

# CITY PLAN 2019 - 2040

## Habitats Regulation Assessment Screening

### Report

Regulation 19 Consultation

March 2024

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# 1 Executive Summary

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# 1.1 Executive Summary

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Westminster City Council is preparing a partial review of its adopted City Plan 2019-2040. The revised City Plan will amend the adopted affordable housing policy (Policy 9), introduce a new policy that seeks to prioritise retrofit over redevelopment, and include a small number of site allocations that provide site specific guidance to help shape and unlock development at some key underutilised sites. Under the Conservation of Habitats and Species Regulations 2010 (as amended 2011) we are required to conduct Habitats Regulations Assessment (HRA).

This report considers 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.

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 as 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 as a result of this assessment.

# 2 Introduction

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# 2.1 Introduction

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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.

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.

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).

The first step of the HRA process is a screening assessment, the purpose of which 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.

This HRA Screening Report updates the one previously completed in June 2019, to assess if the partial review is likely to have any impacts on European/protected sites that were not identified through the previous assessment. This updated HRA Screening Report is for the partial revision of Westminster's City Plan as set out in Regulation 18 and the Local Development Scheme (October 2022). It amends the adopted City Plan affordable housing policy (Policy 9), introduces a new policy that seeks to prioritise retrofit over demolition, and includes a small number of site allocations that provide site specific guidance to help shape and unlock development at some key underutilised sites. Once this partial review is adopted, Westminster's City Plan will consist of both strategic and detailed policies and will provide a comprehensive source of updated planning policy for Westminster.

# **3 Determining European Sites which may be affected by the City Plan**

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# 3.1 Determining European sites which may be affected by the City Plan

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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

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.

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.

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.

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.



# **4 City Plan policies, plans and projects to be considered**

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## 4.1 City Plan policies, plans and projects to be considered

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The majority of the policies in the City Plan have already been determined as having no impact to European sites when they were adopted in 2021. As part of the Partial City Plan Review, the only new or amended policies that present theoretical pathways for impact are the site allocation policies as they encourage development within particular locations in the city. However, given that the sites being allocated are not within the vicinity of European/protected sites and not promoting growth beyond the City Plan or London Plan that have already been assessed, these can be dismissed due to a clear absence of linkages to European and protected sites.

It is determined that the revised affordable housing policy and new retrofit policy can also be dismissed as the contents of these policies will be to maximise affordable housing tenure and prioritising retrofitting over demolition of buildings. They will not result in an adverse impact on the integrity of and protected sites.

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.

# 5 Wimbledon Common SAC

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# 5.1 Wimbledon Common SAC

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Wimbledon Common SAC is located within the London Boroughs of Merton and Wandsworth, 7 km from Westminster.

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)<sup>1</sup>. Its main pressures come from inappropriate visitor behaviour, habitat fragmentation, invasive species and atmospheric pollution<sup>2</sup>.

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.

The HRA Report for the 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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<sup>1</sup> JNCC (2015) Natura 2000 Standard Data Form: Wimbledon Common SAC

<sup>2</sup> Natural England (2014). Site Improvement Plan: Wimbledon Common

# 6 Richmond Park SAC

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# 6.1 Richmond Park SAC

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Richmond Park SAC is located within the London Borough of Richmond upon Thames, 8 km from Westminster.

The site is designated as an SAC for the stag beetle *Lucanus cervus* (Annex II species). No specific pressures have been identified, but the beetle population would be affected by loss of habitat (dead wood).

The HRA report for the London Plan states that whilst the site is potentially vulnerable from 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.

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.

# 7 Lee Valley SPA and Ramsar

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## 7.1 Lee Valley SPA and Ramsar

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Lee Valley SPA is located within the London Borough of Waltham Forest, Epping Forest District and the Borough of Broxbourne, 8km from Westminster.

The site qualifies as an SPA for the Annex I species bittern *Botaurus stellaris* (wintering), gadwall *Anas strepera* and shoveler *Anas clypeata* (migratory).

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*.

Current pressures include water pollution, hydrological changes, recreational disturbance including angling and atmospheric pollution.

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 London Plan, development in Westminster is not considered to put any recreational pressure on the site in combination with other plans and projects.



# 8 Screening Outcome

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# 8.1 Screening outcome

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This screening exercise assessed the likely impacts of the Partial City Plan Review on European sites in line with the Habitats Directive, known as the Habitats Regulations Assessment (HRA) screening stage.

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.

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.

Overall, no likely significant impacts on any European sites have been identified, either alone or in combination. Therefore, no amendments to the City Plan Partial Review are required and it will not be necessary to progress to the Appropriate Assessment stage.

These findings are consistent with the results of previous screening exercises for previous versions of the City Plan, as documented and confirmed through Natural England's response to the assessment, included in Appendix 1

# 9 Appendices

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# 9.1 Appendix 1 Consultation responses

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Date: 29<sup>th</sup> November 2023  
Our ref: 458249  
Your ref: Updated HRA Screening – Local Plan



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Dear Ms Little

## **Updated draft HRA Screening Report - Local Plan**

Thank you for your consultation request on the above Strategic Planning Consultation, dated and received by Natural England on 14th November 2023.

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 have **no comments** to make on the updated HRA screening for the City Plan review.

For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

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City of Westminster