

Habitats Regulations Assessment (HRA) Screening Opinion

**Redington Frogna! Neighbourhood Plan
Revised draft (Regulation 14)**

December 2019

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, 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 Redington Frognaal Neighbourhood Forum has prepared a revised draft Neighbourhood Plan (Regulation 14), which was subject to six weeks consultation from June 2019. There is a statutory requirement for Camden Council to assess the likelihood of the 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 a 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.
- 1.5. 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

Redington Frogna! Neighbourhood Forum. This found that the draft Neighbourhood Plan's policies were unlikely to have significant effects.

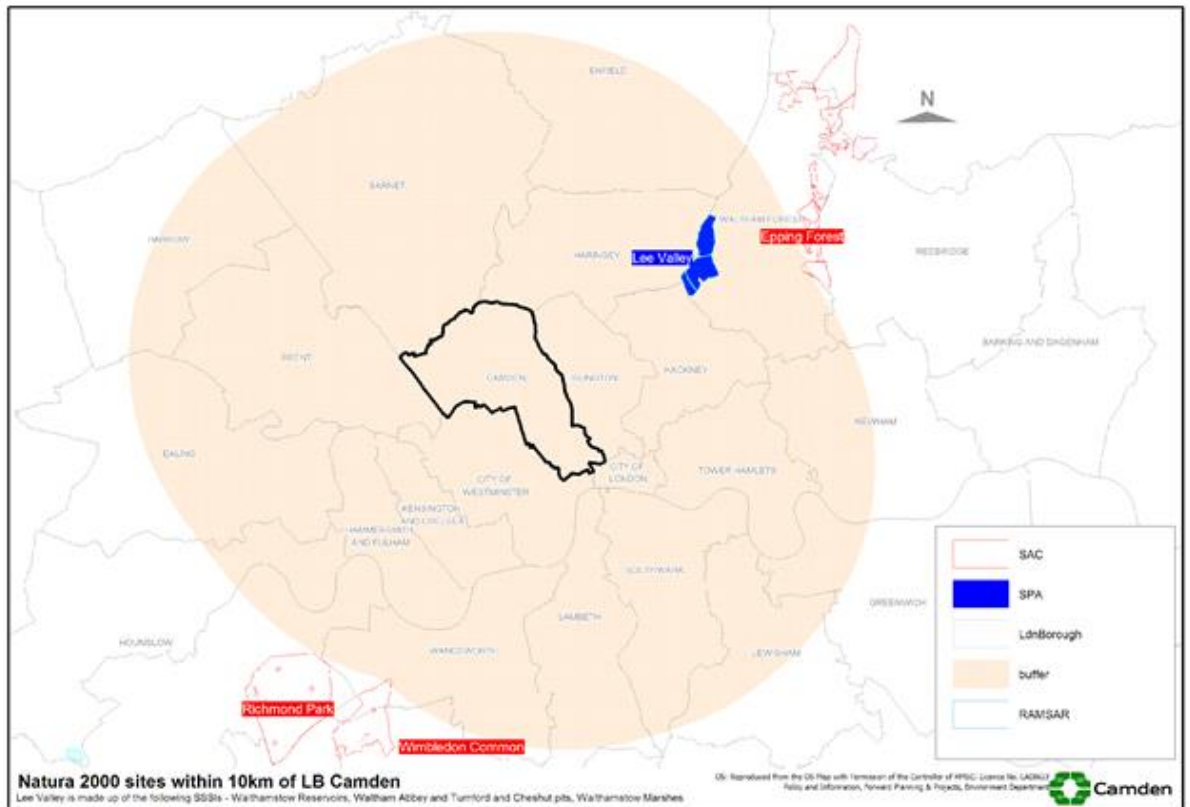
- 1.6. A Habitats Regulations Assessment is a formal assessment of whether a plan or project is likely to have a significant or an adverse impact on the integrity of Natura 2000 sites. The HRA Screening must determine whether significant effects on any Natura site can be ruled out on the basis of objective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

Redington Frogna! Neighbourhood Plan

- 1.7. Redington Frogna! Forum is preparing a final draft of their Neighbourhood Plan to submit for independent examination. The Council has commented on previous drafts, making a representation on a revised Regulation 14 Draft published for consultation in June 2019.
- 1.8. The Neighbourhood Plan covers a small, primarily residential area which coincides with the Frogna! and Fitzjohns ward, in the north of the Borough. There are no Natura sites in the Plan area or the borough of Camden itself.
- 1.9. The Neighbourhood Plan must be in general conformity with the strategic policies of the development plan which includes the London Plan 2016, Camden Local Plan 2017 and Site Allocations Plan 2013. The Council considers that the Habitats Regulations Assessment Screening Opinion carried out for the Local Plan for the whole borough is an important consideration in determining whether there is a need for additional detailed assessment at the neighbourhood planning level.
- 1.10. Camden Council's HRA 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, established the need for further assessment. It identified four sites wholly or partly 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).
- 1.11. 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



1.12. 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.

1.13. 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.

1.14. 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 (The Council also has a local Clean Air Action Plan: <https://www.camden.gov.uk/air-quality>).

1.15. The Council has carefully considered how the Draft Redington Froggnal Neighbourhood Plan's policies relate to those set out in the adopted Camden Local Plan. The Plan sets six main objectives:

- (i) To preserve and enhance Redington Froggnal characteristics as a picturesque Victorian and Edwardian suburb with a diverse population;
- (ii) Protecting and improving green space and biodiversity;
- (iii) The enhancement of the environment of Finchley Road;
- (iv) Identifying areas for growth of new homes, with community facilities to support home working;
- (v) Maintaining and promoting the area as Centre for Tertiary Education, the Arts and Culture
- (vi) Basement excavation: ensuring that basement development does not impact local hydrology or cause damage to neighbourhood properties.

Its policies are arranged according to various themes: sustainable design and character; biodiversity and green infrastructure; cultural, leisure, tertiary

education and community facilities, aspirational development sites; Finchley Road shopfronts; underground development and basements.

- 1.16. The Plan seeks to protect the neighbourhood area’s identity and character and enhance the quality of life. The aspirational development sites section promotes development opportunities that the Forum would support; however, they are not site allocations and alternative uses would be acceptable if they were in accordance with Camden’s adopted Local Plan. While the neighbourhood plan adds locally specific detail about how the area should be conserved and development proposals managed, this must be in accordance with the strategic policies in the Camden Local Plan (and is one of the ‘Basic Conditions’ tested at examination).
- 1.17 Where the Draft Plan sets out a locally-specific approach to environmental quality, for example the suite of policies on Biodiversity and Green Infrastructure, this generally 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

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	The policy makes provision for a quantum / type of development (and may or may not indicate one or more broad locations)
3	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.
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 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.
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.

Source: *Screening report: 'Draft Further Alterations to the London Plan'* (Forum for the Future, September 2006)

Assessment of policies contained within the Draft Redington Frogнал 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
Sustainable Design and Character			
SD1 – New developments and refurbishment of existing housing stock	3, 6		
SD2 – Protection of undesignated heritage assets	3, 7		
SD3 – Car-free development	1, 3		
SD4 – Redington Frogнал Sustainable Design and Character	3, 7		
SD5 – Extensions	3, 7		
SD6 – Key Views Designation	3, 7		
SD7 – Retention of Architectural Details in Existing Buildings	3, 7		
Biodiversity and Green Infrastructure			
BGI1 – Rear Gardens and Ecology	3, 6		
BGI2 - Front and Side Gardens / Front Boundary Treatments	3, 6		
BGI3 – Tree Planting and Preservation	3, 6		
BGI4 – Lighting	3, 6		

BGI – Local Green Spaces	3, 6		
Cultural, leisure, tertiary education and community facilities			
CF1 – Community facilities	2, 3		
CF2 – Community infrastructure priorities	1, 3		
Aspirational development sites			
DS1 – Aspirational development sites	2, 3		
Underground Development			
UD1 – Underground Development and Basements	3, 7		
UD3 – Basement Construction Management Plans	3, 7		
Kidderpore Reservoir	3, 7		

- 1.18. The assessment of draft Redington Frogna! Neighbourhood Plan's policies using the coding methodology found that the Plan generally adds detail and complements policy approaches set out in the Camden Local Plan 2017. A particular focus of this Plan is on improving outcomes in terms of biodiversity, planting/greenery and gardens which would be expected to have a beneficial effect in environmental terms. The Plan's policies are not considered to have a significant effect on the Natura 2000 sites. Although the Neighbourhood Plan identifies a number of aspirational development sites, none of these are of a scale where they might be able to support large major schemes. The vast majority of the area is already built up, therefore the smaller, incremental development is expected to be a predominant feature, which the Neighbourhood Plan seeks to manage successfully. The protection of local green spaces will ensure residents can continue to enjoy convenient access to open space for recreation and leisure.
- 1.19. The Draft Neighbourhood Plan's suite of Sustainable Design and Biodiversity and Green Infrastructure policies should positively enhance the area. A summary of the policies and proposals is set out in the table below. The Draft Plan has fully considered the area's environmental context and the available opportunities to realise environmental gains.

The Council considers that Draft Redington Frogna! 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 in the Neighbourhood Plan (policy references in brackets):

- All developments and refurbishments are to achieve biodiversity net gain (SD1);
- Maintaining the Conservation Area's green and verdant character and increase green cover (SD1);
- The role of setbacks/enclosures in reinforcing this character (SD2);
- Maintaining/increasing garden space. Extensions into garden space must not result in a significant reduction to overall soft surface (SD2, SD4 and SD5);
- Plot coverage ratio of buildings to open space must respond to the existing character of the area with the established pattern of front and back gardens maintained (SD4);
- Landscaping as an integral part of the design including trees and other planting, with native species used with a high value to biodiversity (SD4);
- Maximising soft landscaping (SD1);
- Large tree and shrub planting (SD1);

- Protection of trees and hedges and providing additional/reinstating trees (SD1, BGI1 and BGI3);
- Reference is also made to the importance of protecting trees that are significant in terms of biodiversity, local character or contribute to rear garden corridors (SD1, BGI1 and BGI3);
- Veteran trees to be protected in line with Natural England's 'Standing Advice for Ancient Woodland and Veteran Trees' (BGI3);
- Encouragement of hedge boundary planting, including native hedgerow species (SD1 and SD7);
- Retention of spaces between houses to allow for planting/biodiversity (SD4 and SD5);
- Development should minimise the impact on key views, which include framed, glimpsed views of mature rear gardens (SD6);
- Using planting with high value to pollinators and insects (BGI1);
- Front gardens should provide for the retention/reinstatement of natural soft surface, front and side hedges and original boundary treatments (BGI2);
- Restoration of a soft-surfaced front garden is encouraged where this has been paved to provide parking (BGI2);
- Avoiding lighting of trees, hedges and other areas of high potential for biodiversity (BGI4);
- Designating Local Green Spaces (BGI5);
- Managing the impacts of basement developments on gardens and trees (UD1).

Conclusion

- 1.20. The Council has fully considered the scope and content of the Submission Draft Redington Frogna! 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 Submission 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.
- 1.21. 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 Submission Draft Neighbourhood Plan is likely to have some positive environmental outcomes by the attention it gives to improving green infrastructure and realising net biodiversity gains within the Redington Frogna! area. Any impact of the Draft Plan on the Natura 2000 sites is, however, most likely to be neutral because of the distance of the Plan area

from these sites and the nature and scale of development envisaged in the Redington Frogna! area.