

7 Chestnut Close, Hornchurch, RM12 5SX

Preliminary Ecological Appraisal

November 2023



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1 Introduction

- 1.1 Plumb Associates Ltd was commissioned by ACT Property to undertake a preliminary ecological appraisal of 7 Chestnut Close, Hornchurch to form part of an application to remove existing outbuildings and construct a single new dwelling on part of the site.
- 1.2 The purpose of this report is to ensure that the proposed scheme does not adversely affect any habitats, plants or animals that are legally protected. The report considers:-
- The potential of the site and its environs to support important habitats, protected species or other notable species of wildlife;
 - The conservation value of habitats and species both on the site and its environs;
 - The likely ecological effects of the development;
 - Mitigation measures to be taken to avoid or minimise these effects and identify opportunities to provide enhancement measures to achieve biodiversity net gain.

Methodology

- 1.3 The assessment was carried out in accordance with the Chartered Institute of Ecology and Environmental Management's Guidelines for Preliminary Ecological Appraisal (CIEEM 2017).
- 1.4 A desk study was undertaken which included reviewing Magic Maps (the results are summarised in Appendices 1 & 2). A review of the London Borough of Havering's planning website was undertaken to identify any locally designated sites and relevant policies.
- 1.5 A site survey was undertaken on 6th November 2023 by Steve Plumb MCIEEM CEnv CMLI, an ecologist with over 30 years professional experience. The purpose of the survey was to establish the ecological value of the existing habitats on and adjacent to the site and to assess the site's suitability to support protected species and Species of Principal Conservation Interest. A survey of the interior and exterior of the existing buildings was conducted to assess their potential to support roosting bats.

Limitations

- 1.6 The survey was carried out in good weather conditions and there was access to the whole site including the interior of the outbuildings to be removed. It is considered that there were no significant limitations to the survey.

2 Summary of relevant wildlife legislation

Wildlife and Countryside Act 1981 (as amended)

- 2.1 The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006, consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive). Under this legislation it is an offence to:

- Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1 of the Act or its dependent young while it is nesting;
- Intentionally kill, injure or take any wild animal listed under Schedule 5 of the Act; intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 of the Act; intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection;
- Pick or uproot any wild plant listed under Schedule 8 of the Act.
- Carry out any works or management that might damage or destroy the 'interest' for which a Site of Scientific Interest has been designated.

The Conservation of Habitats and Species Regulations 2017

- 2.2 These regulations transpose Council Directive 92/43/EEC into English law, making it an offence to deliberately capture, kill or disturb wild animals listed under Schedule 2 of the Regulations. It is an offence to damage or destroy a breeding site or resting place of such an animal, even if the animal is not present at the time. These Regulations were consolidated into the Conservation of habitats and Species (Amendment) (EU exit) Regulations 2019) and the Wildlife and Countryside Act 1981(as amended).

Natural Communities & Rural Communities (NERC) Act 2006

- 2.3 The NERC Act places a duty on public bodies to have due regard for biodiversity and nature conservation during the course of their operations.
- 2.4 Section 41 requires the Secretary of State to publish lists of habitats and species that are of principal importance for the conservation of biodiversity in England. Species and habitats on this list are material considerations in planning.

The Protection of Badgers Act 1992

- 2.5 The Protection of Badgers Act 1992 makes it is an offence to kill, injure, take, possess or cruelly mistreat a badger or to interfere with, or obstruct access to a sett.



Image 1 – The survey area in context

3 Site description and existing habitat features

- 3.1 The site forms part of an existing rear garden within the urban centre of Hornchurch. The site backs onto the C2C and District Line railway where there is a tree lined embankment abutting the northern boundary. The surrounding gardens are maintained as lawns. Image 1 shows the site (outlined in red) in context.
- 3.2 The site comprises an existing semi-detached house with an attached garage on the western side. The front garden area is surfaced and used for vehicle parking. The rear garden has limited management. There is an area of artificial grassland immediately to the rear of the house with small areas of bramble establishing around the edges (Photos 1 & 2). The rest of the garden has not been managed for many years allowing ornamental shrubs and small trees to dominate most of the area. Species include blackthorn, privet, hawthorn, ash, hazel, several varieties of Cypress Portuguese Laurel and bramble. (Photo 7 & 8).
- 3.3 There are 3 small garden buildings within the area. These are described in more detail 4.10-4.13.

4.0 Protected species assessment

The site and adjacent areas were assessed for their suitability to support protected species.

Badgers

- 4.1 Badgers (*Meles meles*) are afforded protection under The Protection of Badgers Act 1992, under which it is an offence to kill, injure, take, possess or cruelly mistreat a badger or to interfere with, or obstruct access to a sett.
- 4.2 The site was fully surveyed however no setts were recorded during the survey.
- 4.3 No field signs such as trails, latrines pits or foraging were recorded.
- 4.4 The site is adjacent to a treed railway embankment which has some potential to support badgers. While the scheme would not result in any direct impacts on badger, good practice requires that appropriate precautions are adopted which can prevent accidental impacts to badgers and other mammals during construction. These are set out in Section 6 below.

Bats

- 4.5 All bat species are afforded legal protection on a European and national basis, under the Conservation of Species and Habitat Regulations 2010 and the Wildlife and Countryside Act 1981(as amended). These Regulations were consolidated into the Conservation of habitats and Species (Amendment) (EU exit) Regulations 2019). In addition to it being an offence to kill or injure an animal it is a criminal offence to disturb or obstruct a bat roost.
- 4.6 A single record European Protected Species Licence was granted in 2018 for a site approximately 700m southeast of the site. Species on the licence were Common Pipistrelle and Soprano Pipistrelle. The site is separated from that location by urban settlement.
- 4.7 The site contains the existing garage and three garden buildings which would be affected by the proposal. The house would be unaltered.
- 4.8 A systematic search was made of the exteriors of the garage and outbuildings to identify any potential or actual bat access points or roosting places. Evidence of bats including urine splashes, fur-oil staining, scratch marks, droppings on walls, windows and roofs, staining at potential roost exit holes as well as living or dead animals was also sought.
- 4.9 A survey of the interiors of the garage and outbuildings was carried out to look for potential or actual bat access points or roosting places including evidence of use such

as bats, living or dead, droppings, feeding remains, squeaking noises and urine splashes.

- 4.10 The garage has brick walls and a single pitch modern clay tile roof (Photos 3 & 4). There is a window and glazed door on the rear elevation. There were no potential roosting features inside the building and no signs of use by bats (Photo X). The structure is assessed as having negligible value for roosting bats.
- 4.11 Garden building 1 (photo 2) is a small, wooden summerhouse with windows on the front and side elevations. It has pitched felt roof. There are no features within the building suitable for roosting bats. The building is considered to have negligible potential for supporting roosting bats.
- 4.12 Garden building 2 (Photo 5) is a small single storey structure of brick construction. It has a glazed door and windows in the front elevation. It has a flat roof. The windows and lack of roof void ensures that there are no dark areas within the structure. There were no signs of bat activity and building is assessed as having negligible potential for supporting roosting bats.
- 4.13 Garden building 3 (Photo 6) is a wooden summerhouse with a slightly pitched roof. There are windows on two elevations and no roof void. The windows and lack of roof void ensures that there are no dark areas within the structure. There were no signs of bat activity and building is assessed as having negligible potential for supporting roosting bats.
- 4.14 There are numerous trees within the garden however these are all young, small specimens. None have any features suitable for supporting roosting bats. Most would be removed as part of the scheme as they are all poor quality specimens. The trees on railway embankment would not be affected by the proposal. It will be necessary to ensure that external lighting is designed to minimise additional light spill over the trees.
- 4.15 It is considered that the site has negligible potential to support roosting bats due to the lack of suitable buildings or trees for roosting and lack of suitable vegetation. The adjacent treed embankment has some potential for commuting and foraging bats; however there is already an established residential area and an additional new house would not have any significant effect on its value.
- 4.16 No further surveys are required.

Reptiles

- 4.17 Protection is afforded to the Slow-worm (*Anguis fragilis*), Common Lizard (*Zootoca vivipara*) Adder (*Vipera berus*) and Grass Snake (*Natrix natrix*) under Section 9 (1) and 9 (5) of the Wildlife & Countryside Act 1981 (as amended).
- 4.18 There is a small area of artificial grass to the rear of the house. The rest of the garden comprises dense scrubby woodland. The surrounding gardens comprise close-mown grass.
- 4.19 This small site has no potential for supporting reptiles and no further surveys are required.

Birds

- 4.20 All wild species of breeding birds and their nests are protected under Part 1 of the Wildlife and Countryside Act 1981, as amended by later legislation including the Countryside and Rights of Way (CROW) Act 2000. The species listed on Schedule 1 of the Wildlife and Countryside Act are given additional protection.
- 4.21 The trees and shrubs offer some potential for nesting birds. Only one tree requires removal to facilitate development.
- 4.22 The proposed development would not have any significant adverse effects on nesting birds so long as the precautionary measures set out in Section 6 are followed. There would be opportunities to provide additional nesting opportunities through the new landscape planting and provision of a nest box within the new dwelling.

Great Crested Newts

- 4.23 Great Crested Newts (*Triturus cristatus*) are afforded legal protection on a European and national basis, under the Conservation of Species and Habitat Regulations 2010 and the Wildlife and Countryside Act 1981(as amended). These Regulations were consolidated into the Conservation of habitats and Species (Amendment) (EU exit) Regulations 2019). In addition to it being an offence to kill or injure an animal it is a criminal offence to disturb or obstruct their breeding or resting places.
- 4.24 The site is within urban area dominated by residential development with a school playing field to the southwest. No ponds have been identified within 500m of the site.
- 4.25 The site contains no ponds and there is no connection to any habitat features with potential for supporting great crested newts. There is no potential for site to support great crested newts. No further surveys are required.

Other protected species

- 4.26 The site does not contain habitat suitable to support Otter, Water Vole, Dormouse or White-clawed Crayfish. No legally protected plant species were recorded.

Invasive species

- 4.27 No invasive species were recorded on site.

5 Discussion of Results

- 5.1 The desktop survey comprised an analysis using Defra's Magic Maps and the London Borough of Havering's planning website to identify important habitats or species that could be impacted by the proposal.
- 5.2 The Ingrebourne Valley Local Nature Reserve is approximately 1km southeast of the site. There are no other statutory designated sites within the 1km of the site (see appendix 1).
- 5.3 There are small areas of Lowland Deciduous Woodland, a Priority Habitat within 1km of the site (see Appendix 2). These are part of a local park. The proposal would have no adverse impact on these.
- 5.4 The Adopted Local Development Plan does not contain any policies relevant to the site.
- 5.5 The site, which is in the centre of a large urban area, comprises an overgrown garden dominated by small trees and overgrown shrubs, many of which are ornamental varieties. The trees contain no features for roosting bats. There are no signs of badgers using the site. The site is considered unsuitable for any other protected species, although there are opportunities for nesting birds.
- 5.6 Based on the survey results, the site is considered to have low ecological value, with negligible potential to support protected species. No further surveys are required.
- 5.7 Precautionary mitigation measures have been provided to ensure that any effects on protected species are avoided. These are outlined in Section 6 below. Measures to enhance the site's biodiversity value are set out in Section 7.

6.0 Mitigation measures

Nesting birds

- 6.1 Nesting birds are legally protected under the Wildlife and Countryside Act 1981 (as amended). Due to milder spring weather in recent years birds are tending to start nesting earlier than in past. As a result it is recommended that any works to trees or

shrubs are carried out before mid-February. The season normally extends to mid-August although again in mild summers birds might raise another brood so care must be taken to avoid an offence being committed. If an active nest is found all works in the vicinity must cease immediately.

- 6.2 If it is necessary to remove any trees or shrubs within the nesting period a detailed survey of the vegetation must be carried out by a suitably qualified ecologist immediately prior to any works to check for nesting birds.

Badgers and other mammals

- 6.3 No evidence of badger activity was recorded during the survey; however it is recommended that the following measures should be fully implemented to reduce the impact on mammals using the site and also to avoid contravention of current legislation:
- All site personnel will be given a toolbox talk to inform them about the potential presence of badgers and other protected species and the legal protection they are afforded;
 - Any deep excavations that are to be left open overnight should include a means of escape for any animals that may fall in, using planks of wood to act as ramps;
 - No pipework should remain open with any exposed ends capped off at the end of the working day to prevent any animals entering the pipework;
 - Any fresh animal excavations recorded on the site should immediately reported and fully investigated;
 - The creation of large stockpiles of earth should be avoided as these may prove attractive for badgers to excavate new setts.
- 6.4 In the unlikely event that any active holes are recorded during the construction phase, works within the immediate area will cease and the area made safe with a suitable protective buffer provided. A suitably qualified ecologist should then be contacted so that the hole can be investigated, and appropriate controls applied.

7 Enhancements for biodiversity

- 7.1 The scheme is a small-scale development which will provide limited opportunities for biodiversity enhancement. There will be opportunities to provide new tree and shrub planting which include species own known biodiversity value.
- 7.2 An integrated bird box can be installed on the new dwelling.

8 Conclusions

- 8.1 The site is within the urban centre of Hornchurch. The proposal seeks permission to construct a new dwelling within part of an existing domestic garden. The garden has had little management in recent years and so the numerous small trees and shrubs many of which are ornamental varieties, have become dominant.
- 8.2 The existing dwelling would be retained; however the garage and three small garden buildings would require removal. All were fully surveyed and no evidence of use was recorded. They are assessed as having negligible potential for supporting roosting bats.
- 8.3 The lack of other habitat features and disconnection to other good quality habitat means the site is considered to have negligible potential for supporting protected species. although the trees and shrubs are suitable for nesting birds. The treed embankment could have potential to contain badgers, therefore it would be necessary to adopted a precautionary approach during construction to avoid adverse effects on badgers and other mammals that could traverse the site.
- 8.4 It is considered that the scheme would not have any adverse ecological effects so long as the mitigation measures and good practice guidance set out in Section 6 is followed. There are some limited opportunities to achieve biodiversity enhancements proportionate to the scale of the scheme through new planting and a new integrated bird box within the new dwelling.

Site Photographs

Photo 1 – Open area of rear garden.



Photo 2 –Garden were with garden building 1



Photo 3 – Rear of garage with window and glazed door



Photo 4 – Interior of garage



Photo 5 – Garden building 2



Photo 6 – Garden building 3



Photo 7 – Most of garden dominated by overgrown shrubs and small trees



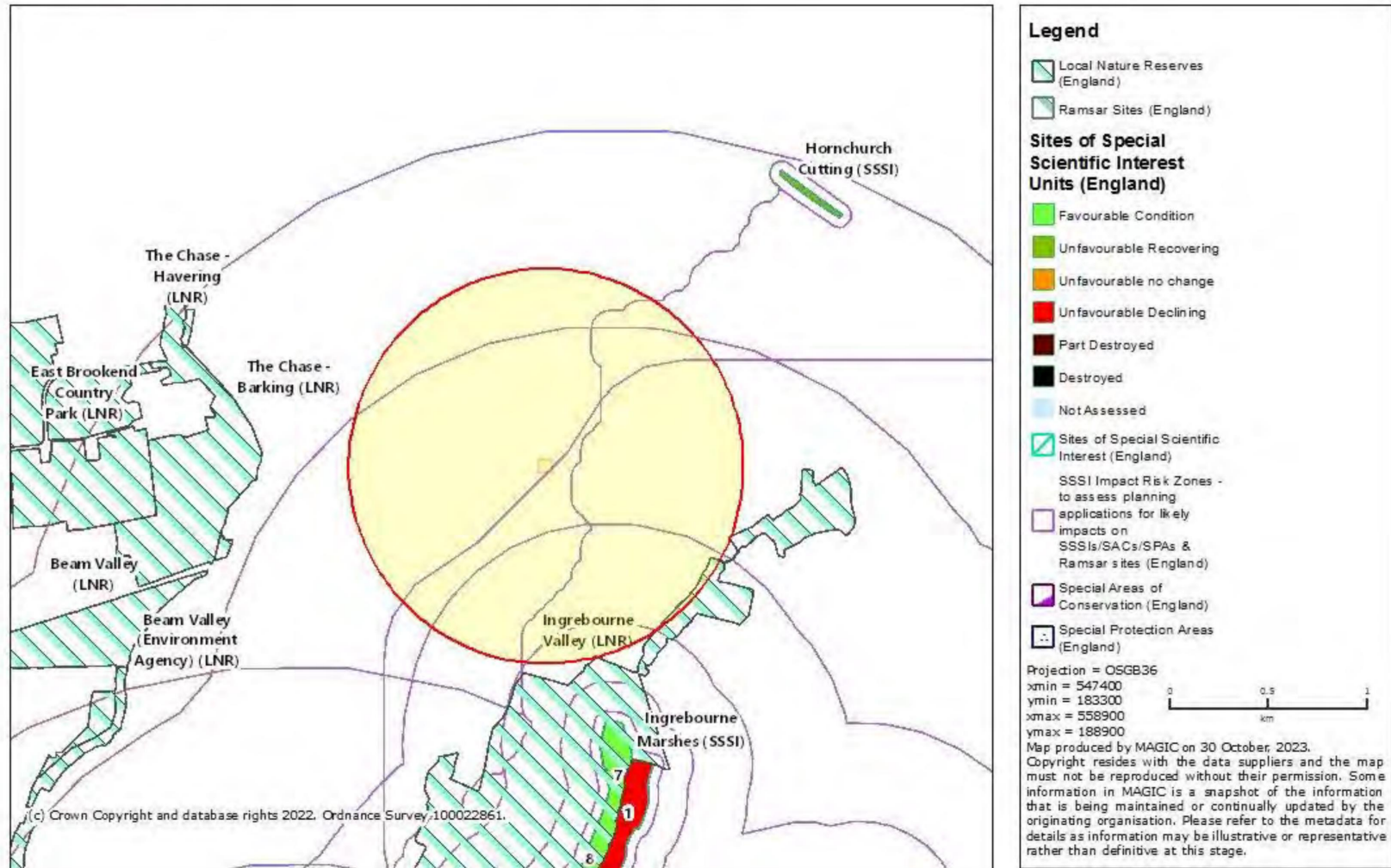
Photo 8 – Most of garden dominated by overgrown shrubs and small trees



Appendix 1 - Designated sites within 1km of the site

MAGiC

Magic Map



Appendix 2 – Priority habitats and protected species licences within 1km of the site

MAGiC

Magic Map

