

# 2021

Best Court, 119 East Road, Stratford E15 3QS

## Biodiversity and Protected Species Report



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**Best Court, 119, East Road, Stratford  
E15 3QS**

**Biodiversity and Protected Species  
Report**

**Final Report for Thomas-McBrien  
Architects**

**Ref No.: Thomas-McBrien Architects  
\_260721\_Best Court, 119, East Road,  
Stratford E15 3QS**

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# **1. INTRODUCTION**

## **1.1 BACKGROUND**

TSA Ecology was commissioned by Thomas-McBrien Architects to carry out a biodiversity assessment of the plot of land known as Best Court, 119, East Road, Stratford E15 3QS to assess the habitats present and the site's potential to support legally protected and / or notable species.

The purpose of the survey work is to help inform the planning application for the redevelopment of the site to deliver eight three-bedroomed houses. It provides baseline ecological information for the site and assesses the potential for protected species to be impacted. The assessment highlights any potential ecological constraints associated with the proposed development.

## **1.2 SCOPE OF REPORT**

This report is based on an internet search, an extended field survey using standard Phase 1 habitat survey methodology (JNCC, 2010), and a protected species assessment. This approach is designed to identify broad habitat types at a site, to identify the potential of habitats to support protected species, and to assist in providing an overview of the ecological interest at a site. It is the most widely used and professionally recognised method for biodiversity assessment.

### **1.3 SITE CONTEXT AND STATUS**

The land on the north side of Best Court, 119, East Road, Stratford E15 3QS is centred on OS National Grid Reference TQ 4015 8371.

The area proposed for development comprises a two-storeyed residential building with additional residential accommodation in the roof. The building was constructed in c. 2005. There is an area of yard / hardstanding to the rear of the properties, and a car park / area of hardstanding to the front of the properties.

The site is located within the residential / urban area of Stratford, east London, between Plaistow and West Ham underground stations, off the residential East Road. The surrounding landuse is comprised of terraced residential properties on East Road to the west, along with rear gardens of said properties to the west, with residential properties (mainly terraced properties) to the north and south. Immediately to the east lie a number of light commercial business premises.

The nearest area of significant open habitat is West Ham Park c. 220 m to the north.



**Figure 1: Site Location Plan, 119 East Road, Stratford, London E15 3QS**

## **2. METHODOLOGY**

### **2.1 PROTECTED SITES**

An internet search was undertaken for statutorily protected sites (<https://magic.defra.gov.uk>) and for non-statutorily protected sites (<https://www.data.gov.uk>).

### **2.2 PHASE 1 HABITAT SURVEY**

A walkover survey of the site was carried out on the 5<sup>th</sup> July 2021. Habitats were described following standard Phase 1 Habitat survey methodology of the Joint Nature Conservation Committee (JNCC, 2010). Phase 1 Habitat Survey is a standard technique for classifying UK habitats. The aim is to provide a record of the habitats present on site. During the survey, the presence, or potential presence, of legally protected species was noted.

Whilst every effort is made to notify the client of any plant species listed on Schedule 5 of the Wildlife and Countryside Act (1981, as amended) present on site, it should be noted that this is not a specific survey for these species.

The survey was conducted by Tony Stones, BSc, MSc who is an experienced ecologist competent in carrying out Phase 1 Habitat Surveys and holds full membership of CIEEM (Chartered Institute of Ecology and Environmental Management) and is a Chartered Environmentalist (CEnv).

### **2.3 FAUNA – PROTECTED SPECIES**

During the Phase 1 Habitat survey, the site was assessed for its potential to support the following legally protected and / or notable species:

- Hedgehog;
- Amphibians including great crested newt;

- Bats;
- Reptiles;
- Birds;
- Plants; and
- Notable invertebrates.



## **3. PLANNING POLICY**

### **3.1 NATIONAL PLANNING POLICY**

The most recent National Planning Policy Framework (NPPF) was introduced in February 2019, and supersedes the 2012 NPPF. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Section 15 'Conserving and Enhancing the Natural Environment' includes the following text of relevance to this application:

'opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'

### **3.2 LOCAL PLANNING POLICY**

#### **THE LONDON PLAN**

The London Plan is the Spatial Development Strategy produced by the Mayor of London setting the strategic plan for development in London over the next 20-25 years. It sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London. London boroughs' local plans need to be in general conformity with the London Plan, and its policies guide decisions on planning applications by councils and the Mayor.

The London Plan includes an important policy (7.19) Biodiversity and Access to Nature, which links to policies and proposals on approaches to strategic planning in the Mayor's Biodiversity Strategy.

Policy 7.19 contains the following statement;

*The Mayor's Biodiversity Strategy sets out criteria and procedures for identifying land of importance for London's biodiversity for protection in LDFs and identifying areas of*

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*deficiency in access to nature. Protecting the sites at all levels, serves to protect the significant areas of Biodiversity Action Plan (BAP) priority habitat in London and most priority species. However, protection of biodiversity outside designated sites will also be needed. The Mayor and the London Biodiversity Partnership have identified targets in Table 7.3 for the re-creation and restoration of priority habitats, as recommended in PPS 9: Biodiversity and Geological Conservation.*

This policy is employed by the Mayor of London when considering those larger planning applications referred to him for direction under the *Town and Country Planning (Mayor of London) Order 2000*. Also, the London Unitary Development Plans and, increasingly with time, the new Local Development Frameworks of the London Boroughs have to be in general conformity with the London Plan. It is through these local policies that most protection of priority species will occur. The planning protection for priority species should be equivalent to that applying to statutory protected species, although of course development planning can only provide protection from planning-related activities.

The London Biodiversity Partnership (LBP) published its original Audit of habitats and species in 2000. This lists all habitats of interest in London, as these relate to the UK BAP. The Audit also lists some 300 species of conservation interest occurring in London. All of these could not practically be considered as priorities for conservation action in the London BAP. Importantly, the LBP has adopted a practical approach to species conservation, whereby action for species should be considered and incorporated within the action proposed for their relevant habitats whenever possible. Species Action Plans have been produced only for prioritised species that are not so conveniently habitat-specific.

## **NEWHAM LOCAL PLAN**

The site lies within the London Borough of Newham. Newham Local Plan 2018 contains the following policy relevant to this application pertaining to biodiversity – SC4 Biodiversity.

**Proposals that address the following strategic principles, spatial strategy and design and technical criteria will be supported:**

**1. Strategic Principles:**

- a. Biodiversity, including aquatic and riparian habitats, will be protected and enhanced, with all development contributing to the achievement of net gain, and where compatible, improvements to access to nature;
- b. Permitting development only where it can be demonstrated that significant adverse impact on protected species and habitats is avoided; and
- c. Water quality will be protected and enhanced, with development contributing to achievement of River Basin Management Plan objectives wherever relevant.

**2. Spatial Strategy:**

- a. Trees subject to TPOs, European Sites (notably Epping Forest SAC), and Sites of Importance for Nature Conservation (SINC) (see INF6 and Appendix 3) will be specifically protected, having regard both to direct and indirect impact pathways; and
- b. As per INF6, habitat connectivity and access to nature will be promoted through the extension of the green grid.

**3. Design and technical criteria:**

- a. Where any disturbance to or removal of trees is required, replacement will be expected;
- b. Any development that creates one or more residential unit or pertains to 500 sq. m or more GIA of any non-residential use should be accompanied by a Biodiversity Statement that:
  - i. Demonstrates the opportunity to enhance biodiversity has been maximised, including through the provision of soft landscaping and the management of non-native invasive species on the site;
  - ii. Demonstrates how the development protects connectivity between habitats and avoids (or mitigates) impacts upon existing trees, hedging, soft landscaping, and other biodiversity features;
  - iii. Sets out technical detail in relation to the efficacy of green roofs, specifically depth and variation of substrate;

- iv. Addresses potential need for a Water Framework Directive compliance assessment and relevant management of direct or indirect impacts on the ecological and chemical value of a waterbody;
- v. Incorporates, where required, a Habitats Regulations Assessment (in accordance with the Strategic Site allocation or policies INF7 or SC5) which considers direct and indirect impact pathways and in-combination and cumulative effects on the Epping Forest SAC;
- vi. In the case of Major developments, uses recognised biodiversity accounting technologies to demonstrate how biodiversity net gain is delivered; and
- vii. Set outs proposals for off-site mitigation via payments in lieu to a relevant provider where either net gain is impossible to achieve on site due to conflicts with the safe operation of transport and utilities infrastructure, or off site impacts on European sites are likely.

## 4. RESULTS

### 4.1 PROTECTED SITES

#### Statutorily Protected Sites

The closest statutorily protected site to the proposed development site is Tower Hamlets Cemetery Park Local Nature Reserve, which lies c. 2650 m SW of the proposed development site. Part of Epping Forest SSSI lies c. 3150 m to the north of the proposed development site.

#### Non-statutorily Protected Sites

The Newham Local Plan (Newham Borough Council 2018) identifies 463 areas of protected green space within the borough, many of which are not statutorily or non-statutorily designated sites. These include allotments, amenity land, parks, railway land, public open spaces etc. There are a number of SINC's (Sites of Importance for Nature Conservation) that fall within the E15 postcode area – none of these abut the proposed development site.

### 4.2 PHASE 1 HABITAT SURVEY

Table 1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (°C)	20
Cloud (%)	79
Wind	9 km/h SW, gusting to 50 km/h
Precipitation / Weather Description	Dry, sunny and humid. Calm during site visit.

**Table 1: Weather Conditions During Field Survey**

#### Survey Constraints and Limitations

July is within the optimal time for undertaking Phase 1 Habitat assessments, as flowering plants are typically in flower between March – September inclusive.

## Habitats

The following habitat types were recorded on site during the field survey:

- Buildings and Hardstanding.

### Buildings and Hardstanding

The site was accessed via a tarmac driveway between terraced houses on East Road (Photos 1 and 2).



**Photo 1: Driveway access from East Road**



**Photo 2: Continuation of driveway into car park**

This led onto a tarmacked car park in front of the block of flats (Photos 3 and 4).



**Photo 3: Car parking area at front of flats**





**Photo 4: Car parking area**

The flats themselves comprised a two-storeyed residential building with additional residential accommodation in the roof, dating from c. 2005. There was no roof void with a tiled, angled flat roof on the building. There were no holes within brickwork nor gaps under the flashing which may potentially permit bats or nesting birds to enter (Photos 5-7).



**Photo 5: Front entrance to flats**





**Photo 6: Rear view of flats**



**Photo 7: Roof tiles showing the lack of a void (roof space) and well-sealed lead flashing**

To the rear of the flats was an enclosed concrete courtyard with no vegetation to speak of, other than a number of common ruderal plant species (Photos 8 and 9).



**Photo 8: Concrete paved rear garden to premises**



**Photo 9: Concrete paved rear garden to premises**

#### **4.3 FAUNA**

During the survey, no evidence of any mammals or amphibians was located on site.

## **Birds**

The following bird species was recorded adjacent to the site during the site survey: house sparrow. This is a UK Red List species of Conservation Concern, and a London and Newham Biodiversity Action Plan species. Birds were heard calling from the rear gardens of the terraced houses adjacent to the site.

## **4.4 INVASIVE PLANT SPECIES**

No invasive plant species were identified on site.

## **5. DISCUSSION AND CONCLUSIONS**

### **5.1 PROTECTED SITES**

From DEFRA Magic Maps ([www.magic.defra.gov.uk](http://www.magic.defra.gov.uk)), the site does not appear to form part of any statutory or non-statutory designated nature conservation sites. The closest legally protected site to the proposed development site is Tower Hamlets Cemetery Local Nature Reserve which lies c. 2650 m to the south west, at its closest point. It is not considered that the proposed scheme will result in any impacts upon statutory or non-statutory protected sites.

### **5.3 HABITATS**

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local BAP. It also takes into account the intrinsic value of the habitat.

None of the habitats recorded during the Phase 1 Habitat Survey are included as a Priority Habitat (Habitats of Principal Importance for Biodiversity under Section 41 of the NERC Act 2006). It is not considered that the proposed scheme will result in any impacts upon Habitats of Habitats of Principal Importance in England and on the Local BAP.

### **5.4 LEGALLY PROTECTED/NOTABLE SPECIES**

The following paragraphs consider the likely presence / absence of legally protected / notable species on site. This is based on observations and by using professional judgement as to the likelihood of these species occurring on site.

#### **Amphibians**

There are no water bodies on or adjacent to the site, and the site offers limited suitable terrestrial habitat, and is not connected to suitable habitat locally, being isolated by the extensive road network. Thus, it is not considered likely that the site supports amphibians.

## **Bats**

The building on site is not considered to afford roosting potential for bats, as the building lacked a roof void, and was well-sealed with no obvious ingress / egress points.

There was no habitat on site which might support foraging bats, although the presence of vegetated rear gardens associated with the adjacent terraced houses might afford foraging and commuting potential for bats.

## **Invertebrates**

No notable invertebrate species were recorded on site during the Phase 1 Habitat survey, and there was no suitable invertebrate habitat present on site.

## **Nesting Birds**

The site offers limited suitable nesting habitat for breeding birds, as the onsite building is well sealed, with no obvious features to provide nesting opportunities. It is likely that house sparrows nest in the adjacent terraced housing and make use of the gardens for foraging.

## **Plants**

No notable plant species were recorded on site during the field survey. Notable plant species are not considered to be a constraint to development.

## **Reptiles**

No evidence of reptiles was observed at the site, and the area of habitat is considered to be too isolated from other local reptile populations to support reptiles onsite.

## **Terrestrial mammals**

No evidence of terrestrial mammals was recorded from the site, but the garden habitats on / adjacent to the site appear potentially suitable for hedgehog. Hedgehogs have declined significantly, particularly in London and the south-east. There are two recent (2016 – 2018) records from Plaistow (both from the south), the closest being off Meredith Avenue, c. 1100 m to the south of the proposed development site (<https://www.wildlondon.org.uk/campaign/record-your-sightings/hedgehog>). Any

development work would need to ensure that the species is not harmed. Although not fully legally protected, as a Section 41 species under the NERC Act (2006), hedgehogs are a material consideration under planning.

### Other Species

The following protected species are not considered to be material considerations due to the absence of suitable habitats within the development site and its surroundings: brown hare, dormouse, water vole and otter.

### Summary

Species provisionally considered to be of relevance are summarised in Table 3.

**Table 3: Summary of Potential Impacts on Notable Species**

Species / Species Group	Species of Principal Importance ?	Summary of Potential Impacts Group
Bats	#	Creation of potential commuting, foraging and roosting habitat; Disturbance through increased Lighting ?
Nesting Birds	#	Direct harm/injury; Potential loss of habitat
Hedgehog	Yes	Direct harm/injury
<b>Key</b> #: Dependent on species		

## 5.5 INVASIVE PLANT SPECIES

No invasive plant species were identified from the site.

## 6. RECOMMENDATIONS

All recommendations provided in this section are based on TSA Ecology's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

The ecological mitigation hierarchy should be applied when considering development which may have a significant effect on biodiversity. The ecological mitigation hierarchy, as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG) should follow these principles:

- **Avoidance** – development should be designed to avoid significant harm to valuable wildlife habitats and species.
- **Mitigation** – where significant harm cannot be wholly or partially avoided, it should be minimised by design or through the use of effective mitigation measures.
- **Compensation** – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, compensation should be used to provide an equivalent value of biodiversity.

### 7.1 NATURE CONSERVATION SITES

It is not considered that the scheme proposals will impact upon nature conservation sites.

### 7.2 HABITATS

The following recommendations are made regarding the habitats present on site:

**R1 Habitat Loss and Enhancement:** In accordance with the provision of Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural



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Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into any proposed works to maximise the ecological value of the site.

**R2 Trees:** Any trees adjacent to the site, which are to be retained as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations". Protection should be installed on site prior to the commencement of any works on site.

**R3 Roosting/Foraging/Commuting Bats:** It is not considered that the building on the site affords potential roosting opportunities for bats. The site (in conjunction with adjacent gardens) has the potential to support foraging and commuting bats. Enhancement measures for bats could include the provision of bat boxes, and /or purpose-built bat access points into the new buildings included within the approved plans.

Additionally, any illumination of the boundary garden features resulting from the new development should be minimised as far as possible, as this may potentially impact on bat foraging / commuting areas.

### **7.3 PROTECTED / NOTABLE SPECIES**

To ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

**R4 Nesting Birds:** Any vegetation clearance on / adjacent to the proposed development site should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any vegetation to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest in which no disturbance is permitted until the nest is no longer in use.



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**R5 Terrestrial Mammals including Fox and Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.

## 7.4 ECOLOGICAL ENHANCEMENTS

**R6** The development proposals would provide opportunities for the enhancement of the site's biodiversity value. The following proposals are included within the Landscape Design Proposal for the site (drawing ref '2002\_EST\_P-114\_PR Landscape + Lighting Plan\_P1', prepared by Thomas-McBrien Architects):

- The proposals include 40sqm of sedum roofing on top of the bin stores; and
- The proposals include for planting beds at the front of each house (to include native species such as woundwort, as well as fern-leaf yarrow, rosemary, red virginia creeper, cherry blossom tree and the sedge *Carex testacea*) – see drawing ref '2002\_EST\_P-114\_PR Landscape + Lighting Plan\_P1'). Native seed mix of local provenance is recommended to be used within the planting design to attract invertebrates including bees and butterflies.

## 7. REFERENCES

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## **Appendix A:**

### **Plant Species List**

**Plant Species List for 119, East Road, Stratford, London E15 3QS compiled from the Phase 1 Habitat Survey carried out on the 15<sup>th</sup> July 2021.**

Scientific nomenclature follows Stace (2019) for vascular plant species. Vascular plant common names follow the Botanical Society of the British Isles 2003 list, published on its web site, [www.bsbi.org.uk](http://www.bsbi.org.uk). Please note that this plant species list was generated as part of a Phase 1 habitat survey, does not constitute a full botanical survey and should be read in conjunction with the associated Phase 1 Report.

**Abundance was estimated using the DAFOR scale as follows:**

D = dominant, A = abundant, F = frequent, O = occasional, R = rare, LD =locally dominant  
 e=edge only, p=planted, s=seedling or sucker, t=tree, y = young tree, s = shrub.

Latin Name	Common name	Abundance
<i>Agrostis stolonifera</i>	Creeping bent	O
<i>Cardamine sp.</i>	Bitter-cress sp.	O
<i>Centranthus ruber</i>	Red valerian	O
<i>Chamerion angustifolium</i>	Rosebay willowherb	O
<i>Cirsium arvense</i>	Creeping thistle	O
<i>Euphorbia peplus</i>	Petty spurge	O
<i>Geranium robertianum</i>	Herb-robert	O
<i>Geum urbanum</i>	Herb Bennett	O
<i>Hypochaeris radicata</i>	Cat's-ear	R
<i>Oxalis stricta</i>	Common Yellow Wood-sorrell	O
<i>Parietaria judaica</i>	Pellitory-of-the-Wall	O
<i>Plantago major</i>	Broad-leaved plantain	O
<i>Sagina sp.</i>	Pearlwort sp.	O
<i>Senecio squalidus</i>	Oxford ragwort	O
<i>Solidago sp.</i>	Goldenrod sp.	O
<i>Sonchus asper</i>	Prickly sow-thistle	O
<i>Sonchus oleraceus</i>	Smooth sow-thistle	O
<i>Stellaria media</i>	Common chickweed	O
<i>Sisymbrium officinale</i>	Hedge Mustard	O

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Latin Name	Common name	Abundance
<i>Taraxacum officinale</i> agg.	Dandelion	0