

Ham and Petersham Neighbourhood Plan:  
**Habitats Regulations  
Assessment  
Screening Report**

---

Planning

*May 2018*

---

**Ham and Petersham Neighbourhood Plan**

**Habitats Regulations Assessment  
Screening Report**

May 2018

**SCREENING OPINION**

**HRA**

Due to the limited amount of development proposed, the Council considers that the Ham and Petersham Neighbourhood Plan will not have a significant effect on a European site and that therefore further assessment under the Habitats Regulations is not required. The full reasons are set out in this report.

*LB Richmond upon Thames*

# 1 Introduction

1.1 The EU Habitats and Wild Birds Directives aim to protect and improve Europe's most important habitats and species. They primarily achieve this by requiring:

- The designation and protection of a network of land and marine habitats ("European sites");
- The protection of certain animals and plants of European importance ("European protected species" or "EPS") and all naturally occurring wild birds. These species are referred to collectively in guidance as "protected species".

The Habitats Directive<sup>1</sup> requires competent authorities to decide whether or not a plan or project can proceed having undertaken the following "appropriate assessment requirements" to:

- Determine whether a plan or project may have a significant effect on a European site<sup>2</sup>;
- If required, undertake an appropriate assessment of the plan or project;
- Decide whether there may be an adverse effect on the integrity<sup>3</sup> of the European site in light of the appropriate assessment.

European case law has ruled that the likely significant effects decision must be applied on a precautionary basis, and a plan or project must be assumed to have a likely significant effect unless such effects can be ruled out (as explained below).

Operations taking place far from a European site may still be capable of having a significant effect (e.g. a project which extracts water may affect a site some distance away by altering the water table, and emissions to air or water may impact on sites distant to the source of the emission).

## 1.2 The HRA process

The legislative basis for the **Habitats Regulations Assessment (HRA)** is EU Habitats Directive Article 6(3) and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

The 'Natura 2000' network of sites (more commonly referred to as 'European Sites') is designated for the importance of habitats, species and birds (under the 'Habitats Directive' for Special Areas of Conservation, and the 'Birds Directive' for Special Protection Areas). With respect to this HRA, all of the following designations are European Sites, to which the HRA process applies:

- **Special Areas of Conservation (SACs)** special protection to flora, fauna and habitats;

---

<sup>1</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora. The Habitats Directive is primarily transposed in England under the Conservation of Habitats and Species Regulations 2010 and in the offshore marine area by the Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007.

<sup>2</sup> European sites include: special areas of conservation (SACs), special protection areas (SPAs), sites of Community importance (SCIs), and candidate SACs. As a matter of Government policy, potential SPAs and RAMSAR sites are also treated as European sites.

<sup>3</sup> Integrity is described as the site's coherence, ecological structure and function across the whole area that enables it to sustain the habitat, complex of habitats and/or levels of populations of species for which it was classified (ODPM, 2005).

- **Special Protection Areas (SPAs)** are areas of land, water or sea of international importance for the breeding, feeding, wintering or the migration of rare, vulnerable or migratory species of birds;
- **Ramsar** sites, identified through the Convention on Wetlands of International Importance; and
- **Proposed and candidate SPAs and SACs** (pSPA, cSPA, pSAC, cSAC) that are being considered for designation.

### 1.3 Deciding whether effects are “significant”

European case law has ruled that the question of whether an effect would be “significant” is linked to the site’s conservation objectives. Under this test:

- A “significant effect” only includes effects which would undermine a European site’s conservation objectives, for example by reducing the area or quality of protected habitat for which the site was designated, or by the disturbance or displacement of species for which the site was designated.
- A plan or project with effects which do not impact on a European site’s conservation objectives would not be considered to be “significant” for the purpose of this decision. For example, this might be the case for low-impact temporary effects, or effects such as the loss of a small area of land which is not an interest feature of the site and has no effect, or an insignificant effect, on the habitat or species which are an interest feature.

### 1.4 The AEoI decision (Adverse Effect on Integrity)

Following an appropriate assessment, the competent authority must decide whether a plan or project would have an “adverse effect on the integrity of a European site” (AEoI). In making this decision, the authority must take account of the site’s conservation objectives. The integrity of a European site means the coherence of its ecological structure and function across its whole area, or the habitats or mixture of habitats and/or populations of species for which the site has (or will be) designated.

For example, the following effects might give rise to an AEoI depending on the specific circumstances of the case (in all cases the potential impact would need to be sufficient to undermine the site’s integrity):

- Causing harm to the ecological coherence or robustness of a site (e.g. by reducing population size of a key species on the site to a level where it would prevent the achievement of the conservation objectives);
- Substantially reducing the area of a site which supports a key species on the site, or the areas of a particular habitat within the site;
- Substantially changing the physical environment of a site (e.g. changing its hydrology, or the chemical or biological characteristics of its soil), pollution risk and emissions to air or water;
- Having a substantial negative effect on the wider network of European sites (e.g. by creating a barrier between sites which hinders the movement of species between sites);
- Disrupting or preventing the restoration of part of the site if this is a conservation objective.

## **1.5 The HRA screening for Neighbourhood Plans**

The Neighbourhood Planning (General) Regulations 2012 require a submitted neighbourhood plan to include a statement explaining how the proposed Neighbourhood Plan meets the basic conditions set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990. One of the basic conditions requires Neighbourhood Plans to be compatible with EU obligations and to demonstrate that it is not likely to have a significant effect on a European Site. Mitigation measures can be included at this screening stage, which may rule out the likelihood of significant effects. If likely significant effects remain after straightforward mitigation measures are applied, the HRA process should proceed to a second stage which is called an 'Appropriate Assessment.'

An Appropriate Assessment will consider the implications for the European Site in view of the conservation objectives (generally to restore or maintain the features which led to the designation of the site), and consider whether the plan could affect the integrity of the site. More detailed mitigation measures may be considered at this stage but as stated above a plan should only be agreed once the competent authority has established that the plan will not adversely affect the integrity of the European Sites.

## **2 European sites in and near the Plan area**

**2.1** All European sites lying partially or wholly within 5km from the borough boundary were included in the HRA, in order to address the possibility that proposals in the H&PNP may affect European sites located outside the administrative boundary of Richmond borough. This is the same approach that has been taken for the HRA of the Local Plan ([HRA Report 2016](#)). This distance has been supported by Natural England and is considered reasonable to ensure that all designated sites that could potentially be affected by development in the Neighbourhood Area are identified and included in the assessment.

One European site (Richmond Park SAC) is located within the LBRuT boundary close to Ham and Petersham, while Wimbledon Common SAC lies just less than 500m from the east of the borough. There is one further European site within 5km, South West London Waterbodies SPA. Richmond Park is 846.27 ha. It is Designated Special Area of Conservation (SAC) and also is a SSI impact risk zone (to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites). Thames Basin Heaths SPA lies approximately 11km from the LBRuT at the closest point.

### **2.2 Conservation Objectives for each site**

Natural England publishes Conservation Objectives for each European site. Where Conservation Objectives are met for the Qualifying Species, the site is considered to exhibit a high degree of integrity and to be achieving a Favourable Conservation Status for that species or habitat. The Qualifying Features are set out below:

## European sites that could potentially be affected by the Ham and Petersham Neighbourhood Plan

Site and designation	Qualifying features	Site vulnerabilities	Potential effects of the plan
Richmond Park, Area 846.27ha  SAC	<b>Annex II species that are a primary reason for selection of this site</b> 1083 Stag beetle <i>Lucanus cervus</i> Richmond Park has a large number of ancient trees with decaying timber. It is at the heart of the south London centre of distribution for stag beetle <i>Lucanus cervus</i> , and is a site of national importance for the conservation of the fauna of invertebrates associated with the decaying timber of ancient trees	Visitor and recreational pressure including accidental and deliberate burning, trampling and erosion  No current issues affecting the Natura 2000 feature have been identified. Despite this, the Richmond Park Management Plan should continue to be periodically reviewed to ensure the continuing availability of decaying wood habitat.	Increased recreational pressure resulting from new development  Air pollution associated with new development and visual and noise disturbance
Wimbledon Common, 351.38ha  SAC	<b>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site</b> 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> 4030 European dry heaths <b>Annex II species that are a primary reason for selection of this site</b> 1083 Stag beetle <i>Lucanus cervus</i> Wimbledon Common has a large number of old trees and much fallen decaying timber. It is at the heart of the south London centre of distribution for stag beetle <i>Lucanus cervus</i> . The site supports a number of other scarce invertebrate species associated with decaying timber.	The site is located in an urban area and therefore experiences air pollution and heavy recreational pressure. According to Natural England's Site Improvement Plans, measures should be implemented by Natural England to establish a Site Nitrogen Action Plan. Furthermore, Natural England and Wimbledon and Putney Common Conservators should implement measures to reduce visitor impact. Issues associated with habitat fragmentation and invasive species have also been identified. The Species Recovery Programme should address this, while an invasives response plan should be developed.	In close proximity to Richmond Park  vulnerable to high levels of recreation pressure  Urban location so vulnerable to increased traffic, air pollution, noise and light pollution
South West London Waterbodies 825.1ha  SPA and Ramsar	Designated for two bird species which the site regularly supports over winter – <i>Anas clypeata</i> (the northern shoveler) and <i>Anas strepera</i> (the gadwall).	The qualifying features of this site are vulnerable to disturbance from recreation and there is also an issue surrounding the potential future decommissioning of reservoirs once they are no longer required for the purposes of water supply as well as the potential impacts of maintenance works	

A “traffic light” approach has been used to record the likely impacts of the policies and site allocations on European sites and their qualifying habitats and species, using the colour categories shown below.

<b>Red</b>	There are likely to be significant effects (Appropriate Assessment required)
<b>Amber</b>	There may be significant effects, but this is currently uncertain (Appropriate Assessment required)
<b>Yellow</b>	Unlikely to be significant effects (Appropriate Assessment <b>not</b> required)
<b>Green</b>	There are unlikely to be negative effects (Appropriate Assessment <b>not</b> required)

### 3 Criteria with which to screen the Ham and Petersham NP

**3.1** The table below sets out criteria to assist with the screening process of policies and proposals within the Neighbourhood Plan to consider their potential effects on European Sites. Policies and proposals that fall within categories A and B are considered not to have an effect on a European Site and are not considered further within the HRA process. Policies and proposals that fall within categories C and D are considered further, including an in-combination consideration. If straightforward mitigation measures cannot be applied to avoid any significant effects, then any remaining policies and proposals that would be likely to have a significant effect on a European site, either alone or in combination must be taken forward to an Appropriate Assessment.

<b>Category A: No negative effect</b>	
A1	Options / policies that will not themselves lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy.
A2	Options / policies intended to protect the natural environment, including biodiversity.
A3	Options / policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site.
A4	Options / policies that positively steer development away from European sites and associated sensitive areas.
A5	Options / policies that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.
<b>Category B: No significant effect</b>	
B	An option or policy or proposal that could have an effect but would not be likely to have a significant (negative) effect because the effects are trivial or ‘de minimis’, even if combined with other effects.
<b>Category C: Likely significant effect alone</b>	
C1	The option, policy or proposal could <b>directly affect</b> a European site because it provides for, or steers, a quantity or type of development onto a European site, or adjacent to it.

C2	The option, policy or proposal could <b>indirectly affect</b> a European site e.g. because it provides for, or steers, a quantity or type of development that may be very close to it, or ecologically, hydrologically or physically connected to it or it may increase disturbance as a result of increased recreational pressures.
C3	Proposals for a <b>magnitude of development</b> that, no matter where it was located, the development would be likely to have a significant effect on a European site.
C4	An option, or policy that makes provision for a quantity / type of development (and may indicate one or more broad locations e.g. a particular part of the plan area), but the effects are uncertain because the detailed location of the development is to be selected following <b>consideration of options in a later, more specific plan</b> . The consideration of options in the later plan will assess potential effects on European Sites, but because the development could possibly affect a European site a significant effect cannot be ruled out on the basis of objective information.
C5	Options, policies or proposals for developments or infrastructure projects that could <b>block options or alternatives</b> for the provision of other development or projects in the future, which will be required in the public interest, that may lead to adverse effects on European sites, which would otherwise be avoided.
C6	Options, policies or proposals which <b>depend on how the policies etc. are implemented</b> in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a significant effect on a European site.
C7	Any other options, policies or proposals that would be <b>vulnerable to failure</b> under the Habitats Regulations at project assessment stage; to include them in the plan would be regarded by the EC as 'faulty planning.'
C8	Any other proposal that may have an adverse effect on a European site, which might try to pass the tests of the Habitats Regulations at project assessment stage by arguing that the <b>plan provides the imperative reasons</b> of overriding public interest to justify its consent despite a negative assessment.
<b>Category D: Likely Significant effect in combination</b>	
D1	The option, policy or proposal alone would not be likely to have significant effects but if its effects are combined with the effects of other policies or proposals <b>provided for or coordinated by the Local Plan</b> the <b>cumulative</b> effects would be likely to be significant.
D2	Options, policies or proposals that alone would not be likely to have significant effects but if their effects are <b>combined with the effects of other plans or projects</b> , and possibly the effects of other developments provided for in this Plan as well, the combined effects would be likely to be significant.
D3	Options or proposals that are, or could be, part of a <b>programme or sequence of development</b> delivered over a period, where the implementation of the early stages would not have a significant effect on European sites, but which would dictate the nature, scale, duration, location, timing of the whole project, the later stages of which could have an adverse effect on such sites.

Source: *The Habitats Regulations Assessment of Local Development Documents Revised Draft Guidance for Natural England, February 2009, prepared by Tydesley and Associates for Natural England.*

## 4 Consideration of Other Plans and Programmes

**4.1** The London Borough of Richmond upon Thames (LBRuT) Local Plan Policies and proposals has been subject to HRA<sup>4</sup> and published a HRA Screening Report. Under the legislation “Competent Authorities”, such as LBRuT should include the assessment of effects on a European Site in combination with other plans and programmes. The Council has given adequate consideration to the Habitat Regulations and it is considered that that the Local Plan is unlikely to have any significant effects on any Natura 2000 sites, either alone or in combination with other plans or projects.

The findings of the screening stage have been explained in detail in Chapter 4 of the Local Plan HRA report. The majority of the potential impacts associated with development were able to be screened out at this stage; with the exception of air pollution. Policies within the Local Plan which will result in new development may contribute to an increase in traffic and therefore air pollution, either alone or in combination with development in neighbouring boroughs. Some of the potential effects identified could be mitigated through the implementation of policies within the Local Plan itself. These include policies relating to the provision of improved sustainable transport links which could help to mitigate potential increases in air pollution associated with increased vehicle traffic, and the provision of green infrastructure within new developments which may help to relieve increases in visitor pressure at European sites. The HRA concludes that the Plan is not expected to result in adverse significant effects on the integrity of any European sites in relation to increased air pollution from vehicle traffic. In addition, a summary of engagement with Natural England and their response on the HRA can be found within Appendix 4 of the HRA report.

**4.2** The Local Plan Inspector’s Report (April 2018) agrees with the HRA report conclusion, as supported by Natural England, that the integrity of nearby European sites would not be adversely impacted by the Local Plan.

## 5 Ham and Petersham Neighbourhood Plan Screening

**5.1** The policies and proposals set out in the Plan have been assessed against the Categories as set out below.

**Table of HRA Screening Matrix of Ham and Petersham Neighbourhood Policies and Proposals**

Policy / Proposal	Category (A,B,C,D)	European Site Affected	Screening outcome	Mitigation and avoidance measures	AA required?
Character & Heritage C1 - 3	A3	N/A	No negative effects	N/A	No
Housing H1 - 5	C2	Richmond Park SAC	No negative effects	Policies LP44 and LP45 Travel and Parking, LP23 Water Resources and Infrastructure	No

<sup>4</sup> Habitats Regulation Assessment (HRA)

[https://www.richmond.gov.uk/media/13322/local\\_plan\\_publication\\_habitats\\_regulations\\_assessment\\_Noreport\\_2016.pdf](https://www.richmond.gov.uk/media/13322/local_plan_publication_habitats_regulations_assessment_Noreport_2016.pdf)

				LP24 Waste LP15 Biodiversity LP 12 Green Infrastructure LP 9 & LP10, LP22 and LP31	
Green Spaces G1 - 3	A2	N/A	No negative effects	N/A	No
Travel & Streets T1 - 3	A	N/A	No negative effects	N/A	No
Community Facilities CF 1 & 2	C2	Richmond Park SAC	No negative effects	Air pollution impacts are mitigated by the following policies which discourage car use and encourage sustainable transport: LP 44 Facilitating sustainable travel choices, LP 45 Parking standards and servicing, and LP 24 Waste management. Policy LP 15 Biodiversity provides mitigation by protecting SSSIs and therefore the SPA and SACs, with some additional protection provided by LP 12 Green infrastructure. Policies LP 9 Floodlighting; LP 10 Local environmental impacts, pollution and land contamination; and LP 22 Sustainable design and construction seek to minimise the environmental	No

				impacts of development and therefore provide mitigation	
Retail and Local Services R1 & 2	A1	N/A	No negative effects	N/A	No
Environmental Sustainability E1 - 6	A3	N/A	No negative effects	N/A	No
Opportunities for change O1 - 7	C2	Richmond Park SAC	No negative effects	Policies LP 44 Facilitating sustainable travel choices, LP 45 Parking standards and servicing, and LP 24 Waste management. Policy LP 15 Biodiversity LP 12 Green infrastructure. LP 9 Floodlighting; LP 10 Local environmental impacts, pollution and land contamination; and LP 22 Sustainable design and construction provide mitigation for physical loss of or damage to habitat and non-physical disturbance. Policy LP 23 Water resources and infrastructure, LP 21 Flood risk and sustainable drainage. Mitigation for impacts associated with recreation is provided by Policy LP 31 Public open space, play space, sport and recreation	No – see also further detailed screening below of three large sites

**Detailed Screening Matrix of Local Plan Site Allocation Proposal sites that are located within the Ham and Petersham Neighbourhood Plan Area**

<b>Proposal Site</b>	<b>Category (A,B,C,D)</b>	<b>European Site(s) potentially affected</b>	<b>Screening outcome</b>	<b>Mitigation and avoidance measures</b>	<b>AA required?</b>
Ham Close, Ham	C2	Richmond Park (SAC) Wimbledon Common (SAC)  SW London Waterbodies (SPA)	Residential development likely to increase vehicle traffic, demand for water treatment and increase recreational pressure.	Local Plan Policies LP15, LP12, LP23, LP21, LP31, LP44, LP45, LP24  H&P NPlan Policies T1 and T2, E4, E5 and E6.	No
Cassel Hospital, Ham Common	C2	Richmond Park (SAC) Wimbledon Common (SAC)  SW London Waterbodies (SPA)	Social and Community infrastructure development, likely to increase vehicle traffic, recreational pressure and demand for water.	Local Plan Policies LP15, LP12, LP23, LP21, LP31, LP44, LP45, LP24  H&P NPlan Policies T1 and T2, E4, E5 and E6.	No
St. Michael's Convent, Ham Common	C2	Richmond Park (SAC) Wimbledon Common (SAC)  SW London Waterbodies (SPA)	Social and Community infrastructure development, likely to increase vehicle traffic, recreational pressure and demand for water.	Local Plan Policies LP15, LP12, LP23, LP21, LP31, LP44, LP45, LP24  H&P NPlan Policies T1 and T2, E4, E5 and E6.	No

## **6 Screening Conclusions**

**6.1** The Ham and Petersham Neighbourhood Plan has been screened to check for the likelihood of significant effects upon any European Site. Richmond Council, as a competent authority is required to ascertain whether the Plan's policies and proposals are likely to have a significant effect on European Sites, alone or in combination with other plans or projects. The assessment considers only the habitats and species that are qualifying interest features of the European Sites.

**6.2** The HRA reflects that the Ham and Petersham Neighbourhood Plan is not likely to result in an adverse effect on the integrity of the 3 European Sites identified within 5km of Richmond's boundaries alone or in combination with other plans and projects.

## Appendix: Potential impacts and activities arising from implementation of a Local Plan that could adversely affect European sites

### Broad categories and examples of potential impacts on European sites

#### Physical loss

- Removal (including offsite effects, e.g. foraging habitat)
- Smothering
- Habitat degradation

#### Physical damage

- Direct mortality
- Sedimentation / silting
- Prevention of natural processes
- Habitat degradation
- Erosion
- Trampling
- Fragmentation
- Severance / barrier effect
- Edge effects
- Fire

#### Non-physical disturbance

- Noise
- Vibration
- Visual presence
- Human presence
- Light pollution

#### Water table/availability

- Drying
- Flooding / storm water
- Water level and stability
- Water flow (e.g. reduction in velocity of surface water)
- Barrier effect (on migratory species)

#### Toxic contamination

- Water pollution
- Soil contamination
- Air pollution

#### Non-toxic contamination

- Nutrient enrichment (e.g. of soils and water)
- Algal blooms
- Changes in salinity
- Changes in thermal regime
- Changes in turbidity
- Air pollution (dust)

#### Biological disturbance

- Direct mortality
- Out-competition by non-native species
- Selective extraction of species
- Introduction of disease
- Rapid population fluctuations
- Natural succession

### Examples of activities responsible for impacts

Development (e.g. housing, employment, infrastructure, tourism)  
Structural alterations to buildings (bat roosts)  
Afforestation  
Tipping  
Cessation of or inappropriate management for nature conservation  
Flood defences  
Dredging  
Recreation (e.g. motor cycling, cycling, walking, horse riding, water sports, caving)  
Development (e.g. infrastructure, tourism, adjacent housing etc.)  
Vandalism  
Arson  
Cessation of or inappropriate management for nature conservation

Development (e.g. housing, industrial)  
Recreation (e.g. dog walking, water sports)  
Industrial activity  
Vehicular traffic  
Artificial lighting (e.g. street lighting)

Water abstraction  
Drainage interception (e.g. reservoir, dam, infrastructure and other development)  
Increased discharge (e.g. drainage, runoff)

Oil / chemical spills  
Tipping  
Vehicular traffic  
Industrial waste / emissions

Sewage discharge  
Water abstraction  
Industrial activity  
Flood defences  
Construction

Development (e.g. housing areas with domestic and public gardens)  
Predation by domestic pets  
Introduction of non-native species (e.g. from gardens)  
Fishing and Hunting  
Changes in management practices (e.g. grazing regimes, access controls, cutting / clearing)