

Local Development Framework
London Borough of Newham



Habitats Regulations Assessment

Proposed Submission Core Strategy

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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 Habitats Regulations Assessment process are needed for the Core Strategy Development Plan Document (DPD) being prepared for London Borough of Newham. A Sustainability Appraisal (incorporating Strategic Environmental Assessment) has also been prepared for the Core Strategy.
- 1.2 This Habitats Regulations Assessment will be submitted alongside the Core Strategy and other related submission documents (including SA/SEA) for consideration at the Independent Examination. The Inspector will consider the soundness of the Core Strategy using the Habitats Regulations Assessment as part of the evidence base. It is not the role of the Inspector to assess the compliance of the plan with the Habitats Directive.

2. The need for Habitats Regulations Assessment (HRA)

- 2.1 Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the 'Habitats Directive') seek to provide legal protection of habitats and species that are of European significance. Specifically, it establishes a network of sites throughout the European Union known as *Natura 2000*. The Directive requires that any plan or project not directly connected with or necessary to the management of a designated habitats site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, is to be subject to an Habitats Regulations Assessment (HRA) of its implications for the site in view of the site's conservation objectives. Where significant negative effects are identified, alternative options should be examined to avoid any potential damaging effects. In October 2005 the European Court of Justice ruled that this requirement extended to land use plans and is now set out in the *Conservation (Natural Habitats, &C) (Amendment) (England and Wales) Regulations 1994* (as amended 2007).
- 2.2 The Natura 2000 network provides ecological infrastructure for the protection of sites which are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within the European Community. These sites, which are also referred to as 'European sites', consist of Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Offshore Marine Sites (OMS). There are no OMS designated at present.
- 2.3 The Department of Communities and Local Government published guidance ('the DCLG guidance') on Habitats Regulations Assessment (dated August 2006)¹. That guidance 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 Appropriate Assessment 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").'

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

- 2.4 Relevant excerpts from the Habitats Directive and the Habitat Regulations 1994 (as amended) are provided in Appendix 1.
- 2.5 The DCLG guidance summarises the Habitats Regulations Assessment process prescribed in Article 6(3) and (4) of the Habitats Directive into three main stages:
1. likely significant effects (task 1);
 2. appropriate assessment and ascertaining the effect on site integrity (task 2);
 3. mitigation and alternative solutions (task 3); and
- *imperative reasons of overriding public interest.*
- 2.6 The test to identify whether a plan option is 'likely to have a significant effect' on a European site is also referred to as 'screening'. This determines whether stages 2 and 3 of the Habitats Regulations Assessment are required.
- 2.7 In England, the nature conservation organisation pursuant to the Habitats Regulations is Natural England and this assessment has been undertaken in consultation with that agency.

3. Identifying likely significant effects

- 3.1 The undertaking of task 1 (screening) of the Habitats Regulations Assessment will determine whether the Core Strategy is likely to have a significant effect on the conservation objectives of the Natura 2000 sites. This exercise will determine whether stages 2 and 3 of the Habitats Regulations Assessment is required. In considering whether the plan policy or site specific allocation is likely to have a significant effect on a Natura 2000 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' Habitats Regulations Assessment considers the potential for impacts in more detail and whether alternative measures can be adopted. If there are no viable alternatives, the plan can only be implemented if there are 'imperative reasons of overriding public interest'.

4. Methodology

- 4.1 The legal parameters for Habitats Regulations Assessment are prescribed by law in the *Conservation (Natural Habitats, &c) (Amendment) (England and Wales) Regulations 1994* (as amended). However, there is no standardised method for conducting an assessment beyond the DCLG guidance.
- 4.2 The similar screening method to that undertaken for the Habitats Regulations Assessment of the Draft Further Alterations to the London Plan by 'Forum for the Future' has been used by this report. This method is based primarily on the draft guidance by Tydesley and Associates prepared for Natural England, 'The Assessment of Regional Spatial Strategies and Sub Regional Strategies under the Provisions of the Habitats Regulations' (2006). Although written for the assessment of Regional Spatial Strategies it is considered that all but two of the criteria this method employs are also suitable for the assessment of DPDs. Using the same methodology also helps ensure consistency between the London Plan and LDF

Habitats Regulations Assessments. Therefore the area of search is extended to 10 km beyond the respective borough boundaries.

5. Identification of relevant sites

- 5.1 Using the Joint Nature Conservation Committee website (www.jncc.org.uk), and in line with the methodology employed in the Habitats Regulations Assessment of Further Alterations to the London Plan, Natura 2000 sites within a 10km zone extending from the boundary of London Borough of Newham were identified. SACs, SPAs, and RAMSARS were included in this search. European sites were scoped into the study if they occurred either wholly or partially within this geographical area.
- 5.2 No Natura 2000 sites (as identified on maps available on the Joint Nature Conservation Committee and Natural England websites) are located within the boundary of London Borough of Newham. However, two sites are partially within 10 kilometres of the boundary: Epping Forest (Special Area of Conservation) and Lee Valley (Special Protection Area).
- 5.3 The identified conservation sites are listed in the table below and shown in the maps in Appendix 2 of this report.

Identified conservation sites of EC importance	
Sites at least partially within the boundary of London Borough of Newham	None
Sites at least partially within 10km of the boundary of London Borough of Newham	Epping Forest (SAC) Lee Valley (SPA)

- 5.4 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'. Supplementary information has also been included to assist in considering the vulnerability of sites to potential adverse impacts.

Site name: Epping Forest		
Designation and code: SAC UK0012720		
Qualifying features:	Habitat	To maintain in favourable condition: <ul style="list-style-type: none"> • Acidophilous beech forests with <i>Ilex</i> and sometimes <i>Taxus</i> in the shrublayer for which this is considered to be one of the best areas in the UK. • European dry heaths and North Atlantic wet heaths with <i>Erica tetralix</i> of which both areas are considered to support a significant presence.
	Species	To maintain in favourable condition, the habitats for the population of: <ul style="list-style-type: none"> • stag beetle, for which this is one of only 4 known outstanding localities in the UK
Current condition and threats		<ul style="list-style-type: none"> • The reintroduction of pollarding and wood pasture management is helping to reverse the decline of the epiphytic bryophyte population. • Existing air pollution is thought to contribute to poor condition of parts of the site. • Increasing recreational pressure could have an impact on heathland areas.
2006 SSSI condition survey		Area favourable 30% Area unfavourable recovering 34% % area unfavourable no change 26% % area unfavourable declining 10%
Key ecosystem factors		<ul style="list-style-type: none"> • Extent • Natural processes and structural development • Regeneration potential • Composition • Species • Population size of species • Number of old broadleaved trees • Population structure of old broadleaved trees • Condition of old broadleaved trees • Quantity and size of fallen broadleaved dead wood • Position and degree of exposure of old broadleaved trees and stumps • Condition and position of available dead timber

Site name: Lee Valley		
Designation and code: SPA UK9012111		
Qualifying features:	Habitat	To maintain in favourable condition the habitats for the populations of bird species* and migratory bird species** of European importance
	Species	* Bird species – Bittern ** Migratory bird species – Gadwall, Plover Under Ramsar criteria 2, the site also supports a naturally scarce plant species and a rare invertebrate
Current condition and threats		<ul style="list-style-type: none"> • Eutrophic water quality • Human recreational pressure (well regulated through zoning of water bodies within the Lee Valley Regional Park) • Potential problem from over-extraction of surface water for public supply, particularly during periods of drought (to be addressed in Environment Agency review of consents) • Potential threat of development pressures in this urbanised and urban-fringe area is largely covered by the relevant provisions of the Conservation Regulations (1994).
2006 SSSI condition survey		<p>There are a number of SSSIs contained within the Lee Valley site:</p> <ul style="list-style-type: none"> • Walthamstow Reservoirs, Waltham Abbey and Turford and Chestnut Pits – 100% favourable • Walthamstow Marshes – 36% favourable; 63% unfavourable but recovering
Key ecosystem factors		<ul style="list-style-type: none"> • Disturbance • Extent and distribution of habitat • Landscape • Landform • Vegetation characteristics • Water area • Water depth • Food availability

6. Analysis of the Core Strategy Development Plan Document policies for potential adverse impacts

- 6.1 The policies in the Proposed Submission Core Strategy were analysed to assess whether they would be likely to result in significant adverse impacts on European sites. The 'cumulative effect' of the Core Strategy and other plans being prepared for the Local Development Framework was also considered. 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 Tydesley and Associates draft guidance. The approach uses nine criteria, as set out in Table 1.
- 6.2 Criteria 2 and 3 in the Tydesley and Associates draft guidance focus on Regional Spatial Strategies. Following previous discussion with Natural England (when a HRA was being prepared for an earlier DPD), criteria 2 and 3 have been included in this assessment as the spirit or criteria is still appropriate within the context of Local Development Framework documents. Accordingly, a modest change to the wording has been made.
- 6.3 A precautionary approach was adopted so that the assessment also considered cumulative impacts, therefore all potentially significant adverse impacts were assessed.
- 6.4 Every policy and site specific allocation was assessed and the relevant criterion/criteria determined for each. Policies and sites considered likely to have no significant adverse effect on European sites were deemed to require no further Habitats Regulations Assessment (stages 2 and 3).

Table 1: Coding used for recording effects / impacts on European Sites (from Tydesley and Associates, 2006, Annex 2²)

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)
2.	The policy 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 the consideration of options in lower tier plans or planning permission applications
3.	No development could occur through this policy alone, because it is implemented through sub-ordinate policies that are more detailed and therefore more appropriate to assess for their effects on European Site and associated sensitive areas,
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.

² Criteria 2 has been amended from the Tydesley and Associates draft guidance for the purposes of this assessment. Specifically, '*or planning permission applications*' has replaced '*(Development Plan Documents)*'.

7. Screening analysis of the Core Strategy policies and sites

- 7.1 This section considers each of the policies and sites identified in the Core Strategy. Each policy and site location has been assessed against the criteria provided in paragraph 6.2 and adapted from the 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.
- 7.2 An analysis of Core Strategy policies appears in Table 2 and an analysis of the Core Strategy strategic sites appears in Table 3. The policies in full can be viewed in the Proposed Submission Core Strategy, available on the Council's website at www.newham.gov.uk/planning/planningpolicy. The document also includes detailed proposals regarding the strategic sites.

Table 2: Screening analysis of the Core Strategy policies

Policy	Reason for policy having no impact on Natura 2000 sites ¹	Likely to have an impact?	Essential recommendations to avoid potential negative effects on European sites
S1 Spatial Strategy	2, 4	No – any development proposed will need to have regard to Policy SC4 and the DPD and HRA generally	None – any energy recovery facilities proposed will need to have regard to Policy SC4 and the DPD and HRA generally
S2 Stratford	2, 4	No – any development proposed will need to have regard to Policy SC4 and the DPD and HRA generally	None – any energy recovery facilities proposed will need to have regard to Policy SC4 and the DPD and HRA generally
S3 Royal Docks	2, 4	No – any development proposed will need to have regard to Policy SC4 and the DPD and HRA generally	None – any energy recovery facilities proposed will need to have regard to Policy SC4 and the DPD and HRA generally
S4 Canning Town and Custom House	2, 4	No – any development proposed will need to have regard to Policy SC4 and the DPD and HRA generally	None – any energy recovery facilities proposed will need to have regard to Policy SC4 and the DPD and HRA generally

Table 2: Screening analysis of the Core Strategy policies			
Policy	Reason for policy having no impact on Natura 2000 sites ¹	Likely to have an impact?	Essential recommendations to avoid potential negative effects on European sites
S5 Beckton	2, 4	No – any development proposed will need to have regard to Policy SC4 and the DPD and HRA generally	None – any energy recovery facilities proposed will need to have regard to Policy SC4 and the DPD and HRA generally
S6 Urban Newham	2, 4	No – any development proposed will need to have regard to Policy SC4 and the DPD and HRA generally	None – any energy recovery facilities proposed will need to have regard to Policy SC4 and the DPD and HRA generally
SP1 Borough-wide Place-making	1, 7	No	None
SP2 Healthy neighbourhoods	1	No	None
SP3 Quality Urban Design within Places	1, 7	No	None
SP4 Tall Buildings	2, 4, 5	No – proposal sets out broad locations where tall buildings acceptable but does not propose tall buildings	None – proposal sets out broad locations where tall buildings acceptable but does not propose tall buildings
SP5 Heritage and other Successful Place-making Assets	1, 7	No	None
SP6 Successful Town and Local Centres	1, 7	No	None
SP7 Quality Corridors	1, 7	No	None
J1 Newham's new economy	1	No	None
J2 Providing for an efficient use of employment land	1	No	None
J3 Skills	1	No	None

Table 2: Screening analysis of the Core Strategy policies			
Policy	Reason for policy having no impact on Natura 2000 sites ¹	Likely to have an impact?	Essential recommendations to avoid potential negative effects on European sites
H1 Building Sustainable Mixed Communities	2, 3, 4	No – any development proposed will need to have regard to Policy SC4 and the DPD and HRA generally	None – any energy recovery facilities proposed will need to have regard to Policy SC4 and the DPD and HRA generally
H2 Affordable Housing	1	No	None
H3 Specialist Accommodation Needs	1	No	None
H4 Protecting Existing Housing	1	No	None
SC1 Climate Change	6	No – implementation of this policy will mitigate adverse effects on the natural environment	None - implementation of this policy will mitigate adverse effects on the natural environment
SC2 Energy	6	No – implementation of this policy will mitigate adverse effects on the natural environment	None - implementation of this policy will mitigate adverse effects on the natural environment
SC3 Flood Risk	6	No – implementation of this policy will mitigate adverse effects on the natural environment	None - implementation of this policy will mitigate adverse effects on the natural environment
SC4 Biodiversity	6	No – implementation of this policy will mitigate adverse effects on the natural environment	None - implementation of this policy will mitigate adverse effects on the natural environment
INF1 Strategic Transport	2	No – any development proposed will need to have regard to Policy SC4 and the DPD and HRA generally	None – any energy recovery facilities proposed will need to have regard to Policy SC4 and the DPD and HRA generally

Table 2: Screening analysis of the Core Strategy policies

Policy	Reason for policy having no impact on Natura 2000 sites¹	Likely to have an impact?	Essential recommendations to avoid potential negative effects on European sites
INF2 Sustainable Transport	1, 2	No – implementation of this policy will mitigate adverse effects on the natural environment	None - implementation of this policy will mitigate adverse effects on the natural environment
INF3 Waste and Recycling	2	No – Joint Waste DPD has been subject to HRA	None – Joint Waste DPD has
INF4 Local Heat and Power Networks	2, 6	No – implementation of this policy will mitigate adverse effects on the natural environment	None - implementation of this policy will mitigate adverse effects on the natural environment
INF5 Town Centre Hierarchy and Network	2	No	none
INF6 Green Infrastructure	6, 7	No – implementation of this policy will mitigate adverse effects on the natural environment	None - implementation of this policy will mitigate adverse effects on the natural environment
INF7 Blue Ribbon Network	6, 7	No – implementation of this policy will mitigate adverse effects on the natural environment	None - implementation of this policy will mitigate adverse effects on the natural environment
INF8 Community Facilities	1, 2	No	None
INF9 Infrastructure Delivery	1, 2	No	None

¹ Code from Table 1. Provided recommendations in the ‘essential recommendations’ column are adhered to.

Table 3: Screening analysis of the Core Strategy strategic sites

Strategic site	Proposal for site	Reason for policy having no impact on Natura 2000 sites ¹	Likely to have an impact?	Essential recommendations to avoid potential negative effects on European sites
S1 Stratford North	Low density high family residential neighbourhood including supporting community and retail uses.	5	No	None
S2 Stratford Waterfront	mix of high density residential, offices, and ground floor community facilities, leisure, and bars, cafes and hotels.	5	No	None
S3 Olympic Quarter	Site includes the Olympic Stadium and adjacent sites – mixed uses proposes, including employment and medium density housing.	5	No	None
S4 Chobham Village	Residential neighbourhood with an emphasis on family housing, but with higher densities near the station, including new urban park.	5	No	None
S5 Stratford Central	Renewal and expansion of retail floor space, medium/high density residential and public realm improvements.	5	No	None
S6 Carpenters District	Extensive redevelopment to create a more mixed-use area across Carpenters including more extensive business/commercial uses, education and community uses alongside better quality housing.	5	No	None

Table 3: Screening analysis of the Core Strategy strategic sites

Strategic site	Proposal for site	Reason for policy having no impact on Natura 2000 sites ¹	Likely to have an impact?	Essential recommendations to avoid potential negative effects on European sites
S7 Sugar House Lane and Three Mills	Mixed use to include creative and cultural employment uses, low density family led residential development, community uses, supporting services and local amenity space. Cultural and creative industries are to be retained at Three Mills.	4, 5	No	None
S8 Thames Wharf	Release of land designated as Strategic Industrial Location for new employment, leisure and residential uses grouped around a new DLR station providing site constraints (including reconfiguration of safeguarded wharf) are met.	4, 5	No	None
S9 Pudding Mill Lane	De-designation from Strategic Industrial Location for mixed used development comprising employment uses and low density high family residential, with a new local centre focussed around Pudding Mill Lane DLR station.	4, 5	No	None
S10 Abbey Mills	Mix of residential and employment uses.	4, 5	No	None
S11 Parcelforce	Site within Canning Town and Custom House Community Forum Area will have a close relationship with other development around West Ham station – in particular S10 Abbey Mills.	4, 5	No	None
S13 Manor Road	Residential-led mixed use scheme incorporating open space of 0.71ha with green grid links to Star Park; commercial frontage (including B1) to Barking Road and business use alongside railway.	4, 5	No	None

Table 3: Screening analysis of the Core Strategy strategic sites

Strategic site	Proposal for site	Reason for policy having no impact on Natura 2000 sites ¹	Likely to have an impact?	Essential recommendations to avoid potential negative effects on European sites
S14 Canning Town Central	Expanded District Centre abutting re-designed road junction, moving towards a major centre in composition and scale, within revised boundary to comprise retail (to include anchor food store on site 7, and significant comparison floorspace, (leisure, civic space, residential, and community uses.	4, 5	No	None
S15 Canning Town East	Residential with supporting community uses, notably a school to the west, and other multi-use facilities easily accessible from the town centre to the east, and green space of at least the existing quantum, linking to the residential street abutting the street to the south.	4, 5	No	None
S16 Silvertown Way East	Mixed use comprising residential, business use fronting Caxton Street North opposite existing units, and public open space within the urban structure making green grid connections to Keir Hardie recreation ground.	4, 5	No	None
S17 Silvertown Way West	Mixed use comprising residential and business, with commercial units and higher density residential facing the street within the town centre boundary, and business uses extending to face units under arches in Peto Street North (approx 25% of site area).	4, 5	No	None
S18 Limmo	Open space forming appropriate connections and terminus to Lea Valley Fat Walk, with enabling residential use should access and environmental constraints be overcome.	4, 5	No	None

Table 3: Screening analysis of the Core Strategy strategic sites

Strategic site	Proposal for site	Reason for policy having no impact on Natura 2000 sites ¹	Likely to have an impact?	Essential recommendations to avoid potential negative effects on European sites
S19/S20 Albert Basin	New housing around Albert Dock Basin will consolidate existing residential development, with a new local centre focused around Gallions Reach DLR station, providing day to day shopping, health, education and community uses. North of Armada Way new development will be employment led.	4, 5	No	None
S21 Silvertown Quays	A Local Entertainment District (LED) is to be focused around Silvertown Quays, with leisure and cultural uses, employment, local shopping and community uses focussed around North Woolwich Road, including use of space under DLR viaduct.	4, 5	No	None
S22 Minoco Wharf	Release of land designated as a Strategic Industrial Location (SIL) at Thameside West up to the eastern boundary of Lyle Park (18 hectares) to assist in the development of a new neighbourhood at West Silvertown. A new local centre should be located on North Woolwich Road between the DLR stations,	4, 5	No	None
S24 Woodgrange Road	Mixed use comprising retail, residential, community and business; limited intensification to take advantage of opportunities afforded by Cross Rail	4, 5	No	None
S25 East Ham Market	Mixed use including retail and residential.	4, 5	No	None
S26 Town Hall Campus	(incorporating Newham College and Police Station)	4, 5	No	None

Table 3: Screening analysis of the Core Strategy strategic sites

Strategic site	Proposal for site	Reason for policy having no impact on Natura 2000 sites ¹	Likely to have an impact?	Essential recommendations to avoid potential negative effects on European sites
S27 Queens Market	Mixed use including retention of market, residential and community	4, 5	No	None
S28 Custom House/Freemasons Road	Intensified residential and more general commercial/business space, making use of CrossRail potential (station to be built over) which will form the nucleus of a renewed and expanded local centre.	4, 5	No	None
S29 Plaistow North	A new local centre is proposed, to include retail, residential and community uses, focussed around Plaistow underground station.	4, 5	No	None
S30 Royal Victoria West	New residential, leisure and cultural uses will be supported at this gateway site to the Royal Docks. The Siemens Pavilion and Cable Car link to Greenwich Peninsular are due to be completed in March 2012 providing new visitor attractions. Public realm improvements, including an enhanced pedestrian and cycle link to Canning Town, and active water space are key priorities in this location.	4, 5	No	None
S31 Royal Albert North	Promotion of business and education uses, building on the strengths of the University of East London campus and land availability for innovative high tech manufacturing and research and development.	4, 5	No	None

8. Conclusion

Screening of policies and sites

- 8.1 None of the Core Strategy policies or sites were found likely to have any significant discernible adverse impact on European sites either in isolation or when considered in association with any other policy, site or plan.

Cumulative impacts

- 8.2 A review of the Local Development Framework being developed by London Borough of Newham did not find any potential policy or site allocation that would - in culmination with another policy or site allocation in the Core Strategy or other Local Development Document – cause potential impact on the Natura 1000 sites identified in this Habitats Regulations Assessment.
- 8.3 The Council has submitted a Joint Waste DPD (in collaboration with the London Borough's of Barking and Dagenham, Havering and Redbridge) which is scheduled to be adopted ahead of the Core Strategy. The Joint Waste DPD was subject HRA prior to submission. It is not considered that the Core Strategy and Joint Waste DPD will have a cumulative impact on any Natura 1000 site.
- 8.4 The Council has adopted a number of area-based Supplementary Planning Documents (SPDs) - for Canning Town and Custom House and Forest Gate - and is developing an SPD for Stratford's town centre. It is not considered that the Core Strategy and these SPDs will have a cumulative impact on any Natura 1000 site.
- 8.5 As the Core Strategy is scheduled to be adopted ahead of further Local Development Documents, the Council will be required to consider the potential impacts of these documents on the Nature 1000 in culmination with the Core Strategy.

Conclusion

- 8.6 It is considered that task 2 (appropriate assessment and ascertaining the effect on site integrity) and task 3 (mitigation and alternative solutions) of the Habitats Regulations Assessment process is not considered necessary and that the requirements of the Directive and Regulations have been met.

References

Appropriate Assessment Screening Report: 'Draft Further Alterations to the London Plan' (Forum for the Future, September 2006)

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

The Assessment of Regional Spatial Strategies and Sub Regional Strategies under the Provisions of the Habitats Regulations 2006 (Tyldesley and Associates - prepared for Natural England Draft Guidance)

'Protected Sites', Joint Nature Conservation Committee, (<http://www.jncc.gov.uk/>)

Natural England (<http://www.naturalengland.gov.uk>)

Appendix 1

Relevant excerpts from the Directive 92/43/EEC (the Habitats Directive) on the Conservation of Natural Habitats and of Wild Fauna and Flora and the Conservation (Natural Habitats, &C) (Amendment) (England and Wales) Regulations 1994

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'.

Conservation (Natural Habitats, &C) (Amendment) (England and Wales) Regulations

The Conservation (Natural Habitats, &C) (Amendment) (England and Wales) Regulations 2007 inserts a new Part IVA into the Conservation (Habitats, &c.) Regulations 1994 and transposes into English law the requirement to carry out Habitats Regulations Assessment for land use plans.

Assessment of implications for European sites and European offshore marine sites

85B.—(1) Where a land use plan –

- a) is likely to have a significant effect on a European site in Great Britain or a European offshore marine site (either alone or in combination with other plans or projects), and;
- b) is not directly connected with or necessary to the management of the site, the plan making authority for that plan shall, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site's conservation objectives.

Appendix 2

Map showing Newham in relation to European sites

