



Old Kent Road Area Action Plan
Proposed Submission Version
October 2024

Habitats Regulations Assessment

Old Kent Road Area Action Plan 2024 appendices: Document Locator	
No.	Title
Appendix A	Old Kent Road AAP December Version 2020
Appendix B	Consultation Plan
Appendix C	Consultation Report
Appendix D	Integrated Impact Assessment
Appendix E	Habitats Regulations Assessment
Appendix F	Equalities Impact Assessment, comprising:
	- EQIA Document 01: Executive Summary
	- EQIA Document 02: Summary of the EQIA
	- EQIA Document 03: Equalities Impact Assessment
Appendix G	Health Impact Assessment

Contents

1	Introduction	3
2	The Need for Appropriate Assessment	3
3	Identifying Likely Significant Effects	5
4	Methodology	6
5	Identification of Relevant Sites	6
6	Appraisal Framework	15
7	Screening analysis of the New Southwark Plan Area: Proposed Submission Version	17
8	Conclusion	19
	References	19

1. Introduction

- 1.1 This report presents the findings of a screening exercise undertaken to determine whether stages 2 and 3 of the Habitats Regulations Assessment (HRA) process are needed for the Old Kent Road Area Action Plan: September 2024. The council has also undertaken a separate Integrated Impact Assessment incorporating Strategic Environmental Assessment Screening Assessment for the document which outlines the environmental baseline data for the area.
- 1.2 The Old Kent Road Area Action Plan (AAP) is a plan to regenerate the Old Kent Road and surrounding area. It sets out a vision for how the area will change from 2020 to 2040. This includes delivering 20,000 new homes and 10,000 additional jobs. The vision will be delivered by a strategy with policies, designations, site allocation and masterplans over the next 20 years. We will require development as set out in the AAP to make sure that we get the right development needed to support a healthy, safe and prosperous community and a fairer future for all in the Old Kent Road area.
- 1.3 The AAP will be part of our framework of planning documents. It will be a material planning consideration in deciding planning applications in the opportunity area. It will help ensure that we make decisions transparently, providing clarity for members of the public and giving more confidence to developers to invest in the area. It will also be an opportunity area planning framework (OAPF) and will be endorsed by the Mayor of London.
- 1.4 The proposed policies are in general conformity with existing policies in the emerging Southwark Plan (2022). An AA screening exercise was also carried out for other adopted AAP's in Southwark and the Southwark Plan (2022), which found that there was no significant discernible adverse impact on European sites.

2. The need for Habitats Regulations Assessment

- 2.1 In October 2005, the European Court of Justice ruled that HRA must be carried out on all planning policy documents in the UK. The purpose of HRA of planning policies is to ensure that the protection and integrity of European sites¹ (also known as the Natura 2000 network) is part of the

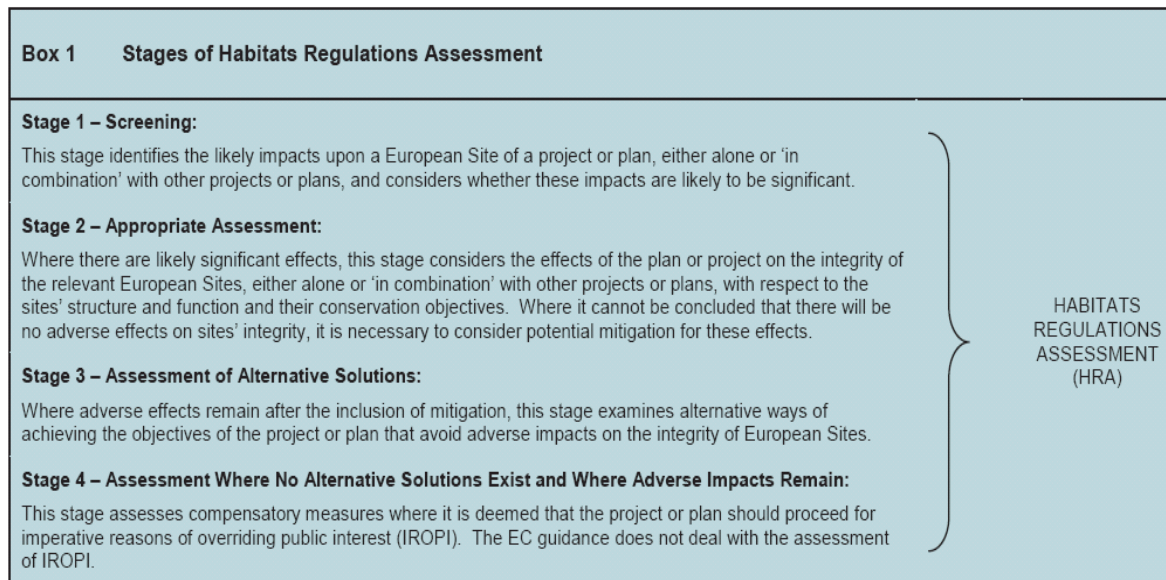
¹ Strictly, 'European sites' are any Special Area of Conservation (SAC) from the point at which the European Commission and the UK Government agree the site as a 'Site of Community Importance' (SCI); any classified Special Protection Area (SPA); any candidate SAC (cSAC); and (exceptionally) any other site or area that the Commission believes should be considered as an SAC but which has not been identified by the government. However the terms is also commonly used when referring to potential SPAs (pSPAs), to which the provisions of Article 4 (4) of Directive 2009/147/EC (the new wild birds directive) are applied; and to possible SACs (pSACs) and listed RAMSAR Sites, to which the provisions of the Habitats Regulations are applied a matter of government policy (NPPF para 118) when considering development proposals that may affect them. The Natura 2000 network is therefore used in this report in its broadest sense, as an umbrella term for all of the above designated sites.

planning process at the regional and local level. It is the responsibility of the Local Planning Authority (LPA) to ensure that the HRA process is carried out in accordance with the Habitat Directive (Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds) and Regulation 102 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'). This requirement is also supported under paragraph 37 of the Planning Practice Guidance (PPG) on Plan-making which states. "A local plan may ... require a Habitats Regulations Assessment if it is considered likely to have significant effects on habitats, sites or species located in the local planning authority's area or in its vicinity".

- 2.2 The Habitats Regulations Assessment will be supported by forthcoming changes made as a result of the Environment Act (2021), such as the Local Nature Recovery Strategy and Local Green Infrastructure Framework which act as a new system of spatial biodiversity strategies across London. European sites will sit within a larger framework of natural landscape land to support biodiversity and green infrastructure as a result of these changes.
- 2.3 The Habitats Regulations requires that authorities assess the effects of land use plans on European sites to determine whether there will be any 'likely significant effects' (LSEs) on any Natura 2000 sites as a result of the plan's implementation (either on its own or in combination with other plans or projects). If there are LSEs there will be a need for the authority to undertake an Appropriate Assessment to determine whether or not there will be any adverse effects on the sites' integrity.
- 2.4 Guidance from the Department of Communities and Local Government (DCLG) on Appropriate Assessment² states that: 'The purpose of Appropriate Assessment (AA) of land use plans is to ensure that protection of the integrity of 'European sites' is a part of the planning process at a regional and local level.
- 2.5 The DCLG guidance summarises the AA process prescribed in Article 6(3) and (4) of the Habitats Directive into three main stages:
 1. likely significant effects (AA task 1);
 2. appropriate assessment and ascertaining the effect on site integrity (AA task 2);
 3. mitigation and alternative solutions (AA task 3); and **imperative reasons of overriding public interest.*

² Planning for the Protection of European Sites: Appropriate Assessment Guidance For Regional Spatial Strategies and Local Development Documents, DCLG, August 2006

- 2.6 The test to identify whether a plan option is 'likely to have a significant effect' on a European site is also referred to as 'screening'. This determines whether stages 2 and 3 of the HRA are required.
- 2.7 For additional up to date guidance on the methodology of the appropriate assessment, see guidance from Ministry of Housing Communities and Local Government in references section.



3. Identifying likely significant effects (LSEs)

- 3.1 The first stage, screening for HRA, will determine if planning policy and guidance documents are likely to have a significant effect on the conservation objectives of the Natura 2000 sites. This will determine whether stages 2 and 3 of the HRA are required. In considering whether the plan policy, guidance or site is likely to have a significant effect on a Natura 2000 site, it should be noted that a site may be located either within or outside the area covered by the plan as significant effects may be incurred in cases where the area of the plan is some distance away.
- 3.2 When considering the LSEs of a policy, it is recognised that some policy 'types' cannot affect any European sites. Different guidance documents suggest various classification and referencing systems to help identify those policies that can be safely screened out to ensure the HRA focuses on the policies with any potential to result in LSEs. Table 2.1 summarises the characteristics of policies that can usually be screened out.

Table 2.1 Policy ‘types’ that can usually be screened out

Broad Policy Type	Notes
General statements of policy	The European Commission recognises* that plans or plan components that are general statements of policy or political aspirations cannot have significant effects
General design / guidance criteria	A general ‘criteria based’ policy expresses the tests or expectations of the plan-making body when it comes to consider particular proposals, or relate to design or other qualitative criteria which do not themselves lead to development (e.g. controls on building design).
External plans / projects	Plans or projects that are proposed by other plans and are referred to in the plan being assessed for completeness
Environmental protection policies	Policies designed to protect the natural or built environment will not usually have significant or adverse effects

* EC, 2000, Managing Natura 2000 sites: the provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC April 2000 at 4.3.2

4. Methodology

4.1 The legal requirement to undertake HRAs is set out in the Habitats Directive. However, there is no standardised method for undertaking an HRA. The council has followed the screening method used on the HRA of the London Plan (2021) completed by AECOM and also the methodology used to prepare the HRA for the Southwark Plan (2022).

4.2 The methodology used is based primarily on the guidance by Tydesley and Associates prepared for Natural England - ‘The Assessment of Regional Spatial Strategies and Sub Regional Strategies under the Provisions of the Habitats Regulations’ (2006).

5. Identification of relevant sites

5.1 Using the Joint Nature Conservation Committee (JNCC) website³, and in line with the methodology employed in the draft London Plan Habitats Regulations Assessment (2017) Plan, the council identified those Natura 2000 sites within a 10km zone extending from the boundary of the borough. SACs, SPAs, RAMSARS and OMSs were included. European sites were scoped into the study if they occurred either wholly or partially within this geographical area. The council identified that there are no Natura 2000 sites in Southwark. Four sites are partially within 10km of Southwark and are set out below:

Identified conservation sites of EC importance
<u>Sites at least partially in Southwark</u>
None

³ www.jncc.gov.uk

Sites at least partially within 10km of Southwark

Wimbledon Common (SAC)

Richmond Park (SAC)

Epping Forest (SAC)

Lee Valley (SPA)

5.2 The information for these sites concerning the rationale for EU conservation has had reference to the draft London Plan Habitats Regulation Assessment (2017) completed on behalf of the GLA by Aecom. This includes supplementary information in order to assist in considering the vulnerability of sites to potential adverse impacts. This is presented in the table on the following pages. The screening of likely significant effects for the Old Kent Road Area Action Plan is not considered to deviate from the HRA undertaken to support the examination of the Southwark Plan (2022), and therefore has re-produced the more concise table of LSEs according to; site name and description, qualifying interest (Habitats and Species), current condition and recognised threats.

Site Description table

5.3 This information has been sourced from Natural England 'Designated Sites View' which contains JNCC SAC Data and information on the current condition of European Sites.

- Site name and designation
Obtained from Natural England 'Natura 2000 Forms' and RAMSAR forms from the JNCC website.
- Qualifying Interest (habitats and species)
Denotes the habitats and species for which the sites have been awarded EU conservation status. It is these qualifying features which the HRA must safeguard. This information is obtained from 'Natura 2000' and RAMSAR forms. The qualifying features form the basis of Natural England's 'conservation objectives for the European interest on SSSIs', which were drawn upon for pertinent additional information.
- Current condition
- Recognised threats
Information pertaining to the potential threats. From Natura 2000, RAMSAR, and Conservation Objectives forms.

Site name and designation	Qualifying Interest (Habitats and Species)	Current Condition	Recognised threats
<p>Wimbledon Common SAC (348.31 ha)</p>	<p>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:</p> <ul style="list-style-type: none"> • Northern Atlantic wet heaths with <i>Erica tetralix</i> • European dry heaths <p>Annex II species that are the primary reason for selection of this site:</p> <ul style="list-style-type: none"> • <i>Lucanus cervus</i> (stag beetle) 		<p>The draft London Plan HRA lists the following pressures to Wimbledon Common SAC:</p> <ul style="list-style-type: none"> • Inappropriate behaviour by some visitors (e.g removal and collection of wood) • Habitat fragmentation • Invasive species (specifically oak processionary moth <i>Thaumetopoea processionea</i>) • Atmospheric pollution (nitrogen deposition) <p>Recreational pressure: Site is located in an urban area which is likely to have a local core recreational catchment extending to around 5km and as a result experiences intensive recreational pressure which can result in damage to sensitive heathland areas. Most hotspots of recreational usage at Wimbledon Common are areas of grassland which does not host SAC features, however lack of physical disturbance also allow the encroachment of scrub, which footfall can contain.</p> <p>Air quality:</p>

Site name and designation	Qualifying Interest (Habitats and Species)	Current Condition	Recognised threats
			<p>The SAC is within 200m of the A3 and A219 roads, as a result average background nitrogen deposition rates within the SAC exceed the minimum critical load range for heathland. The draft London Plan HRA notes that policies in the London Plan such as the Mayor's Transport Strategy and Transport for London interventions to reduce traffic will aim to improve air quality.</p>

Site name and designation	Qualifying Interest (Habitats and Species)	Current Condition	Recognised threats
Richmond Park SAC (846.68 ha)	<p>Annex II species that are the primary reason for selection of this site:</p> <ul style="list-style-type: none"> • <i>Lucanus cervus</i> (stag beetle) 	<p>Current condition of Richmond Park SAC is reported here⁵ As of August 2024</p> <ul style="list-style-type: none"> • Stag beetle: All units are favourable 	<p>The draft London Plan HRA lists the following pressures to Richmond Park SAC:</p> <ul style="list-style-type: none"> • None specifically identified in the Natural England Site Improvement Plan, although loss of habitat (dead wood) would affect the stag beetle population. <p>The draft London Plan HRA provides further details relating to the following pressures</p> <p>Recreational pressure: The SAC is located in an urban area and is therefore liable to recreational pressure and urbanisation. The stag beetle population is dependent on good habitat management.</p> <p>Air quality: Nitrogen deposition can negatively impact on woodland features such as ground flora. Development anticipated by the London Plan is unlikely to have a</p>

⁵ Richmond Park SAC Data, Natural England:
<https://designatedsites.naturalengland.org.uk/SiteGeneralDetail.aspx?SiteCode=UK0030246&SiteName=Richmond%20Park%20SAC&countyCode=&responsiblePerson=&SeaArea=&IFCAAarea=>

Site name and designation	Qualifying Interest (Habitats and Species)	Current Condition	Recognised threats
			significant impact upon stag beetle populations.
Epping Forest SAC (1628.86 Ha)	<p>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:</p> <ul style="list-style-type: none"> • Northern Atlantic wet heaths with <i>Erica tetralix</i> • European dry heaths • Atlantic acidophilous beech forests with <i>Ilex</i> and sometimes also <i>Taxus</i> in the shrublayer (<i>Quercion robori-petraeae</i> or <i>Illici-Fagenion</i>) <p>Annex II habitats that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> • <i>Lucanus cervus</i> (stag beetle) • <i>Triturus cristatus</i> 	<p>Current condition of Epping Forest SAC is reported here⁶ As of August 2024</p> <ul style="list-style-type: none"> • North Atlantic wet heaths: Unfavourable recovering • European dry heaths: One unit unfavourable no change, two units unfavourable recovering • Atlantic acidophilous: 23% favourable, 77% unfavourable recovering • Stag beetle: All units favourable 	<p>The draft London Plan HRA lists the following pressures to Epping Forest SAC:</p> <ul style="list-style-type: none"> • Air pollution • Public disturbance • Inappropriate water levels • Water pollution <p>Recreational pressure: The SAC receives a high volume of visitors from the surrounding area, with 95% of visitors living within 2km of Epping Forest, with main points of visitor origin being residents of LB Redbridge and LB Waltham Forest.</p> <p>Air quality: The location of the SAC means that key highways accessing settlements within South East Essex and East Hertfordshire, traverse the border of the SAC leading to relatively poor air</p>

⁶ Epping Forest SAC Data, Natural England:
<https://designatedsites.naturalengland.org.uk/SiteGeneralDetail.aspx?SiteCode=UK0012720&SiteName=Epping%20Forest&countyCode=&responsiblePerson=&SeaArea=&IFCAAarea=>

Site name and designation	Qualifying Interest (Habitats and Species)	Current Condition	Recognised threats
			quality. This primarily affects epiphytic lichen communities of the Forest.
Lee Valley SPA / Ramsar (447.87 ha)	<p>Lee Valley qualifies as an SPA for its Annex II species</p> <p>Annex II habitats that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> • <i>Anas clypeata</i> (Northern Shoveler) • <i>Anas strepera</i> (Gadwall) • <i>Botaurus stellaris</i> (Eurasian bittern) <p>Triturus cristatus</p>	<p>The current condition of the Lee Valley SPA and Ramsar sites is monitored by Natural England⁷</p> <p>There are a number of SSSIs contained within the Lee Valley Ramsar site of which Walthamstow Reservoirs, Waltham Abbey and Turnford and Cheshunt Pits are 100% favourable.</p>	<p>The draft London Plan HRA lists the following pressures to the Lee Valley SPA / Ramsar:</p> <ul style="list-style-type: none"> • Water pollution • Hydrological changes • Recreational disturbance including angling • Atmospheric pollution <p>The draft London Plan HRA provides further details relating to the following pressures:</p>

⁷ Lee Valley SPA and Ramsar Data, Natural England:

<https://designatedsites.naturalengland.org.uk/SiteList.aspx?siteName=Lee%20Valley&countyCode=&responsiblePerson=&DesignationType=All>

Site name and designation	Qualifying Interest (Habitats and Species)	Current Condition	Recognised threats
	<p>Lee Valley qualifies as a Ramsar site under the following criterion:</p> <ul style="list-style-type: none"> • Criterion 2: The site supports the nationally scarce plant species whorled water-milfoil <i>Myriophyllum verticillatum</i> and the rare or vulnerable invertebrate <i>Micronecta minutissima</i> (a water-boatman); and, • Criterion 6: species/populations occurring at levels of international importance. 	<p>Walthamstow Marshes are 36% favourable and 63% unfavourable but recovering</p>	<p>Recreational pressure: Over the past 10 years landowners and managers (RSPB, the local Wildlife Trust, the Regional Park Authority and Thames Water have undertaken initiatives both to facilitate and promote access for the greater public access to the SPA for recreation. It is considered that the relevant competent authorities would not have embarked on these initiatives if there was risk of an adverse effect on the SPA or Ramsar site. For this reason, recreational pressure is not considered to lead to harm to the protected site.</p> <p>Air quality: The only parts of the Lee Valley SPA/Ramsar site in London are Walthamstow Reservoirs. These are sealed reservoirs that are internationally designated for their populations of wintering gadwall and shoveler ducks. no likely significant effects are anticipated since the South West London Waterbodies SPA, like most freshwater environments, is essentially phosphate limited, rather than nitrogen limited, meaning that it is phosphate availability that controls the</p>

Site name and designation	Qualifying Interest (Habitats and Species)	Current Condition	Recognised threats
			<p>growth of macrophytes and algae. The London Plan will not affect phosphate availability within Walthamstow Wetlands.</p> <p>Water resources: Water levels for the reservoirs are controlled by Thames Water and have been largely responsible for creating the circumstances that led to the site being of international importance for species. There are no wastewater treatment works with catchments within the GLA boundary that discharge into the River Lee or its tributaries. Natural England has developed a Site Improvement Plan for the Lee Valley, published in 2014.</p>

6. Appraisal Framework

- 6.1 The policies within the Old Kent Road Area Action Plan have been analysed to assess whether they would be likely to result in significant adverse impacts on European sites. The Natural England guidance⁸ defines 'likely' as meaning 'probably', not merely a fanciful possibility'. The potentially adverse impacts were screened according to the approach set out in Appendix A and Figure 3 of the guidance. However criteria 2 and 3 were not considered because these are applicable to the assessment of Regional Spatial Strategies (now abolished), not Development Plan Documents.
- 6.2 A precautionary approach was adopted so that the assessment also considered cumulative impacts therefore all potentially significant adverse impacts were assessed.

Coding used for recording effects / impacts on European Sites (from Tydesley and Associates, 2006, Annex 2).

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)
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 DPD 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.

⁸ The Assessment of Regional Spatial Strategies and Sub Regional Strategies under the Provisions of the Habitats Regulations' (2006).

Reason why policy would be likely to have a significant effect
<p>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.</p>

- 6.3 A Habitat Regulations Assessment (HRA) screening (stage 1) has been undertaken to assess the impact of the guidance in the Old Kent Road Area Action Plan. This is set out below. The preparation of the plan is considered likely to have no significant adverse effect on the European sites therefore it is deemed to require no further HRA (stages 2 and 3) to be undertaken.

7. Screening Analysis of the Old Kent Road Area Action Plan

7.1 This section screens the Old Kent Road Area Action Plan policies guidance for impacts on Natura 2000 sites. Each policy has been assessed against the criteria provided in section 6 which itself is based on guidance prepared by Tydesley and Associates for Natural England titled, 'The Assessment of Regional Spatial Strategies and Sub Regional Strategies under the Provisions of the Habitats Regulations 2006.'

Analysis

Old Kent Road AAP objective	Related policy reference	Why policy will have no impact on Natura 2000 sites	Likely to have an impact	Essential recommendations to avoid potential negative effects on European sites
Delivery	AAP1 The Masterplan	4	No	None
	AAP2 Bakerloo Line Upgrade and Extension	4	No	None
Homes	AAP3 Homes for All	4	No	None
	AAP4 Student Homes	4	No	None
Strong Local Economy	AAP5 Business and Workspace – 'The Bow Tie'	4	No	None
	AAP6 Life Sciences	4	No	None
	AAP7 Town Centres, Leisure and Entertainment	4	No	None

Movement, Parks and Healthy Streets	AAP8 Movement – People, Place, Experience	4	No	None
	AAP9 The Greener Belt – Parks & Healthy Streets	4	No	None
Design	AAP10 Tall Buildings Strategy – The Stations and the Crossings	4	No	None
	AAP11 Character and Heritage	4, 7	No	None
	AAP12 Design	4	No	None
Environment	AAP13 Climate Emergency	1, 4, 6	No	None
	AAP14 Flood Risk, Noise and Air Quality	4, 6	No	None
Great Start in Life	AAP15 Great Start in Life – Child and Youth Provision	4	No	None

8. Conclusion

8.1 None of the strategic objectives, delivery policies or development management policies within the Old Kent Road Area Action Plan are likely to have any

significant discernible adverse impact on European sites therefore stage 2 (appropriate assessment and ascertaining the effect on site integrity) and stage 3 (mitigation and alternative solutions) of the HRA process are not considered necessary.

References

- Appropriate Assessment, Guidance on the use of Habitats Regulations Assessment, Ministry of Housing, Communities and Local Government, 2019, accessed from: <https://www.gov.uk/guidance/appropriate-assessment>
- Draft London Plan Habitats Regulations Assessment (on behalf of the GLA), AECOM, 2017, accessed from: <https://www.london.gov.uk/programmes-strategies/planning/london-plan/new-london-plan/examination-public-draft-new-london-plan/eip-library>
- Draft London Plan Habitats Regulations Assessment Update (on behalf of the GLA), AECOM, 2018, accessed from: <https://www.london.gov.uk/programmes-strategies/planning/london-plan/new-london-plan/examination-public-draft-new-london-plan/eip-library>
- Natural England, Design Sites View, 2024, accessed from: <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx>
- Planning for the Protection of European Sites: Appropriate Assessment Guidance for Regional Spatial Strategies and Local Development Documents, DCLG, August 2006, accessed from: <https://www.thenbs.com/PublicationIndex/documents/details?Pub=DCLG&DocID=279893>
- Planning Practice Guidance, Guidance on plan-making, Ministry of Housing, Communities and Local Government, 2021, accessed from: <https://www.gov.uk/government/collections/planning-practice-guidance>
- The Conservation of Habitats and Species Regulations (England and Wales) Regulations DEFRA 2010, accessed from: <https://www.legislation.gov.uk/ukxi/2010/490/contents>
- The Conservation of Habitats and Species Regulations (England and Wales) Regulations, DEFRA, 2017, accessed from: <https://www.legislation.gov.uk/ukxi/2017/1012/contents>
- Tyldesley and Associates - prepared for Natural England Guidance - The Assessment of Regional Spatial Strategies and Sub Regional Strategies under the Provisions of the Habitats Regulations 2006.