

# **Draft Habitats Regulation Assessment of the Core Strategy of the London Borough of Sutton**

November 2007



## **Contents**

Introduction	2
Sutton's Core Strategy	2
The Need for Assessment	2
Methodology	3
Sustainability Appraisal	4
The in-combination assessment	4
Identification of Relevant Sites	4
Site descriptions	5
Screening assessment of Sutton's Core policies	9
Conclusion	13
References	14

## **APPENDICES**

<b>Appendix 1</b> Excerpts from Habitats Directive	15
--	----

## **1. Introduction**

- 1.1 This report forms the Habitats Regulations Assessment of the London Borough of Sutton's Core Strategy. It assesses whether the Council's spatial strategy, core policies and proposals have a significant effect on 'European sites'. European sites are those of exceptional importance for rare, endangered or vulnerable natural habitats and species within the European Community. Specifically, it assesses if the Council's spatial strategy, core policies and proposals would be likely to have a significant effect, either alone or in combination with other plans or projects, on the integrity of these sites to provide for rare and vulnerable animals, plants and habitats. Essentially, it forms a screening exercise to determine whether subsequent stages, commonly referred to as the 'appropriate assessment' of a Habitats Regulations Assessment, are required.
- 1.2 The methodology adopted follows that in the Draft Guidance 'The Habitats Regulations Assessment of Regional Spatial Strategies and Sub-Regional Strategies', David Tyldesley and Associates, for Natural England, March 2007.
- 1.3 This document sets out the results of a screening and scoping exercise of the Core Planning Strategy.

## **2. Sutton's Core Strategy**

- 2.1 Changes to the planning system require the Council to produce a new kind of development plan for the Borough called the Local Development Framework. The Local Development Framework is a 'portfolio' of documents consisting of a number of Development Plan Documents and Supplementary Planning Documents, which together set out the Council's spatial strategy and policy and proposals for the development, and other use of the land in the Borough. The collective term for these documents are 'land use plans'. The Core Strategy is the main component of the Local Development Framework and sets out the key elements of the planning framework for Sutton, consisting of the long-term vision and strategic objectives for the Borough, together with a spatial strategy and broad policies for shaping the future of the Borough, and for guiding and controlling new development.

## **3. The Need for Assessment**

- 3.1 The Conservation (Natural Habitats &c) Regulations 1994 have been amended to implement a judgement of the European Court of Justice. The amended Regulations came into force in 2007. The effect of the Regulations (as amended) is to add Part IVA (Regulations 85A -85E) under the title "Appropriate Assessments for Land Use Plans in England and Wales".

- 3.2 The essential requirement of this amendment is for the Local Planning Authority to assess the potential effects of land use plans, to ensure that the protection and integrity of European sites is considered by the planning process at the local level. The process by which this is achieved is by way of a Habitats Regulations Assessment, to assess the impacts of a land-use plan against the conservation objectives of a European Site, and to ascertain whether it would adversely affect the integrity of that site.
- 3.3 The European sites network (also known as Natura 2000) provides for the protection of sites that are of exceptional importance for rare, endangered or vulnerable natural habitats and species within the European Community. These sites consist of Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Offshore Marine Site (OMS). Ramsar sites (wetlands of international importance) are included as if they are fully designated European Sites for the purpose of considering development proposals that may affect them.
- 3.4 Relevant excerpts from the Habitats Directive and the Habitat Regulations are provided in Appendix 1.

#### **4. Methodology**

- 4.1 We used the methodology given in the Draft Guidance 'The Habitats Regulations Assessment of Regional Spatial Strategies and Sub-Regional Strategies', David Tyldesley and Associates, for Natural England, March 2007. This is one of several guidance documents available, but it represents a standardized methodology that deals with the scale of analysis of sub-regional strategies, such as Sutton's Core Planning Strategy, and it represents the approach endorsed by Natural England. Natural England is a statutory consultee in the Habitats Regulation Assessment process. The Council has followed further practical advice from Natural England on the screening method for undertaking Habitats Regulations Assessments at the sub-regional scale. The procedure is prescribed in the Regulations. The method of assessment, however, is not prescribed in law. Ultimately, case law and case decisions will decide on whether the method of assessment is "an appropriate assessment".
- 4.2 The process involves the following methodological steps:
1. *Screening: Assessing likely significant effects*
  2. *Scoping an appropriate assessment*
  3. Appropriate assessment
  4. Adding avoidance/mitigation measures
  5. Formal consultation
  6. Recording the assessment

- 4.3 In accordance with the recognised methodology, Steps 1. and 2. are the stages reported on in this document.
- 4.4 The whole process is referred to as the 'Habitats Regulations Assessment' with 'Appropriate Assessment' forming a stage within it. If at the screening stage it is determined that the land-use plan will not adversely affect the integrity of any international site, alone or in combination with other plans and projects, the Appropriate Assessment stage of the process is not required, and it may proceed to publication.
- 4.5 This assessment of the Core Strategy under the Habitats Regulations was undertaken during the preparation of the Strategy, so that the assessment has influenced the development of policies and their effects.

## **5. Sustainability Appraisal**

- 5.1 As directed in the guidance, the Habitats Regulations Assessment has been undertaken separately from the Sustainability Appraisal process.

## **6. The in-combination assessment**

- 6.1 The assessment of significant effects of a policy need to take into account its impact in-combination with other plans and projects, such as those of the regional spatial strategies for the South East of England, Draft Further Alterations to the London Plan (Spatial Development Strategy for Greater London), or those of adjacent local authorities.
- 6.2 There is no reason to believe at this stage, considering the information available e.g. the physical distances involved, that Sutton Council's spatial strategy, core policies and proposals, in association with surrounding boroughs' and regional plans, will have an in-combination impact on European sites.

## **7. Identification of Relevant Sites**

- 7.1 The first steps were to identify the European sites that may be affected by the land use plan and to acquire, examine and understand the conservation objectives of each interest feature of each site potentially affected. Natural England assisted in the identification of the relevant sites. Three sites were within 10km of the boundary of the London Borough of Sutton. The Council identified that there are no European sites in the London Borough of Sutton.
- 7.2 Using the Joint Nature Conservation Committee (JNCC) website, and in consultation with Natural England, and in line with the methodology employed in the Appropriate Assessment of Further Alterations to the

London Plan, the Council identified those European sites within a 10km zone extending from the boundary of the Borough. European sites were included if they occurred either wholly or partially within this geographical area.

#### **Identified European sites**

Sites at least partially within the London Borough of Sutton boundary:

- None

Sites at least partially within 10km of London Borough of Sutton boundary:

- Mole Gap to Reigate Escarpment SAC
- Richmond Park SAC
- Wimbledon Common SAC

## **8. Site descriptions**

- 8.1 Information for the sites, including the rationale for their declaration as European sites, was taken from the 'Appropriate Assessment of the Draft Further Alterations to the London Plan'. This also includes supplementary information to assist in the assessment of the significance of any impacts of policies on their nature conservation interest. This is presented in the table on the following pages. The contents of the table were compiled with reference to the sources listed below, and also informed by consultation with Natural England.

Key to site description contents (Table One)

**Site name + Designation and code.**

Obtained from English Nature 'Natura 2000 Forms' and RAMSAR forms from the JNCC website.

**Qualifying features.**

Denoting 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 English Nature'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**

For further information on European sites which are also SSSI's - from English Nature'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.

**Table 1. Site Description Table**

Site Name	Designation & Code	Qualifying Features	Current Condition and Threats	Result of July 2006 SSSI condition survey	Key ecosystem factors	
		<b>Habitat</b>	<b>Species</b>			
<b>Mole Gap to Reigate escarpment</b>	SAC UK0012804	To maintain in favourable condition the: <i>Taxus baccata</i> woods of the British Isles for which this is considered one of the best areas in the UK. Stable Xerothermophilous formation with <i>Buxus sempervirens</i> on rock slopes for which this is the only known outstanding locality in the UK. Semi-natural dry grasslands and scrubland facies: on calcareous substrates (Festuco-Brometalia (important orchid site) for which this is considered to be one of the best	To maintain in favourable condition the habitats for the population of: Great crested newt and Bechstein's bat, for which the area is considered to support a significant presence of both species.	Recreational pressure is high and requires management and monitoring. The majority of the site is owned/run by conservation minded bodies but some areas of the site are under private smaller ownerships. These areas are most at threat from neglect and lack of appropriate grazing. Bechstein's bats use the site throughout the year and work is underway to better understand the movements and requirements of bats on this site.	Area favourable 33% Area unfavourable recovering 64% Areas unfavourable no change 3%	Extent Natural processes and structural development Regeration potential Composition Species, habitats, structures characteristic of the site.



		<p>areas in the UK. Asperulo-Fagetum beech forests for which the area is considered to support a significant presence.</p> <p>European dry heaths for which the area is considered to support a significant presence.</p>				
<b>Richmond Park</b>	SAC UK0030246		<p>To maintain in favourable condition the habitats for the population of: Stag beetle, for which this is one of only 4 known outstanding localities in the UK.</p>	<p>The site is surrounded by urban area and therefore experiences high levels of recreational pressure. This does not directly affect the European interest feature. The whole site has been declared an NNR.</p>	<p>Area favourable 6%</p> <p>Area unfavourable recovering 8%</p> <p>Areas unfavourable no change 86%</p>	<p>Population size of species</p> <p>Number of old broadleaved trees</p> <p>Population structure of broadleaved trees</p> <p>Condition of old broadleaved trees - state of decay</p> <p>Quantity and size of fallen broadleaved dead wood</p> <p>Position and degree of exposure of old broadleaved trees and stumps. Condition and position of available dead timber.</p>

<b>Wimble on Common</b>	SAC UK0030301	To maintain in favourable condition the: European dry heath, for which the area is considered to support a significant presence. Northern Atlantic wet heath with Erica tetralix, for which the area is considered to support a significant presence.	To maintain in favourable condition the habitats for the population of: Stag beetle, for which this is one of only 4 known outstanding localities in the UK.	The site is located in an urban area and therefore experiences intensive recreational pressure which can result in damage to the sensitive heathland areas. Air pollution is also thought to be having an impact on the quality of the heathland habitat.	Area favourable 40% Area unfavourable but recovering 59%	Population size of species Number of old broadleaved trees Population structure of broadleaved trees Condition of old broadleaved trees - state of decay Quantity and size of fallen broadleaved dead wood Position and degree of exposure of old broad leaved trees and stumps. Condition and position of available dead timber.
---------------------------------	------------------	---	--	---	---	---

## 9. Screening assessment of Sutton's Core policies

- 9.1 Core Strategy policies (see Figure 3.) were assessed against the adapted criteria developed below (from Tyldesley and Associates 2007). All Core Strategy policies were screened according the approach set out in the guidance.

**Figure 2. HABITATS REGULATIONS ASSESSMENT OF POLICIES AND PROPOSALS IN A DPD**

<b>Effects on European Site</b>
<b>Elements of the DPD that will have no effect on a European Site</b>
1. The policy or proposal 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 or proposal is intended to protect the natural environment, including biodiversity.
3. The policy or proposal 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.
4. The policy or proposal positively steers development away from European Sites and associated sensitive areas, e.g. not developing in areas of flood risk or areas otherwise likely to be affected by climate change; or concentration of development in urban areas will not affect European Site and will help to steer development and land use change away from European Site and associated sensitive areas.
<b>Elements of the DPD that will be subject to HR or project assessment 'down the line' to protect European Sites</b>
5. No development could occur through this policy or proposal alone, because it is implemented through sub-ordinate policies which are more detailed and therefore more appropriate to assess for their effects on European Site and associated sensitive areas.

6. The policy or proposal 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).
<b>Elements of the DPD that could or would have a potential effect on European sites</b>
7. The policy or proposal 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.
8. The policy or proposal 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.
9. The policy or proposal could result in cumulative effects on European sites (especially indirect effects) of development proposals coordinated by the RSS, which alone would not be significant but in combination are likely to be.
10. Programmes or sequences of development delivered via a series of projects, over a period, where the implementation of the early stages would not have a significant effect on European sites, but which effectively dictate the shape, scale, duration, location, timing of the whole project, which could have an adverse effect on such sites.
11. Developments that could close off options or alternatives in the future, that may lead to adverse effects on European sites.
12. Proposals that have a high risk of failing the tests of the Habitats Regulations at project assessment stage.
13. Policies or proposals for a quantum of development that, no matter where it was located, it would be likely to have a significant effect on a European site.

9.2 Core Policies example table on the following pages.

**Figure 3. Policy Analysis Table**

<b>Policy No.</b>	<b>Policy</b>	<b>Why policy will have no impact on Natura 2000 sites</b>	<b>Likely to have an impact</b>	<b>Essential recommendations to avoid potential negative effects on European sites</b>
CP1	Housing provision	4,5,6	No	None
CP2	Housing density	1	No	None
CP3	Meeting affordable housing and other local housing needs	4,6	No	None
CP4	Equality of opportunities and access	4,6	No	None
CP5	Education and skills	4,6	No	None
CP6	Improving health and wellbeing	4	No	None
CP7	One Planet Living	1,2	No	None
CP8	Waste reduction and management	5,6	No	None
CP9	Flood risk	1	No	None
CP10	The Green environment	1,2	No	None
CP11	Sutton Town Centre	4,5,6	No	None
CP12	Hackbridge	4,5,6	No	None

CP13	District Centres	4,5,6	No	None
CP14	Industrial land availability	4,5,6	No	None
CP15	Strategic Industrial locations	4,5	No	None
CP16	Established industrial locations	4,5,6	No	None
CP17	Improving transport infrastructure and services	5,6	No	None
CP18	Integrating development with transport and promoting sustainable travel choices	1	No	None
CP19	Highways and traffic management	1	No	None
CP20	Leisure and cultural development	4,5,6	No	None
CP21	Principles of good design	1	No	None
CP22	Tall buildings	1	No	None
CP23	Planning obligations	1,5	No	None
CP24	Effective partnership working	1	No	None

CP25	Infra-structure priority list	4,5,6	No	None
CP26	Monitoring and Review	1	No	None

## 10. Conclusion

- 10.1 This screening assessment of the Core Strategy has not identified any likely significant effects to Natura 2000 or Ramsar sites, and hence the Appropriate Assessment stage of the process is not required for the London Borough of Sutton's land use plans/ spatial strategy, core policies and proposals.

## References

Appropriate Assessment Screening report: '*Draft Further Alterations to the London Plan*', Forum for the Future, September 2006.

*Appropriate Assessment, Submission Core Strategy & Development Control Policies and Site Specific Allocations DPDs*, London Borough of Havering, November 2006.

Croydon Replacement Unitary Development Plan, The Croydon Plan, Written Statement, Croydon Council, July 2006.

*Draft Further Alterations to the London Plan (Spatial Development Strategy for Greater London)*, Greater London Authority, September 2006.

*Draft Guidance, The Habitats Regulations Assessment of Regional Spatial Strategies and Sub-Regional Strategies*, David Tyldesley and Associates For Natural England March 2007.

Epsom and Ewell Core Strategy 2007, Epsom and Ewell Borough Council, October 2007.

London Borough of Merton Preferred Options Core Strategy DPD, June 2007.

*The London Plan, Spatial Development Strategy for Greater London*, Greater London Authority, February 2004.

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

Reigate and Banstead Preferred Options Core Strategy DPD, Reigate and Banstead, November 2007.

Royal Borough of Kingston upon Thames Local Development Framework, K+20, Kingston Town Centre Area Action Plan, Submission Version, May 2007.

Royal Borough of Kingston Upon Thames, Unitary Development Plan, First Alteration, Written Statement, August 2005.



## **APPENDIX 1**

### **Habitats Directive**

#### **Article 6(3)**

‘Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.’

#### **Article 6(4)**

‘If in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the member states shall take all compensatory measures necessary to ensure that overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or priority species, the only considerations which may be raised are those relating to human health or public safety, of beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.’