

CITY
PLAN
2019 – 2040

**HABITATS REGULATION
ASSESSMENT
SCREENING REPORT**

JUNE 2019

Preface

Westminster City Council is preparing a new City Plan 2019-2040 which provides a comprehensive source of planning policy. Under the Conservation of Habitats and Species Regulations 2010 (as amended 2011) we are required to conduct Habitats Regulations Assessment (HRA).

These reports consider the impact of proposed development on sites designated under the European Directive (92/43/EEC The Habitats Directive). Assessments are carried out in an iterative process as HRAs, in turn, feed into the development of planning policy.

Executive Summary

Westminster Council has a legal requirement to identify – and mitigate against - any aspects of planning policy which could have a significant negative effect on European sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites).

As there are no European sites in Westminster, the exercise has been carried out on five sites within 10km of the borough.

Wimbledon Common is designated is a SAC for Northern Atlantic wet heaths, European dry heaths and stag beetle. Its location 7km from Westminster means that any developmental work is unlikely to impact on the area.

Richmond Park SAC is located 8 km away in the London Borough of Richmond upon Thames. It is only designated as an SAC for its stag beetle population, so would not be affected by any aspect of the plan.

Equally, Lee Valley SPA, Epping Forest SAC, and the Thames Estuary and Marshes SPA would not be impacted by any policies contained in the draft plan.

These findings are consistent with previous results and no amendments to the City Plan will be required.

1. Introduction

- 1.1. In October 2005, the European Court of Justice (ECJ) ruled that Appropriate Assessments (AA) must be carried out on all land use planning documents in the UK. Article 6 of the EC Habitats Directive 1992 sets out the need for Appropriate Assessment, which is interpreted into British law by the Conservation of Habitats and Species Regulations 2010.
- 1.2. Appropriate Assessment is in essence a report which assesses the potential effects of a plan upon a designated European site. The Natura 2000 network is composed of over 600 Special Areas of Conservation (SACs) and over 240 Special Protection Areas (SPAs), however, UK government planning policy also extends the same levels of protection to Ramsar sites (wetlands of international importance designated under the Ramsar Convention), of which there are currently over 140 in the UK.
- 1.3. The overall process set out in the Habitats Directive from screening through to imperative reasons of overriding public interest (IROPI) is commonly referred to as Habitats Regulations Assessment (HRA).
- 1.4. The first step of the HRA process is a screening assessment, which' purpose is to screen out if any significant effect is likely for any European site, based on objective information. Where there is a risk of a significant effect on a European site, either individually or in combination with other plans or projects, then there will be a requirement to progress to an Appropriate Assessment.
- 1.5. This HRA Screening Report is for the full revision of Westminster's City Plan as set out in Regulation 18 and the Local Development Scheme (June 2017). It updates the adopted City Plan policies and includes new planning policies to replace the saved policies from the Unitary Development Plan (2010). Once this full review is adopted, Westminster's City Plan will consist of both strategic and detailed policies and will provide a comprehensive source of planning policy for Westminster.
- 1.6. Appropriate Assessment (HRA) screening reports have previously been prepared for the Core Strategy (adopted January 2011) and its subsequent revisions. These were the revision to bring the policies in line with the NPPF (adopted November 2013), the Basements and Mixed Use revision (adopted July 2016) and the Special Policy Areas and Policies Map Revision (adopted November 2016).

2. Determining European sites which may be affected by the City Plan

2.1. There are no European sites in Westminster. The focus of this assessment will therefore be on sites outside the borough with a potential to be linked to development within Westminster. Five sites have been given preliminary consideration:

- Wimbledon Common SAC
- Richmond Park SAC
- Epping Forest SAC
- Thames Estuary and Marshes SPA and Ramsar
- Lee Valley SPA and Ramsar

2.2. The nearest European sites are Wimbledon Common SAC, Richmond Park SAC and Lee Valley SPA and Ramsar. These sites are all within 10km of Westminster and are therefore considered in this assessment.

2.3. Epping Forest SAC is located 11 km from Westminster. Westminster is not considered to be within the core recreational catchment of Epping Forest SAC, and is therefore not expected to contribute to the recreational pressure of the site.

2.4. The Thames Estuary Marshes SPA and Ramsar site is located 37 km east of Westminster. This site is considered to be too far from Westminster to form part of its core recreational catchment. This site is also not expected to be affected by wastewater as water quality in the Thames is expected to improve as a result of significant investments from Thames Water, for instance through expansions of Sewage Treatment Works, the Lee Tunnel and the Thames Tideway Tunnel.

2.5. For the reasons set out above, the only sites that will be given further consideration are Wimbledon Common SAC, Richmond Park SAC and Lee Valley SPA and Ramsar.

3. City Plan policies, plans and projects to be considered

- 3.1. The majority of the policies in the City Plan can be dismissed due to a clear absence of impact pathways as they clearly pose no risk to European sites. The only policies that present theoretical pathways for impact are the policies in the Spatial Strategy chapter as they direct the quantum and location of development. Annex 1 considers these policies in more detail.
- 3.2. The impact of the City Plan on European sites will be considered in combination with other plans and projects, including the Mayor's London Plan and Local Plans of other London boroughs.

4. Wimbledon Common SAC

- 4.1. Wimbledon Common SAC is located within the London Boroughs of Merton and Wandsworth, 7 km from Westminster.
- 4.2. The site is designated as an SAC for Northern Atlantic wet heaths with *Erica tetralix*, European dry heaths (Annex I habitats) and stag beetle *Lucanus cervus* (Annex II species)¹. Its main pressures come from inappropriate visitor behaviour, habitat fragmentation, invasive species and atmospheric pollution².
- 4.3. There is no visitor information to the site available. As the site does not have a high level of accessibility and has an urban setting, it is likely that it has a more local core recreational catchment. It is unlikely that this stretches beyond 5km. Development in Westminster is therefore not likely to have any significant effects on the recreational pressure of the site. It is also unlikely that traffic movements from visitors to this site and thereby atmospheric pollution will be significantly affected by development in Westminster.
- 4.4. The HRA Report for the draft London Plan concludes that the scale of growth in Merton, Kingston and Wandsworth in the London Plan is not likely to result in a significant recreational pressure effect on the site alone or in combination with other plans and projects. The proposals in the City Plan are not considered to change this conclusion.

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¹ JNCC (2015) Natura 2000 Standard Data Form: Wimbledon Common SAC

² Natural England (2014). Site Improvement Plan: Wimbledon Common

5. Richmond Park SAC

- 5.1. Richmond Park SAC is located within the London Borough of Richmond upon Thames, 8 km from Westminster.
- 5.2. The site is designated as an SAC for the stag beetle *Lucanus cervus* (Annex II species)³. No specific pressures have been identified, but the beetle population would be affected by loss of habitat (dead wood)⁴.
- 5.3. The HRA report for the London Plan states that whilst the site is potentially vulnerable for recreational pressure, it is only designated as an SAC for its stag beetle population. The presence of dead wood would be affected by habitat management rather than development in the London Plan.
- 5.4. Development in Westminster is unlikely to affect the habitat of the stag beetle. It can be concluded that the City Plan does not impact on the Richmond Park SAC, alone or in combination with other plans.

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³ JNCC (2015) Natura 2000 Standard Data Form: Richmond Park SAC

⁴ Natural England (2014) Site Improvement Plan: Richmond Park

6. Lee Valley SPA and Ramsar

- 6.1. Lee Valley SPA is located within the London Borough of Waltham Forest, Epping Forest District and the Borough of Broxbourne, 8km from Westminster.
- 6.2. The site qualifies as an SPA for the Annex I species bittern *Botaurus stellaris* (wintering), gadwall *Anas strepera* and shoveler *Anas clypeata* (migratory)⁵.
- 6.3. The site also qualifies as a Ramsar site under criterion 2 for nationally scarce plant species (whorled water-milfoil *Myriophyllum verticillatum*) and a vulnerable invertebrate (water-boatman *Micronecta minutissima*), as well as criterion 6 for species occurring at levels of international importance including northern shoveler *Anas clypeata* and gadwall *Anas strepera*⁶.
- 6.4. Current pressures include water pollution, hydrological changes, recreational disturbance including angling and atmospheric pollution.
- 6.5. Westminster is not considered to fall within the core recreational catchment of the site. Walthamstow Reservoirs on the site have recently opened for the public, which is considered to be an underused recreational resource. In line with the HRA for the draft London Plan, development in Westminster is not considered to put any recreational pressure on the site in combination with other plans and projects.

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⁵ JNCC (2015). Natura 2000 Standard Data Form: Lee Valley SPA

⁶ JNCC (2008). Information Sheet on Ramsar Wetlands: Lee Valley Ramsar site

7. Screening outcome

- 7.1. This screening exercise assessed the likely impacts of the City Plan on European sites in line with the Habitats Directive, known as the Habitats Regulations Assessment (HRA) screening stage.
- 7.2. There are no European sites in Westminster. The starting point of the exercise were five sites in proximity to Westminster to which impact pathways could be identified. Preliminary assessment of these sites resulted in three sites which were assessed in more detail.
- 7.3. No likely significant impacts on Wimbledon Common SAC and Lee Valley Special Protection Area and Ramsar have been identified, as Westminster is outside of the core recreational catchment of these sites. No likely significant impacts on Richmond Park SAC have been identified as development in Westminster is unlikely to impact on habitats on the site.
- 7.4. Overall, no likely significant impacts on any European sites have been identified, either alone or in combination. Therefore, no amendments to the City Plan are required and it will not be necessary to progress to the Appropriate Assessment stage.
- 7.5. These findings are consistent with the results of previous screening exercises for previous versions of the City Plan.

Appendix 1 Consideration of City Plan policies

The table below presents the policies within the City Plan that cannot obviously be dismissed due to an absence of linkages to European sites.

Policy	Policy summary	HRA implications needing consideration
1. Westminster's spatial strategy	Sets out the strategy for growth including the delivery of 1,495 homes per annum for the first ten years and 22,222 homes over the plan period.	
2. Spatial Development Priorities: West End Retail and Leisure Special Policy Area and Tottenham Court Road Opportunity Area	Sets out ambitions for significant jobs growth.	Impact dependant on location and type of development
3. Spatial Development Priorities: Paddington Opportunity Area	Identifies capacity for at least 13,000 new jobs and 1,000 new homes in the Paddington Opportunity Area.	Impact dependant on location and type of development
4. Spatial Development Priorities: Victoria Opportunity Area	Identifies capacity for at least 4,000 new jobs and 1,000 new homes in the Victoria Opportunity Area.	Impact dependant on location and type of development
6. Spatial Development Priorities: Church Street/Edgware Road and Ebury Bridge Estate Housing Renewal Areas	Identifies capacity for 2,000 new homes and 350 jobs in the Church Street/Edgware Road Housing Regeneration Area and 750 new homes in the Ebury Bridge Housing Renewal Area.	Impact dependant on location and type of development

Appendix 2 Consultation responses

Date: 08 September 2018
Our ref: 255325
Your ref: Westminster City Plan – HRA report - consultation



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Dear Mr Van der Steen

Westminster City Plan – Habitat Regulations Assessment Screening Report - Consultation request

Thank you for your consultation on the above dated and received by Natural England on 13th August 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England does not consider that this HRA report affords any likely risk in relation to our statutory purpose, and so does not wish to comment on this consultation.

The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.

If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.

Yours sincerely

Sharon Jenkins
Consultations Team

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City of Westminster