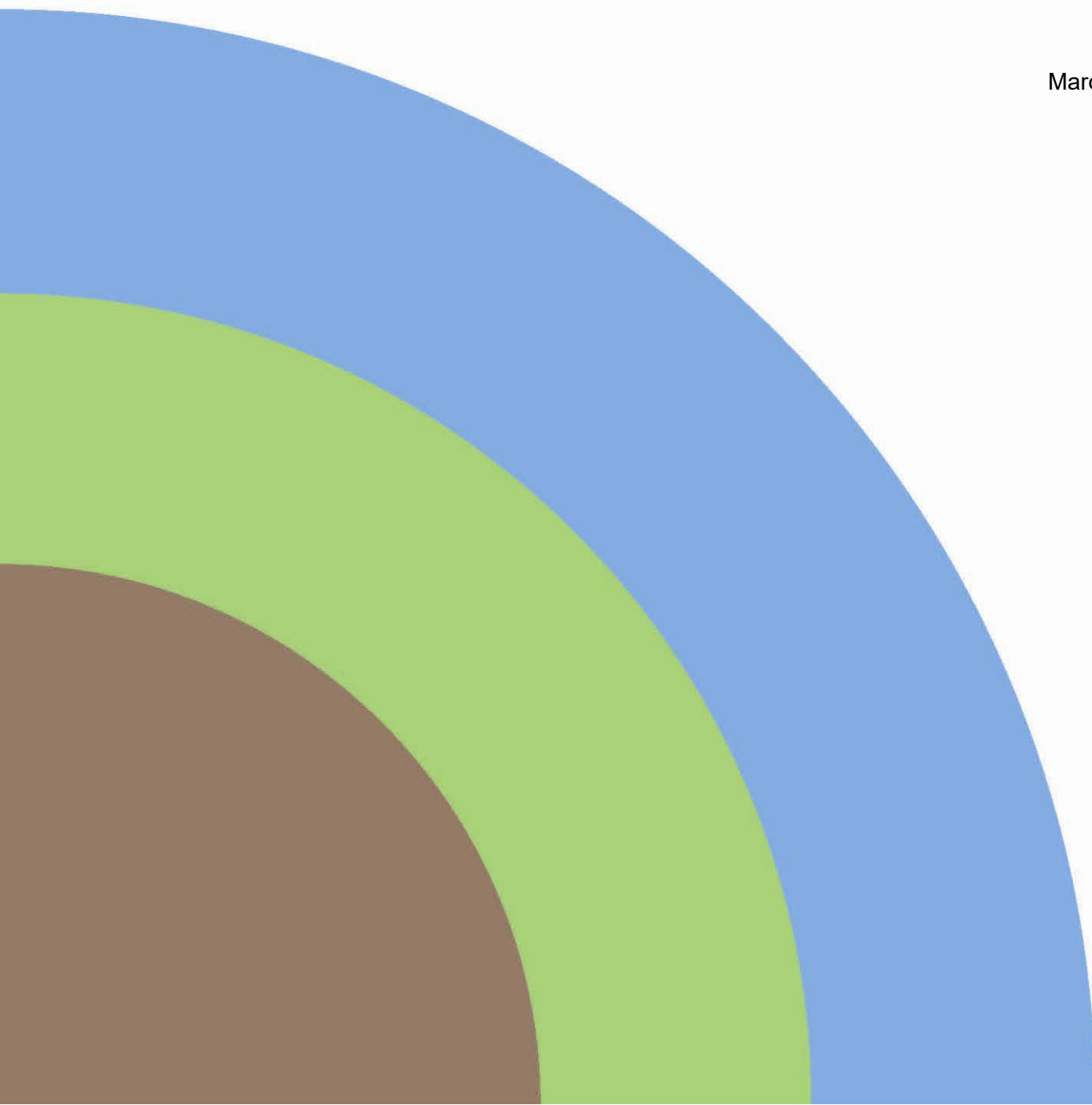




OmVed Gardens Entrance and Glasshouse Highgate, London

Ecological Appraisal

March 2024





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FIGURES

Figure 1. Habitat map

Figure 2. Dusk bat survey results 2011

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SUMMARY OF IDENTIFIED ECOLOGICAL ISSUES MATERIAL TO LAND-USE DECISIONS ON THE SITE

Site name	OmVed Gardens, Highgate
Statutory Site Designations	None.
<i>International designations</i>	
<i>National designations</i>	
<i>Local Nature Reserve</i>	
Non-statutory Site Designations	None. The 'Harrington Site', a Site of Local Importance for Nature Conservation, is adjacent to the east
<i>Local Wildlife Sites with specific planning policy protection</i>	
<i>Local Wildlife Sites without specific planning policy protection</i>	
<i>Non-statutory nature reserves</i>	
<i>Ancient woodland sites</i>	
Feature designations	
<i>'Important' hedgerows</i>	
Species subject to special protection	
<i>European Protected Species</i>	Bats use the site but surveys of buildings and trees in 2011, 2019 and 2024 have found no roosting sites
<i>Species subject to full WCA protection</i>	Bats use the site but surveys of buildings and trees in 2011, 2019 and 2024 have found no roosting sites
<i>Species subject to partial or limited WCA protection (relevant to land-use decisions)</i>	
<i>Badgers</i>	No evidence on site
<i>Nesting birds</i>	Yes - in season
Habitats/species with attendant legal Obligations	
<i>Species of principal importance</i>	Confirmed on or over site: soprano pipistrelle bat, noctule bat Present locally: song thrush, house sparrow, starling, common toad, hedgehog
<i>Habitats of principal importance</i>	
Other resources of elevated conservation importance	
<i>Nationally rare species</i>	
<i>Nationally scarce species</i>	
<i>Locally rare or uncommon species</i>	
<i>Bird species of conservation concern</i>	Song thrush, house sparrow, starling (adjacent)
<i>Local BAP species</i>	Bats
Invasive Species	
<i>Schedule 9 species</i>	None noted
General remarks: A largely unconstrained site other than the very limited interest associated with the mature trees (mainly on the boundary) and associated vegetation.	

1 INTRODUCTION AND METHODS

1.1 Background

- 1.1.1 Bioscan (UK) Limited was instructed by del Buono Gazerwitz Ltd in January 2024 to carry out an update ecological survey of land at OmVed Gardens, off Townsend Yard, Highgate, London, in connection with proposals to redevelop the existing glasshouse buildings and reconfigure the entrance arrangements to the site.
- 1.1.2 Bioscan has previously surveyed this site on a number of occasions. Initially in 2010 and 2011 whilst it remained part of an active garden centre/nursery (Bioscan reports E1587R1 and E1587c/V1) and most recently (in 2019) when parts of the current OmVed gardens were re-surveyed in conjunction with the adjoining 'Highgate Bowl' site which is now in the process of redevelopment (E1587d/V1). The current commission was to re-survey the restricted area of land affected by proposals to replace the existing glasshouse buildings with an updated design on the same footprint, and improvements to the entrance arrangements.
- 1.1.3 The site is located just off Highgate High Street and accessed via Townsend Yard. The site centre grid reference is approximately TQ 28557 87497. It encompasses a c.0.25ha parcel of land set on the southern and eastern edges of a bowl landform, with slopes dropping away towards the north and west. The site is in active use as a garden, exhibition and educational space, and is dominated by a large glasshouse complex, with areas of lawn, flower beds and paths on various levels and terraces. There are a number of mature trees within the site, and a more dense concentration of them at the site boundaries.
- 1.1.4 To the west of the study site the land is in the latter stages of redevelopment for a number of high end residential dwellings.

1.2 Survey methods

Desk study

- 1.1.5 Greenspace Information for Greater London (GiGL) was contacted for information regarding non-statutory sites and protected/notable species records within 2 kilometres (km) of the site. The Multi-Agency Geographic Information for the Countryside website (www.magic.gov.uk) was consulted and (in 2010) the Mayor of London's 'Wildweb' website (since taken down) was searched for further information on statutory and non-statutory sites designated for their nature conservation interest within the local area. The on-line planning files for previous applications for the site were also reviewed for relevant information and the Mayor of London and Haringey planning websites were consulted for relevant policies and supplementary planning guidance.

Habitat survey and protected species habitat appraisal

- 1.1.6 Bioscan first visited the site in February 2010, when it was the former Highgate Garden Centre. An 'extended' Phase 1 Habitat Survey was carried out at that time and by means of a second site visit and more comprehensive survey on the 3-4 August 2011. In 2019, the adjacent Highgate Bowl site was surveyed on 25 November. In 2024, the current study site was surveyed on 9th February 2024. All surveys followed the approach first devised by the former Nature Conservancy Council¹ as

¹ Nature Conservancy Council (1990) 'A Handbook for Phase 1 Habitat Survey'

updated periodically by the Joint Nature Conservation Committee (JNCC)². This technique aims to classify each habitat into categories based on the assemblage of plant species present in each, with a representative plant species list generated for each habitat. In some cases, sub-divisions or modifications of standard categories have been made where this is useful in providing further detail. In addition, the 2024 survey assigned habitat categories and condition according to the UKHab system³ and by application of the condition assessment sheets associated with the statutory Biodiversity Metric⁴.

- 1.1.7 In addition to habitat and botanical survey, each habitat was also assessed for its potential to support protected species such as bats, reptiles and badgers *Meles meles*. This included targeted further work on bats, as detailed below. All incidental observations of other fauna were also recorded during the surveys, with particular attention paid to 'Priority' species and habitats (further to the provisions of the Natural Environment and Rural Communities Act 2006), species of local conservation importance and species generally of elevated conservation significance.

Bat roost survey- Buildings

- 1.1.8 An external and (where appropriate/practical) internal survey of the glasshouse structure and security shed was carried out on 9th February 2024. In the event, access to all parts of the structures was possible and both could readily be concluded to offer no likely roosting opportunities for bats. No evidence of bat roosting such as droppings, feeding signs, access and egress holes, staining and wear-marks was found and therefore no need for further work triggered.

Bat roost survey- Trees

- 1.1.9 Plans provided by the instructing party indicated that a number of trees were scheduled for removal or translocation, and that some losses of mature trees might be possible. All such affected trees within the site were therefore assessed for their potential to be used by roosting bats, in accordance with the criteria described below.

No/negligible Potential - Trees which lack any significant opportunities for bats to roost.

Low Potential - Trees with minor roosting opportunities such as loose bark plates, small cracks in limbs or ivy cover.

Medium Potential - Trees with medium roosting opportunities such as significant areas of flaking bark or relatively large splits or cracks.

High Potential - Trees with major roosting opportunities such as woodpecker holes or large, deep cracks or fractures, thereby having the potential to support roosting bats all year round.

- 1.1.10 Affected trees with potential roost features were subjected, where possible, to more detailed inspections with a bright 'Clu-lite' torch, and with an endoscope, where such features were within reach of a six metre ladder. In 2024, such climbing inspection was only necessary for a single tree.

² JNCC (2010) Handbook for Phase 1 habitat survey - A technique for environmental audit. *Joint Nature Conservation Committee, Peterborough.*
³ <https://ukhab.org/>

⁴ Statutory Metric Condition Assessment sheets at
https://assets.publishing.service.gov.uk/media/65c60f00cc433b000ca90b33/Statutory_Biodiversity_Metric_Condition_Assessments- Feb24.xlsx
(accessed February 2024)

Bat Activity Survey

- 1.1.11 A bat activity survey of the study area and wider former garden centre site was previously undertaken over the night of the 3rd to 4th August 2011. No more up to date bat survey work has been necessary due to the absence of any scope for development works to materially affect bat use of the site. The 2011 survey methodology and results are however reproduced here as relevant context.
- 1.1.12 The aims of the survey were to: a) monitor for bats emerging/ returning to and from potential roosting sites in the buildings and/or trees, b) assess the general usage of the site by bats, and c) evaluate the conservation importance of the site to bats.
- 1.1.13 In order to achieve these aims four different methods were used using two surveyors and four detectors (two Pettersson D240x time expansion / heterodyne detectors connected to MP3 Players for later analysis using the program 'BatSound', and two Anabat detectors which record onto SD cards for later analysis using the program 'Analook'). The following details the four different methods used at the site:
- 1) Emergence survey (dusk). (10 minutes before sunset to 40 minutes after sunset (after which it was too dark to be able to see if bats were emerging). Surveyor A was located at the mature willows, Point C (see Figure 2), and made occasional visits to Point E; whilst Surveyor B was located outside the house (Point A), to check for any bats emerging from the building. In addition an Anabat detector was left to record remotely at Point B.
 - 2) Activity survey. (40 minutes after sunset to 2¼ hours after sunset). Following the emergence survey the two surveyors made continuous random circuits of the site with particular focus around the periphery (as bats are often found to fly along linear features), with occasional passes through the central part of the site. Approximately eight to ten circuits were undertaken by each surveyor. See Figure 2 for the approximate transect routes. During this component of the survey the Anabat at Point B was moved to Point D.
 - 3) Overnight remote survey. (2¼ hours after sunset to 1½ hours before sunrise). The two Anabats were left in two different locations (Point B and Point D) overnight. These two areas were selected as they were sheltered from the elements and would provide a comparison between the part of the site bordering the designated 'Harrington Site' and an area on the opposite side of the site. The Anabat at Point D was left *in situ* until 30 minutes before sunrise.
 - 4) Dawn survey. (1½ hours before sunrise to sunrise). During this survey one surveyor made circuits of the site as per the dusk activity survey for the first 45 minutes before being stationed at the house in the south of the site to check for any swarming activity or bats re-entering roost sites. The other surveyor made continuous circuits of the site to check for any swarming bats at the other parts of the site. Bats swarm around the entrances to their roosts prior to entering; this aids in identifying the species and numbers using the roosts.
- 1.1.14 Analysis of the recordings was undertaken at the Bioscan offices in Oxford. The Anabat system records in 15 second segments when sound (bats or otherwise) triggers the detector. For example, if one bat is detected for two seconds one sound file is created; if four bats are recorded for the full 15 seconds again one sound file is created. These Anabat sound files can then be analysed through the software program Analook; this involves removing non-bat sounds (for example bird song or leaves rustling), and identifying and labelling bat calls with the aid of published species call parameters as well as Bioscan's in-house library of calls.

1.1.15 The label/s for each sound file is then counted to produce the number of files for a location, and these are stated in the tables in 2.5. As the Pettersson detector records and is analysed in a different way the numbers provided in the tables reflect the number of discrete bat call registrations at a location. In summary, for both detectors the numbers stated are the number of bat passes over a specific time period rather than the number of bats present.

1.1.16 Tables 1 and 2 below set out the survey conditions and other details of the dusk and dawn surveys:

Table 1. Details of the dusk bat survey at Highgate Garden Centre

Date	03/08/2011	Site name	Highgate Garden Centre
Surveyors	BC/GM	Sunset	20:45
Start time	20:35	End time	22:59
Start temp (°C)	23.8	End temp (°C)	20.1
Start humid (%)	35.2	End humid (%)	53.7
Start lux	-	End lux	0.01
General notes	Warm, cloud: 0/8, slight westerly wind		

Table 2. Details of the dawn bat survey at Highgate Garden Centre

Date	04/08/2011	Site name	Highgate Garden Centre
Surveyors	BC/GM	Sunrise	05:29
Start time	04:00	End time	05:30
Start temp (°C)	17.8	End temp (°C)	17.9
Start humid (%)	79	End humid (%)	81.8
Start lux	0.07	End lux	-
General notes	Warm, cloud: 8/8, light westerly wind. Slight drizzle from 05:00, increasing through rest of survey		

2 SURVEY RESULTS

2.1 Desk study results

- 2.1.1 No part of the site is subject to any statutory or non-statutory nature conservation designation.
- 2.1.2 The nearest statutory designation to the site is Parkland Walk Local Nature Reserve (LNR) which is located at its nearest point approximately 0.5km to the north-east of the site. This is a disused railway line, and contains regenerated woodland, scrub and rough grassland.
- 2.1.3 In 2019, GiGL reported 27 non-statutory Sites of Importance for Nature Conservation (SINCs) as being within 2km of the site. The nearest of these is 'Harrington Site' a Site of Local Importance for Nature Conservation which adjoins the OmVed Gardens site to the east. This contains a community horticulture project with the closest portion being comprised of mature sycamore *Acer pseudoplatanus* dominated woodland. Approximately 130 metres to the south across Highgate High Street is Waterlow Park - a Site of Borough Grade 1 Importance for Nature Conservation. This area contains a range of habitats including ponds, damp grassland and mature trees.
- 2.1.4 No species records were received from GiGL for the site itself in either 2010 or 2019; however there were a good number of records from within the 2km search radius. This is not surprising given that this radius encompasses parts of Hampstead Heath, in part a designated SSSI and a well-known bird migration watchpoint. Records since 2010 from closer to the site (within 300m) include common toad *Bufo bufo* (155m north); common frog *Rana temporaria* (158m north), lesser spotted woodpecker *Dendrocopus minor* (292m to south-east), house sparrow *Passer domesticus* (158m south), tawny owl (71m SE) and Daubenton's bat *Myotis daubentonii* (158m south).

2.2 Habitat survey results

- 2.2.1 The main habitats on the site as at February 2024 are as follows:
- Non-woodland trees and tree groups
 - Shrubbery and ornamental planting
 - Lawn
 - Bare ground
 - Hardstanding/ tarmac / unsealed unvegetated surface
 - Buildings
- 2.2.2 The following paragraphs describe each of these main habitat types found on the site:

Non-woodland trees and tree groups

- 2.2.3 The largest tree specimens within the site are two mature and semi-mature free-standing weeping willow *Salix babylonica* trees (T51 and T8 on Figures 1-3), the southern of which (T51) appears to now be dead after having been pollarded back to the bole sometime in the period since 2019. The standing trunk of this tree appears likely to be removed as a consequence of the proposals and was therefore subject to closer inspection for any signs of bat roosting (see below).
- 2.2.4 Younger trees of much more recently planted origin occur in denser groups around the northern, eastern and southern sides of the glasshouse. These variously comprise young (<15cm dbh) specimens of Himalayan birch *Betula jacquemontii*, holly *Ilex aquifolium*, hazel *Corylus avellana*,

guelder rose *Viburnum opulus*, with some more occasional yew *Taxus baccata*, hornbeam *Carpinus betulus*, sycamore *Acer pseudoplatanus* and elder *Sambucus nigra*. Near to the existing security hut to the south of the glasshouse is one larger (40-50cm dbh) specimen of goat willow *Salix caprea* which would be removed by the proposals. This has no potential bat roosting features.

- 2.2.5 On and adjoining the site boundaries are generally larger mature tree specimens, many of which are rooted on adjoining land. On the eastern site boundary, adjoining the Harrington Site, are tall mature ash and sycamore, whilst along the northern boundary is a mixture of young mature to mature hawthorn *Crataegus monogyna*, cherry/plum *Prunus sp.*, ash, rose *Rosa sp.*, and a large sycamore.

Shrubbery and ornamental planting

- 2.2.6 Pockets of shrubbery occur in a handful of locations on the site and also form an understory to the mature tree groups at the site boundaries. A variety of native and ornamental species are represented including *Eleagnus ebbingeyi*, *Cornus sericea* and others. There are also various trained hedges or espaliers of beech *Fagus sylvatica*, apple *Malus domestica*, yew, holm oak *Quercus ilex* and hornbeam *Carpinus betulus*. The ground layer beneath this taller vegetation is in places carpeted with ivy *Hedera helix* (including the naturalised sub-species 'Hibernica'), with frequent ferns such as varieties of soft-shield fern *Polystichum setiferum*, hart's-tongue *Phyllites scolopendrium* and male fern *Dryopteris dilatata*, ornamental grasses such as *Calamagrostis*, and tussocks of other graminoids such as pendulous sedge *Carex pendula* and ornamental *Luzula sp.* along with occasional other species such as bramble *Rubus fruticosus agg* and groundcover species such as green alkanet *Pentaglottis sempervirens* and French cranesbill *Geranium endresii*.
- 2.2.7 Between the sinuous path at the front of the glasshouses are areas of lawn and flower beds. The beds generally appear to be dominated by species of culinary or apothecary value, such as *Salvia*, *Hypericum*, *Lavandula*, *Melissa*, *Rosmarinus* and *Malva*, with a few of more obvious ornamental value such as hollyhock. The weed species occurring in these beds include common field speedwell *Veronica persica*, cleavers *Galium aparine*, annual meadow grass *Poa annua*, wood avens *Geum urbanum*, American willowherb *Epilobium ciliatum*, smooth sow-thistle *Sonchus oleraceus*, petty spurge *Euphorbia peplus*, herb Robert *Geranium robertianum* and others.

Lawn

- 2.2.8 Patches of species-poor sown rye-grass *Lolium perenne* lawn occur on the formed terraces in front of the glasshouse, but at the western edge of the study site on slopes is a slightly more diverse grassland. This contains common bent *Agrostis capillaris*, Yorkshire-fog *Holcus lanatus*, red fescue *Festuca rubra*, perennial rye-grass *Lolium perenne*, false oat *Arrhenatherum elatius* and cock's-foot *Dactylis glomerata*. Herbs here include knapweed *Centaurea nigra* and hedge bedstraw *Galium mollugo* along with self-heal *Prunella vulgaris*, daisy *Bellis perennis*, white clover *Trifolium repens*, thyme-leaved speedwell *Veronica serpyllifolia* and creeping buttercup *Ranunculus repens*. The presence of some of these species suggests a slightly acidic soil.

Hardstanding/ Tarmac

- 2.2.9 Hardstanding is present across significant areas of the site and is generally in good condition; however, where tarmac surfaces have become broken, and particularly at the periphery of these areas, a ruderal element has become established. Species found in these areas include, common ragwort *Senecio jacobaea*, creeping bent *Agrostis stolonifera*, broad-leaved willowherb *Epilobium montanum*, common orache *Atriplex patula*, prickly lettuce *Lactuca serriola*, petty spurge *Euphorbia*

peplus and bramble. On damp unsealed hardcore at the northern edge of the sites are mats of the liverwort *Pellia epiphylla*.

Disturbed/bare ground

- 2.2.10 Aside from beds (discussed above) there are a few areas where recent disturbance has removed vegetation from localised areas of the site, and nascent revegetation is occurring. The species associated with this are generally ruderals, and include Canadian fleabane *Conyza canadensis*, black nightshade *Solanum nigrum*, chickweed *Stellaria media*, cleavers *Galium aparine*, Michaelmas daisy *Aster sp.* sow thistles *Sonchus sp.* and creeping thistle *Cirsium arvense*.

Buildings

- 2.2.11 Descriptions of the pre-fabricated structures within the site are given in the following section.

2.3 Bat Roost Survey Results - Buildings

- 2.3.1 The existing glasshouse building and its annexe structures offer no roosting opportunities for bats by virtue of their design and construction. Similarly, the existing security hut is a single skinned pre-fabricated timber shed with no scope for bat roosting, and the compost bin structures in the north-eastern extremity of the site equally have no bat roosting potential.

2.4 Bat Roost Survey Results – Trees

- 2.4.1 Most of the trees affected or likely to be affected by the scheme - mainly by virtue of their youth, small stature and corresponding lack of potential roosting features – have no bat roosting potential. Some larger specimens on the site boundary adjoining the Harrington Site have features potentially capable of being used by roosting bats, but these are adjudged to be sufficiently removed from the focus of dismantling and reconstruction works to not be affected.
- 2.4.2 The pollarded remnants of weeping willow T51 have features such as loose bark plates which ostensibly offer potential for bat roosting. However, on inspection with torch and endoscope in February 2024, no evidence was found and such features were noted to be too damp and exposed to the elements to be likely to be used.
- 2.4.3 Certain trees noted on previous surveys of the wider Highgate Bowl site to have ‘low’ or above bat roosting potential are all outside the current application site. The closest, Tree T22⁵ (a golden ash) just to the west of the current application site, still has a tear-out wound with associated rot cavity. This feature was previously accessed by ladder and inspected with an endoscope on 25th November 2019 and the cavity was found to contain large numbers of woodlice, a high degree of damp and no evidence of bats. There is no reason to suppose this unsuitability will have changed but the feature is removed from the source of any potential impacts associated with the current scheme in any event.

2.5 Bat Activity Survey Results

- 2.5.1 No bat activity survey work was carried out in 2019 or 2024 (being precluded by the timing of the commission and/or the low scope for impact on bats in any event). Therefore the results of the

⁵ Tree numbers adopted from 2013 Bioscan report, and there taken from Arbortrack Systems Ltd. report 'jwmb/rpt2/Southwood/PI'. Tree numbers are shown on Figures 2 and 3.

activity surveys for bats carried out in 2011 are replicated below for context. These are considered likely to remain representative of the levels of bat activity within the site given that there has been no evident increase in roosting or foraging opportunities in the intervening years.

Emergence Survey (dusk)

- 2.5.2 The focus of the emergence surveys in 2011 was the former residential property to the south of the application site (which has since been removed) and a group of willows south-west of the current site (which have also since been removed). The two surveyors positioned at these points (Points A and C on Figure 2) did not encounter any emerging bats. Two common pipistrelle files were recorded at dusk by the static Anabat positioned at Point B. This may indicate the presence of a roost in the nearby trees or residential properties outside the site.

Activity survey

- 2.5.3 Figure 2 shows the location of the registrations of bats during the 2011 activity survey for both surveyors. Table 4 below provides a summary of the bats encountered during this activity survey.

Table 4. Summary of the registrations recorded during the bat activity survey (see Figure 2).

Bat activity survey	Pettersson	Anabat (at Point B)
Common Pipistrelle	33	1
Pipistrelle sp. (c.f. common pipistrelle)	8	0

- 2.5.4 Areas of higher activity were encountered within the vicinity of Point E (within the present site), and along the eastern side of the site (again, within the current application site). The majority of the registrations can be attributed to common pipistrelle *Pipistrellus pipistrellus*; however, eight registrations could not be attributed to either common pipistrelle or soprano pipistrelle *Pipistrellus pygmaeus*, as the calls did not last long enough for analysis in the field or when using the analysing software; however, due to common pipistrelles being the only other species encountered during this component of the survey they were likely to be this species.
- 2.5.5 A number of motion-sensored security lights were present around the site in 2011; three of the lights (shown on Figure 2) appeared to be linked, and once one light had been triggered, the other two also turned on; these lights were very bright and stayed on for a number of minutes. As these lights could have had the potential to affect the presence and activity of the bats on the site, and therefore the results, where possible the surveyors aimed to avoid triggering these lights. Motion-sensored security lights were also present on the wooden structures within the vicinity of Point B (west of the current current site); however, these were not as bright as those marked on Figure 2, and switched off relatively rapidly.

Remote Survey

- 2.5.6 Table 5 provides a summary of the bats recorded by the detectors left in place overnight in the 2011 surveys.

Table 5. Summary of the registrations recorded during the emergence survey.

Overnight Remote survey (two Anabats)	Anabat A (at Point D)	Anabat B (at Point B)
Common pipistrelle	89	6
Soprano pipistrelle	4	12
Noctule	0	1
<i>Myotis</i> (c.f. Daubenton's bat)	0	1

2.5.7 The results from the analysis of the bat calls suggest that there is a higher level of bat activity in the eastern corner of the site (within the current application site, in the vicinity of the compost bins), though a greater overall diversity of bat species was recorded in the western corner (outside the current site). The Anabat at Point D recorded bats throughout the night with no less than ten recordings per hour, whilst the Anabat at Point B recorded fewer bats and in one case no bats during the period between 1am and 2am.

2.5.8 A single *Myotis* call was recorded during this survey phase. *Myotis* species are generally difficult to identify to species level; however, the call recorded has the characteristics of a Daubenton's bat *Myotis daubentonii* which is based on comparisons with known call sequences from bats flying in a similar situation. Conditions for this species may have improved since the installation of a pond to the west of the current application site.

Dawn survey

2.5.9 Table 6 below provides a summary of the bats recorded during the dawn survey in 2011.

Table 6. Summary of the registrations recorded during the dawn survey.

Dawn survey	Pettersson	Anabat A (at Point D)
Common pipistrelle	6	2
Soprano pipistrelle	0	1
Noctule	1	1

2.5.10 Figure 3 shows the location of the registrations of recorded bats during the dawn survey from the Pettersson detectors. The survey also aimed to identify roosts in the form of finding swarming bats; one surveyor was stationed outside the (former) house to the west of the current application site at point A 45 minutes prior to sunrise and the other made continuous transects of the whole site. Although drizzle, and then later rain, commenced from approximately 05:00, this is not assessed to have reduced the effectiveness of the survey, as bats would have returned to any roosts present prior to, or immediately after, the precipitation commenced. No swarming bats were encountered by either surveyor.

Summary

2.5.11 With the exception of the last 30 minutes of the dawn survey the weather conditions throughout the survey in 2011 were conducive for bat activity. The presence of powerful security lights on the site may have affected any bats on the site and/or in the vicinity; however, taking the night as a whole these lights did not remain lit for long periods of time and care was taken not to introduce bias by triggering them. It is therefore considered that the results from this survey provide a representative sample of the use of the site by bats. The changes in land use since 2011 are considered likely to have fractionally reduced much of the site's value for foraging (albeit the pond is likely to have improved it locally) and there would appear to have been no increase in roosting opportunities and indeed some decrease due to tree loss. Overall it can therefore be assumed that the bat use on the site will not have changed materially in the intervening period, and certainly not within the current application site which has been subject to de minimis change.

2.6 Other protected species

2.6.1 No other protected species or evidence of such species was found within the site during the surveys. There is an absence of suitable habitat for reptiles and no evidence of badgers was found.

2.7 Other fauna

- 2.7.1 Two fox *Vulpes vulpes* earths were noted during the 2011 survey; one earth was located in the wider site within the dense coniferous woodland at the south-west (since removed), and the other was just outside the site to the south-west and could not be relocated in 2019. Grey squirrels *Sciurus carolinensis* were noted within the site. One common frog *Rana temporaria* was found in undergrowth at the west of the site in 2011 and conditions for this species may have improved by the establishment of a permanent waterbody just outside the present study site to the west. Noted during the 2011 survey were the common butterfly species, gatekeeper *Pyronia tithonus* and speckled wood *Pararge aegeria*.
- 2.7.2 A range of bird species common in the Highgate area of the Borough have been noted across the various commissions since 2011. These include blackbird *Turdus merula*, blue tit *Cyanistes caeruleus*, chaffinch *Fringilla coelebs*, coal tit *Periparus ater*, goldcrest *Regulus regulus*, great spotted woodpecker *Dendrocopos major*, great tit *Parus major*, jay *Garrulus glandarius*, long-tailed tit *Aegithalos caudatus*, magpie *Pica pica*, carrion crow *Corvus corone*, robin *Erithacus rubecula*, woodpigeon *Columba palumbus* and wren *Troglodytes troglodytes*. Noted within the vicinity of the site was a song thrush *Turdus philomelos* in the gardens to the north (in the Harrington Site in 2019), and one or two tawny owls *Strix aluco* around the northern boundary. Added to this list in 2019 were dunnock *Prunella modularis*, ring-necked parakeet *Psittacula krameri* and grey wagtail *Motacilla cinerea*. Most of these species were noted in 2024, with the exception of chaffinch, jay and long-tailed tit. Not noted in previous years, but present in 2024, was siskin *Carduelis spinus*.

3 EVALUATION

3.1 Definition of ecological value

- 3.1.1 While some level of subjectivity is unavoidable when apportioning value to ecological features and resources, certain parameters and points of reference can be used to help ensure consistency. Those used in this appraisal are explained below.
- 3.1.2 Sites already possessing statutory or non-statutory nature conservation designations will have been subjected to some form of evaluation process in the past, and their importance defined at a geographical scale (e.g. international, national, local). For these, evaluation will generally reaffirm their qualifying attributes, or in some cases may identify where designation may no longer be appropriate.
- 3.1.3 Factors such as extent, naturalness, rarity, fragility and diversity are all relevant to the determination of ecological value, and for the evaluation of sites and habitat features outside designated sites, these and other criteria as described by Ratcliffe⁶ may be applied. Ratcliffe's criteria are integral to the procedure for selecting both Sites of Special Scientific Interest and many non-statutory designation systems in the UK, and therefore remain an accepted standard for site evaluation. In the London context, they are the basis for the criteria contained within 'Process for Selecting and confirming Sites of Importance for Nature Conservation (SINCs) in Greater London'⁷. These criteria differ only in that somewhat greater emphasis is placed on the local context (e.g. sites with the highest population of a common species in the context of a Borough will score highly), and on factors peripheral to scientific value such as aesthetic appeal and cultural value.
- 3.1.4 In applying these criteria, attention may be drawn to the relative scarcity or abundance of features within the survey area and in the wider geographical context. Some criteria are however absolute and not relative to scale. Ancient woodland, for example, is fragile irrespective of whether it is being considered in an international or Metropolitan context. Similarly, the value of an otherwise poor habitat may be elevated if it is central to the survival of a rare species.
- 3.1.5 Where evaluation is important for the purposes of informing decisions related to land-use planning and development control, the above approach needs to be supplemented by consideration of whether individual species are subject to legal protection⁸, or whether habitats or species are present which have been identified as 'priorities' for biodiversity conservation, either at a national level⁹ or local/regional level¹⁰. Planning authorities now also have a statutory duty to further biodiversity objectives and are subject to a compunction under national planning policy to avoid net loss of biodiversity and secure net gain where possible¹¹, a compunction translated into London and Haringey policy¹². The presence of such resources can therefore be material to the determination of development control decisions. More recently, secondary legislation pursuant to the Environment Act 2021 has introduced a mandatory requirement for most developments to deliver a 10% gain in biodiversity.

⁶ Ratcliffe (1977) 'A Nature Conservation Review'.

⁷ The London Wildlife Site Board (LWSB) (April 2019) Advice Note. Process for selecting and confirming Sites of Importance for Nature Conservation (SINCs) in Greater London

⁸ Principal legislation being the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) which implement the EC Habitats Directive. Some animals are protected under separate legislation (e.g. the Protection of Badgers Act 1992).

⁹ Further to sections 40-41 of the Natural Environment and Rural Communities Act 2006, as amended by SD102 of the Environment Act 2021.

¹⁰ While the Biodiversity Action Plan system (including the UKBAP) has now been effectively superseded by the post-2010 biodiversity strategy, the London-wide Biodiversity Action Plan and the Haringey Biodiversity Action Plan remain relevant to the exercise of planning policies at regional and local level, (2009).

¹¹ National Planning Policy Framework 2023 (as supplemented by Planning Practice Guidance and Circular 06/2005)

¹² London Plan 2021 policies G6 and G7, Haringey Local Plan policies DM1, DM13 and SP13, Highgate Neighbourhood Plan policy OS4.

- 3.1.6 Further indications of conservation status for individual species are provided by reference to the Red Data Book and Red Listing systems,¹³ or for birds by reference to the latest Red and Amber Lists of Birds of Conservation Concern¹⁴.
- 3.1.7 Scales of comparison varying from the international to the context of the local area may be used to define the measure of importance attached to individual features. The definition of geographic terms can vary, but in this evaluation the geographic frame of reference contained within the CIEEM guidelines¹⁵ is used.

3.2 Evaluation of the site's ecological resource

Designations

- 3.2.1 The site is not subject to any statutory (e.g. SSSI) or higher level non-statutory nature conservation designation such as Borough Grade I or II SINCC. The sycamore dominated woodland beyond the application site to the east (Harrington Site) is designated as a lower tier Site of Local Importance for Nature Conservation (SLINCC). It is subject to a proportionate level of policy protection under (*inter alia*) Policy G6 of the London Plan, Policies DM1 and DM13 of the Haringey Development Management DPD (adopted July 2017) and SP13 of the Haringey Strategic Policies DPD (adopted March 2013). The Haringey Neighbourhood Plan policy OS4 is also relevant. However, there is considered to be no scope for this SLINCC to be materially affected by the current proposals.

Habitats

- 3.2.2 The site is dominated by habitats of limited ecological value, even in a London context, and there are no qualifying representations of Habitats of Principal Importance on the site. The local and London-wide Habitat Action Plan for 'Built Structures' has arguable relevance but the buildings present in this case are of very limited value to biodiversity: for example due to the lack of features in the buildings that species such as birds and bats could utilise. In the context of the site's Metropolitan urban location, where such habitats are frequent or abundant, the presence of these habitats does not therefore merit any weight as a constraint, and in any event the current proposals will reinstate built form of almost the same type and massing. The individual habitat features of merit within the site boundary are the mature trees, which are focussed at the margins where there are closed-canopy stands transitional to woodland, albeit a number of trees occur as scattered free-standing specimens within it.

Species

- 3.2.3 Survey work in 2011 recorded four species of bat, these being (in order of number of registrations); common pipistrelle, soprano pipistrelle, noctule *Nyctalus noctula*, and a *Myotis* species, with the latter likely to be Daubenton's bat. All of these are UK and European protected species further to the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

¹³ Following the British Red Data books published by the JNCC/RSNC and the Nationally Notable (Nationally Scarce) categorisations recognised by the JNCC

¹⁴ Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D., and Win I. 2021. *The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain*. British Birds 114: 723-747.

¹⁵ Chartered Institute of Ecology and Environmental Management (2018) *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine* (version 1.2 update April 2022).

- 3.2.4 By far the most abundant of these was the common pipistrelle. This species is Britain's and one of London's¹⁶ most common bat species, found in a very wide range of habitats¹⁷. This species, along with all other species of bat, is covered under the generic Local Biodiversity Action Plans (LBAPs) for bat species for London¹⁸ and Haringey¹⁹, both of which retain relevance to local planning decisions.
- 3.2.5 The second most commonly encountered bat on the study area was the soprano pipistrelle. This is a Species of Principal Importance (SPI) at national level and (as with common pipistrelle) is covered by both the London and Haringey LBAPs. This species is Britain's second most common bat species²⁰ and London's most common bat species²¹. Soprano pipistrelles are known to favour rivers and ponds and given the absence of such features on the site the low numbers of this species encountered, relative to common pipistrelle, are not surprising.
- 3.2.6 The noctule, which is also a national SPI (and covered under the relevant LBAPs), has declined in Britain due to the loss of their feeding habitats, mainly from agricultural intensification. According to the London Bat Group, this species is still fairly widespread in London, but does seem to have declined in recent years. The nature of the records in 2011 suggests that the site has no particular importance for this species with registrations likely to relate to over-flying bats in the process of commuting between favoured roosting and foraging areas.
- 3.2.7 Due to the difficulty of identifying bats from the *Myotis* genus to species level, especially where foraging in terrestrial environments rather than over open water, the *Myotis* species record from the site has been identified to genus level only. However, based on the call characteristics this record is most likely to be Daubenton's bat – a species known to occur in the locality at Waterlow Park. Although this species is usually found in association with water²², it can forage over a wide variety of habitats, and according to the London Bat Group is particularly concentrated around west London. Data provided by GiGL returned two roosts and a number of sightings of this species within 2km of the site. Again, the low number of registrations suggest that the site has no particular importance for this species.
- 3.2.8 In respect of bat roosting, no droppings or other signs of bats were found during the interior or exterior surveys of the buildings on the site in either 2011, 2019 or 2024, and no roosts have been identified during the activity surveys or within features in trees that have been checked by climbing inspections. Since none of the buildings within the current application site have any bat roosting potential, and the site's value for foraging has remained largely unchanged since 2011, the data collected is considered to be sufficient to inform planning determination and indeed to provide confidence in the negative roost survey result (in accordance with the Bat Conservation Trust's 2023 Bat Survey Good Practice Guidelines²³). **On this basis no bat roosts were confirmed and no**

¹⁶ <http://www.londonbats.org.uk/lonbats.htm>

¹⁷ Collins, J. (ed.) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (4th edition). The Bat Conservation Trust, London

¹⁸ <http://downloads.gigl.org.uk/website/London%20Bats%20SAP.pdf>

¹⁹

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiW0Lepkd2EAxXuW0EAHREcDi8QFnoECA4QAw&url=https%3A%2F%2Fwww.haringey.gov.uk%2Fsites%2Fharingeygovuk%2Ffiles%2F6_-_biodiversity_action_plan.pdf&usg=AOvVaw2mbRf5dHkry6lkUmxvBlKg&opi=89978449

²⁰ Collins, J. (ed.) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (4th edition). The Bat Conservation Trust, London

²¹ City of London Biodiversity Action Plan 2021-2026

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwint5OdkN2EAxXxXkEAHbpWD0sQFnoECBYQAO&url=https%3A%2F%2Fwww.cityoflondon.gov.uk%2Fassets%2FGreen-Spaces%2Fcity-of-london-biodiversity-action-plan-2021-2026.pdf&usg=AOvVaw3_nNVJonHsB7DugD2xm-ak&opi=89978449

²² Vaughan, N, Jones, G & Harris, S. (1997) Habitat use by bats (Chiroptera) assessed by means of a broad-band acoustic method *Journal of Applied Ecology*, 34, 716 - 730.

²³ Collins, J. (ed.) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (4th edition). The Bat Conservation

requirement to obtain a European Protected Species licence from Natural England prior to the dismantling/demolition of the remaining built structures has been identified.

- 3.2.9 Overall the bat assemblage is considered to be broadly consistent with an area of this size, geographic location and nature. As the development allows for the retention and/or replication of mature vegetation in proportions similar to or in excess of the existing situation, and provided due regard is had to sensitive lighting, there is not considered to be any significant risk of negative impact on bat populations either at the site or local level. If considered appropriate, enhancements could be secured by the provision of suitable roosting features such as bat boxes on retained mature trees.
- 3.2.10 In conjunction with the adjoining undeveloped areas such as the Harrington Site, the site has the potential to support a somewhat more diverse breeding bird assemblage than much of the more built up parts of the Borough, although this applies equally to much of the Highgate area. National and local (London) BAP species not encountered within the site boundary but which were either recorded within the vicinity of the site or have the potential to be present include; song thrush, starling and house sparrow. These species are all common in a national context, but have a more restricted distribution in the Metropolitan area. Again, because the proposed development allows for the retention and/or replication of mature vegetation in proportions similar to or in excess of the existing situation, there is not considered to be any significant risk of negative impact on bird populations either at the site or local level from the site's redevelopment. Scope exists to enhance nesting opportunities through the provision of nest boxes, either incorporated into new buildings and/or on larger trees.
- 3.2.11 The site has some potential to support certain other generally common species that may be relatively scarce in the locality and/or are subject to national and/or local Biodiversity Action Plans, such as hedgehog and common toad. No change is anticipated in respect of these species should they use the site.
- 3.2.12 The site is considered unlikely to support any other species of particular value or statutory protection.
- 3.2.13 Table 7 below summarises the species found, or considered likely to be found on the site, that have particular relevance to the planning process.

Table 7: Species found, or likely to be found on the site, and their conservation status as relevant to planning decisions.

Species	Statutory protection (WCA 1981, Cons Regs 2017)	Species of Principal Importance (NERC Act S.41)	London LBAP species	Haringey LBAP Species
Common pipistrelle	Yes		Yes (under generic 'bats' species action plan)	Yes (under generic 'bats' species action plan)
Soprano pipistrelle	Yes	Yes	Yes (under generic 'bats' species action plan)	Yes (under generic 'bats' species action plan)

Species	Statutory protection (WCA 1981, Cons Regs 2017)	Species of Principal Importance (NERC Act S.41)	London LBAP species	Haringey LBAP Species
Noctule	Yes	Yes	Yes (under generic 'bats' species action plan)	Yes (under generic 'bats' species action plan)
Myotis sp. Bat (assumed Daubenton's)	Yes		Yes (under generic 'bats' species action plan)	Yes (under generic 'bats' species action plan)
Song Thrush	*	Yes (present just outside site)		
Starling	*	Yes (likely to be present)		
House Sparrow	*	Yes (likely to be present)	Yes (likely to be present)	
Common Frog	#			
Common Toad	#	Yes (quite likely to be present)		
Hedgehog		Yes (likely to be present)		

* Protection from killing or injuring and active nests, eggs and young protected

Protection from sale or trade only

4 CONSTRAINTS AND RECOMMENDATIONS

4.1 Legal Constraints and Obligations

- 4.1.1 Any development of the site would need to take account of the protection afforded to nesting birds under Part 1 of the Wildlife and Countryside Act 1981 (as amended). The most effective way of minimising the scope for contravention of this legislation is to effect site clearance operations – and particularly any removal of shrubs, trees and groundcover vegetation, outside the months of March to August inclusive.
- 4.1.2 All bat species in the UK and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. On this basis, whilst no roosts have been confirmed, should any evidence of bats be found during the demolition of any buildings or felling/surgery works to trees **all works must be stopped immediately and the advice of the local Natural England team must be sought.**
- 4.1.3 The application proposed very little land-use change, essentially a reconfiguring of the site entrance and the dismantling and replacement of the existing glasshouse. It therefore falls below the threshold at which mandatory Biodiversity Net Gain applies (provided the application is submitted prior to the 2nd April 2024).

4.2 Recommendations for further mitigation and enhancement

- 4.2.1 Notwithstanding that the development falls below the threshold for mandatory net gain, the scope exists for redevelopment of the site to incorporate measures to not only further minimise the effect of the proposed development on the site's wildlife resources and secure no net loss, but exploit the potential for 'net gain' and to therefore further targets set out in the local and London-wide Biodiversity Action Plans.. This would also be consistent with ensuring incumbent national biodiversity planning objectives to secure no net loss, as enshrined within the National Planning Policy Framework (NPPF), are upheld and not compromised.
- 4.2.2 Such measures are detailed below as key and additional recommendations:

Key recommendations

- 1) Install one or more Schwegler 2GR-type Bird and Bat Boxes on retained mature trees and/or buildings (to be micro-sited when erected to ensure maximum benefit).
- 2) Favour the planting of native trees and shrubs, preferably of local provenance, in any replacement landscaping or new landscaping.
- 3) Any future amendments to the lighting scheme for the development should be designed to avoid light spill towards retained trees or boundaries.

Additional recommendations

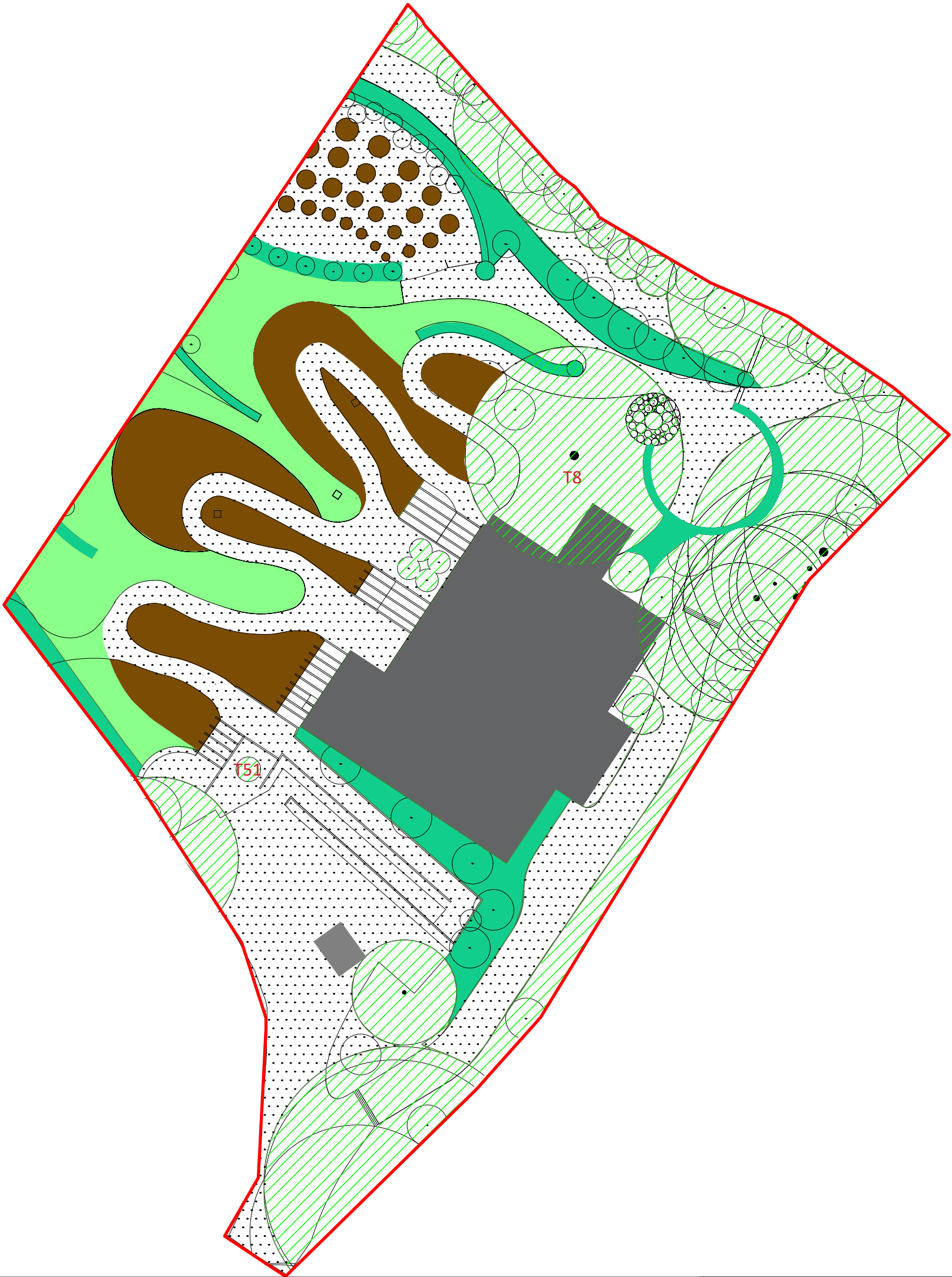
- 1) The growth of climbing plant species such as ivy and native honeysuckle *Lonicera periclymenum* should be encouraged on any free-standing walls that are to be retained or constructed as part of the development

- 2) Woodland and shrub planting should where possible comprise native tree and shrub species such as pedunculate oak *Quercus robur*, field maple *Acer campestre*, hornbeam *Carpinus betulus*, and silver birch *Betula pendula* and Guelder-rose *Viburnum opulus*, preferably all of local provenance. Shaded areas beneath new woodland planting should be seeded with a native woodland species mixture.

5 CONCLUSIONS

- 5.1.1 Further to surveys last carried out in 2010, 2011 and 2019, Bioscan (UK) Limited was instructed to carry out an update ecological appraisal of land at Omved Gardens, Highgate, London and provide ecological advice in connection with the proposed minor redevelopment of the site to reconfigure the entrance arrangements and replace the existing glasshouse.
- 5.1.2 The site is not subject to any statutory or non-statutory nature conservation designations and there were no records for protected species prior to Bioscan's 2010 and 2011 surveys.
- 5.1.3 In 2011 four bat species were confirmed to use the site, but no roosts have been found despite a detailed inspection of buildings and trees in both 2011, 2019 and 2024. No specially protected species constraints have therefore been identified during the surveys. There remain minor opportunities for bat roosting bats in the mature trees around the site's northern and western boundaries, however, it is noted that the proposals seek to retain these. Recommendations are provided to ensure the site continues to offer bat roosting and foraging opportunities after completion of the proposed redevelopment.
- 5.1.4 The standard seasonal constraints related to the legal protection afforded to nesting birds will also apply at this site, but there was no evidence that specially protected (or London BAP) bird species are present from this survey.
- 5.1.5 No habitats or flora of high intrinsic importance are present and no other significant ecological issues were identified. Recommendations are provided to ensure that the site's redevelopment does not compromise the ability of local species of fauna to continue to use the site post-development, and indeed to exploit the opportunities for net gain that redevelopment of the site provides.
- 5.1.6 Assuming the above issues are dealt with in full accordance with best practice and the proposed site plans, the site's redevelopment is not considered likely to have any significant consequences for the local ecological resource, and to amount to an essentially neutral level of change.

Figures 1-3

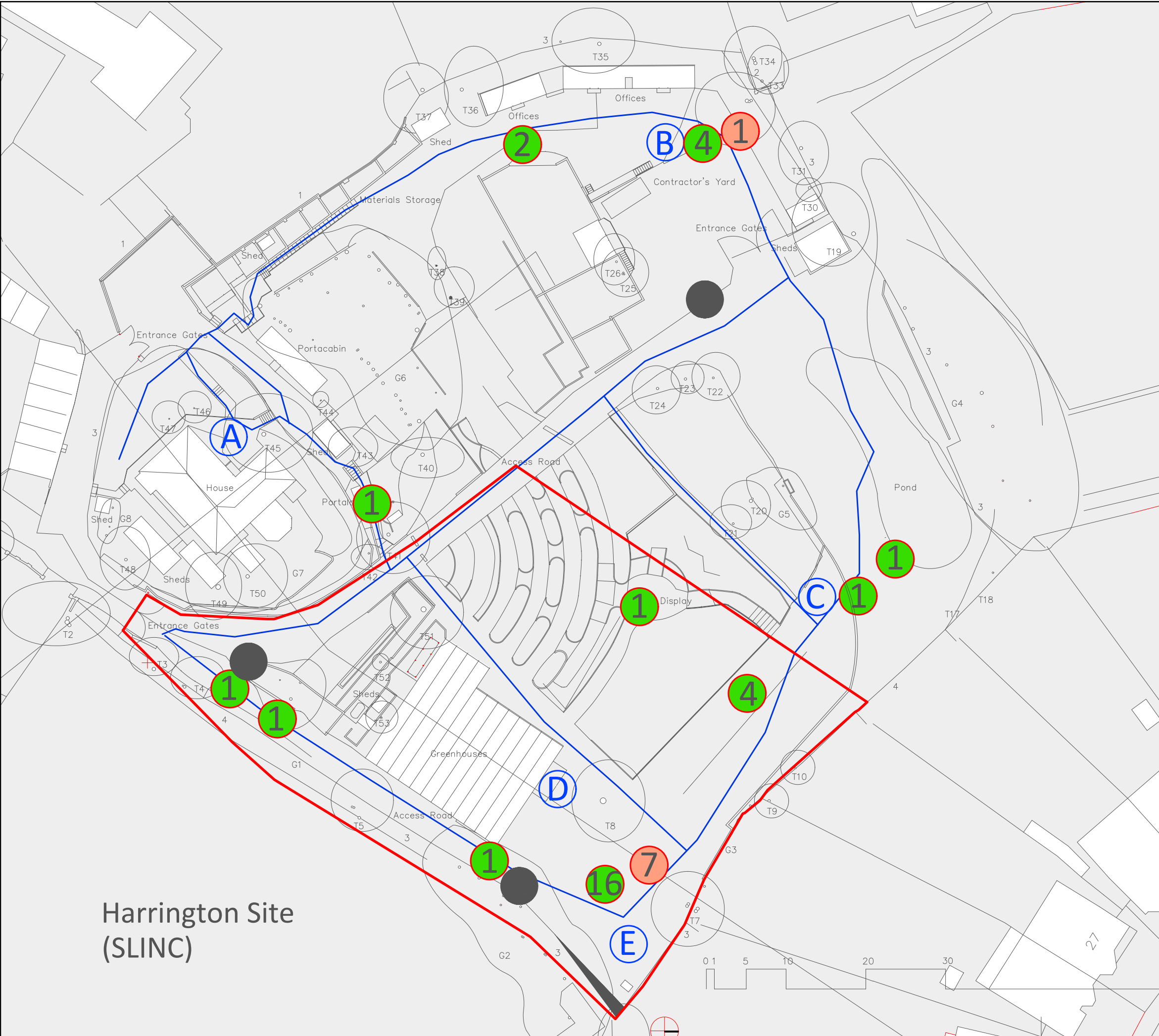


Key

- Application site
- Non-woodland trees and tree groups
- Shrubbery and beds
- Hedges and woody planting
- Lawn
- Hard-standing/unsealed, unvegetated surface
- Buildings



Title Habitat map		
Project OmVed Gardens Entrance and Glasshouse	Client del Buono Gazerwitz Ltd.	
Drawing No. Figure 1	Revision -	Project No. E1587e
Drawn RB	Checked DW	Date March 2024
Bioscan (UK) Ltd The Old Parlour, Little Baldon Farm, Little Baldon, Oxford, OX44 9PU. T: +44 (0) 1865 341321 bioscan@bioscanuk.com www.bioscanuk.com  Reproduced from Ordnance Survey © Crown Copyright. All rights reserved Licence No. 100005491		



Key

- Application site
- Bat transect routes
- Survey Point
- Common pipistrelle bat (with the number of registrations at that point)
- Pipistrelle sp. (with the number of registrations at that point)
- Main motion-sensored security lights

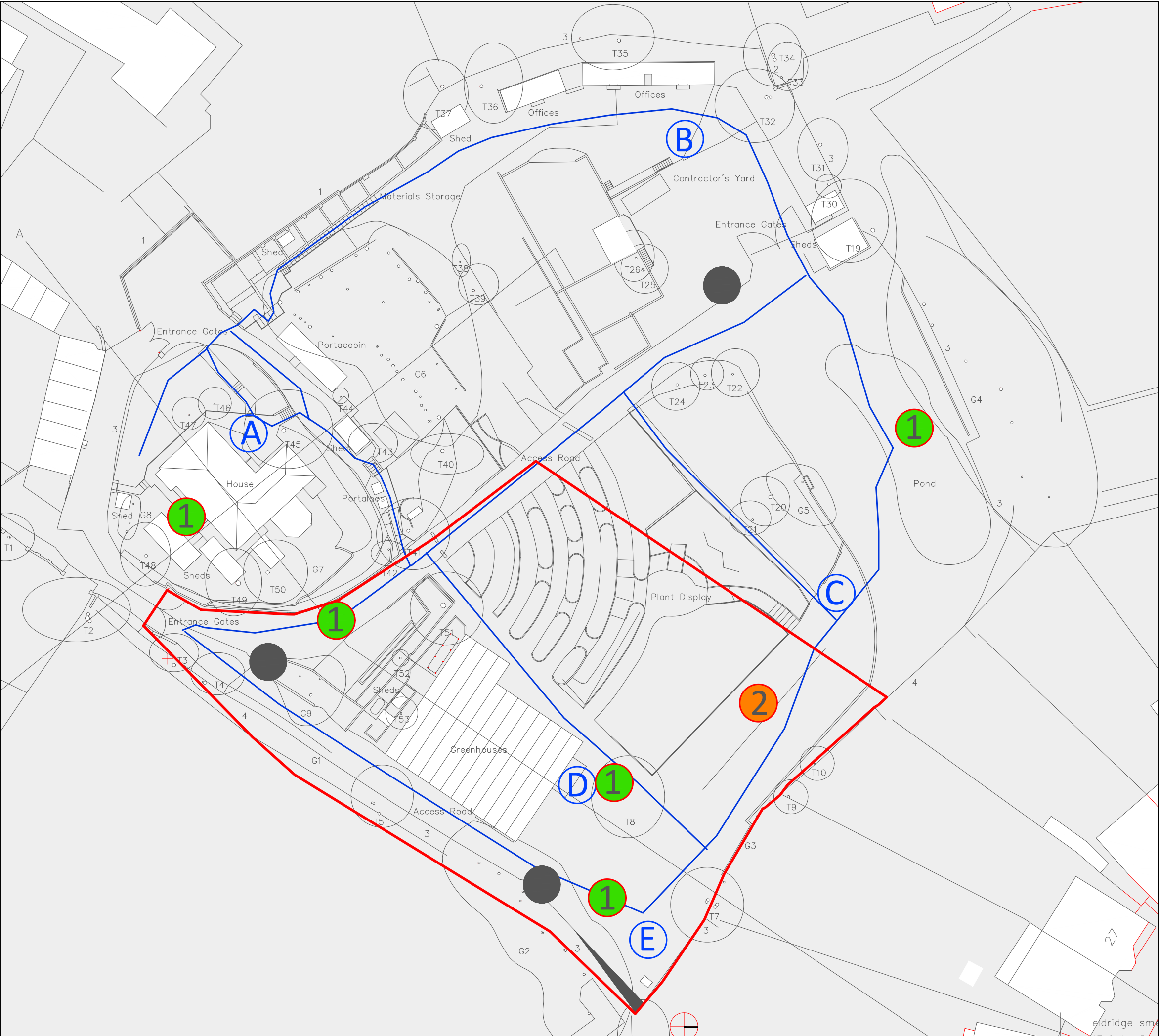
DO NOT SCALE

Title		
Bat Activity Survey- Dusk (3rd August 2011)		
Project	Client	
OmVed Gardens Entrance and Glasshouse	Del Buono Gazerwitz Ltd	
Drawing No.	Revision	Project No.
Figure 2	C	E1587
Drawn	Checked	Date
CD	DW	March 2024

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Key

Application site

Bat transect routes

Survey Point

Common pipistrelle bat (with the number of registrations at that point)

Noctule (with the number of registrations at that point)

Main motion-sensored security lights

DO NOT SCALE

Title		
Bat Activity Survey- Dawn (4th August 2011)		
Project		Client
OmVed Gardens Entrance and Glasshouse		Del Buono Gazerwitz Ltd
Drawing No.	Revision	Project No.
Figure 3	C	E1587
Drawn	Checked	Date
CD	DW	March 2024

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