



Appropriate Assessment screening for the Aylesbury Area Action Plan Preferred Options Report February 2008

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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 Aylesbury Area Action Plan preferred options. The council has also undertaken a separate Sustainability Appraisal (incorporating Strategic Environmental Assessment) for the document.

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 Habitat Directive which is in force and the amended Habitat Regulations which are yet to come into force.
- 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 Draft Guidance¹ from the DCLG on Appropriate Assessment¹ 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.

¹ Planning for the Protection of European Sites: Appropriate Assessment Guidance For Regional Spatial Strategies and Local Development Documents, DCLG, August 2006

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 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 methodology 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). 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 of plan making.

5 Identification of relevant sites

- 5.1 Using the Joint Nature Conservation Committee (JNCC) website², 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 are set out below:

Identified conservation sites of EC importance

Sites at least partially in Southwark

None

Sites at least partially within 10km of Southwark

Wimbledon Common (SAC)

Richmond Park (SAC)

Lee Valley (SPA)

- 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.

² www.jncc.gov.uk

Appropriate assessment: Aylesbury Area Action Plan Preferred Options Report

Site Description Table

This information has been sourced from the Appropriate Assessment Screening report: 'Draft Further Alterations to the London Plan', by 'Forum for the Future', September 2006. The contents of the table were compiled with reference to the sources listed below, and also informed by consultation with Natural England.

Site name + Designation and code.

Obtained from Natural England 'Natura 2000 Forms' and RAMSAR forms from the JNCC website.

Qualifying features.

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. 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 and threats

Information pertaining to the current status of sites, recognised trends, and potential threats. From Natura 2000, RAMSAR, and Conservation Objectives forms.

Result of July 2006 SSSI condition survey

Further information on European sites which are also SSSI's - from Natural England's 2006 review of SSSI condition.

Key ecosystem factors

Denotes general ecological parameters of importance to maintaining site integrity. Summarised from the 'attributes' in the Conservation Objectives forms.

