

July 2024

The Aylesham Centre, Peckham

Biodiversity Net Gain Report

Document reference: AC23



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BIODIVERSITY NET GAIN REPORT

Aylesham Centre, Peckham

Client Reference: Berkeley Homes (Capital) Plc

Assystem E&I Ltd. Reference: TRI035

Project Reference: AC23

Issue: B

Status: Final



Document Approval

Originator :	Reviewed by :	Approved by :
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Document Issue Record

Issue :	Date :	Reason for issue	Originator :	Checked by :	Approved by :
A	23/05/24	Draft for Comment	JB	TH	LC
B	14/06/24	Final	JB	LC	LC
C					
D					

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1. Executive Summary

Purpose	This report provides a Biodiversity Net Gain (BNG) assessment for the Aylesham Centre, Peckham demonstrating the delivery of a net gain for biodiversity through the development in line with national and local planning policies.
Introduction	The Site is located within Peckham town centre within the administrative boundary of the London Borough of Southwark ('LBS'). Rye Lane bounds the Site to the west, Hanover Park to the south and Mckerrell Road to the east. Peckham Bus Station, fronting onto Peckham High Street, bounds the Site to the north. The Proposed Development includes the demolition of existing buildings and phased redevelopment to provide a replacement supermarket and associated service yard and car parking (Use Class E(a)); flexible retail, leisure (including drinking establishment), and commercial accommodation (Use Class E/Sui Generis); dwellings (Use Class C3); landscaping; and associated works.
Key Findings	The development proposals are expected to deliver a significant net gain for area-based habitats when comparing the developed site against the pre-construction baseline. Retention of urban trees on the site where possible alongside the delivery of a range of semi-natural habitats on the site has resulted in a biodiversity net gain for the Proposed Development. Defra's Statutory Biodiversity Metric was utilised to calculate the delivery of net gain of biodiversity, with the current proposals delivering an increase of 111.02 % in habitat units and meeting the Trading Rules built into the metric.
Recommendations	Full BNG calculations using the metric approach cannot be fully completed until post-construction. This will then generate the BNG final calculations to determine if BNG has been achieved. The proposed works submitted with the planning application provide a good representation of the biodiversity net gain which is expected to be achieved by the Proposed Development. Landscaping details will be secured post consent and are therefore subject to change. Therefore, consideration should be given to the influence of changes to the landscaping to ensure continued delivery of a net gain for biodiversity. The delivery of a net gain is largely dependent on the successful implementation and maintenance of habitats, ensuring they are healthy and in line with the condition criteria targeted. The BNG legislation requires a 30-year legal agreement to create and maintain the habitats created, and therefore the developer, or any management company who subsequently takes on the management of the site, must allow for the management of the habitats for a period of at least 30 years.
Conclusion	The development proposals demonstrate that they meet national and local planning policy requirements to deliver a net gain and confirm that they comply with the statutory requirement, through the Environment Act 2021, to deliver a biodiversity net gain of 10% or more.

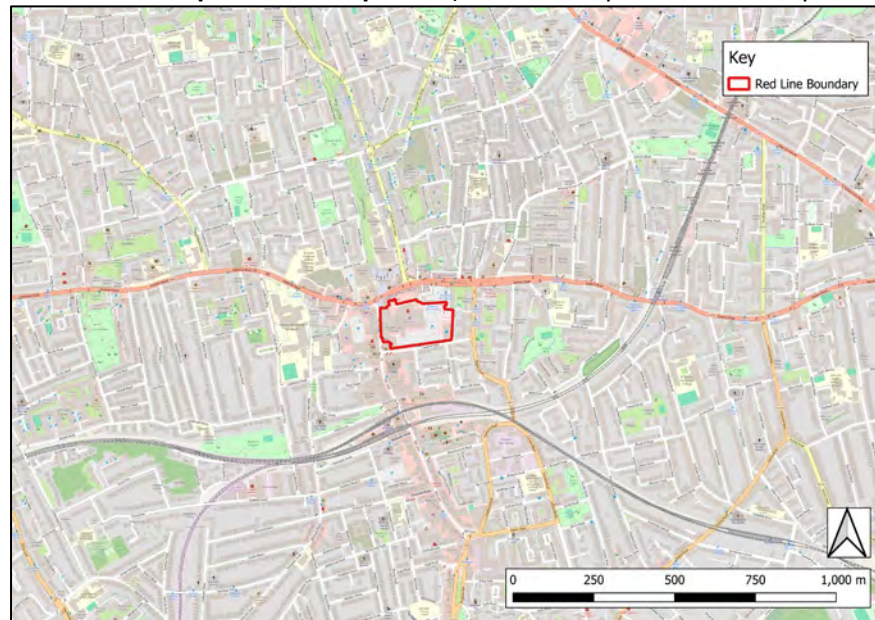
2. Introduction

- 2.1.1 This Biodiversity Net Gain (BNG) report has been prepared by Assystem to accompany an application for full planning permission being submitted by the Applicant, Berkeley Homes (Capital) Plc, to the London Borough of Southwark (LBS).

2.2 Background Information

- 2.2.1 The Proposed Development site is located at Aylesham Centre, Hanover Park, London, SE15 5EW ('the Site'), identified in Figure 1. The Site, of approximately 2.7 ha in size, is located within Peckham town centre within the administrative boundary of the LBS. Rye Lane bounds the Site to the west, Hanover Park to the south and Mckerrell Road to the east. Peckham Bus Station, fronting onto Peckham High Street, bounds the Site to the north.

Figure 1 Location of the Proposed Development (Contains map data from © OpenStreetMap)



- 2.2.2 The surrounding area is characterised by typical town centre uses, with a broad mix of convenience and comparison retailers; leisure and other commercial uses; and residential. Building heights within the surrounding area are mixed, ranging from three storeys along Rye Lane and Hanover Park to 20 storeys at the Clifton Estate. The existing buildings (on the Site) are not listed at either Statutory or Local level. The closest listed buildings are located at 58 Peckham High Street and Baptist Chapel, Rye Lane. Immediately north of the Site, is the former Jones and Higgins building and immediately to the south of the Site is 47-79 Rye Lane, both of which are locally listed. The western part of the Site (fronting onto Rye Lane) falls within the Rye Lane Peckham Conservation Area.
- 2.2.3 The wider surrounding area is undergoing a significant period of change, with a number of significant planning permissions approved in the last 10 years, including Peckham Place, 97 Peckham Road, Peckham Rye Station, Eagle Wharf and Sumner house and Flaxyard. In addition, a number of sites have been allocated for development within the Site's vicinity, including Blackpool Business Park and Copeland Industrial Estate.

- 2.2.4 The Proposed Development includes the demolition of existing buildings and phased redevelopment to provide a replacement supermarket and associated service yard and car parking (Use Class E(a)); flexible retail, leisure (including drinking establishment), and commercial accommodation (Use Class E/Sui Generis); dwellings (Use Class C3); landscaping; and associated works.

2.3 Purpose

- 2.3.1 The purpose of the BNG assessment is to identify the biodiversity enhancements incorporated within the Proposed Development and demonstrate how the proposed development delivers a net gain for biodiversity.

2.4 Biodiversity Net Gain

- 2.4.1 Biodiversity enhancement is inherent within the planning process, in accordance with the National Planning Policy Framework (NPPF)¹, proposals should seek to demonstrate biodiversity net gain (BNG). The NPPF states in Paragraph 186d that *'[...] opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'*.
- 2.4.2 The requirement to deliver a net gain for biodiversity cascades into local planning requirements. The London Plan² states *'development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process'*.
- 2.4.3 The Applicant have been committed to achieving a 10% biodiversity net gain for planning applications since 2017³.
- 2.4.4 Local planning policy, provided in the Southwark Plan⁴, identifies the requirement for enhancement of biodiversity in Policy P60, which states that:

'Development must contribute to net gains for biodiversity through:

1. *Enhancing the nature conservation value of Sites of Importance for Nature Conservation (SINCs), Local Nature Reserves (LNRs), designated ancient woodland, populations of protected species and priority habitats/species identified in the United Kingdom, London or identified and monitored in the latest adopted Southwark Nature Action Plan; and*
2. *Protecting and avoiding damage to SINCs, LNRs, populations of protected species and priority habitats/species; and*
3. *Including features such as green and brown roofs, green walls, soft landscaping, nest boxes, habitat restoration and expansion, improved green links and buffering of existing habitats.*

¹ Ministry of Housing, Communities and Local Government (2023) National Planning Policy Framework.

² City of London Corporation (2021) The London Plan. Spatial Development Strategy for Greater London. March 2021.

³ Berkley Group (2024) Nature <https://www.berkeleygroup.co.uk/our-vision/nature>

⁴ Southwark Council (2022) The Southwark Plan 2019 – 2036. Adopted 23 February 2022.

Any shortfall in net gains in biodiversity must be secured off site through planning obligations or as a financial contribution’.

2.4.5 LBS guidance⁵ on making a planning application recommends the following national requirements and local requirements are followed:

- The metric should be completed by a competent person with specialist knowledge of habitat types and conditions, such as an Ecologist, who can advise on the calculations;
- Developers must explain how a biodiversity net gain approach has been taken at the development site. This must be carried out in line with the ecological mitigation hierarchy of avoiding and minimising impacts first before BNG is applied; and
- Consider how BNG can be optimised at design stage.

2.4.6 Additional weight has been added to the requirement for biodiversity enhancement through the Environment Act 2021⁶, which places a requirement to achieve 10% biodiversity net gain as a condition of planning.

2.4.7 This BNG assessment will follow the 10 principles for BNG assessments as established by the Chartered Institute of Ecology and Environmental Management (CIEEM) and CIRIA joint publication⁷. The 10 best practice principles are as follows:

- **Principle 1:** Apply the Mitigation Hierarchy: Do everything possible to first avoid and then minimise impacts on biodiversity.
- **Principle 2:** Avoid losing biodiversity that cannot be offset by gains elsewhere: Avoid impacts on irreplaceable biodiversity - these impacts cannot be offset to achieve No Net Loss or Net Gain.
- **Principle 3:** Be inclusive and equitable: Engage stakeholders early, and involve them in designing, implementing, monitoring and evaluating the approach to Net Gain.
- **Principle 4:** Address risks: Mitigate difficulty, uncertainty and other risks to achieving Net Gain.
- **Principle 5:** Make a measurable Net Gain contribution: Achieve a measurable, overall gain for biodiversity and the services ecosystems provide while directly contributing towards nature conservation priorities.
- **Principle 6:** Achieve the best outcomes for biodiversity: Achieve the best outcomes for biodiversity by using robust, credible evidence and local knowledge to make clearly justified choices.
- **Principle 7:** Be additional: Achieve nature conservation outcomes that demonstrably exceed existing obligations.
- **Principle 8:** Create a Net Gain legacy: Ensure Net Gain generates long-term benefits.

⁵ Southwark Council (2024) Prepare a planning application

⁶ Environment Act 2021. His Majesty's Stationery Office (HMSO)

⁷ CIRIA (2019) Biodiversity net gain. Good practice principles for development. A practical guide. CIRIA Report C776a. CIRIA, London.

- **Principle 9:** Optimise sustainability: Prioritise BNG and, where possible, optimise the wider environmental benefits for a sustainable society and economy.
- **Principle 10:** Be transparent: Communicate all Net Gain activities in a transparent and timely manner, sharing the learning with all stakeholders.

2.5 Quality Assurance

- 2.5.1 All lead Assystem ecologists are members of (at the appropriate level) the Chartered Institute of Ecology and Environmental Management (CIEEM) and follow their code of professional conduct when undertaking ecological work.
- 2.5.2 All staff members are committed to establishing and maintaining our certification to the international standards BS EN ISO 9001:2015, 14001:2015 and 45001:2018.
- 2.5.3 Assystem are a CIEEM Registered Practice, and as such champion high professional standards whilst delivering the best outcomes for biodiversity and supporting a thriving economy.

3. Methodology

- 3.1.1 The Biodiversity Net Gain assessment has been completed using the Statutory Biodiversity Metric, an auditing and accounting tool for biodiversity. The assessment has been completed using the Statutory Biodiversity Metric calculator⁸, in line with the accompanying User Guide⁹ and information contained within the Technical Annexes.
- 3.1.2 The value of the pre-development site has been established based on the findings of the baseline habitat survey, reported in the Ecological Appraisal (Reference: TRI035 Aylesham Centre Updated PEA Rev001), whilst the post-development habitats have been identified based on the proposed landscape drawings for the ground floor Drawing P21673-00-001-GIL-0100) and Upper Levels (P21673-00-001-GIL-0110). The baseline habitat map is included in Appendix A and the Urban Greening Factor (UGF) is included within Appendix B.
- 3.1.3 Informed by the above, the habitat type, area (ha) and condition score are entered into the metric for each parcel of habitat present within the Proposed Development site. The habitat condition scores for the baseline have been established in the field survey, whereas for the post-development habitats the condition has been assessed using professional judgement to determine an appropriate condition.
- 3.1.4 The area of all existing and proposed trees within the calculation has been calculated using the tree helper tool within the Statutory Metric.
- 3.1.5 A 'Strategic Significance' score is then assigned to each habitat parcel. The assessment of strategic significance is based on local planning policy in the first instance. For example, if the site is located within a designated wildlife corridor, within the local biodiversity action plan, National Character Area or Local Nature Recovery Strategy (LNRS) then it would be of 'High Strategic Significance'. Areas of 'Medium Strategic Significance' would be classified as areas not formally designated, but which could be important

⁸ GOV.UK (2024) The Statutory Biodiversity Metric – Calculation Tool. February 2024.

⁹ GOV.UK (2024) The Statutory Biodiversity Metric – User Guide. February 2024.

for protected species. 'Areas of Low Strategic Significance' are those which do not meet the above criteria. The criteria are identified in Table 1.

Table 1: Strategic Significance and Details

Category	Criteria
High Strategic Significance	Where there is a published LNRS, - the location of the habitat parcel has been mapped in the Local Habitat Map as an area where a potential measure has been proposed to help deliver the priorities of that LNRS; and, - the intervention is consistent with the potential measure proposed for that location. or Where there is no published LNRS and the habitat type is mapped and described as locally ecologically important within a specific location, within documents specified by the relevant planning authority. If your project delivers the mapped measure set out in the LNRS or alternative strategy (where the LNRS is not yet available) you should: - record strategic significance as low in the baseline; - record strategic significance as high in post-intervention sheets; - record which plan you have used in the user comments.
Medium Strategic Significance	This category cannot be applied where the LNRS is published, or where the habitat and location is included within other strategic documents specified by the relevant planning authority. Users should: - explain how the habitat type is ecologically within a specific location; - demonstrate the importance of that habitat in providing ecological linkage to other strategically significant locations; - use professional judgement.
Low Strategic Significance	Where the definitions for high and medium strategic significance are not met. Even if your project is within a plan area, if it does not deliver the specific actions outlines in these plans you should: - record strategic significance as low in the baseline; - record strategic significance as low in post-intervention sheets.

3.1.6 Based on the above information, the metric then calculates Biodiversity Units for each habitat parcel and a total number of Biodiversity Units for the proposed location for potential development.

3.2 Limitations and Constraints

3.2.1 Full BNG calculations using the metric approach cannot be fully completed until post-construction. This will then generate the BNG final calculations to determine if BNG has been achieved. The proposed works submitted with the planning application provide a good representation of the biodiversity net gain which is expected to be achieved by the Proposed Development.

3.2.2 Whilst the Statutory Biodiversity Metric uses a structured approach to calculating BNG, it does not represent a complete tool for assessing BNG, therefore professional judgement and other sources of guidance have been used where appropriate.

3.2.3 Despite the limitations described, there are deemed to be no significant limitations to this assessment.

4. Results

4.1 Baseline

4.1.1 The Preliminary Ecological Report (PEA) identified the baseline environment to be relatively typical of an urban environment, dominated by buildings and hardstanding, introduced shrub and scattered trees. Whilst the habitats in the PEA were identified following the Joint Nature Conservation Committee (JNCC) Phase 1 habitat survey methodology, these were translated within the Updated PEA into the UK Habitat Classification categories upon which the Statutory Biodiversity Metric is based. As a result, the habitats present within the baseline comprise the following:

- **Urban – Developed land; sealed surface:** areas of buildings and hardstanding are included under this category;
- **Urban – Introduced shrub:** areas of ornamental shrub planting around the car park have been included within this category; and
- **Urban – Urban tree:** the site supports a number of scattered urban trees both around the perimeter and across the car parking areas, which are all included within this category.

4.1.2 Of these habitats, a habitat condition assessment is only required for the urban trees. The habitat condition has been considered in line with the respective habitat condition sheets within the Technical Supplement document supporting the Statutory Biodiversity Metric. The condition has been considered as per the following, with the condition assessment sheets provided in Appendix B:

- **Urban – Urban tree:** the condition of all the trees on the Site baseline are identified to be poor, passing only one or two of the condition criteria. All trees passed Criterion B (tree canopy), as this is passed by default for individual trees; one of the trees (T43) was a native species and passed Criterion A (native species); and some of the trees provided ecological niches and passed Criterion E (ecological niches). However, no individual tree passed more than two condition criteria.

4.1.3 Table 2 below shows the size and condition of the existing trees on site.

Table 2: Size and condition of existing trees

Tree Size	Condition	Total Number of trees
Small (greater than 7.5cm and less than or equal to 30)	Poor	35
Medium (greater than 30cm and less than or equal to 60cm)	Poor	13
Total		48

4.1.4 Following on from the completion of the baseline assessment, eight small trees in poor condition were considered to hold a notable health and safety risk due to their condition following an inspection carried out by a tree surgeon. These trees have subsequently been removed, following attainment of permission from LBS and followed best practice dictating that the Authority is provided with five days written notice of the proposed works. There is a legal duty to plant a replacement tree under these circumstances.

- 4.1.5 As a result, these eight trees have been removed from the baseline habitats as their removal is not a result of the Proposed Development and eight of the proposed trees have been removed from the proposed landscaping scenario to reflect the mitigation requirement for these removed trees to avoid double counting of the replacement trees. This has a negligible impact on the overall biodiversity net gain score for the Proposed Development.
- 4.1.6 In respect to the strategic significance of the site, a LNRS covering the area has not yet been produced and therefore consideration is given to the context of the site and strategic documents produced. The Site is identified for redevelopment within the Southwark Plan (2022)¹⁰, NSP74: Aylesham Centre and Peckham Bus Station, however no specific requirements are identified within this in respect to landscaping and biodiversity enhancement.
- 4.1.7 The site is located within the South-East London Green Chain Plus Area Framework¹¹ of the All London Green Grid Supplementary Planning Guidance¹², which seeks to create “a well designed green infrastructure network of interlinked, multi-purpose open and green spaces” that “provide a richly varied landscape that will benefit both people and wildlife providing diverse uses to appeal to, and be accessible by, all”. The Area Framework identifies the opportunity to establish new green links in the Peckham area, providing linkage between Burgess Park, Peckham Rye Park and Common and Nunhead Cemetery and further afield into the Waterlink Way to the east and Crystal Palace and Great North Wood to the South. The Site is located within a notable location in the Peckham Green Links Strategy area, at the southern edge of the Surrey Canal Path which provides a notable linkage southwards from Burgess Park. The establishment of urban green infrastructure within the Site could help strengthen the linkage between this and the railway corridors to the south that link into Nunhead Cemetery and further afield to the east. As a result, enhancement of the site is considered to hold potential to contribute towards this strategic aim and, therefore, classification as an area of ‘medium strategic significance’ is appropriate.
- 4.1.8 The results of the baseline habitat assessment are identified in Table 3, with the baseline value for area-based habitats being 1.50 habitat units. As there are no hedgerows or watercourses within the development site, this is filtered out of the assessment. The full calculation is included in Appendix C.

¹⁰ Southwark Council (2022) *The Southwark Plan 2019 -2036*

¹¹ Greater London Authority (2012) *All green London Grid, South East London Green Chain Plus Area Framework (Green Grid Area 6)*.

¹² Greater London Authority (2012) *Green Infrastructure and Open Environments: The All London Green Grid. Supplementary Planning Guidance. March 2012*.

Table 3: Biodiversity Value of Baseline Habitats

Habitat Type	Area (ha)/ Length (m)	Distinctiveness	Condition	Strategic Significance	Suggested Action to Address Habitat Losses	Total Baseline Habitat Units
Area-Based Habitats						
Developed land; sealed surface	2.64	Very Low	N/A		Compensation not required	0.00
Introduced shrub	0.04	Low	N/A	Location ecologically desirable but not in local strategy	Same distinctiveness or better habitat required	0.09
Urban tree	0.32	Medium	Poor		Same broad habitat or a higher distinctiveness habitat required	1.42
Total						1.50

4.2 Development Implications

- 4.2.1 Application of the mitigation hierarchy is an important aspect of the delivery of biodiversity net gain, ensuring significant or important habitats can be retained and protected through construction and not using the methodology to enable the loss of high value habitats. Consideration has therefore been given to the development proposals and baseline habitats, however the majority of the habitats on site are of low ecological value.
- 4.2.2 Whilst the Proposed Development will require the removal of the majority of the existing urban trees within the development site, the proposals allow for retention of some of the trees outside of the redline boundary. These will require mitigation measures to be established to ensure protection through the construction phase, with the adoption of measures outlined in British Standard 5837¹³ recommended in line with guidance from an arboriculturist. This will be secured via the Demolition and Construction Environmental Management Plan (DCEMP).
- 4.2.3 The biodiversity value of the retained habitats is included in the Biodiversity Metric, based on the area of habitat retained. A total of 6 small trees (diameter at breast height of 30cm or less) will be retained within the redline boundary. The Statutory Biodiversity Metric condition sheets assessed the condition of these trees to be poor. The retained trees have a total area of 0.0244 ha which equates to a retained habitat value of 0.11 habitat units.

¹³ British Standards Institute (2012) British Standard 5837:2012 – Trees in Relation to Design, Demolition and Construction – Recommendations. BSI, London.

4.3 Enhancements

4.3.1 The following identifies the enhancements that have been incorporated into the building design to increase habitat opportunities and deliver a net gain for biodiversity. The habitats provided have been identified based on the landscaping proposals, using professional judgement and following a precautionary principle where relevant.

Green Roofs

4.3.2 Green roofs are one of the principal means of delivering green infrastructure within the urban environment, providing a range of ecosystem services alongside biodiversity enhancement that includes temperature regulation¹⁴, mitigation of the urban heat island effect¹⁵, protection of watersheds by intercepting runoff¹⁶ and the uptake of pollution from both rainwater¹⁷ and the air¹⁸.

4.3.3 Green roof habitat has been proposed to be integrated within the Proposed Development, with two main types identified within the landscape proposals which comprise the following:

- **Biodiversity roof, identified in dark green in Figure 2:** the landscape strategy identifies that a mix of brown and green roofs will be incorporated across the Site, these are likely to comprise both sedum and biodiverse habitats depending on the requirements for each roof and associated structural loading implications. However, for the assessment of the current proposals a precautionary approach has been taken and the habitat type has been classified as 'other green roof';
- **Intensive green roof, identified in purple in Figure 2:** the landscape proposals include a series of planting areas that will incorporate perennial and shrub planting across the communal roofs that will provide biodiversity and amenity value. The roof areas, incorporating areas of lawn and hedgerow where relevant, do not qualify as intensive green roof habitat as the vegetated areas do not extend across 70% of the roof area. As a result, the habitat has been classified as 'other green roof'. Plant species identified in the Landscape Strategy for inclusion in the habitat include compact guelder rose (*Viburnum opulus* 'Compactus'), Japanese pittosporum (*Pittosporum tobira*), smoke tree (*Cotinus coggygia*), Turkish sage (*Phlomis russeliana*), catmint (*Calamintha nepeta*), salvia (*Salvia nemorosa*), wild tulip (*Tulipa sylvestris*), ornamental onion (*Allium* 'Summer Beauty') and autumn moor grass (*Sesleria autumnalis*);
- **Lawn, identified in light green in Figure 2:** the landscape proposals include the provision of an area of amenity lawn within the residential communal terrace on the eastern side of the site. The habitat does not qualify as intensive green roof alongside the other habitats at roof level, and as a result has been classified as 'other green roof' as it combines with other habitats to provide a green roof habitat;

¹⁴ Teemusk A. and Mander, Ü. (2010) Temperature regime of planted roofs compared to conventional roofing systems. *Ecol. Eng.* 36 pp 91-95.

¹⁵ Castleton, H. F., Stovin, V., Beck, S. B. M. and Davison, J. B. (2010) Green roofs: building energy savings and the potential for retrofit. *Energy. Buildings* 42, pp 1582-1591.

¹⁶ Mentens, J., Raes, D. and Hermy, M. (2006) Green roofs as a tool for solving the rainwater runoff problem in the urbanised 21st century? *Landscape Urban Plan.* 77, pp 217-226.

¹⁷ Czerniel Berndtsson, J. (2010) Green roof performance towards management of runoff water quantity and quality: a review. *Eco. Eng.* 36, pp 351-360.

¹⁸ Yang, J., Yu, Q. and Gong, P. (2008) Quantifying air pollution removal by green roofs in Chicago. *Atmos. Environ.* 42, pp 7266-7273.

- **Intensive green roof (hedgerow), identified in red in Figure 2:** the landscape proposals include the provision of hedgerow planting across the roof terraces to provide screening to private amenity areas, and is likely to comprise ornamental species. Given their location at roof level and the likely management of these for an amenity resource, they are likely to be more akin to introduced shrub and as a result are considered to be part of the green roof habitat, combined with the habitats above, and thus these have been included within the 'other green roof' habitat.

Figure 2 **Extent of Green Roof Habitat in the Proposed Development** (from Drawing P21673-00-001-GIL-0110 Rev P01)



Public Realm

4.3.4 The Proposed Development provides a good opportunity for the establishment of landscaping across the public realm to create areas of amenity. The Statutory Biodiversity Metric condition sheets assessed the condition of the proposed habitats. There are five main habitat types within the public realm, the extent of which are identified in Figures 3, which are discussed below and identify the condition identified for each:

- **Shrub and Perennial Planting, identified in purple in Figure 3** – the landscape strategy and proposals include a range of planters that will provide ornamental planting with a range of shrub and perennial plants included. These will provide three distinct areas, identified in the Strategy as Garden Walk; Peckham Yards; and Green Links. The habitat is classified as ground level planters, which does not require a condition to be identified. Species identified in the strategy include a variety of native species including the following:

- Aylesham Gardens: witch hazel (*Hamamelis x intermedia*), sweet box (*Sarcococca confuse*), guelder rose, cornelian cherry (*Cornus mas*), wood spurge (*Euphorbia amygdaloides*), lily turf (*Liriope muscari*), great masterwort (*Astrantia major*), day lily (*Heimerocallis 'Citrina'*), bluebell (*Hyacinthoides non-scripta*) and daffodil (*Narcissus sp.*);
- Raingarden: dogwood (*Cornus sanguinea*), sweetshrub (*Calycanthus 'Aphrodite'*), early stachyurus (*Stachyurus praecox*), Japanese bugbane (*Actaea japonica*), common sedge (*Carex remota*), red bistort (*Persicaria amplexicaulis*), flag iris (*Iris sibirica*), columbine (*Aquilegia vulgaris*) and daffodil;
- Garden walk: guelder rose, wayfaring tree (*Viburnum lantana*), witch hazel, male fern (*Dryopteris filix-mas*), barrenwort (*Epimedium grandiflorum*), lungwort (*Pulmonaria 'Ice Ballet'*), Solomon's seal (*Polygonatum biflorum*), wild tulip, wood anemone (*Anemone nemorosa*) and lily of the valley (*Convallaria majalis*);
- Woodland: oakleaved hydrangea (*Hydrangea quercifolia*), butcher's broom (*Ruscus aculeatus*), wayfaring tree, shuttlecock fern (*Matteuccia struthiopteris*), shield fern (*Polystichum setiferum*), nettle leaved bellflower (*Campanula trachelium*), bluebell, snowdrop (*Galanthus nivalis*), wild garlic (*Allium ursinum*) and lily of the valley.
- **Lawn, identified in light green in Figure 3** – the landscape proposals include an area of lawn within the 'Garden' area of the site, and it considered likely to be managed for amenity purposes. As a result, the habitat is considered to be best classified as 'modified grassland' habitat, and with regular maintenance likely to limit the species that could establish and subsequent diversity, the habitat is not considered likely to support a minimum of 6 species per m² and, therefore, is considered to be of poor condition;
- **Climbing Plants, identified in orange in Figure 3** – climbing plants are proposed for inclusion in the northern part of the Site, identified in the Landscape Strategy as 'Orchard'. Climbing plants will be ground-based, with trellis of some form affixed to the adjoining building façades on which the plants can establish, and therefore has been classified as 'ground-based green wall' habitat. The planting is likely to be of limited diversity in terms of species and structure, and therefore is not considered likely to achieve greater than poor condition;
- **Trees** – A total of 156 trees are proposed for planting across the public realm, although as previously discussed eight of these have been discounted as they will compensate for the trees removed for Health and Safety reasons. All proposed trees have been assumed to be planted as small trees, i.e. below 30 cm diameter at breast height at the time of planting. Tree species proposed in the Landscape Strategy include native and non-native species that are suitable for the context of the site and conditions, including tatar maple (*Acer tataricum*), zöschén maple (*Acer x zoeschense*), striped maple (*Acer pensylvanicum*), junberry (*Amelanchier lamarckii*), small-leaved lime (*Tilia cordata*), field maple (*Acer campestre*), cherry (*Prunus padus*) and Norway maple (*Acer platanoides*). In terms of condition, the majority of the trees will oversail vegetation and, as individual trees, would meet the canopy criteria by default. The trees will not, however, achieve criteria associated with maturity or, given the age at planting, containing ecological niches. The planted trees will be subject to a pruning regime therefore the trees will not pass the anthropogenic impacts criteria. Some trees will pass the native criteria and others will not. Therefore as a result, on a precautionary basis, the trees are all considered to be of poor condition.

Figure 3 **Extent of Public Realm Landscaping in the Proposed Development** (from Drawing P21673-00-001-GIL-0100 Rev P01)



Biodiversity Value of the Developed Site

4.3.5 Based on the landscaping proposals outlined above, the biodiversity value of the Proposed Development would deliver, on a conservative basis, a total of 3.66 habitat units. The breakdown of this for each habitat type is identified in Table 4. The full calculation is included in Appendix C.

Table 4: Proposed Development Habitat Value

Proposed Habitat	Area (ha)/ Length (m)	Distinctiveness	Condition	Strategic Significance	Delay in starting habitat creation	Time to Target Condition	Difficulty	Total Baseline Habitat Units
Area-Based Habitats								
Developed land; sealed surface	1.8519	Very Low	N/A		5	5	Low	0.00
Other green roof (Biodiverse roof area)	0.2922	Low	N/A		5	6	Low	0.52
Other green roof (Perennial/ Shrub area)	0.2906	Low	N/A	Location ecologically desirable but not in local strategy	5	6	Low	0.52
Urban tree	0.6026	Medium	Poor		5	15	Low	1.55
Ground-based green wall	0.0331	Low	Poor		5	6	Medium	0.04
Modified grassland	0.0232	Low	Poor		5	6	Low	0.04
Ground level planters	0.2221	Low	N/A		5	6	Low	0.39
Total	2.7131							3.06

4.4 Change in Biodiversity Value

- 4.4.1 Considering the retained baseline habitat units and enhancement proposals for the final developed site, the development will deliver a post development habitat value of 3.17 habitat units, comprising a net gain of 1.67 habitat units and 111.02 % increase in value respectively when compared to the baseline. The change in value is set out in Table 5.

Table 5: Proposed Development Habitat Value

Type	Baseline Habitat Value	Value of Habitat Lost	Value of Retained Habitat	Value of Habitat Created	Total Post- Development Habitat Value	Percentage Change
Area-Based Habitats	1.50	1.31	0.11	3.06	3.17	+111.02 %

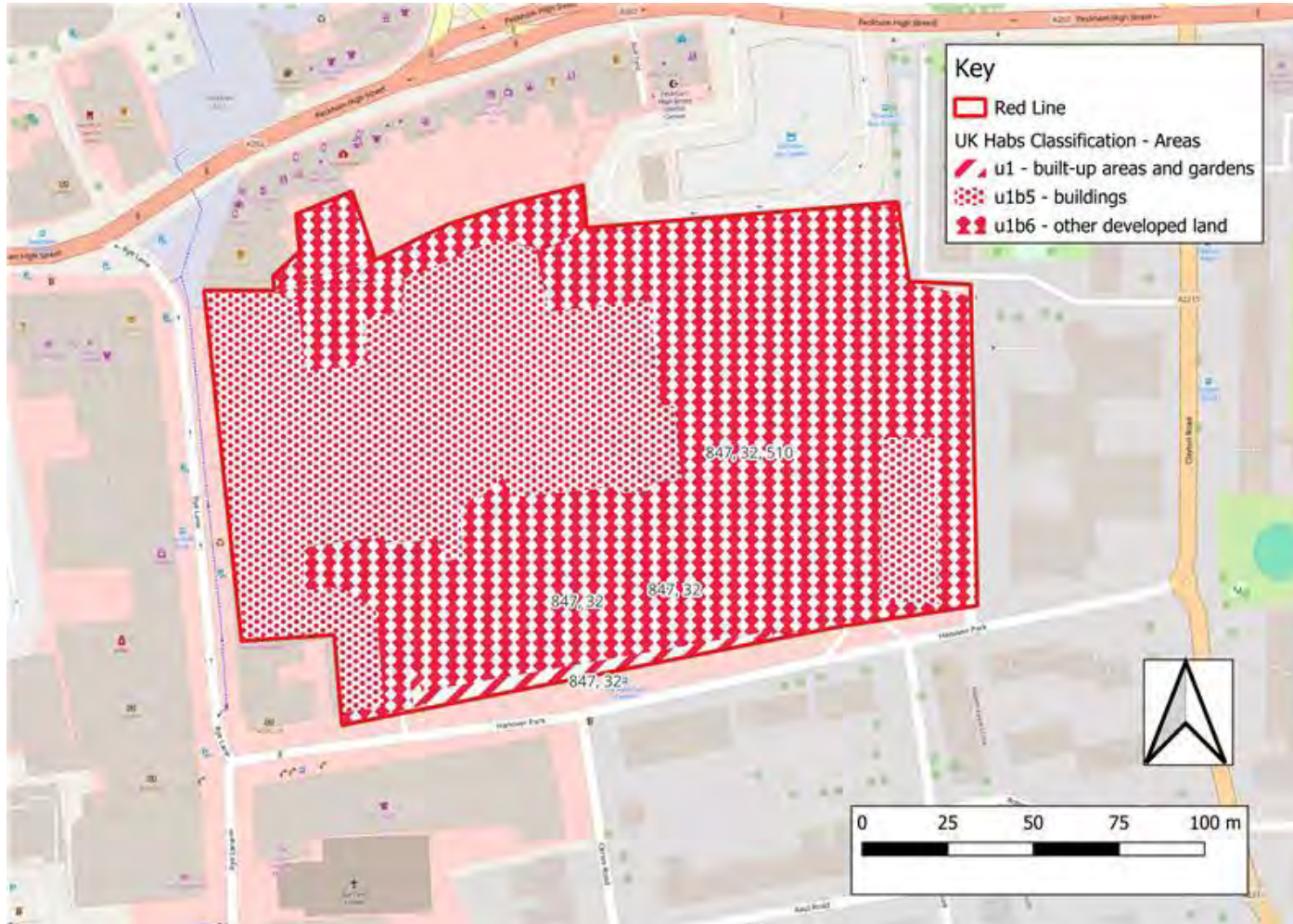
5. Conclusions

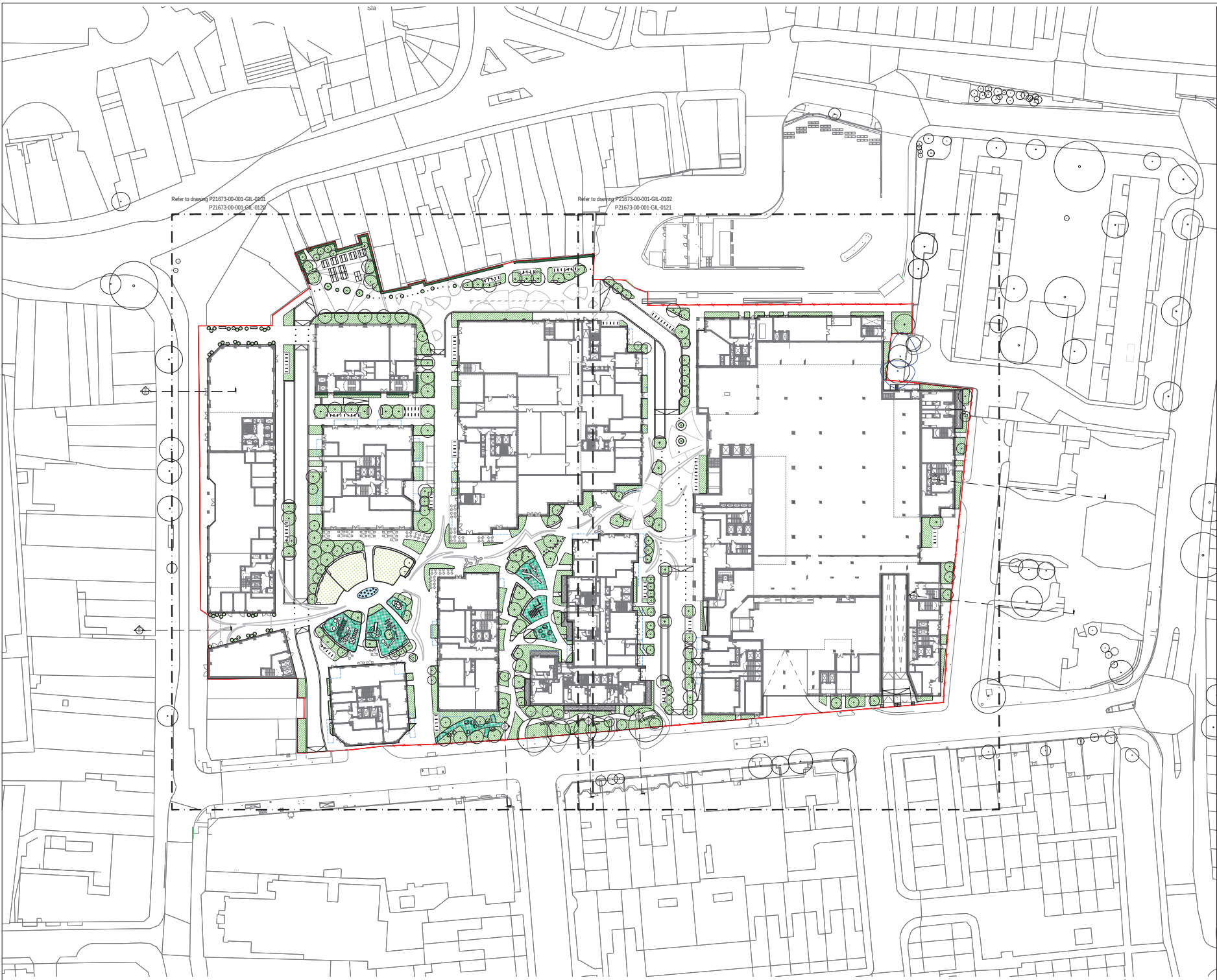
- 5.1.1 The Proposed Development will deliver a net gain for biodiversity, with an increase in habitat units of 111.02 % when compared to the baseline. The development proposals demonstrate that they can meet national and local planning policy requirements to deliver a net gain for biodiversity and exceed on the mandatory requirement to deliver a net gain of 10% through the Environment Act 2021.
- 5.1.2 Delivery of the habitats proposed should be completed at an appropriate time in the construction process, so as to not comprise a constraint to ongoing development and will require monitoring and maintenance through the construction phase.
- 5.1.3 Similarly, maintenance of habitats is required to ensure the habitats maximise their biodiversity potential through the operational phase of the development. To ensure the habitats are able to maximise these potential, and essential maintenance tasks are carried out, a long-term management plan should be adopted prior to completion that covers the habitats in the public realm and the green roofs associated with the Proposed Development.

6. Appendices / Annexes

Appendix A Pre- and Post-Construction Habitat Maps

Pre-Development Baseline Habitat (Contains map data from © OpenStreetMap)





rev	details	by	date
P01	For Planning	TC	05.06.2024

Legend	

Notes

1.0 Do not scale from drawing, use figured dimensions only
1.1 All dimensions to be checked onsite
1.2 This drawing to be read in conjunction with all other Gillespies drawings and specifications
1.3 Illustrative details of works to Hanover Park and McKenel Road (outside of the planning application site boundary) are shown within the Design and Access Statement
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AYLESHAM CENTRE

Ground Floor General Arrangement Plan

Drawing title

FOR PLANNING

Drawing number

P21673-00-001-GIL-0100

Scale

1:500 @ A1

Client

Berkeley Homes

Drawn

MH

Checked

NM

Revision

P01

Date

23.04.2024

Project title

AYLESHAM CENTRE

Ground Floor General Arrangement Plan

FOR PLANNING

Drawing number

P21673-00-001-GIL-0100

Scale

1:500 @ A1

Drawn

MH

Checked

NM

Revision

P01

Date

23.04.2024

Client

Berkeley Homes

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1, 20 Jermyn Street, London EC3N 4JA
0 203 120 1200 E: design.team@gillespies.co.uk



rev	details	by	date
P01	For Planning	TC	05.06.2024

Legend	
	Use fence and gate to private amenity elements
	Indicative prescription play elements
	Play response
	Indicative natural play elements
	Proposed tree
	Maintenance Green Roof (Perennial and Shrub Planting)
	Maintenance Green Roof (Bulb planting)
	Grass
	Seasonality Berbs

Notes

1.0 Do not scale from drawing, use figured dimensions only
1.1 All dimensions to be checked onsite
1.2 This drawing to be read in conjunction with all other Gillespies drawings and specifications
1.3 Illustrative details of works to Hanover Park and McKenrell Road (outside of the planning application site boundary) are shown within the Design and Access Statement

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AYLESHAM CENTRE

Upper Levels General Arrangement Plan

Project title

Drawing title

Drawing status	1:500 @ A1	Scale	Drawn
FOR PLANNING	23.04.2024	Date	MH
		Checked	MM
		Revision	

P21673-00-001-GIL-0110

P01

Client

Berkeley Homes

1000 17862

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Appendix B Habitat Condition Sheets

Condition Sheet: INDIVIDUAL TREES Habitat Type												
Habitat Types												
Individual trees – Urban trees Individual trees – Rural trees Complete a condition sheet for each tree or block of trees.												
<i>Please see the separate Line of trees condition sheet for a line of <u>rural</u> trees. You should only use the Line of trees condition assessment and record that habitat type in <u>rural</u> locations.</i>												
Habitat Description												
Individual trees (description applied to the urban or rural environment): Young trees over 7.5 cm in diameter at breast height whose canopies are not touching.												
Urban Perimeter / Linear Blocks and Groups (description applied to the urban environment only): Groups or stands of trees (size requirement as defined above) within and around the perimeter of urban land. This includes those along urban streets, highways, railways and canals, and also former field boundary trees incorporated into developments. Canopies should predominantly overlap continuously. Groups of urban trees that don't match the descriptions for woodland may be assessed within this category.												
On-site or off-site, site name and location		Survey date and Surveyor name										
		Survey reference (if relating to a wider survey)										
Limitations (if applicable)		Habitat parcel reference										
		T1	T2	T3	T4	T5	T6	T7	T8	T9	T10	
		Grid reference										
Condition Assessment Criteria												Notes (such as justification)
		Criterion passed (Yes or No)										
A	The tree is a native species (or at least 70% within the block are native species).	No	No	No	No	No	No	No	No	No	No	
B	The tree canopy is predominantly continuous, with gaps in canopy cover making up <10% of total area and no individual gap being >5 m wide (individual trees automatically pass this criterion).	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
C	The tree is mature (or more than 50% within the block are mature) ¹ .	No	No	No	No	No	No	No	No	No	No	
D	There is little or no evidence of an adverse impact on tree health by human activities (such as vandalism, herbicide or detrimental agricultural activity). And there is no current regular pruning regime, so the trees retain >75% of expected canopy for their age range and height.	No	No	No	No	No	No	No	No	No	No	
E	Natural ecological niches for vertebrates and invertebrates are present, such as presence of deadwood, cavities, ivy or loose bark.	No	No	No	No	No	No	No	No	No	No	
F	More than 20% of the tree canopy area is oversailing vegetation beneath.	No	No	No	No	No	No	No	No	No	No	
Number of criteria passed		1	1	1	1	1	1	1	1	1	1	
Condition Assessment Result (out of 6 criteria)	Condition Assessment Score	Score Achieved ×/√										
Passes 5 or 6 criteria	Good (3)											
Passes 3 or 4 criteria	Moderate (2)											
Passes 2 or fewer criteria	Poor (1)	1	1	1	1	1	1	1	1	1	1	
Note that 'Fairly Good and Fairly Poor' condition categories are not available for this broad habitat type.												
Suggested enhancement interventions to improve condition score ²												
Footnotes												
Footnote 1 - See gov.uk standing advice on ancient and veteran trees. Available from: Keepers of time: ancient and native woodland and trees policy in England (publishing.service.gov.uk) and: Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK (www.gov.uk)												
Footnote 2 - Enhancement of this habitat type is only possible by improving the habitat so that it meets all Criteria B, D and F. It is not possible or appropriate to enhance individual tree/s through meeting just one or two of those Criteria, nor by meeting Criteria A, C or E.												

Condition Sheet: INDIVIDUAL TREES Habitat Type												
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Individual trees – Urban trees												
Individual trees – Rural trees												
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On-site or off-site, site name and location		Survey date and Surveyor name										
		Survey reference (if relating to a wider survey)										
Limitations (if applicable)		Habitat parcel reference										
		T11	T12	T13	T14	T15	T16	T17	T18	T19	T20	
		Grid reference										
Condition Assessment Criteria												Notes (such as justification)
		Criterion passed (Yes or No)										
A	The tree is a native species (or at least 70% within the block are native species).	No	No	No	No	No	No	No	No	No	No	
B	The tree canopy is predominantly continuous, with gaps in canopy cover making up <10% of total area and no individual gap being >5 m wide (individual trees automatically pass this criterion).	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
C	The tree is mature (or more than 50% within the block are mature) ¹ .	No	No	No	No	No	No	No	No	No	No	
D	There is little or no evidence of an adverse impact on tree health by human activities (such as vandalism, herbicide or detrimental agricultural activity). And there is no current regular pruning regime, so the trees retain >75% of expected canopy for their age range and height.	No	No	No	No	No	No	No	No	No	No	
E	Natural ecological niches for vertebrates and invertebrates are present, such as presence of deadwood, cavities, ivy or loose bark.	No	No	No	No	No	No	No	No	No	No	
F	More than 20% of the tree canopy area is oversailing vegetation beneath.	No	No	No	No	No	No	No	No	No	No	
Number of criteria passed		1	1	1	1	1	1	1	1	1	1	
Condition Assessment Result (out of 6 criteria)	Condition Assessment Score	Score Achieved ×/✓										
Passes 5 or 6 criteria	Good (3)											
Passes 3 or 4 criteria	Moderate (2)											
Passes 2 or fewer criteria	Poor (1)	1	1	1	1	1	1	1	1	1	1	
Note that 'Fairly Good and Fairly Poor' condition categories are not available for this broad habitat type.												
Suggested enhancement interventions to improve condition score ²												
Footnotes												
Footnote 1 - See gov.uk standing advice on ancient and veteran trees. Available from: Keepers of time: ancient and native woodland and trees policy in England (publishing.service.gov.uk) and: Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK (www.gov.uk)												
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On-site or off-site, site name and location		Survey date and Surveyor name											
		Survey reference (if relating to a wider survey)											
Limitations (if applicable)		Habitat parcel reference											
		T21	T22	T23	T24	T25	T26	T27	T28	T29	T30		
		Grid reference											
Condition Assessment Criteria													
		Criterion passed (Yes or No)										Notes (such as justification)	
A	The tree is a native species (or at least 70% within the block are native species).	No	No	No	No	No	No	No	No	No	No		
B	The tree canopy is predominantly continuous, with gaps in canopy cover making up <10% of total area and no individual gap being >5 m wide (individual trees automatically pass this criterion).	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		
C	The tree is mature (or more than 50% within the block are mature) ¹ .	No	No	No	No	No	No	No	No	No	No		
D	There is little or no evidence of an adverse impact on tree health by human activities (such as vandalism, herbicide or detrimental agricultural activity). And there is no current regular pruning regime, so the trees retain >75% of expected canopy for their age range and height.	No	No	No	No	No	No	No	No	No	No		
E	Natural ecological niches for vertebrates and invertebrates are present, such as presence of deadwood, cavities, ivy or loose bark.	No	No	No	No	No	No	No	No	No	No		
F	More than 20% of the tree canopy area is oversailing vegetation beneath.	No	No	No	No	No	No	No	No	No	No		
Number of criteria passed													
Condition Assessment Result (out of 6 criteria)	Condition Assessment Score	Score Achieved ×/✓											
Passes 5 or 6 criteria	Good (3)												
Passes 3 or 4 criteria	Moderate (2)												
Passes 2 or fewer criteria	Poor (1)												
Note that 'Fairly Good and Fairly Poor' condition categories are not available for this broad habitat type.													
Suggested enhancement interventions to improve condition score ²													
Footnotes													
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On-site or off-site, site name and location		Survey date and Surveyor name											
		Survey reference (if relating to a wider survey)											
Limitations (if applicable)		Habitat parcel reference											
		T31	T32	T33	T34	T35	T36	T37	T38	T39	T40		
		Grid reference											
Condition Assessment Criteria												Notes (such as justification)	
		Criterion passed (Yes or No)											
A	The tree is a native species (or at least 70% within the block are native species).	No	No	No	No	No	No	No	No	No	No		
B	The tree canopy is predominantly continuous, with gaps in canopy cover making up <10% of total area and no individual gap being >5 m wide (individual trees automatically pass this criterion).	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		
C	The tree is mature (or more than 50% within the block are mature) ¹ .	No	No	No	No	No	No	No	No	No	No		
D	There is little or no evidence of an adverse impact on tree health by human activities (such as vandalism, herbicide or detrimental agricultural activity). And there is no current regular pruning regime, so the trees retain >75% of expected canopy for their age range and height.	No	No	No	No	No	No	No	No	No	No		
E	Natural ecological niches for vertebrates and invertebrates are present, such as presence of deadwood, cavities, ivy or loose bark.	No	No	No	No	No	No	No	No	No	No		
F	More than 20% of the tree canopy area is oversailing vegetation beneath.	No	No	No	No	No	No	No	No	No	No		
Number of criteria passed													
Condition Assessment Result (out of 6 criteria)	Condition Assessment Score	Score Achieved ×/✓											
Passes 5 or 6 criteria	Good (3)												
Passes 3 or 4 criteria	Moderate (2)												
Passes 2 or fewer criteria	Poor (1)												
Note that 'Fairly Good and Fairly Poor' condition categories are not available for this broad habitat type.													
Suggested enhancement interventions to improve condition score ²													
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On-site or off-site, site name and location		Survey date and Surveyor name											
		Survey reference (if relating to a wider survey)											
Limitations (if applicable)		Habitat parcel reference										Notes (such as justification)	
		T41	T42	T43	T44	T45	T46	T47	T48				
Grid reference													
Condition Assessment Criteria													
		Criterion passed (Yes or No)											
A	The tree is a native species (or at least 70% within the block are native species).	No	No	Yes	No	No	No	No	No	No	No		
B	The tree canopy is predominantly continuous, with gaps in canopy cover making up <10% of total area and no individual gap being >5 m wide (individual trees automatically pass this criterion).	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		
C	The tree is mature (or more than 50% within the block are mature) ¹ .	No	No	No	No	No	No	No	No	No	No		
D	There is little or no evidence of an adverse impact on tree health by human activities (such as vandalism, herbicide or detrimental agricultural activity). And there is no current regular pruning regime, so the trees retain >75% of expected canopy for their age range and height.	No	No	No	No	No	No	No	No	No	No		
E	Natural ecological niches for vertebrates and invertebrates are present, such as presence of deadwood, cavities, ivy or loose bark.	No	No	No	No	No	No	No	No	No	No		
F	More than 20% of the tree canopy area is oversailing vegetation beneath.	No	No	No	No	No	No	No	No	No	No		
Number of criteria passed													
Condition Assessment Result (out of 6 criteria)	Condition Assessment Score	Score Achieved ×/✓											
Passes 5 or 6 criteria	Good (3)												
Passes 3 or 4 criteria	Moderate (2)												
Passes 2 or fewer criteria	Poor (1)												
Note that 'Fairly Good and Fairly Poor' condition categories are not available for this broad habitat type.													
Suggested enhancement interventions to improve condition score ²													
Footnotes													
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Appendix C Defra Metric Calculation

Area habitat summary	
Total Net Unit Change	1.67
Total Net % Change	111.02%
Trading Rules Satisfied	Yes ✓

Ecological baseline							Bespoke compensation agreed for losses of VHDH or irreplaceable habitat	Comments		
Total habitat units	Area retained	Area enhanced	Baseline units retained	Baseline units enhanced	Area habitat lost	Units lost		User comments	Planning authority comments	Habitat reference number
0.00	0	0	0.00	0.00	2.64	0.00				
0.09	0	0	0.00	0.00	0.04	0.09				
1.42	0.0244	0	0.11	0.00	0.30	1.31				
1.50	0.02	0.00	0.11	0.00	2.98	1.40				
Total area lost (excluding area of individual trees, green walls and intertidal hard structures)					2.88					

[Main Menu](#)

	Post intervention											
Ref	Broad Habitat	Proposed habitat	Area (hectares)	Distinctiveness		Condition		Strategic significance			Standard time to target condition (years)	Habitat created in advance (years)
				Distinctiveness	Score	Condition	Score	Strategic significance	Strategic significance	Strategic significance multiplier		
1	Individual trees	Urban tree	0.6026	Medium	4	Poor	1	Location ecologically desirable but not in local strategy	Medium strategic significance	1.1	10	0
2	Urban	Developed land; sealed surface	1.8519	V.Low	0	N/A - Other	0	Location ecologically desirable but not in local strategy	Medium strategic significance	1.1	0	0
3	Urban	Other green roof	0.2922	Low	2	Condition Assessment N/A	1	Location ecologically desirable but not in local strategy	Medium strategic significance	1.1	1	0
4	Urban	Other green roof	0.2906	Low	2	Condition Assessment N/A	1	Location ecologically desirable but not in local strategy	Medium strategic significance	1.1	1	0
5	Grassland	Modified grassland	0.0232	Low	2	Poor	1	Location ecologically desirable but not in local strategy	Medium strategic significance	1.1	1	0
6	Urban	Ground level planters	0.2221	Low	2	Condition Assessment N/A	1	Location ecologically desirable but not in local strategy	Medium strategic significance	1.1	1	0
7	Urban	Ground based green wall	0.0331	Low	2	Poor	1	Location ecologically desirable but not in local strategy	Medium strategic significance	1.1	1	0
8												
9												
10												
11												
12												
Total habitat area			3.32									
Site Area (Excluding area of individual trees, green walls, intertidal hard structures)			2.68									

vention habitats											
Temporal multiplier				Difficulty multipliers				Habitat units delivered	Comments		
Delay in starting habitat creation (years)	Standard or adjusted time to target condition	Final time to target condition (years)	Final time to target multiplier	Standard difficulty of creation	Applied difficulty multiplier	Final difficulty of creation	Difficulty multiplier applied		User comments	Planning authority comments	Habitat reference number
5	Check details- Delay in starting habitat in required condition? Δ	15	0.586	Low	Standard difficulty applied	Low	1	1.55			
5	Standard time to target condition applied	5	0.837	Low	Standard difficulty applied	Low	1	0.00			
5	Check details- Delay in starting habitat in required condition? Δ	6	0.808	Low	Standard difficulty applied	Low	1	0.52	Biodiverse roof habitats, comprising broan and green roofs. Assessed as other green roof in the absence of detail on build-ups, species, etc.		
5	Check details- Delay in starting habitat in required condition? Δ	6	0.808	Low	Standard difficulty applied	Low	1	0.52	Roof habitats comprising introduced shrub, perennials, lawn and hedge screening		
5	Check details- Delay in starting habitat in required condition? Δ	6	0.808	Low	Standard difficulty applied	Low	1	0.04	Amenity lawn present in the public realm		
5	Check details- Delay in starting habitat in required condition? Δ	6	0.808	Low	Standard difficulty applied	Low	1	0.39	Shrub and perennial planting across the public realm		
5	Check details- Delay in starting habitat in required condition? Δ	6	0.808	Medium	Standard difficulty applied	Medium	0.67	0.04			
Total Units								3.06			

Aylesham Centre, Peckham

Headline Results

Scroll down for final results 

Return to
results menu

On-site baseline	Habitat units	1.50	
	Hedgerow units	0.00	
	Watercourse units	0.00	
On-site post-intervention (Including habitat retention, creation & enhancement)	Habitat units	3.17	
	Hedgerow units	0.00	
	Watercourse units	0.00	
On-site net change (units & percentage)	Habitat units	1.67	111.02%
	Hedgerow units	0.00	0.00%
	Watercourse units	0.00	0.00%
Off-site baseline	Habitat units	0.00	
	Hedgerow units	0.00	
	Watercourse units	0.00	
Off-site post-intervention (Including habitat retention, creation & enhancement)	Habitat units	0.00	
	Hedgerow units	0.00	
	Watercourse units	0.00	
Off-site net change (units & percentage)	Habitat units	0.00	0.00%
	Hedgerow units	0.00	0.00%
	Watercourse units	0.00	0.00%

Combined net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	1.67
	Hedgerow units	0.00
	Watercourse units	0.00
Spatial risk multiplier (SRM) deductions	Habitat units	0.00
	Hedgerow units	0.00
	Watercourse units	0.00

FINAL RESULTS

Total net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	1.67
	Hedgerow units	0.00
	Watercourse units	0.00
Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	111.02%
	Hedgerow units	0.00%
	Watercourse units	0.00%
Trading rules satisfied?	Yes ✓	

Appendix D Relevant Legislation

The Environment Act 2021

The focus of the Act is the “...provision for targets, plans and policies for improving the natural environment...” and its requirements are structured around a number of broad themes (noting this is not a comprehensive summary of the provisions):

Nature and biodiversity – Part 6 of the Act importantly makes provision for “*biodiversity gain in planning*” which will apply to applications under the Town & Countryside Act and the Planning Act. In addition, the responsibilities on Government or public bodies have changed, including through:

- strengthening the existing biodiversity duty;
- requiring biodiversity reports;
- setting up local nature recovery strategy areas;
- providing for national habitat mapping; and
- establishing species conservation and protect site strategies.

Section 98 and 99 introduce biodiversity gain requirements that make changes to the Town & Country Planning Act and The Planning Act. The commencement of these changes and whether secondary legislation will be required to enact them will have to be subject to legal interpretation and advice.

Conservation covenants– Part 7 of the Act makes provisions for conservation covenants which essentially support the “*biodiversity gain in planning*” concept by providing a mechanism through which any gains can be secured and managed. These come into force at the point that the Secretary of State “*by regulations appoints*”.

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. Most of these changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European Protected Species', and the adaptation of planning and other controls for the protection of European Sites.

Under the Regulations, competent authorities (i.e. government departments and public bodies) have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive. The Regulations place a duty on the Secretary of State to propose a list of sites which are important for either habitats or species (listed in Annexes I and II of the Habitats Directive respectively) to the European Commission. The Regulations also require the compilation and maintenance of a register of European sites, to include SACs and Special Protection Areas (SPAs) classified under Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). These sites form a network termed Natura 2000, now referred to as 'National Site Network'. The Regulations enable the country agencies to enter into management agreements on land within or adjacent to a European site, in order to secure its conservation.

The Regulations also provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. When considering potentially damaging operations, the precautionary principle applies i.e. consent cannot be given unless it is ascertained that there will be no adverse effect on the integrity of the site.

The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licences by the appropriate authorities. Licences may be granted for a few purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.

The Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Conservation of Habitats and Species Regulations 2017 (as amended), offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the Act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

Schedule 1 – Part 1 relates to birds and their young, for which it is an offence to intentionally or recklessly disturb at, on or near an ‘active’ nest. Schedule 1 – Part 2 relates to birds afforded special protection during the close season which is 1 February to 31 August (21 February to 31 August below high-water mark), but which may be killed or taken outside this period.

The Countryside and Rights of Way (CROW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation. Legislation detailed in the Wildlife and Countryside Act 1981 (as amended) places a duty on government departments and the National Assembly for Wales to have regard for biodiversity and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CROW Act 2000.