

Cabinet: 28 January 2014
Blackfriars Road Supplementary Planning Document

No.	Title	Held at
Appendix A	Blackfriars Road supplementary planning document, 2014	Hard copy provided with the report
Appendix B	Representations received and the officer comments (Appendix J of the consultation report)	Available on the web at: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=4554&Ver=4
Appendix C	Tracked changed version of the Blackfriars Road supplementary planning document, 2014	Available on the web at: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=4554&Ver=4
Appendix D	Consultation report including a separate document containing appendices A-I Two separate documents	Available on the web at: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=4554&Ver=4
Appendix E	Equalities analysis	Available on the web at: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=4554&Ver=4
Appendix F	Sustainability appraisal	Available on the web at: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=4554&Ver=4
Appendix G	Sustainability statement	Available on the web at: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=4554&Ver=4
Appendix H	Appropriate assessment	Available on the web at: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=4554&Ver=4
Appendix I	Urban design study	Available on the web at: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=4554&Ver=4
Appendix J	Business and employment background paper	Available on the web at: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=4554&Ver=4



Blackfriars Road Supplementary Planning Document

Appropriate Assessment

January 2014

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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 Blackfriars Road Supplementary Planning Document (SPD). The council has also undertaken a separate Sustainability Appraisal (incorporating Strategic Environmental Assessment) for the document.
- 1.2 The SPD does not create new policy. It provides guidance on how existing policies in the Southwark Plan, Core Strategy and London Plan will be applied in the area based on local issues. An AA screening exercise has been carried out for the Core Strategy.

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 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).
- 2.3 Guidance 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'

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

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 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) 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, 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. Three sites are partially within 10km of Southwark are set out below:

Identified conservation sites of EC importance
<u>Sites at least partially in Southwark</u>
None
<u>Sites at least partially within 10km of Southwark</u>
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.

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)

² www.jncc.gov.uk

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: 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>The conservation objectives</p>	<p>Water level</p> <p>Water quality – nutrient enrichment from fertiliser run-off etc</p> <p>Scrub encroachment (often due to</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 directly affect</p>

	<ul style="list-style-type: none"> Richmond upon Thames Kingston upon Thames Wandsworth Merton 		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>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>		the European interest feature however.
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 robori-petraeae</i> or <i>Ilici-Fagenion</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-native / invasive</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 population.</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>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: <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>species</p> <p>Scrub encroachment</p> <p>Atmospheric pollution (nutrient deposition and acidification)</p> <p>Development pressure</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>Ramsar:</p>	<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 restoration if the feature is</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 high and stable</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% favourable and</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 factors having a</p>

		<p>The site also qualifies as a Ramsar Wetland of assemblage qualification: A wetland of international importance.</p>	<p>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>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 pressure</p>	<p>63% unfavourable but recovering.</p>	<p>significant adverse effect on the site's character.</p>
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				Diffuse air pollution from traffic and agriculture.		
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6 Appraisal Framework

- 6.1 The guidance of the Blackfriars Road SPD 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 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.
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 Blackfriars Road SPD. This is set out below. The preparation of the SPD 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 Analysis of the Blackfriars Road SPD

- 7.1 This section screens the Blackfriars Road SPD guidance for impacts on Natura 2000 sites. Each option has been assessed against the criteria provided in paragraph 6.2 and adapted from the Appropriate Assessment Screening report: 'Draft Further Alterations to the London Plan', Forum for the Future, September 2006 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.'

Policy Analysis

Policy		Likely to have an impact	Why option will have no impact on Natura 2000 sites	Essential recommendations to avoid potential negative effects on European sites
SPD 1	Business space	No	4	None
SPD 2	Mixed use town centre	No	4	None
SPD 3	Public realm and open space	No	1	None
SPD 4	Built form and heritage	No	1	None
SPD 5	Building heights	No	1	None
SPD 6	Active travel	No	4	None

8 Conclusion

- 8.1 None of the guidance of the Blackfriars Road SPD were found likely to have any significant discernible adverse impact on European sites therefore 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 Screening report: 'Draft Further Alterations to the London Plan', 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.