

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM



Knightsbridge Neighbourhood Plan 2017 – 2037

Updated Habitats Regulations
Assessment Screening Report

18 August 2017

1 INTRODUCTION

- 1.1** This report represents an updated screening of the need for a Habitats Regulations Assessment (HRA) under Directive 92/43/EEC, also known as the Habitats Directive¹.
- 1.2** HRA is a two-stage process to consider whether a proposed development plan or programme is likely to have significant effects on a European site designated for its nature conservation interest. First, plans or programmes must be screened to determine if they are likely to have a significant effect (and are not plans connected to the management of the European site(s) in question). If it cannot be demonstrated at the screening stage that the plan or programme will not have significant effects on the European site(s), an ‘Appropriate Assessment’ (AA) must then be undertaken, which is a much more detailed study of the effects of the plan or programme. The two parts together form a full HRA.
- 1.3** In determining whether a proposed development plan or programme is likely to have significant effects, the local authority must incorporate the ‘precautionary principle’ into its decision. This means that if there is uncertainty as to whether the plan or programme would cause significant effects on a European site, the full AA would be required.
- 1.4** An HRA Screening Opinion was sought from Westminster City Council (WCC), following inputs from the relevant statutory body (Natural England), in May 2017 based on a draft of the Knightsbridge Neighbourhood Plan dated 27 April 2017 (the KNP, Neighbourhood Plan or Plan). This version of the Plan reflected representations made at the Pre-Submission Consultation (Regulation 14) Stage and subsequently from WCC and other relevant stakeholders. In a letter dated 9 June 2017, WCC expressed the opinion that the draft Neighbourhood Plan dated 27 April 2017 was not likely to have significant effect(s). It stated:
- “Having considered the Habitats Regulations Assessment Screening Report of the draft Knightsbridge Neighbourhood Plan, dated 10th May 2017, we are of the opinion that the draft plan is not likely to have significant effect(s) on a European site or a European offshore marine site (either alone or in combination with other plans or projects). We are, therefore, of the opinion that the draft plan does not require further assessment pursuant to the requirements of the Habitat Directive, Regulation 32 and Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).”*
- 1.5** This view was supported by Natural England in its formal response to the HRA Screening Report and review of the 27 April version of the Neighbourhood Plan.
- 1.6** In WCC’s 9 June letter, WCC stated that its opinion was not binding if the Knightsbridge Neighbourhood Forum (the KNP, Neighbourhood Plan or Plan) decided to modify the draft Neighbourhood Plan. Since that time, a number of amendments have been made to the draft Neighbourhood Plan.

¹ Directive 92/43/EEC ‘on the conservation of natural habitats and of wild fauna and flora’: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>.

1.7 In addition, WCC's 9 June letter also advised that any updated HRA Screening Opinion should consider including the Thames Estuary and Marshes Special Protection Area (SPA) and RAMSAR and the Lee Valley SPA and RAMSAR.

1.8 For these reasons, it has been necessary to prepare this updated HRA Screening Report.

2 Knightsbridge Neighbourhood Plan

2.1 The purpose of the Knightsbridge Neighbourhood Plan is to provide for the sustainable development of Knightsbridge and to make it the best residential and cultural place in London in which to live, work, study and visit. It seeks to do this through a range of policies that sit under five themes:

- Character
- Community
- Culture and education
- Public spaces and utilities
- Healthy environment and healthy people

2.2 The designated Knightsbridge Neighbourhood Area (the Area, KNA or Neighbourhood Area) is shown in Figure 1.1.

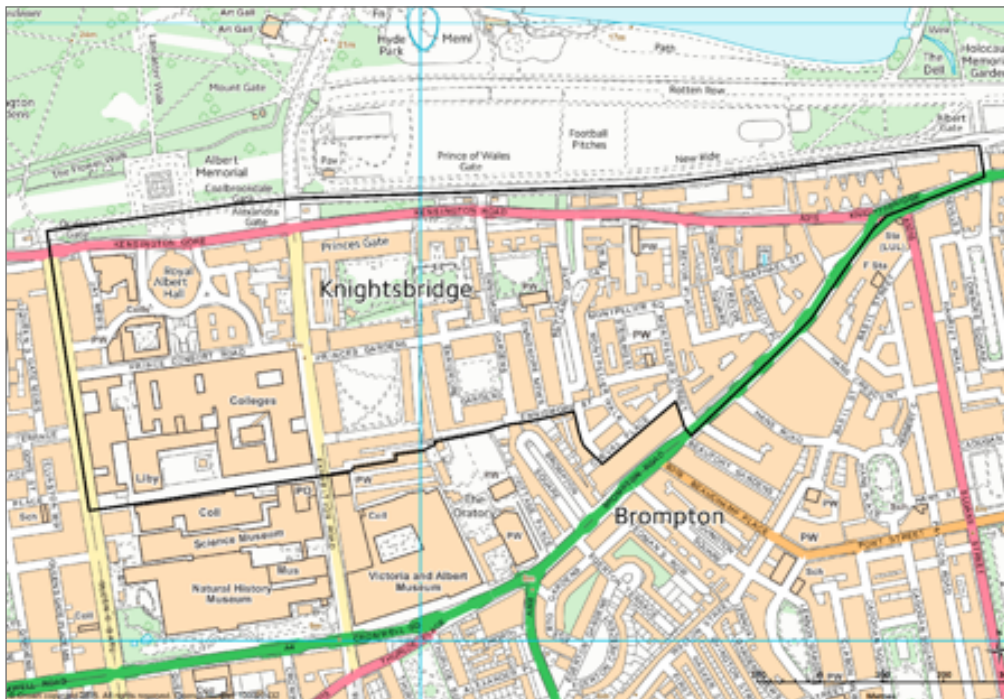


Figure 1.1: Knightsbridge Neighbourhood Area

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- 2.3** The Neighbourhood Plan covers a 20-year period from 2017 to 2037, but does not seek to establish levels of growth or to specify exact locations for development. It does provide a policy framework for any development on the sole potential development site identified in the Westminster City Plan, namely the Hyde Park Barracks (Policy KBR14). It also provides a framework for redevelopment of 1 Knightsbridge Green (Policy KBR21). All other policies provide either an area-wide framework or focus on specific areas e.g. Neighbourhood Stress Area (Policy KBR15), the Strategic Cultural Area (KBR26 and 27), the International Shopping Centre (KBR18) and along 'Local Roads' (KBR29).
- 2.4** It should be noted that these policy references relate to the latest version of the Plan dated 18 August 2017, this being a version updated following representations made at the Pre-Submission (Regulation 14) stage.

3 European sites potentially affected

- 3.1** There are five European sites within 10km of the Borough of Westminster (see the Appendix for location of sites in relation to Knightsbridge, description of sites and their distances from Knightsbridge). Some areas are covered by more than one designation. five sites are listed below:
- Wimbledon Common SAC;
 - Richmond Park SAC;
 - Epping Forest SAC;
 - Lee Valley SPA and RAMSAR; and
 - Essex Thames Estuaries SAC and RAMSAR.
- 3.2** Of these five SACs, only Wimbledon Common and Richmond Park are within 10km of Knightsbridge.
- 3.3** The Plan focuses, amongst other things, on shaping development, and protecting, maintaining and enhancing existing green space assets. The Neighbourhood Plan does not propose specific development sites, but instead provides further local criteria that should be met by any development of the Hyde Park Barracks site (Policy KBR14) and 1 Knightsbridge Green (Policy KBR21).
- 3.4** Policies that seek to positively address the environmental aspects of sustainable development – specifically, urban greening (KBR11), local green spaces (KBR12), air pollution (KBR35), renewable energy (KBR36), retrofitting historic buildings for energy efficiency (KBR37), enhancing the natural environment (KBR38), trees (KBR39) and sustainable water (KBR40) – are likely to serve to have a positive effect on the SACs. However, the scale of growth likely in the Neighbourhood Area is such that any effect is not likely to be significant.
- 3.5** The Neighbourhood Plan is unlikely to have any significant effect on the identified network of protected sites.

4 In-combination effects

- 4.1** Existing plans and proposals must be considered when assessing new plans or programmes for likely significant effects as they may create 'in combination' effects.
- 4.2** The SEA and HRA screening reports on the Westminster Core Strategy and subsequent National Planning Policy Framework (NPPF) revisions in relation to SACs found that the policies in the Core Strategy/City Plan are unlikely to have significant effects on the European sites. This was due to:
- The distance of the European sites away from the borough boundary; and
 - The nature of the proposed policies themselves.
- 4.3** Habitat Regulations Assessment Screening Reports were carried out in respect of the Westminster Core Strategy and the NPPF revisions to the Core Strategy in relation to Special Protection Areas, Special Areas of Conservation (SACs) and wetlands of international importance. These reports concluded that the Westminster Core Strategy and subsequent NPPF revisions (which were adopted as the Westminster City Plan 2013) were unlikely to have an adverse impact on any of the identified sites within approximately 10 kilometres of the boundary of the Borough.
- 4.4** The subsequent amendments to the 2013 City Plan which have been incorporated in the 2016 City Plan relate to Special Policy Areas, mixed use and basements. None of the Special Policy Areas are within Knightsbridge. The Integrated Impact Assessment of the mixed use and basement policies concluded that there were no negative effects and therefore no mitigating measures required.
- 4.5** It is therefore concluded that no significant in-combination effects are likely to occur due to the implementation of the Plan.

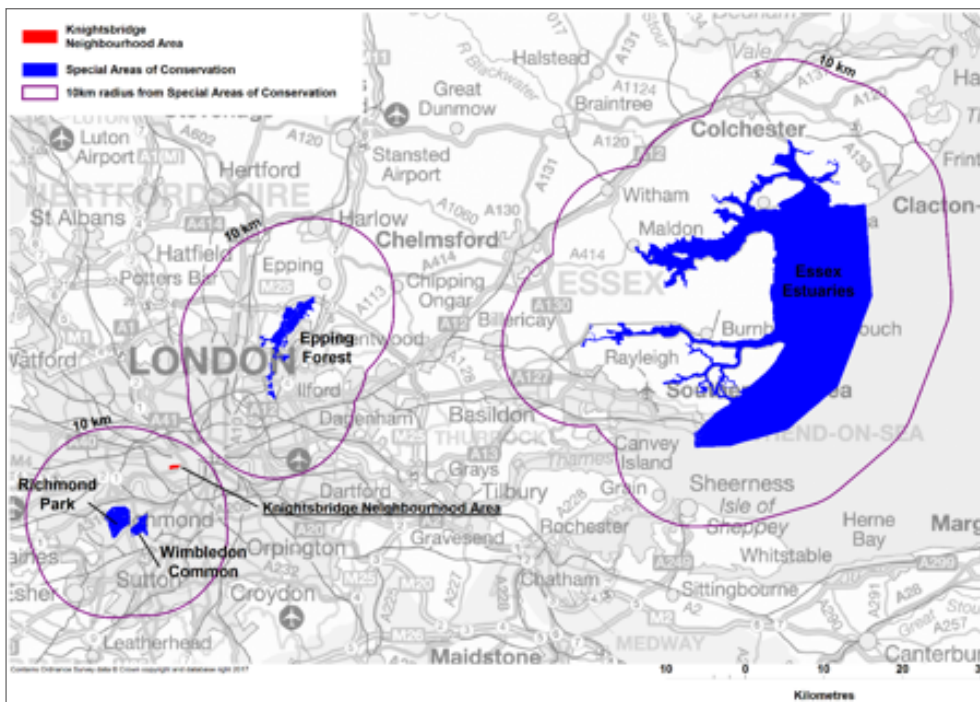
5 Screening outcome

- 5.1** The screening assessment which has been undertaken concludes that no likely significant effects in respect of the Richmond Park and Wimbledon Common SACs will occur as a result of the implementation of the Plan. As such, the Plan does not require a full HRA to be undertaken.
- 5.2** The outcome of this updated Screening Report is subject to review by Natural England and Westminster City Council. The Screening Report and subsequent screening opinion may also need to be reviewed if significant changes are made to the Neighbourhood Plan as a result of this review or any other evidence that informs a significant change to the Plan prior to the Submission Stage (Regulation 16).

APPENDIX - STATUTORY DESIGNATIONS

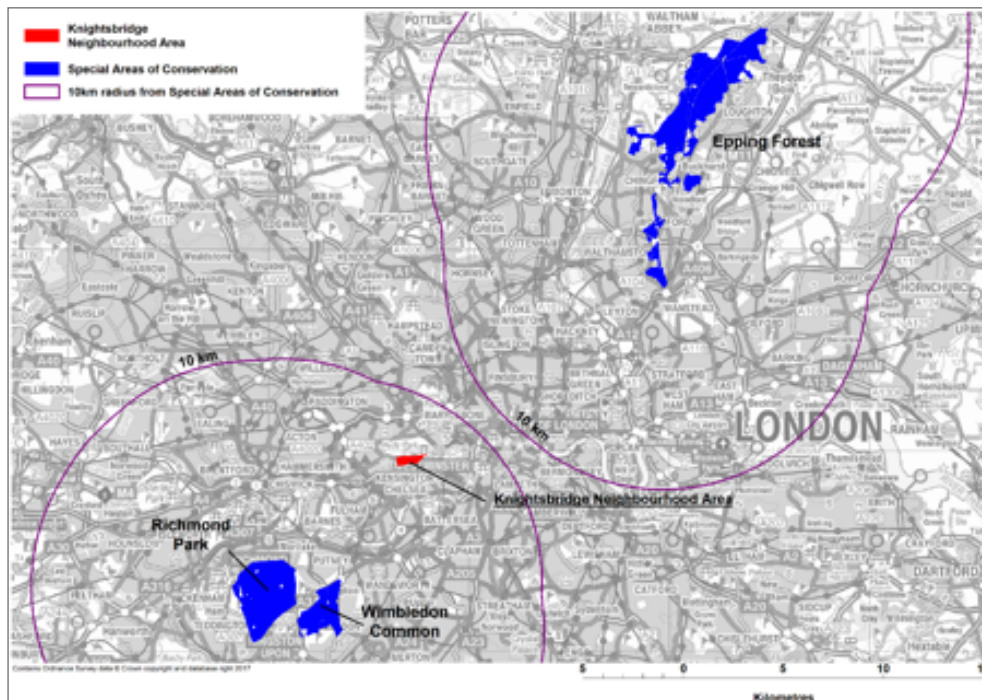
Designation relates to, or having the nature of, a statute (such as the Wildlife and Countryside Act, 1981, or the National Parks and Countryside Act, 1949). The NPPF states for plan-making that Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless: specific policies in this Framework indicate development should be restricted. For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion. See circular 05/2006.

Map showing the location of the Knightsbridge Neighbourhood Area within a 10km radius of SACs



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Map showing the location of the Knightsbridge Neighbourhood Area within a 10km radius of SACs



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Special Areas of Conservation

A Special Area of Conservation (SAC) is the land designated under Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora.

Site characteristics and conservation objectives

The following is extracted from the Appropriate Assessment Screening Report for the NPPF revisions to the Westminster Core Strategy in relation to Special Protection Areas (SPAs), Special Areas of Conservation and wetlands of international importance.

Wimbledon Common SAC

Location of Wimbledon Common SAC	
Country	England
Unitary Authority	Merton; Wandsworth
Grid Ref*	TQ227719
Latitude	51 25 56 N
Longitude	00 14 04 W
SAC EU code	UK0030301
Status	Designated Special Area of Conservation (SAC)
Area (ha)	348.31
* This is the approximate central point of the SAC. In the case of large, linear or composite sites, this may not represent the location where a feature occurs within the SAC.	
General site character	
Inland water bodies (standing water, running water) (1%)	
Bogs. Marshes. Water fringed vegetation. Fens (0.5%)	
Heath. Scrub. Maquis and garrigue <i>Phygrana</i> (5%)	
Dry grassland. Steppes (45%)	
Improved grassland (3.5%)	
Broad-leaved deciduous woodland (45%)	
Annex I habitats that are a primary reason for selection of this site	
Not applicable	
Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site	
4010 Northern Atlantic wet heaths with <i>Erica tetralix</i>	
4030 European dry heaths	
Annex II species that are a primary reason for selection of this site	
1083 Stag beetle <i>Lucanus cervus</i>	
Wimbledon Common has a large number of old trees and much fallen decaying timber. It is at the heart of the south London centre of distribution for stag beetle <i>Lucanus cervus</i> , and a relatively large number of records were received from this site during a recent nationwide survey for the species (Percy <i>et al.</i> 2000). The site supports a number of other scarce invertebrate species associated with decaying timber.	
Annex II species present as a qualifying feature, but not a primary reason for site selection	
Not applicable.	

Richmond Park SAC

Location of Richmond Park SAC	
Country	England
Unitary Authority	Richmond upon Thames
Grid Ref*	TQ199728
Latitude	51 26 27 N
Longitude	00 16 28 W
SAC EU code	UK0030246
Status	Designated Special Area of Conservation (SAC)
Area (ha)	846.68
* This is the approximate central point of the SAC. In the case of large, linear or composite sites, this may not represent the location where a feature occurs within the SAC.	
General site character	
Inland water bodies (standing water, running water) (1.5%)	
Bogs. Marshes. Water fringed vegetation. Fens (0.5%)	
Heath. Scrub. Maquis and garrigue. Phygrana (25%)	
Dry grassland. Steppes (18%)	
Humid grassland. Mesophile grassland (5%)	
Improved grassland (20%)	
Broad-leaved deciduous woodland (25%)	
Mixed woodland (5%)	
Annex I habitats that are a primary reason for selection of this site	
Not applicable	
Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site	
Not applicable.	
Annex II species that are a primary reason for selection of this site	
1083 Stag beetle <i>Lucanus cervus</i>	
Richmond Park has a large number of ancient trees with decaying timber. It is at the heart of the south London centre of distribution for stag beetle <i>Lucanus cervus</i> , and is a site of national importance for the conservation of the fauna of invertebrates associated with the decaying timber of ancient trees.	
Annex II species present as a qualifying feature, but not a primary reason for site selection	
Not applicable.	

Epping Forest SAC

Location of Epping Forest SAC	
Country	England
Unitary Authority	Essex
Grid Ref*	TQ399959
Latitude	51 38 39 N
Longitude	00 01 21 E
SAC EU code	UK0012720
Status	Designated Special Area of Conservation (SAC)
Area (ha)	1604.95
* This is the approximate central point of the SAC. In the case of large, linear or composite sites, this may not represent the location where a feature occurs within the SAC.	
General site character	
Inland water bodies (standing water, running water) (6%)	
Bogs, Marshes, Water fringed vegetation, Fens (0.2%)	
Heath, Scrub, Maquis and garrigue, Phygrana (3.8%)	
Dry grassland, Steppes (20%)	
Broad-leaved deciduous woodland (70%)	
Annex I habitats that are a primary reason for selection of this site	
9120 Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrublayer (Quercion robori-petraeae or Ilici-Fagenion)	
Epping Forest represents Atlantic acidophilous beech forests in the north-eastern part of the habitat's UK range. Although the epiphytes at this site have declined, largely as a result of air pollution, it remains important for a range of rare species, including the moss <i>Zygodon forsteri</i> . The long history of pollarding, and resultant large number of veteran trees, ensures that the site is also rich in fungi and dead-wood invertebrates.	
Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site	
4010 Northern Atlantic wet heaths with <i>Erica tetralix</i>	
4030 European dry heaths	
Annex II species that are a primary reason for selection of this site	
1083 Stag beetle <i>Lucanus cervus</i>	
Epping Forest is a large woodland area in which records of stag beetle <i>Lucanus cervus</i> are widespread and frequent; the site straddles the Essex and east London population centres. Epping Forest is a very important site for fauna associated with decaying timber, and supports many Red Data Book and Nationally Scarce invertebrate species.	
Annex II species present as a qualifying feature, but not a primary reason for site selection	
Not applicable.	

SPECIAL PROTECTION AREAS/RAMSAR

Thames Estuary and Marshes SPA and RAMSAR site

The Thames Estuary and Marshes SPA includes both marine and terrestrial habitats, and the marine area is also termed a European Marine Site. The marshes extend for around 15 km along the south side of the estuary, and also include some intertidal areas found on the north bank. It encompasses brackish, floodplain grazing marsh ditches and saline lagoons as well as intertidal saltmarsh and mudflat. This site was classified as both an SPA and a Ramsar Site (which covers approximately 5,500 hectares) on 31 March 2000.

The Thames Estuary and Marshes SPA qualifies under Article 4.1 of the EU Birds Directive as it supports internationally important populations of the regularly occurring Annex 1 species avocet and hen harrier. This Site also qualifies as an SPA under Article 4.2 of the EU Birds Directive as it supports internationally important populations of regularly occurring migratory species including Ringed Plover, Grey Plover, Dunlin, Knot, Black-tailed Godwit and Redshank. This SPA site also supports an internationally important assemblage of waterfowl as stated in Section 4.2 of the Directive, which include Gadwall, Shoveler, Tufted duck and Pochard.

The Thames Estuary and Marshes RAMSAR site qualifies under Criterion 2 as it supports one nationally rare and 14 nationally scarce plant species, as well as one endangered, 10 vulnerable and 12 rare invertebrate species. It also qualifies under Criterion 5 for its internationally important assemblage of waterfowl, and Criterion 6 for its internationally important numbers of over-wintering waterfowl.

The Thames Estuary and Marshes SPA is in the same location as the Essex Estuaries SAC.

Lee Valley SPA and RAMSAR site

The Lee Valley SPA is designated for internationally important numbers of breeding and wintering wildfowl, especially Gadwall and Shoveler and for wintering Bittern.

Special Protection Areas within Lee Valley Regional Park include Amwell Quarry, Rye Meads, Turnford and Cheshunt Pits and Walthamstow Reservoirs SSSIs.



 Lee Valley SPA