



**Appendix E for the Cabinet Report:
Draft revised Canada Water Area Action Plan**

No.	Title
Appendix A	Draft revised Canada Water area action plan (available with the report)
Appendix B	Sustainability appraisal (available on the website)
Appendix C	Equalities Analysis (available on the website)
Appendix D	Consultation Plan (available on the website)
Appendix E	Appropriate assessment (available on the website)

Appropriate Assessment

**Habitat Regulations Assessment:
Screening Appropriate Assessment**

April 2013

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1 Introduction

- 1.1 This report presents the findings of a screening exercise undertaken to determine whether stages 2 and 3 of the Appropriate Assessment (AA) process are needed for the draft revised Canada Water Area Action Plan (AAP). The council has also undertaken a separate Sustainability Appraisal (incorporating Strategic Environmental Assessment) for the document.
- 1.2 The Canada Water AAP establishes a vision for development in Canada Water over the next ten to fifteen years and introduces new locally specific policies on a range of issues, including:
- The look and function of the town centre, including the mix of shops and other activities
 - The type of development on large sites
 - The size and design of new buildings
 - The amount and type of new homes to be built and their location
 - The impact of new development on the environment and traffic
 - The infrastructure needed to ensure growth in the area can be accommodated sustainably, including improvements to open spaces, schools, health facilities and leisure facilities
- 1.3 The proposed policies are in general conformity with existing policies in the Southwark Plan and the Core Strategy. An AA screening exercise was also carried out for the adopted Canada Water AAP (2012) and the Core Strategy which found that there was no significant discernible adverse impact on European sites.

2 The need for Appropriate Assessment (AA)

- 2.1 In October 2005, the European Court of Justice ruled that Appropriate Assessment (AA) must be carried out on all planning policy documents in the UK. The purpose of AA of planning policies is to ensure that the protection and integrity of European sites (also known as the Natura 2000 network) is part of the planning process at the regional and local level. It is the responsibility of the Local Planning Authority (LPA) to ensure that the AA process is carried out in accordance with the Habitats Directive and the Conservation of Habitats and Species Regulations 2010.
- 2.2 The Natura 2000 network is a network of sites which are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within the European Community and which must be protected. These sites, which are also referred to as 'European sites', consist of Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Offshore Marine Site (OMS). There are no OMS designated at present.
- 2.3 Guidance from the DCLG on Appropriate Assessment 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. The requirement for AA of plans or projects is outlined in Article 6(3)

and (4) of the European Communities (1992) Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (“Habitats Directive”).’

- 2.4 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.*
- 2.5 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 AA are required.

3 Identifying likely significant effects

- 3.1 Screening for AA will determine if planning policy documents are likely to have a significant effect on the conservation objectives of the Natura sites. This will determine whether stages 2 and 3 of the AA are required. In considering whether the plan policy or site allocation is likely to have a significant effect on a Natura 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 If, following screening, significant adverse impacts are anticipated, a ‘full’ AA considers the potential for impacts in more detail and whether alternative measures can be adopted. If there are no viable alternatives, the planning policy can only be implemented if there are ‘imperative reasons of overriding public interest’.

4 Methodology

- 4.1 This screening follows the same methodology used to prepare the AA for the adopted Canada Water AAP (2012) and the Core Strategy.
- 4.2 The legal requirement to undertake AAs is set out in the Habitats Directive. However, there is no standardised method for undertaking an AA. The council has followed the screening method used on the Appropriate Assessment of the Draft Further Alterations to the London Plan by ‘Forum for the Future’. This report has since been updated through the Habitats Regulations Assessment Screening Report (October 2009) which assesses the current version of the London Plan (July 2011).
- 4.3 This methodology used is the same for both screening reports and is based primarily on the draft 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).
- 4.4 Although it has been written for the assessment of Regional Spatial Strategies the council considers that all but two of the criteria this method employs are also

suitable for the assessment of local development documents. Using the same methodology also helps ensure consistency between the AA of regional and local plan making.

5 Identification of relevant sites

- 5.1 Using the Joint Nature Conservation Committee (JNCC) website, and in line with the methodology employed in the AA of Further Alterations to the London Plan, the council identified those Natura 2000 sites within a 10km zone extending from the boundary of the borough. SACs, SPAs, and RAMSARS 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. Three sites are partially within 10km of Southwark, as set out below:

<p>Identified conservation sites of EC importance</p> <p><u>Sites at least partially in Southwark</u></p> <p>None</p> <p><u>Sites at least partially within 10km of Southwark</u></p> <p>Wimbledon Common (SAC) Richmond Park (SAC) Epping Forest (SAC) Lee Valley (SPA)</p>

- 5.2 The information for these sites concerning the rationale for EU conservation has been taken from the 'Appropriate Assessment of the Draft Further Alterations to the London Plan' undertaken by 'Forum for the Future' which also 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.

Site Description table

- 5.3 This information has been sourced from the Habitats Regulations Assessment Screening report on the Consultation draft replacement London Plan (October 2009). The contents of the table were compiled with reference to the sources listed below, and also informed by consultation with Natural England.

- Site name and location
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 AA 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.

- **Conservation objectives**
Conservation objectives are set by Natural England (NE) to ensure that the obligations of the Habitats Regulations are met, particularly to ensure that there should be no deterioration or significant disturbance of the qualifying features from their condition at the time the status of the site was formally identified. The conservation objectives are also essential in determining whether the effects of a plan or project are likely to have a significant effect on the qualifying interests of the site.
- **Site sensitivities**
The key site sensitivities / vulnerabilities for each habitat type were established by reviewing information provided within the conservation objectives for each site and also from site condition monitoring (typically of the underlying Site of Special Scientific Interest (SSSI) designation) and from discussions with NE.
- Current condition (July 2006 survey)
- Threats
Information pertaining to the potential threats. From Natura 2000, RAMSAR, and Conservation Objectives forms.

Natura 2000 Site	Location	Qualifying Interest (Habitats and Species)	Conservation Objectives	Site Sensitivities	Current Condition (July 2006 condition survey)	Threats
Wimbledon Common SAC (348.31 ha)	<p>Within GLA boundary</p> <p>The following boroughs are within or adjacent to the European sites:</p> <ul style="list-style-type: none"> • Merton • Wandsworth • Richmond upon Thames • Kingston upon Thames 	<p><i>Lucanus cervus</i> (stag beetle)</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>The conservation objectives for the European interest on the SSSI are to maintain*, in favourable condition, the:</p> <ul style="list-style-type: none"> • European dry heath • Northern Atlantic wet heath with <i>Erica tetralix</i> <p>to maintain*, in favourable condition, the habitats for the population of:</p> <ul style="list-style-type: none"> • Stag beetle (<i>Lucanus cervus</i>) <p>* Maintenance implies restoration if the feature is not currently in favourable condition.</p>	<p>Water quality – e.g. pollution through groundwater and surface run-off sources</p> <p>Water level – maintenance of water table</p> <p>Heavy recreational pressure</p> <p>Spread of non-native / invasive species</p> <p>Scrub encroachment</p> <p>Atmospheric pollution (nutrient deposition and acidification)</p>	<p>Area favourable 40%</p> <p>Area unfavourable but recovering 59%</p>	<p>Site is located in an urban area and experiences intensive recreational pressure which can result in damage, particularly to the sensitive areas of heathland.</p> <p>Air pollution is also thought to be having an impact on the quality of heathland habitat.</p>
Richmond Park SAC (846.68 ha)	<p>Within GLA boundary</p> <p>The following boroughs are within or adjacent to the European sites:</p>	<ul style="list-style-type: none"> • <i>Lucanus cervus</i> (stag beetle) 	<p>The conservation objectives for the European interest on the SSSI are:</p> <p>to maintain, in favourable condition, the habitats for the population of:</p> <ul style="list-style-type: none"> • Stag beetle (<i>Lucanus cervus</i>) 	<p>Water level</p> <p>Water quality – nutrient enrichment from fertiliser run-off etc</p> <p>Scrub encroachment</p>	<p>Area favourable 6%</p> <p>Area unfavourable recovering 8%</p> <p>Area unfavourable no change 86%</p>	<p>Site is surrounded by urban areas and experiences high levels of recreational pressure. This does not</p>

	<ul style="list-style-type: none"> Richmond upon Thames Kingston upon Thames Wandsworth Merton 		<p>The conservation objectives for the Richmond Park proposed Special Area of Conservation are, in accordance with para C 10 of PPG 9, the reasons for which the cSAC was proposed.</p>	<p>(often due to undergrazing)</p> <p>Development pressure</p> <p>Spread of introduced non-native species</p> <p>Human disturbance (off-road vehicles, burning (vandalism))</p> <p>Atmospheric pollution e.g. nitrous oxides from vehicle exhausts</p>		<p>directly affect the European interest feature however.</p>
Epping Forest SAC	<p>Partially within GLA boundary</p> <p>The following boroughs are within or adjacent to the European sites:</p> <ul style="list-style-type: none"> Waltham Forest Redbridge Enfield 	<p>Annex I habitats that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> Atlantic acidophilous beech forests with <i>Ilex</i> and sometimes also <i>Taxus</i> in the shrub layer (<i>Quercion robur-petraeae</i> or <i>Ilici-</i> 	<p>The Conservation Objectives for this site are, subject to natural change, to maintain the following habitats and geological features in favourable condition, with particular reference to any dependent component special interest features (habitats, vegetation types, species, species assemblages etc.) for which the land is designated (SSSI, SAC, SPA, Ramsar) as individually listed in Table 1.</p> <p>Habitat Types represented</p>	<p>Water quality – e.g. pollution through groundwater and surface run-off sources</p> <p>Water level – maintenance of water table essential e.g. restrict new drainage ditches around wet woodlands</p> <p>Heavy recreational pressure</p> <p>Spread of non-</p>	<p>Area favourable 30%</p> <p>Area unfavourable recovering 34%</p> <p>% area unfavourable no change 26%</p> <p>% area unfavourable declining 10%</p> <p>Reintroduction of pollarding and wood pasture management is helping to reverse the decline of the epiphytic bryophyte</p>	<p>Existing air pollution, particularly arising from traffic is thought to contribute to poor condition of parts of the site.</p> <p>Increasing recreational pressure could have an impact on heathland areas.</p>

		<p><i>Fagenion</i>)</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 a primary reason for selection of this site:</p> <p><i>Lucanus cervus</i> (stag beetle)</p>	<p>(Biodiversity Action Plan categories)</p> <ul style="list-style-type: none"> Lowland wood pastures and parkland Broadleaved, mixed and yew woodland Dwarf shrub heath Acid grassland Neutral grassland Standing open water and canals Fen, marsh and swamp 	<p>native / invasive species</p> <p>Scrub encroachment</p> <p>Atmospheric pollution (nutrient deposition and acidification)</p> <p>Development pressure</p>	<p>population.</p>	
<p>Lee Valley SPA / Ramsar (447.87 ha)</p>	<p>Partially within GLA boundary</p> <p>The following boroughs are within or adjacent to the European sites:</p> <ul style="list-style-type: none"> Enfield Waltham Forest Haringey Hackney 	<p>SPA:</p> <p>Over winter:</p> <ul style="list-style-type: none"> <i>Botaurus stellaris</i> (bittern) <p>Over winter:</p> <ul style="list-style-type: none"> <i>Anas strepera</i> (gadwall) <i>Anas clypeata</i> (shoveler) 	<p>The conservation objectives for the European interest on the SSSI are to maintain, in favourable condition, the habitats for the populations of migratory bird species + of European importance, with particular reference to:</p> <ul style="list-style-type: none"> open water and surrounding marginal habitats Gadwall, Shoveler <p>*maintenance implies</p>	<p>Water quality - eutrophication is a threat, particularly from point source pollution (e.g. sewage outfalls) but also from surface run-off or groundwater pollution and atmospheric deposition</p> <p>Water levels – a</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. Walthamstow Marshes are 36%</p>	<p>Most of the site is in favourable condition, though an increase in recreational use could affect wintering wildfowl numbers.</p> <p>There are currently no</p>

		<p>Ramsar: The site also qualifies as a Ramsar Wetland of assemblage qualification: A wetland of international importance.</p>	<p>restoration if the feature is not currently in favourable condition.</p> <p>The Conservation Objectives for the Lee Valley SPA are, in accordance with para C 10 of PPG9 9, the reasons for which the SPA was classified.</p> <p>The SPA includes land within: Amwell Quarry SSSI, Rye Meads SSSI, Turnford and Cheshunt Pits SSSI and Walthamstow Reservoirs SSSI</p>	<p>high and stable water table is fundamental.</p> <p>Disturbance to bird feeding and roosting habitat (noise / visual)</p> <p>Siltation (e.g. excessive poaching of lake margins by stock, suspended sediments leading to transport of nutrients)</p> <p>Scrub or tree encroachment (leading to shading, nutrient and hydrological effects)</p> <p>Spread of introduced non-native species</p> <p>Recreational pressure / disturbance (particularly on-water activities with potential to disturb sediment and increase turbidity in lakes)</p> <p>Development</p>	<p>favourable and 63% unfavourable but recovering.</p>	<p>factors having a significant adverse effect on the site's character.</p>
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				pressure Diffuse air pollution from traffic and agriculture.		
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6 Appraisal Framework

- 6.1 The guidance in the Draft Revised Canada Water AAP has been analysed to assess whether it would be likely to result in significant adverse impacts on European sites. The draft Natural England guidance 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 not Local Plans.
- 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)
2. <i>The policy makes provision for a quantum/type of development (and may or may not indicate one or more broad locations e.g. a county, or district, or sub-region) but the location of the development is to be selected following consideration of options in lower tier plans (development plan documents).</i>
3. <i>No development could occur through this policy alone, because it is implemented through subordinate policies that are more detailed and therefore more appropriate to assess for their effects on a European site and associated sensitive areas.</i>
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.
Reason why policy would be likely to have a significant effect
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.

- 6.3 A Habitat Regulations Assessment (HRA) screening has been undertaken to assess the impact of the policies in the Draft Revised Canada Water AAP. This is set out below. The preparation of the revised Area Action Plan is considered likely to have no significant adverse effect on the European sites therefore it is deemed to require no further AA (stages 2 and 3) to be undertaken.

7 Screening analysis of the Draft Revised Canada Water AAP

7.1 This section screens the policies proposed in the Draft revised Canada Water AAP for impacts on Natura 2000 sites. The AAP has been assessed against the criteria provided in paragraph 6.2 and adapted Habitats Regulations Assessment Screening report on the Consultation draft replacement London Plan (October 2009) which itself is based on draft 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.'

Strategy Analysis

Option	Why option will have no impact on Natura 2000 sites	Likely to have an impact	Essential recommendations to avoid potential negative effects on European sites
Policy 1. Shopping in the town centre	4	No	None
Policy 2. Cafes and restaurants in the town centre	4	No	None
Policy 3. Important shopping parades	1	No	None
Policy 4. Small scale shops, cafes and restaurants outside of the town centre	4	No	None
Policy 5. Markets	4	No	None
Policy 6. Walking and cycling	7	No	None
Policy 7. Public transport	1	No	None
Policy 8. Vehicular traffic	7	No	None

Policy 9. Parking for town centre uses	4	No	None
Policy 10. Parking for residential development in the core area	4	No	None
Policy 11. Leisure and entertainment	4	No	None
Policy 12. Sport facilities	4	No	None
Policy 13. Arts, culture and tourism	1	No	None
Policy 14. Streets and public spaces	4	No	None
Policy 15. Building blocks	4	No	None
Policy 16. Town centre development	4	No	None
Policy 17. Building heights on sites in and adjacent to the core area	4	No	None
Policy 18. Open spaces and biodiversity	7	No	None
Policy 19. Children's play space	7	No	None
Policy 20. Energy	7	No	None
Policy 21. New homes	4	No	None
Policy 22. Affordable homes	4	No	None
Policy 23. Family homes	4	No	None
Policy 24.	4	No	None

Density of developments			
Policy 25. Jobs and business space	4	No	None
Policy 26. Schools	4	No	None
Policy 27. Community facilities	4	No	None
Policy 28. Early years	4	No	None
Policy 29. Health facilities	4	No	None
Policy 29a. Higher education and students	4	No	None
Policy 30. Albion Street	4	No	None
Policy 31. Lower Road	4	No	None
Policy 32. Proposals sites	4	No	None
Policy 33. s106 Planning obligations and the community infrastructure levy	1	No	None

8 Conclusion

- 8.1 None of the policies or guidance set out in the draft revised AAP were found likely to have any significant discernible adverse impact on European sites, either individually or cumulatively. In light of this, task 2 (appropriate assessment and ascertaining the effect on site integrity) and task 3 (mitigation and alternative solutions) of the Appropriate Assessment process are not considered necessary.

References

Appropriate Assessment: Sustainability Appraisal of the Draft Further Alterations to the London Plan (Spatial Development Strategy for Greater London), Forum for the Future, September 2006.

Habitats Regulations Assessment Screening Report - Consultation draft replacement London Plan (Spatial Development Strategy for Greater London), October 2009.

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

The Conservation of Habitats and Species Regulations (England and Wales) Regulations DEFRA 2010.

Tyldesley and Associates - prepared for Natural England Draft Guidance - The Assessment of Regional Spatial Strategies and Sub Regional Strategies under the Provisions of the Habitats Regulations 2006.