

# **Habitats Regulations Assessment (HRA) Screening Opinion**

**Draft Camley Street Neighbourhood Plan  
'Pre-submission' version (November 2018)**

Prepared by:

London Borough of Camden

## Habitats Regulations Assessment: Screening Opinion

- 1.1. The European Directive 92/43/EEC on Conservation of Natural Habitats and Wild Flora and Fauna Habitats provides legal protection for habitats and species of European importance (the Habitats Directive). The Directive's principal aim is to maintain at, and where necessary restore to, favourable conservation status of important, rare or vulnerable flora, fauna and habitats. The Directive is transposed into English legislation through the Conservation and Species Regulations 2010 (as amended).
- 1.2. It is a requirement of Article 102 of the Regulations that "the plan making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site's conservation objectives", where a plan is likely to have a significant effect on a European site and where it is not directly connected with or necessary to the management of the site.
- 1.3. The Habitats Directive also established a European network of nature conservation sites 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 Sites (OMSs) as well as RAMSAR sites which give protection to wetlands. The Council has identified four Natura 2000 sites within proximity to the Borough of Camden: three Special Areas of Conservation, i.e. Epping Forest, Richmond Park and Wimbledon Common, and one Special Protection Area and RAMSAR site: the Lee Valley.
- 1.4. The Camley Street Neighbourhood Forum has prepared a draft Neighbourhood Plan ('the pre-submission plan'). There is a statutory requirement for Camden Council to assess the likelihood of the Draft Plan's policies or proposals having an adverse impact on the Natura 2000 sites. There is also a separate requirement under the Localism Act for all neighbourhood plans to meet a number of 'Basic Conditions' which are tested through the independent examination. One of the Basic Conditions reflects the need to undertake an Habitats Regulations Assessment (HRA) screening, i.e. the making of a neighbourhood plan must not breach, and be otherwise compatible with, EU obligations, such as the Strategic Environmental Assessment (SEA) and Habitats Directives. This Screening Opinion will need to be provided to the Neighbourhood Plan Independent Examiner to assist their assessment of whether the Draft Plan meets the Basic Conditions. The Council has separately undertaken an SEA Screening report which has been shared with the relevant statutory bodies and Camley Street Neighbourhood Forum.

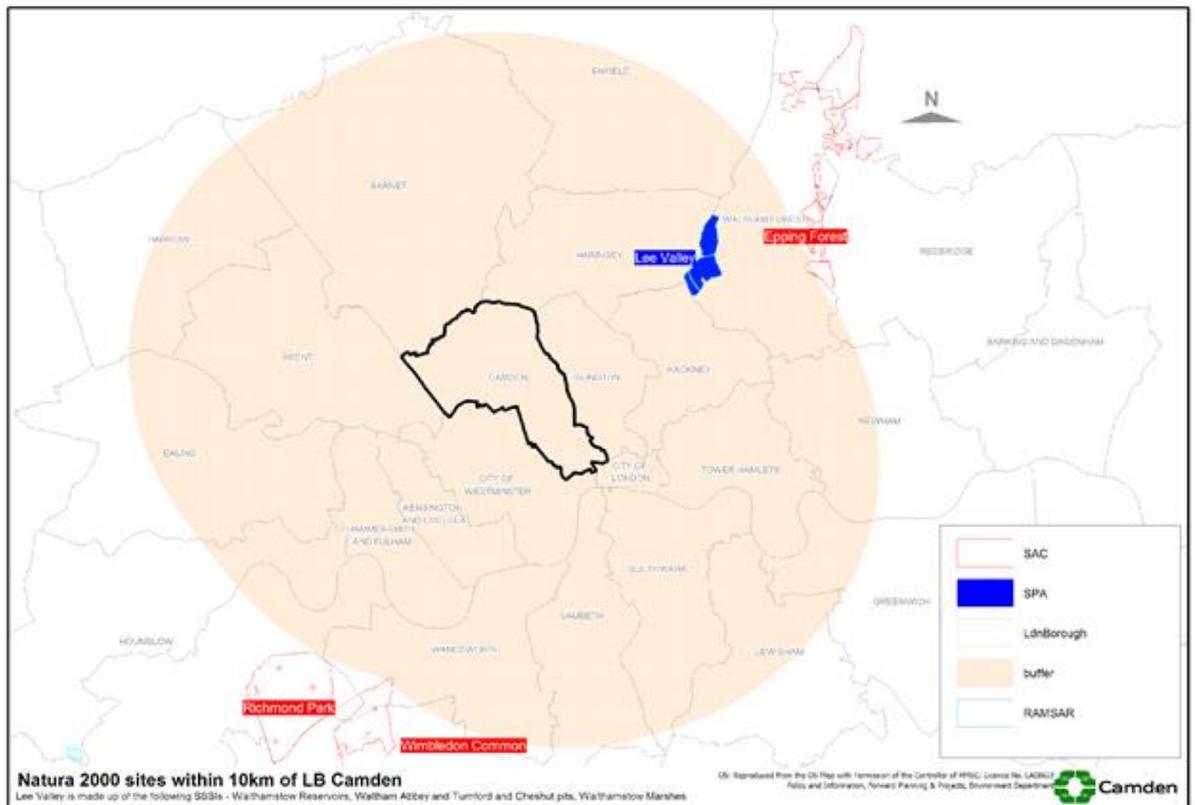
- 1.5. A Habitats Regulations Assessment is a formal assessment of whether a plan or project is likely to have a significant or an adverse impact on the integrity of Natura 2000 sites. The HRA Screening must determine whether significant effects on a Natura site can be ruled out on the basis of objective information. Once the Screening is complete, the Council is required to consult Natural England on its findings.

### *The Draft Camley Street Neighbourhood Plan*

- 1.6. A draft of the Camley Street Neighbourhood Plan was shared with Camden Council in July 2018. Further refinement of the Plan's policies was undertaken during the second half of 2018 prior to a formal consultation on the draft 'Pre-submission version' Plan commencing. This consultation is being led by the Camley Street Neighbourhood Forum in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) and runs from 28 November 2018 to 13 January 2019.
- 1.7. The Neighbourhood Plan covers a small area within St Pancras and Somers Town ward. As described in the Draft Neighbourhood Plan (paragraph 2.8) it is a "unique and distinct area of Camden and London. Virtually isolated by strategic transport links provided by the Regent's Canal and railway lines, yet within walking distance of central London, it provides home for a small number of residents and a cluster of small businesses, many of which use the location to supply central London's economy". It forms a relatively small plan area towards the centre of the London Borough of Camden. There are no Natura sites in the Plan area or LB Camden itself.
- 1.8. As the Neighbourhood Plan must be in general conformity with the strategic policies of the development plan, in this case the adopted Camden Local Plan 2017, the Council considers that the Habitats Regulations Assessment Screening Opinion for the Borough is an important consideration in determining whether there is a need for additional detailed assessment at the neighbourhood planning level.
- 1.9. Camden Council's screening of the Draft Local Plan (2015) identified whether the Plan's policies would give rise to impacts on the Natura 2000 sites and if so, establish the need for further assessment. The Council's Screening identified 4 sites within 10km of the borough of Camden – Epping Forest, Lee Valley, Richmond Park and Wimbledon Common. A map of the relevant sites is set out below (Map 1) .
- 1.10. The Screening Opinion can be viewed on the Council's website. It concluded that:

*“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”.*

**Map-1.-Natura-2000-sites**



- 1.11. The Screening Opinion noted that the increased population anticipated for Camden could have indirect impacts on the Natura 2000 sites. These potential impacts are - increased recreational demand; increased demand for clean water; and decreases in air quality. With regards to potential increased pressure on the sites from additional recreational demand, the Lee Valley is the closest of the four sites to LB Camden. The Screening Opinion considered that the Draft Camden Local Plan aims to strongly protect the Borough’s existing open spaces, reducing the need for residents to use spaces outside of the borough. In addition, Policy A5 of the draft Plan (Policy A2 in the final adopted version of the Plan) requires new and improved open space provision to meet the needs of new development within the Borough, further helping to offset potential use of open spaces further away, including Natura 2000 sites. The Plan was not therefore considered likely to give rise to a significant or adverse impact any of the Natura 2000 sites in relation to increased recreational demand.

- 1.12. On the potential for an increased demand for water, the Screening Opinion considered that Camden's growth might place pressure on reservoirs within the European sites, specifically the Lee Valley. However, the likelihood of any significant impacts was mitigated by Local Plan Policy CC3. This includes a range of measures to ensure that development does not increase flood risk and reduces the risk of flooding where possible. The Local Plan seeks the efficient use of water in new and refurbished developments and where possible, the re-use and recycling of water. The Plan seeks to protect existing drinking water and foul water infrastructure, including the reservoirs at Barrow Hill, Hampstead Heath, Highgate and Kidderpore. The Screening Opinion also notes that the provision of adequate water resources, e.g. through transfers from water surplus areas or the construction of new reservoirs, is planned across a catchment area (wider than a single Borough) and investment in new infrastructure is allocated accordingly. The Screening Opinion concludes that the Local Plan is unlikely to have a significant impact on the Natura 2000 sites due to increased water consumption.
- 1.13. The potential for increased levels of atmospheric pollution from emissions is linked to the emissions created by the construction and occupation of development and associated vehicle movements. To address this, the Local Plan has strong policies to limit vehicular traffic, promote sustainable travel modes, support sustainable goods and materials or manage traffic from demolition and construction sites and therefore limit air pollution. The Council also requires certain developments to undertake Air Quality Assessments (AQA) and will not grant planning permission unless mitigation measures are adopted where an AQA shows there will be harm to air quality. The Screening Opinion considers that with these policies in place, the Local Plan is unlikely to have a significant impact on the Natura 2000 sites due to increased levels of atmospheric pollution.
- 1.14. The Council has carefully considered how the Draft Camley Street Neighbourhood Plan's policies relate to those set out in the adopted Camden Local Plan. In particular, the Council considers that the Draft Plan is consistent with the Local Plan's Growth and Spatial Strategy set out by Policy G1. This policy identifies emerging priorities for the Camley Street area, which the Camley Street Neighbourhood Plan has developed in greater detail. The Neighbourhood Plan does not itself identify quantum for development on sites identified in the Plan area.
- 1.15. The Council considers that the Draft Neighbourhood Plan builds on and adds local detail that is likely to have some beneficial outcomes, including for the protection of the Natura 2000 sites. Where the Draft Plan sets out a locally-

specific approach to environmental quality, for example the suite of policies on Green Infrastructure, this supports the approach in the adopted Camden Local Plan, i.e. Policies A2 and A3. The Neighbourhood Plan does not undermine the protections for the Natura 2000 built into the Local Plan. In line with the methodology followed in the Draft Local Plan HRA Screening, the Council has assessed each of the Draft Neighbourhood Plan's policies against the coding criteria produced by Tyldesley Associates, an objective and widely-used approach for assessing the likely effects of different policies. The assessment is set out below.

### **Coding used for recording effects/impacts on European Sites**

<b>Reason why policy will have no effect on a European Site</b>	
<b>1</b>	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)
<b>2</b>	The policy makes provision for a quantum / type of development (and may or may not indicate one or more broad locations)
<b>3</b>	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.
<b>4</b>	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.
<b>5</b>	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.
<b>6</b>	The policy is intended to protect the natural environment, including biodiversity.
<b>7</b>	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.
<b>Reason why policy could have a potential effect</b>	
<b>8</b>	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.
<b>Reason why policy would be likely to have a significant effect</b>	
<b>9</b>	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)

## Assessment of policies contained within the Draft Neighbourhood Plan

Policy	Why policy will have no impact on sites (refer to coding matrix above)	Why the policy is likely to have an impact on sites	Essential recommendations to avoid potential effects on European Sites
<b>Employment Policies</b>			
CS EM1	2, 3, 4		
CS EM2	2, 3, 4		
<b>Local Community and Social Needs</b>			
CS CSN1	2,4		
<b>Housing</b>			
CS HO1	2,3,4		
CS HO2	2,3,4		
CS HO3	2,3,4		
<b>Sustainable Transport</b>			
CS TR1	2,7		
CS TR2	2,7		
<b>Green Infrastructure</b>			
CS GI1	6, 7		

CS GI2	7		
CS GI3	6, 7		
<b>Design Quality</b>			
CS DQ1	7		
CS DQ2	7		
CS DQ3	7		

- 1.16. The assessment of the Draft Camley Street Neighbourhood Plan policies using the coding methodology found that the Plan's policies generally add detail and complement policy approaches set out in the Camden Local Plan 2017. The Plan's housing and employment policies are not considered to have a significant effect on the Natura 2000 sites. The overall scale of growth likely to come forward in the Camley Street area has already been 'screened out' in the Draft Local Plan Screening.
- 1.17. The Neighbourhood Plan envisages that the Camley Street area will provide intensification of both housing and employment floorspace. The emphasis on the retention of employment floorspace and occupiers reduces the likelihood of these uses being displaced to alternative locations where the impacts on Natura 2000 sites could be greater.
- 1.18. The Draft Neighbourhood Plan seeks to make best use of land, for example from the introduction of housing into low density employment sites. This should lead to the provision of additional housing in the Borough in a highly accessible, sustainable location, with good access to tube and bus services within a walking distance. The requirement for a mix of housing meeting the needs of people with different needs and incomes is likely to strengthen the long-term sustainability of the area. Any effect of the Draft Plan on Natura 2000 sites is likely to be either neutral by concentrating development in inner London, away from these sites.
- 1.19. Other policies, such as CS CSN1 relating to the provision of social infrastructure, are likely to contribute to sustainable communities. This increases the prospect of transformation of the Camley St area being effective and long-lasting. Improvements to local facilities and the amenity of the area generally is likely to mean that people will be able to meet their needs more easily in the immediate locality. Any effects on the Natura 2000 sites are likely to be neutral.
- 1.20. The Plan seeks to manage any negative impacts of the construction process and operation of development through measures set out in Policy CS TR1. This includes the provision of off-site loading bays, use of delivery management plans, the promotion of environmentally-friendly and active modes of travel and segregation of cyclists and pedestrians. This builds on policies seeking to manage and mitigate the impacts of development in the Camden Local Plan. These mitigation and enhancement measures are unlikely to have an adverse effect on the Natura 2000 sites.
- 1.21. The Draft Neighbourhood Plan's suite of green infrastructure policies should positively enhance the area and ensure that the use of open space for recreation and play is maximised. A summary of the policies and proposals is set out in Box 1 below. The Plan promotes greening measures, such as pocket parks and living walls, to improve the attractiveness of the area and seeks to resist

proposals that would be detrimental to existing green infrastructure, such as trees and gardens. It seeks to improve connectivity with existing open spaces in the surrounding area which may be able to provide a wider range of/ alternative experiences to the green and open spaces within the Plan area. The Plan also aims to deliver biodiversity gains as a part of new development schemes. Taken together, these measures should have a neutral effect on Natura 2000 sites and reduce the likelihood of the local population having to travel beyond the local area to meet their needs for recreation. They are likely to have a positive effect on the natural environment more broadly. The Draft Plan has fully considered the area's environmental context and the available opportunities to realise environmental gains.

### **Box 1**

The Council considers that Draft Camley Street Neighbourhood Plan has a number of positive policies to help safeguard and enhance the natural environment. These are considered to support Policies A2 (Open Space) and A3 (Biodiversity) of the adopted Camden Local Plan 2017. The following measures are proposed:

- Securing developer contributions towards local greening such as pocket parks, living walls and improvements to the Regent's Canal;
- Resisting the loss of smaller amenity areas, trees and vegetation and enhancing these where possible;
- Improving green corridors and links to surrounding open spaces;
- Protection of residential gardens;
- Resisting proposals that would harm Camley Street Natural Park and Elm Village Open Space;
- Provision of open space within new developments including both public and private amenity areas
- Incorporation of sustainable food growing in developments or community food growing;
- Biodiversity enhancements such as bird and bat boxes and invertebrate loggeries;
- Protection of existing trees;
- Safeguarding of important local views to assets including the Camley Street Natural Park;
- Opportunities for volunteers to become involved in nature conservation work.

- 1.22. Policy CS DQ1 relates principally to the built environment. It seeks opportunities for new open spaces to be well-integrated into the design of new schemes, a factor that is likely to directly impact on their use. The policy looks to support the wider transformation of the area, addressing the issues in the Plan area around poor environmental quality and the condition of the public realm. Policy CS DQ2

aims to enhance the walkability of the area and connections through it. This is an important component of the future vision for the area and could improve access to areas of open space. Policy CS DQ3 seeks provision of private amenity / communal space, the opening up of new routes and plans positively for the retention and enhancement of locally important views, e.g. to Camley Street Natural Park. The Council considers that the Plan's design policies will not harm the status of the Natura 2000 sites and any effects are likely to be neutral. Improvements to the amenity of the area and the quality of the built and natural environment are generally positive outcomes which are likely to result in increased opportunities for recreation.

### **Conclusion**

- 1.23. The Council has fully considered the scope and content of the Draft Camley Street Neighbourhood Plan for the purposes of determining whether the policies and proposals are likely to give rise to any significant adverse impacts on the network of Natura 2000 sites. It is the Council's opinion that the Draft Plan will not do so. In making its assessment, the Council has had regard to the Screening Opinion that was previously undertaken on the Draft Local Plan. This found that the future growth and development of Camden set out by the Local Plan was unlikely to significantly effect the Natura 2000 sites.
- 1.24. The Draft Neighbourhood Plan builds on the Council's adopted approach and does not introduce new policy requirements, or diverge from the Camden Local Plan in a way, that alters the Council's findings at a strategic/Borough-wide level. This Screening Opinion finds that the Draft Neighbourhood Plan is likely to have some positive environmental outcomes by the attention it gives to improving green infrastructure and the public realm within the Camley Street area. The impact of the Draft Plan on the Natura 2000 sites is, however, most likely to be neutral. The Plan's strategy helps to make best use of available land through the intensification of development and a wider mix of uses. This should lead to a more sustainable community and successful place, meaning that the area would be able to better address its existing, and future, needs.