

Appropriate Assessment

An assessment of the emerging Core Strategy of the Westminster Local Development Framework in relation to Special Protection Areas, Special Areas of Conservation and wetlands of international importance

Introduction

- 1.1 In October 2005, the European Court of Justice (ECJ) ruled that Appropriate Assessments (AA) must be carried out on all land use planning documents in the UK. Article 6(3) of the Habitats Directive 92/43/EEC states:-

“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 or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives.”
- 1.2 Appropriate Assessment is in essence a report which assesses the potential effects of a plan upon a designated European site. The Natura 2000 network is composed of over 600 Special Areas of Conservation (SACs) and over 240 Special Protection Areas (SPAs), however, UK government planning policy also extends the same levels of protection to Ramsar sites (wetlands of international importance designated under the Ramsar Convention), of which there are currently over 140 in the UK.
- 1.3 The Westminster Core Strategy Development Plan Document (DPD) is being produced and this paper represents the screening stage for an AA, undertaken in order to comply with legislative requirements. This screening exercise will be appended to the Scoping Report for the Core Strategy.
- 1.4 In preparing this paper reference has been made to guidance published in the European Commission and written by Oxford Brookes University, in a document “Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/2002. Other guidance referred to includes Planning Policy Statement 9 “Biodiversity and Geological Conservation” 2005 and Circular 06/2005 “Biodiversity and Conservation”.
- 1.5 The European Commission guidance sets out a number of principles

about how to approach the decision-making during the process. The primary one is the “precautionary principle which requires that the conservation objectives of Natura 2000 should prevail where there is uncertainty.” (section 2.2)

Designated sites

- 1.6 There are no designated Special Areas of Conservation (SACs) within the boundary of the City of Westminster or in neighbouring London Boroughs. There are however two SAC sites within Greater London within a 10 km radius, namely Richmond Park and Wimbledon Common and one site just outside Greater London, which is Epping Forest. There is one other site considered in this assessment namely the Essex Thames Estuaries, which are a SPA and also a RAMSAR.

Evidence Gathering

Information has been gathered to establish:

1. European sites within and outside the plan area potentially affected
2. Site characteristics and conservation objectives
3. Other relevant plans or projects

1. European sites within and outside the plan area potentially affected

For this assessment four SACs have been identified which should be assessed in accordance with the requirements of the Habitats Directive. These are:

- Wimbledon Common
- Richmond Park
- Epping Forest
- Essex Thames Estuaries

2. Site characteristics and conservation objectives

The focus of the AA is on the sites’ qualifying features and associated conservation objectives. This information has been derived from the Joint Nature Conservation Committee and is presented below.

Wimbledon Common

Location of Wimbledon Common SAC	
Country	England
Unitary Authority	Merton; Wandsworth
Grid Ref*	TQ227719
Latitude	51 25 56 N
Longitude	00 14 04 W
SAC EU code	UK0030301
Status	Designated Special Area of Conservation (SAC)

Area (ha)	348.31
* This is the approximate central point of the SAC. In the case of large, linear or composite sites, this may not represent the location where a feature occurs within the SAC.	
General site character	
Inland water bodies (standing water, running water) (1%)	
Bogs. Marshes. Water fringed vegetation. Fens (0.5%)	
Heath. Scrub. Maquis and garrigue Phygrana (5%)	
Dry grassland. Steppes (45%)	
Improved grassland (3.5%)	
Broad-leaved deciduous woodland (45%)	
Annex I habitats that are a primary reason for selection of this site	
Not applicable	
Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site	
4010 Northern Atlantic wet heaths with <i>Erica tetralix</i>	
4030 European dry heaths	
Annex II species that are a primary reason for selection of this site	
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> , and a relatively large number of records were received from this site during a recent nationwide survey for the species (Percy <i>et al.</i> 2000). The site supports a number of other scarce invertebrate species associated with decaying timber.	
Annex II species present as a qualifying feature, but not a primary reason for site selection	
Not applicable.	

Richmond Park

Location of Richmond Park SAC	
Country	England
Unitary Authority	Richmond upon Thames
Grid Ref*	TQ199728
Latitude	51 26 27 N
Longitude	00 16 28 W
SAC EU code	UK0030246
Status	Designated Special Area of Conservation (SAC)
Area (ha)	846.68
* This is the approximate central point of the SAC. In the case of large, linear or composite sites, this may not represent the location where a feature occurs within the SAC.	
General site character	
Inland water bodies (standing water, running water) (1.5%)	
Bogs. Marshes. Water fringed vegetation. Fens (0.5%)	
Heath. Scrub. Maquis and garrigue. Phygrana (25%)	
Dry grassland. Steppes (18%)	
Humid grassland. Mesophile grassland (5%)	
Improved grassland (20%)	
Broad-leaved deciduous woodland (25%)	
Mixed woodland (5%)	
Annex I habitats that are a primary reason for selection of this site	
Not applicable	
Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site	
Not applicable.	
Annex II species that are a primary reason for selection of this site	
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.
Annex II species present as a qualifying feature, but not a primary reason for site selection
Not applicable.

Epping Forest

Location of Epping Forest SAC	
Country	England
Unitary Authority	Essex
Grid Ref*	TQ399959
Latitude	51 38 39 N
Longitude	00 01 21 E
SAC EU code	UK0012720
Status	Designated Special Area of Conservation (SAC)
Area (ha)	1604.95
* This is the approximate central point of the SAC. In the case of large, linear or composite sites, this may not represent the location where a feature occurs within the SAC.	
General site character	
Inland water bodies (standing water, running water) (6%)	
Bogs. Marshes. Water fringed vegetation. Fens (0.2%)	
Heath. Scrub. Maquis and garrigue. Phygrana (3.8%)	
Dry grassland. Steppes (20%)	
Broad-leaved deciduous woodland (70%)	
Annex I habitats that are a primary reason for selection of this site	
9120 Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrublayer (<i>Quercion robori-petraeae</i> or <i>Ilici-Fagenion</i>)	
Epping Forest represents Atlantic acidophilous beech forests in the north-eastern part of the habitat's UK range. Although the epiphytes at this site have declined, largely as a result of air pollution, it remains important for a range of rare species, including the moss <i>Zygodon forsteri</i> . The long history of pollarding, and resultant large number of veteran trees, ensures that the site is also rich in fungi and dead-wood invertebrates.	
Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site	
4010 Northern Atlantic wet heaths with <i>Erica tetralix</i>	
4030 European dry heaths	
Annex II species that are a primary reason for selection of this site	
1083 Stag beetle <i>Lucanus cervus</i>	
Epping Forest is a large woodland area in which records of stag beetle <i>Lucanus cervus</i> are widespread and frequent; the site straddles the Essex and east London population centres. Epping Forest is a very important site for fauna associated with decaying timber, and supports many Red Data Book and Nationally Scarce invertebrate species.	
Annex II species present as a qualifying feature, but not a primary reason for site selection	
Not applicable.	

Essex Thames Estuaries

Location of Essex Thames Estuaries SAC, SPA, Ramsar	
Country	England
Unitary Authority	Essex
Grid Ref*	TM103048
Latitude	51 42 06 N
Longitude	01 02 37 E
SAC EU code	UK0013690
SPA EU code	UK9012021

Ramsar EU code	UK11069
Status	Designated Special Area of Conservation (SAC) Special Protection Area (SPA) Wetland of international importance (Ramsar)
Area (ha)	46140.82
* This is the approximate central point of the SAC. In the case of large, linear or composite sites, this may not represent the location where a feature occurs within the SAC.	
General site character	
Marine areas. Sea inlets (30%) Tidal rivers. Estuaries. Mud flats. Sand flats. Lagoons (including saltwork basins) (56.5%) Salt marshes. Salt pastures. Salt steppes (11%) Shingle. Sea cliffs. Islets (0.5%) Improved grassland (2%)	
Annex I habitats that are a primary reason for selection of this site	
1130 Estuaries	
This is a large estuarine site in south-east England, and is a typical, undeveloped, coastal plain estuarine system with associated open coast mudflats and sandbanks. The site comprises the major estuaries of the Colne, Blackwater, Crouch and Roach rivers and is important as an extensive area of contiguous estuarine habitat. Essex Estuaries contains a very wide range of characteristic marine and estuarine sediment communities and some diverse and unusual marine communities in the lower reaches, including rich sponge communities on mixed, tide-swept substrates. Sublittoral areas have a very rich invertebrate fauna, including the reef-building worm <i>Sabellaria spinulosa</i> , the brittlestar <i>Ophiothrix fragilis</i> , crustaceans and ascidians. The site also has large areas of saltmarsh and other important coastal habitats.	
1140 Mudflats and sandflats not covered by seawater at low tide	
Essex Estuaries represents the range of variation of this habitat type found in south-east England and includes the extensive intertidal mudflats and sandflats of the Colne, Blackwater, Roach and Crouch estuaries, Dengie Flats and Maplin Sands. The area includes a wide range of sediment flat communities, from estuarine muds, sands and muddy sands to fully saline, sandy mudflats with extensive growths of eelgrass <i>Zostera</i> spp. on the open coast. The open coast areas of Maplin Sands and Dengie Flats have very extensive mudflats and an unusually undisturbed nature. Maplin Sands is particularly important for its large, nationally-important beds of dwarf eelgrass <i>Zostera noltei</i> and associated animal communities.	
1310 Salicornia and other annuals colonising mud and sand	
Glasswort <i>Salicornia</i> spp. saltmarsh in the Essex estuaries on the east coast of England forms an integral part of the transition from the extensive and varied intertidal mud and sandflats through to upper saltmeadows. Although the saltmarshes in this area are generally eroding, secondary pioneer communities appear as a precursor to erosion on the seaward edge of degraded mid-marsh communities. The area of pioneer marsh includes gradation into extensive cord-grass <i>Spartina</i> spp. swards.	
1320 Spartina swards (Spartinion maritimae)	
The most extensive remaining stand of the native small cord-grass <i>Spartina maritima</i> in the UK and possibly in Europe is found in the Essex Estuaries. The stand is located at Foulness Point and covers approximately 0.17 ha. Other smaller stands are found elsewhere in the estuary complex, notably in the Colne estuary, where it forms a major component of the upper marsh areas.	
1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	
Although the saltmarshes in this area are generally eroding, extensive salt meadows remain and Essex Estuaries represents Atlantic salt meadows in south-east England, with floristic features typical of this part of the UK. Golden samphire <i>Inula crithmoides</i> is a characteristic species of these marshes, occurring both on the lower marsh and on the drift-line. It represents a community of south-east England also found to the south in mainland Europe.	
1420 Mediterranean and thermo-Atlantic halophilous scrubs (Sarcocornetea fruticosi)	
In this complex of estuarine marshes on the east coast of England the occurrence of Mediterranean and thermo-Atlantic halophilous scrubs is currently artificially restricted by sea-walls. It now occurs principally as a strandline community or at the foot of sea-	

walls. Recent managed retreat schemes offer the prospect of future expansion of the habitat type. The local variant of this vegetation, which features sea-lavenders <i>Limonium</i> spp. and sea-heath <i>Frankenia laevis</i> , occurs at one location, Colne Point.
Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site
1110 Sandbanks which are slightly covered by sea water all the time
Annex II species that are a primary reason for selection of this site
Not applicable.
Annex II species present as a qualifying feature, but not a primary reason for site selection
Not applicable.

3. Role of other relevant plans or projects

Other key plans and projects, the implementation of which may contribute to deteriorating air and water quality include: the Mayor of London's London Plan; other borough strategic development plans (UDPs and LDFs) considered collectively; South East Plan and sub-regional strategies.

Results of the Screening exercise

- 1.7 There is a great deal of difficulty and uncertainty in predicting how every potential policy scenario might affect the conservation objectives of the European sites. Taking Westminster as a single authority area, and even taking account of cumulative effects over a 10-15 year plan period, the effects will almost certainly be negligible. Furthermore, establishing causal links would be extremely difficult.
- 1.8 However, it must be recognised that there are a number of interlocking and very complex factors constantly taking place in London as a whole – population change, travel patterns, larger-scale redevelopments and technology use, resource use and climate change, for example. The most obvious influences on the European sites, if one considers London as whole, will be changes to air quality, water resources, and increase in recreational use from growing visitor numbers as the population of the South-east grows further.
- 1.9 Air pollution associated with growth arising from LDF policy would be primarily as a result of increases in traffic and construction activity. In terms of pollution from vehicular emissions the concentrations decline exponentially from kerbside. Therefore development in Westminster is not likely to affect the Natura 2000 sites in terms of pollution from vehicle emissions. The same is true in relation to construction activity. Most European sites in the South-east of England are already subjected to poor air quality and it is hoped that policies and objectives set out in Westminster's Air Quality Action Plan (AQAP) will, along with other authorities' AQAPs, contribute to improving the quality of the air in the South-east over time.

- 1.10 Water resources should be considered in addition to water supply. European sites could be adversely affected by changes in groundwater levels through over abstraction and a fall in the water table. However, building operations in Westminster alone will not be on a scale large enough to influence the European sites.

Conclusions

- 1.11 It is not considered that Westminster is situated close enough to any of the designated European sites for there to arise direct and obvious detrimental effects on them as a result of the policies and proposals put forward for implementation in the Core Strategy. Policies are unlikely to compromise the conservation objectives of the European sites
- 1.12 Whilst one –off single redevelopments will not cause adverse effects on European Sites, developments considered cumulatively and over time will inevitably have detrimental effects. Increasing housing development and accommodating population growth will increase traffic and worsen air quality; increase demand for water supplies and lead to some rise in numbers of visitors to the European sites in the London region, which in turn will put pressure on natural habitats and wildlife.
- 1.13 A collective response from all boroughs and the region as a whole will be essential to prevent a worsening of the current situation and influence improvements over time. Potential effects and necessary mitigation measures need to be considered at the regional level, through the London Plan and policies of the South East Plan. Having said that, responsibility rests at every level and Westminster will make a contribution to improvements. It is anticipated that the sustainability objectives for the Core Strategy will increase the likelihood of any effects being positive rather than negative e.g. by leading to better air quality, water conservation, reduced chance of water pollution; higher standards of construction and design; stricter building regulations; and gradually more sustainable life styles.