

DRAFT CAMDEN LOCAL PLAN 2015

HABITATS DIRECTIVE ASSESSMENT

Strategic Planning and Implementation
London Borough of Camden
5 Pancras Square
London
N1C 4AG

planningpolicy@camden.gov.uk
www.camden.gov.uk/localplan

Draft Camden Local Plan 2015

Habitats Regulations Assessment

Screening Assessment: Potential impact of Local Plan policies on sites protected in the Conservation (Natural Habitats) Regulations 1994

1. Background

The Conservation (Natural Habitats) Regulations 1994 implement the European Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora – known as the 'Habitats Directive'. The Habitats Directive and Regulations provide legal protection for the habitats and species of European importance. The Habitats Directive also established a European network of nature conservation sites which is known as the Natura 2000 network. These sites consist of Special Areas of Conservation (SACs) - which protect habitats, Special Protection Areas (SPAs) - which protect birds and Offshore Marine Site (OMS), as well as RASMAR sites which protect wetlands. An Appropriate Assessment (AA) is a formal assessment of whether a plan or project is likely to have a significant or an adverse impact on the integrity of a Natura 2000 site.

Paragraph 3, Article 6 of the Habitats Directive states that:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to paragraph 4 (see below), the competent national authority shall agree to the plan or project only having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public”

Further paragraph 4 states *“If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of social or economic nature, the Member State shall take all compensatory measures to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.”*

Camden Council is required to undertake a Habitat Regulations Assessment (HRA) for the Local Plan. As stated above, HRA assesses the likely impacts of a plan on the integrity of the Natura 2000 sites. This report sets out the findings of the screening assessment (Task 1 of the HRA process) to establish whether the plan is likely to have a significant effect on Natura 2000 sites, and determine whether an Appropriate Assessment is required under Task 2 of HRA. It should be noted that the Council undertook a HRA screening assessment on the adopted Core Strategy and Development Policies Documents, 2010, which concluded that the plans were not likely to result in significant effects or impact the integrity of any European Site.

Alongside the approach to waste in the Local Plan, Camden is preparing a joint waste plan for North London with six partner boroughs. The North London Waste Plan is at Regulation 18 stage, where a number of potential sites and areas will be identified for future waste management. The North London Waste Plan is subject to its own Appropriate Assessment under HRA.

The Council has also undertaken a Sustainability Appraisal (SA) for this document, the aim being to promote sustainable development. The SA of the draft Local Plan incorporates the requirement for Strategic Environmental Assessment (SEA) which is a requirement under EC Directive 2001/42/EC to determine whether the plan will have significant environmental effects.

The NPPF paragraph 166 states “*Local Plans may require a variety of other environmental assessments, including under the Habitats Regulations where there is a likely significant effect on a European wildlife site (which may not necessarily be within the same local authority area), Strategic Flood Risk Assessment and assessments of the physical constraints on land use. Wherever possible, assessments should share the same evidence base and be conducted over similar timescales, but local authorities should take care to ensure that the purposes and statutory requirements of different assessment processes are respected.*”

This Habitats Regulations Assessment screening report will be submitted to the Secretary of State with the Local Plan and other submission documents for consideration at the Independent Examination. The examination Inspector will consider the soundness of the Local Plan, using this Habitats Regulations Assessment as part of the evidence base.

2. Methodology

The Department of Communities and Local Government published guidance on *Planning for the Protection of European Sites: Appropriate Assessment* 2006. This guidance has been archived but as yet no further guidance has been published. The guidelines set out three key stages of assessment under the Habitats Regulations:

1. Screening Assessment - likely significant effects (AA task 1)
2. Appropriate Assessment & ascertaining the effect on site integrity (AA task 2)
3. Mitigation and alternative solutions (AA task 3)

The Screening Assessment for the draft Local Plan will determine if the document is likely to have any significant effects on the conservation objectives of Natura 2000 sites (this will also consider the cumulative effects) or an adverse impact on the integrity of the site. The assessment will determine whether tasks 2 and 3 of the Habitats Regulations Assessment will be necessary. The Natura 2000 site may be located within Camden or beyond its boundary as plans and projects may have a significant effect on Natura 2000 sites located some distance away.

If the screening assessment anticipates significant adverse impacts, a full Appropriate Assessment will be required to consider the potential impacts in more detail and whether alternatives can be adopted. If there are no viable alternatives, the Plan can only be implemented if there are 'imperative reasons of overriding public interest'.

The methodology for this assessment has been taken from the Department of Communities and Local Government draft guidance *Planning for the Protection of European Sites: Appropriate Assessment* and that used in *Screening Report: draft Further Alterations to the London Plan* by Forum for the Future, including *The Habitats Regulations Assessment of Regional Spatial Strategies and Sub-Regional Strategies* (David Tyldesley and Associates, for Natural England, March 2007). It also reflects the approach to Screening Assessments taken by a number of other London boroughs. In line with common practice, this Screening Assessment extends the assessment area to approximately 10km beyond the boundaries of Camden.

3. Assessing likely significant effects

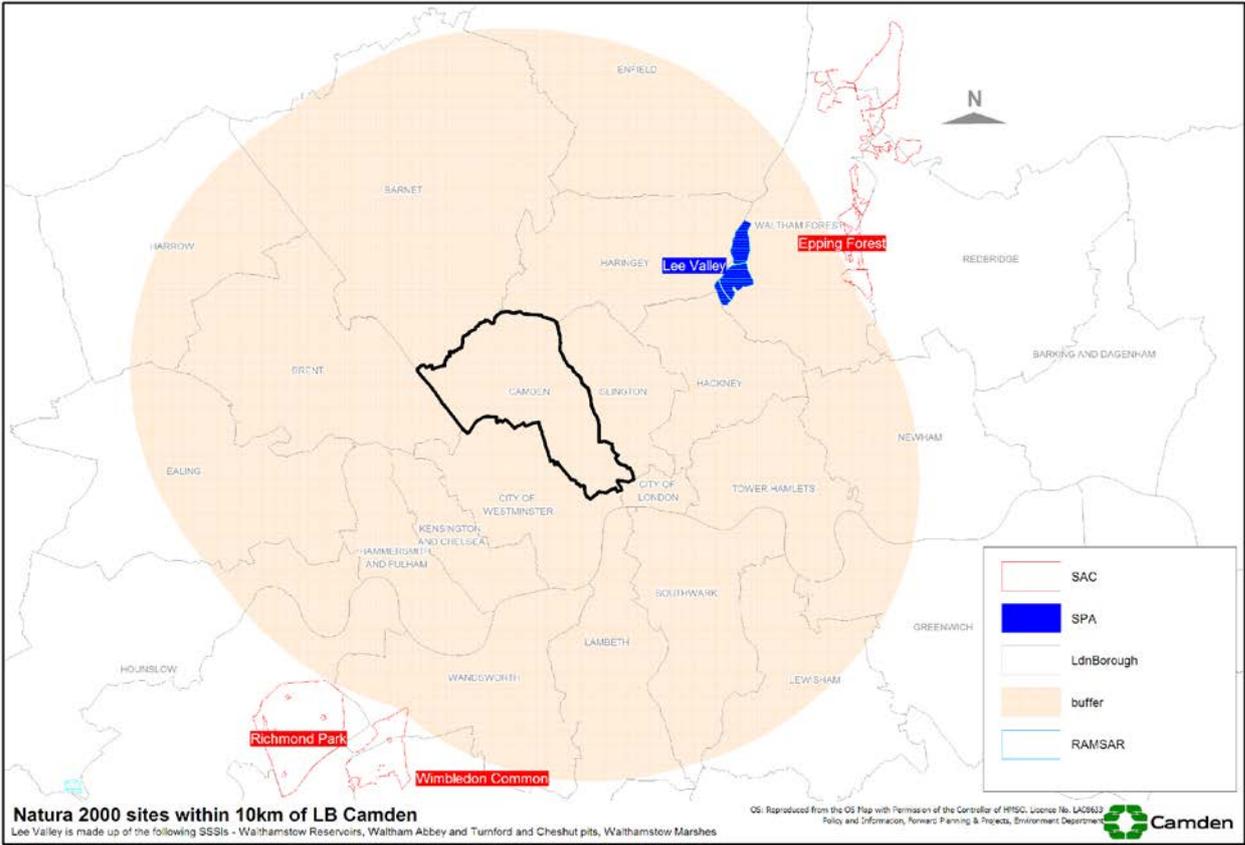
Identification of relevant sites

The European sites within approximately 10km of the London Borough of Camden have been identified on the Joint Nature Conservation Committee (JNCC) website and are listed in Table 1 and Map 1 below. Richmond Park is just beyond the 10km radius, but for completeness is included in this Screening Assessment.

Table 1. European sites in the London area

Site Name	Designation & Code
Epping Forest	Special Areas of Conservation SAC (UK0012720)
Lee Valley	Special Protection Areas SPA (UK9012111) RAMSAR (UK 11034)
Richmond Park	Special Areas of Conservation SAC (UK0030246)
Wimbledon Common	Special Areas of Conservation SAC (UK0030301)

Map 1. Natura 2000 sites



The description of these sites and the rationale for their conservation at European level has been taken from the Appropriate Assessment of the Draft Replacement London Plan (by Forum of the Future, 2009), which also includes supplementary information to assess the vulnerability of sites to potential adverse impacts. This is presented in table 2 on the following pages. The contents were compiled from the Natura 2000 forms and Natural England’s ‘conservation objectives’ for Sites of Special Scientific Importance (SSSIs) with European interest.

Table 2. Natura 2000 site descriptions

Definitions

Qualifying Features - habitats and species relevant to the awarding of EU conservation status. The AA identifies how these features are safeguarded.

Current Condition and Threats - provides information concerning the current status of sites, recognised trends, and potential threats

Favourable condition - the SSSI is being adequately conserved and is meeting its 'conservation objectives', however, there is scope for enhancement

Unfavourable recovering condition - often known as 'recovering'. SSSIs are not yet fully conserved but all the necessary management measures are in place. Provided that the recovery work is sustained, the SSSI will reach favourable condition in time. In many cases, restoration takes time.

Unfavourable no change - the special interest of the SSSI is not being conserved and will not reach favourable condition unless there are changes to site management or external pressures. The longer the SSSI unit remains in this poor condition, the more difficult it will be, in general, to achieve recovery.

Unfavourable declining - the special interest of the SSSI is not being conserved and will not reach favourable condition unless there are changes to site management or external pressures. The site condition is becoming progressively worse.

Site Name	Designation & Code	Qualifying Features		Current Condition and Threats	Result of July 2006 SSSI condition survey	Key ecosystem factors
		Habitat	Species			
Epping Forest	SAC UK0012720	To maintain in favourable condition: Acidophilous beech forests with <i>Ilex</i> and sometimes <i>Taxus</i> in the shrub layer for which this is considered to be one of	To maintain in favourable condition, the habitats for the population of: stag beetle, for which this is one of only 4 known outstanding localities in	The reintroduction of pollarding and wood pasture management is helping to reverse the decline of the epiphytic bryophyte population. Existing air pollution is thought to contribute to poor condition of parts of the site. Increasing recreational pressure could have an	Area favourable - 30% Area unfavourable recovering - 34% Area unfavourable no change - 26% Area unfavourable declining - 10%	Extent, Natural processes and structural development Regeneration potential Composition, Species Population size of species Number of old broadleaved trees Population structure of old broadleaved trees Condition of old broadleaved trees Quantity and size of fallen broadleaved dead wood

Site Name	Designation & Code	Qualifying Features		Current Condition and Threats	Result of July 2006 SSSI condition survey	Key ecosystem factors
		Habitat	Species			
		the best areas in the UK. European dry heaths and North Atlantic wet heaths with <i>Erica tetralix</i> of which both areas are considered to support a significant presence.	the UK.	impact on heathland areas.		Position and degree of exposure of old broadleaved trees and stumps. Condition and position of available dead timber.
Lee Valley	SPA UK9012111 RAMSAR UK 11034	To maintain in favourable condition the habitats for the populations of an Annex I species* and populations of migratory bird species**, of European importance with particular reference to:	bittern * gadwall ** shoveler Under RAMSAR criteria 2, the site also supports a nationally scarce plant species and a rare invertebrate.	Most of the site is in favourable condition. There are currently no factors having a significant adverse effect on the site's ecological character. However, a significant increase in recreational pressure could impact upon wintering wildfowl numbers.	There are a number of SSSI's contained within the Lee Valley RAMSAR site of which Walthamstow Reservoirs, Waltham Abbey and Turnford and Cheshunt Pits are 100% favourable. Walthamstow Marshes are 36% favourable and 63% unfavourable but recovering.	Disturbance Extent and distribution of habitat Landscape Landform Vegetation characteristics Water area Water depth Food availability

Site Name	Designation & Code	Qualifying Features		Current Condition and Threats	Result of July 2006 SSSI condition survey	Key ecosystem factors
		Habitat	Species			
		Open water and surrounding marginal habitats.				
Richmond Park	SAC UK0030246		To maintain in favourable condition the habitats for the population of: Stag beetle, for which this is one of only 4 known outstanding localities in the UK.	The site is surrounded by urban area and therefore experiences high levels of recreational pressure. This does not directly affect the European interest feature. The whole site has been declared an NNR.	Area favourable - 6% Area unfavourable recovering - 8% Area unfavourable no change - 86%	Population size of species Number of old broadleaved trees Population structure of broadleaved trees Condition of old broadleaved trees – state of decay Quantity and size of fallen broadleaved dead wood Position and degree of exposure of old broadleaved trees and stumps. Condition and position of available dead timber.

Site Name	Designation & Code	Qualifying Features		Current Condition and Threats	Result of July 2006 SSSI condition survey	Key ecosystem factors
		Habitat	Species			
Wimbledon Common	SAC UK0030301	<p>To maintain in favourable condition:</p> <p>The European dry heath, for which the area is considered to support a significant presence.</p> <p>Northern Atlantic wet heath with <i>Erica tetralix</i>, for which the area is considered to support a significant presence.</p>	<p>To maintain in favourable condition the habitats for the population of:</p> <p>Stag beetle, for which this is one of only 4 known outstanding localities in the UK.</p>	<p>The site is located in an urban area and therefore experiences intensive recreational pressure which can result in damage to the sensitive heathland areas.</p> <p>Air pollution is also thought to be having an impact on the quality of the heathland habitat.</p>	<p>Area favourable - 40%</p> <p>Area unfavourable but recovering - 59%</p>	<p>Population size of species</p> <p>Number of old broadleaved trees</p> <p>Population structure of broadleaved trees</p> <p>Condition of old broadleaved trees – state of decay</p> <p>Quantity and size of fallen broadleaved dead wood</p> <p>Position and degree of exposure of old broadleaved dead trees and stumps</p> <p>Condition and position of available dead timber</p>

Source: Screening report: London Plan ERM 2009

2.2 Screening assessment of Camden's Local Plan

Coding the potential impacts

Table 3 below provides a version of the coding criteria produced by Tyldesley and Associates guidance on Appropriate Assessments. These criteria are used to assess whether the Local Plan is likely to impact on European sites.

Table 3. Coding used for recording effects/impacts on European Sites

Reason why policy will have no effect on a European Site	
1	The policy will not itself lead to development (e.g. it relates to design or other qualitative criteria for development, or it is not a land use planning policy)
2	The policy makes provision for a quantum / type of development (and may or may not indicate one or more broad locations)
3	No development could occur through this policy alone, because it is implemented through other DPD policies that are more strategic or more detailed and therefore more appropriate to assess for their effects on a European Site and associated sensitive areas.
4	Concentration of development in urban areas will not affect European Site and will help to steer development and land use change away from a European Site and associated sensitive areas.
5	The policy will help to steer development away from a European Site and associated sensitive areas, e.g. not developing in areas of flood risk or areas otherwise likely to be affected by climate change.
6	The policy is intended to protect the natural environment, including biodiversity.
7	The policy is intended to conserve or enhance the natural, built or historic environment, and enhancement measures will not be likely to have any effect on a European Site.
Reason why policy could have a potential effect	
8	The policy steers a quantum or type of development towards, or encourages development in, an area that includes a European Site or an area where development may indirectly affect a European Site.
Reason why policy would be likely to have a significant effect	
9	The policy makes provision for a quantum, or kind of development that in the location(s) proposed would be likely to have a significant effect on a European Site. The proposal must be subject to appropriate assessment to establish, in light of the site's conservation objectives, whether it can be ascertained that the proposal would not adversely affect the integrity of the site.

Source: *Screening report: 'Draft Further Alterations to the London Plan'* (Forum for the Future, September 2006)

2.3 Policy Analysis

Table 4 below provides an assessment using the coding in Table 3 above, taking a precautionary approach, of each the policies and sites contained in Camden Council's Local Plan.

Table 4. Assessment of policies contained within the draft Local Plan

Policy No	Policy	Why policy will have no impact on sites	Why the policy is likely to have an impact on sites	Essential recommendations to avoid potential effects on European Sites
Spatial strategy				
G1	Delivery and location of growth	2, 4		
Meeting housing needs				
H1	Maximising housing supply	2, 4		
H2	Maximising the supply of self-contained housing from mixed use schemes	2, 4		
H3	Protecting existing homes	1		
H4	Maximising the supply of affordable housing	2		
H5	Protecting and improving affordable housing	1		
H6	Housing choice and mix	1		
H7	Large and small homes	1		
H8	Housing for older people, homeless people and vulnerable people	1		
H9	Student housing	2, 4		
H10	Homes with shared facilities (houses in multiple occupation)	1		
H11	Accommodation for travellers	2, 4		
Community, health and well-being				
C1	Improving and promoting Camden's health and well-being	1		
C2	Community facilities and leisure	2, 4		
C3	Public houses	1		
C4	Safety and security	1		
C5	Access for all	1		
Economy and jobs				
E1	Promoting a successful and inclusive Camden economy	2, 4		
E2	Employment premises and sites	2, 4		

E3	Tourism	2, 4		
Protecting amenity				
A1	Managing the impact of development	1		
A2	Basements and lightwells	1		
A3	Biodiversity	1, 6		
A4	Noise and vibration	1		
A5	Provision and enhancement of open space	1, 6		
Design and heritage				
D1	Design	1, 7		
D2	Heritage and conservation	1, 7		
D3	Shopfronts	1, 7		
D4	Advertisements	1, 7		
Sustainability and climate change				
CC1	Climate change mitigation	1, 6, 7		
CC2	Adapting to climate change	1, 6		
CC3	Water and flooding	1, 6		
CC4	Air quality	1, 6		
CC5	Waste	2, 3		
Town centres and shops				
TC1	Distribution of retail	2, 4		
TC2	Protecting and enhancing Camden's centres	2, 4		
TC3	Shops outside of centres	2, 4		
TC4	Food, drink, entertainment and other town centre uses	2, 4		
TC5	Small and independent shops	2, 4		
TC6	Markets	2, 4		
Transport				

T1	Prioritising walking, cycling and public transport	1, 6		
T2	Car free development and limiting the availability of parking	1, 6		
T3	Improving strategic transport infrastructure	4		
T4	Promoting the sustainable movement of goods and materials	1, 6		
Delivery and monitoring				
DM1	Delivery and monitoring	3		

Indirect impacts

Taking the precautionary approach, the increased population anticipated for Camden could have indirect impacts on the European sites. These potential indirect impacts are: increased recreational demand, increased demand for clean water and decreases in air quality. The following will outline whether these impacts are considered significant.

With regards to potential increased pressure on the European sites from additional recreational demand the Lee Valley is the closest European site to Camden (see Map 1). Camden's Local Plan aims to strongly protect our existing open spaces, so residents will not need use open spaces outside the borough. In addition Policy A5 requires new and improved open space provision to meet the needs of new development within the Borough. This should off-set demand for open spaces further away, such as the European nature conservation sites. The plan also aims to enhance biodiversity across the borough. Due to the distance of the European nature conservation sites from Camden, it is not considered that there is likely to be a significant effect from Camden's Local Plan.

The anticipated increase in population for Camden could result in additional demand for clean water, which could place pressure on the reservoirs that form part of the European sites, specifically the Lee Valley. Policy CC3 aims to protect water infrastructure within the Borough to ensure there is adequate water supply and storage capability for Camden. This will place less pressure on reservoirs outside the borough. Whilst Camden policies cannot specifically protect the reservoirs, the London Plan (draft Further Alterations) recognises there is limited additional water resources in this part of the UK and over time options like new reservoirs may have to be considered. Policy 5.15 draft London Plan Further Alterations specifically notes 'ensuring the water supplied will not give rise to likely significant adverse effects to the environment particularly designated sites of European importance for nature conservation. Draft Local Plan policy CC3 also seeks to ensure efficient water use in new and refurbished developments and where possible reuse and recycle water to ensure less fresh water is required, placing less pressure on reservoirs. Therefore, it is unlikely that the Local Plan will have a significant impact on the European sites due to increased water consumption.

An increase in population in Camden could also result in increased levels of atmospheric pollution through emissions created by the construction and occupation of development or from the vehicle journeys created. The Local Plan has strong policies to limit private vehicular traffic, promote sustainable travel modes, support sustainable movement of goods and materials and manage traffic from demolition and construction sites and therefore limit air pollution. They also aim to reduce other sources of air pollution, such as from construction and the burning of fuels. Therefore, it is unlikely that the Local Plan will have a significant impact on the European sites due to increased levels of atmospheric pollution.

3. Conclusion

None of the proposed draft policies were found to have likely significant effects on the sites of European importance for habitats or species, or an adverse impact on the integrity of the sites. It is considered that the policies contained in the draft Local Plan are unlikely to have significant effects on sites of European importance for habitats or species, or an adverse impact on the integrity of those sites. Therefore it is not considered necessary to carry out Task 2 (Appropriate Assessment) and Task 3 (mitigation and alternative solutions) of the Habitats Regulations Appropriate Assessment.

References

Camden Local Development Framework Habitats Directive Assessment Screening Assessment: Potential impact of Camden LDF policies on sites protected in the Conservation (Natural Habitats) Regulations 1994; London Borough of Camden 2008

Habitat Regulations Assessment Screening Report; Consultation draft replacement London Plan; Mayor of London/ERM; October 2009

Joint Nature Conservation Committee; <http://www.jncc.gov.uk/page-0>

Sustainability Appraisal of the Draft Further Alterations to the London Plan; Forum for the Future/ Ben Cave Associates; September 2006 (Reissued April 2007) – Appendix C - Habitats Directive Screening Assessment