

Royal Docks and Beckton Riverside OAPF

Habitats Regulations Assessment

Screening report

February 2022

1. Introduction

- 1.1 This report responds to requirements of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) which implements the requirements of the European Commission's Habitats Directive 92/43/EEC. Consideration is given as to whether or not the OAPF is likely to have significant effects on the integrity of sites designated of European level biodiversity interest, either alone, or in combination with other plans or projects.
- 1.2 The draft London Plan was published in December 2017 and following the Examination in Public the Intend to Publish version was published in December 2019. The new London Plan was adopted in March 2021.
- 1.3 An HRA was undertaken for the Draft London Plan and an updated report was published in July 2018 (AECOM 2018). This assessment considered the implications for European sites of proposed policies and proposals at London-level, including Policy SD1 on Opportunity Areas. This assessment stated that:
 - 1.4 *For the most part the opportunity areas are relatively remote from European sites and the overall focus on the role of the London Plan (and Mayor's agencies) in these opportunity areas is on improvement/delivery of sustainable public transport, which will be positive for air quality.*
- 1.5 It did not specifically identify any issues with the Royal Docks and Beckton Riverside Opportunity Area. The focus of this screening report is to specifically consider the implications of the Royal Docks and Beckton Riverside OAPF on European sites.

Need for Plan assessment

- 2.1 Article 6 of the European Habitats Directive (92/43/EEC) provides the means by which the European Union meets its obligations in relation to natural habitats, flora, and fauna under the Bern Convention. The main provision of the Directive relevant to this report is concerned with the assessment and review of plans and projects which have the potential to affect Natura 2000 sites. Natura 2000 sites include: Special Protection Areas established in accordance with the requirements of the Birds Directive (2009/147/EC as amended) and Special Areas of Conservation established in accordance with the requirements of the Habitats Directive.

- 2.2 Articles 6(3) and 6(4) of the Habitats Directive state:

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 or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the 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 having 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.

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 State shall take all compensatory measures necessary to ensure that the 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 a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.

- 2.3 The Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations) transpose into domestic legislation obligations associated with both the European Birds Directive and the Habitats Directive. Regulation 102 of the Habitats Regulations is the most pertinent in relation to this report. Regulation 102(1) states:

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

- 2.4 The term 'Habitats Regulations Assessment' is used to cover the whole process of assessing the effects of a land use plan on European sites and Ramsar sites. An Appropriate Assessment is only one stage within the whole process of HRA (see methodology section for further details).
- 2.5 The European site network comprises sites of nature conservation value that benefit from statutory protection at the European level. These sites include: Special Areas of Conservation (SACs) and candidate Special Areas of Conservation (cSACs) [designated under the EC Habitats Directive]; Special Protection Areas (SPAs) and potential Special Protection Areas (pSPAs) [classified under the EC Birds Directive 1979, 79/409/EEC]. The Government also expects candidate SACs (cSACs), potential SPAs (pSPAs), and Ramsar sites [designated under the Ramsar Convention 1976] to be included within the HRA process. For the purposes of this report European sites are considered to include SACs, cSACs, SPAs, pSPAs and Ramsar sites.

Purpose of this report

- 3.1 This report presents the HRA screening for the emerging Royal Docks and Beckton Riverside OAPF. It sets out the methodology for the HRA, determines the European sites that require consideration with regards to potential effects arising from the

OAPF, and then goes through the assessment process, assessing likely significant effects on relevant European sites and presents its conclusions.

Consultation

- 4.1 Consultation on this HRA screening report is taking place alongside consultation on the draft OAPF. In their role as SEA Consultation Body, Natural England were consulted on the IIA Scoping Report, and submitted a response. They were informally consulted on the results of this report and agreed with the conclusion that there are no likely significant effects.

Methodology

- 5.1 There is no formal central Government guidance on HRA, although general EC guidance on HRA does exist ¹. The Department for Communities and Local Government (DCLG) released a consultation paper on the Appropriate Assessment of Plan in 2006². As yet, no further formal guidance has emerged. However, Natural England has produced its own internal guidance³ as has the RSPB⁴.
- 5.2 The list below outlines the stages of HRA according to current draft DCLG guidance. The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations, and any relevant changes to the plan until no significant adverse impacts remain.
- Evidence Gathering – collecting information on relevant European sites, their conservation objectives and characteristics and other plans or projects.
 - HRA Task 1: Likely significant effects ('screening') – identifying whether a plan is 'likely to have a significant effect' on a European site
 - HRA Task 2: Ascertaining the effect on site integrity – assessing the effects of the plan on the conservation objectives of any European sites 'screened in' during HRA Task 1
 - HRA Task 3: Mitigation measures and alternative solutions – where adverse effects are identified at HRA Task 2, the plan should be altered until adverse effects are cancelled out fully
- 5.3 The first task, screening for HRA, will determine if planning policy and guidance documents are likely to have a significant effect on the conservation objectives of the European sites. This will determine whether stages 2 and 3 of the HRA are required.

¹ European Commission (2001): Assessment of plans and projects significantly affecting Natura 2000 Sites: Methodological Guidance on the Provisions of Article 6(3) and 6(4) of the Habitats Directive.

² CLG (2006) Planning for the Protection of European Sites, Consultation Paper

³ Natural England (1997) Habitats regulations guidance note 1.

⁴ http://www.ukmpas.org/pdf/practical_guidance/HRGN1.pdf

⁴ Dodd A.M., Cleary B.E., Dawkins J.S., Byron H.J., Palframan L.J. and Williams G.M. (2007)

The Appropriate Assessment of Spatial Plans in England: a guide to why, when and how to do it. The RSPB, Sandy.

The Royal Docks and Beckton Riverside Opportunity Area Planning Framework

- 6.1 The OAPF is being prepared as a long-term planning framework to support and guide emerging development in the Royal Docks and Beckton Riverside Opportunity Area. It responds directly to the requirements in Policy SD1 of the London Plan (2021). The London Plan states that:

This area sits at the heart of the Thames Gateway presenting one of the largest regeneration opportunities in London. It benefits from the presence of important existing industry and attractors such as ExCel and City Airport and will soon see an Elizabeth line station at Custom House. The Royal Docks will become a vibrant new London quarter, creating a world-class business, industrial, cultural, and residential district. Key to delivering this will be ensuring high-quality development with new infrastructure, homes, and workspaces, including creative cultural, evening, and night-time economy uses, in recognition of the Mayor's aspiration for a Thames Estuary Production Corridor for culture and creative industries.

Significant housing-led mixed-use developments have already been completed or are underway, such as Royal Wharf, Barrier Park East, Gallions Quarter and Great Eastern Quays. The consented major new mixed-use schemes at Advanced Business Parks (London) and Silvertown Quay will contribute to the transformation of the area.

The Mayor has established the Royal Docks Delivery Team to guide development of the Enterprise Zone and surrounding Opportunity Area. The area contains a number of safeguarded wharves, and there is a continuing need to retain wharf capacity. The Planning Framework should set out how wharves could be consolidated to deliver more effective and efficient industrial uses alongside residential/mixed use. The area has significant areas of SIL, and recent evidence confirms that there is a continued demand for industrial space in the east of London. The Planning Framework should ensure industrial capacity is managed in ways that reduce overall vacancy rates and support the intensification of industrial, logistics and commercial uses so that they continue to form part of the overall mix of uses in the area.

The Planning Framework should also set out how to manage the opportunities for mixed-use development at Canning Town/West Ham, and Thameside West where there is or will be excellent public transport connectivity. Silo D is a heritage asset at risk which provides opportunities for heritage and cultural led regeneration. At Beckton Riverside decommissioning of the gasholders together with a new DLR station provides an opportunity to deliver waterside residential-led mixed-use development. New residential development here will support the evolution of Gallions Shopping Centre, which has the potential to become a designated town centre. The Planning Framework should set out how new development can accommodate an extension of the DLR across the river to Thamesmead. The DLR provides the key transport links through the area, and Beckton Depot will be retained and expanded to support the upgrade of the DLR fleet.

OAPF preparation process

- 6.2 The OAPF is being prepared by the Mayor of London (the GLA), Transport for London, and the London Borough of Newham. During the summer of 2019 the GLA undertook early

engagement with local communities and key stakeholders to understand key priorities and challenges in the area. This was followed by an 8-week consultation on draft OAPF Vision and Principles in Autumn 2020. The feedback received is summarised in the draft OAPF and has been used to inform proposals. The draft OAPF is subject to a 6-week consultation. A draft IIA scoping report was submitted to the SEA consultation bodies in January 2022 and is available alongside this report.

Form and content of the OAPF

6.3 The OAPF comprises the following linked sections:

Part 1 Introduction (what is an OAPF, evidence, engagement, context, analysis)

6.4 The introduction chapter of the OAPF describes the scope of this planning framework and its relation to other planning documents such as the London Plan and other national and local level policies. It provides context on London's growing population and explains what this means for the Royal Docks and Beckton Riverside Opportunity Area.

6.5 Engagement with local communities has played an important role in compiling this consultation draft OAPF. Details of the public engagement programme and the feedback received can be found in Part 1.4 Public Engagement. Key findings from the baseline analysis and evidence-base can be found in Part 1.2.

Part 2 The Plan

6.6 The OAPF sets out a long-term vision and principles for the Opportunity Area (OA). The vision and principles for the Royal Docks and Beckton Riverside OA have been informed by earlier engagement with stakeholders and feedback from local communities. They have also been guided by the Good Growth objectives set out in the London Plan.

Part 3 Supporting Good Growth

6.7 This chapter reviews the housing, economic, environmental, and community and environmental infrastructure requirements that are needed to support growth in the OAPF.

Part 4 Places

6.8 This chapter presents ideas for the future of individual places within the Royal Docks and Beckton Riverside Opportunity Area. These high-level visions for the future are set within a high-level Urban Design Framework, and build on our baseline analysis, public engagement, and growth scenarios to show how strategic opportunities for

new homes, jobs and infrastructure could combine at a local scale to embody Good Growth, and create places which people choose to live and work in.

Part 5 Supporting Good Growth with Transport

- 6.9 This chapter sets out how transport improvements could support the 20-year growth scenarios contained within the OAPF. These improvements include local connections to streets and spaces, new and expanded bus services, new bridges, and an extension to the Docklands Light Railway (DLR) to Thamesmead via Beckton Riverside.

Part 6 Supporting Good Growth with Infrastructure

- 6.10 This chapter sets out how infrastructure improvements could support the 20-year growth scenarios contained within the OAPF. Infrastructure considered includes energy, water supply, wastewater, digital connectivity, waste prevention, and recycling.

Part 7 Delivery

- 6.11 This chapter explores options, roles, and responsibilities for delivering the strategic vision for the Royal Docks and Beckton Riverside OA set out in the OAPF. This would involve a variety of forums and groups, delivering a range of projects and initiatives in the short, medium, and long term.

Identification of relevant sites

Using the HRA of the London Plan and the MAGIC website ⁵ the GLA identified those European sites within a 15km zone extending from the boundary of the Opportunity Area. European sites were scoped into the study if they were either wholly or partially within this geographical area. Three sites are partially within 15km of the Royal Docks and Beckton Riverside OA

European site	Approximate distance from OAPF area	Qualifying Features
Epping Forest SAC	9km	Atlantic acidophilus beech forests, Northern Atlantic wet heaths with <i>Erica tetralix</i> , and European dry heaths. Stag beetle (<i>Lucanus cervus</i>)
Lee Valley SPA	12km	Internationally important populations of northern shoveler (<i>Anas clypeata</i>), gadwall (<i>Anas Strepera</i>), and bittern (<i>Botaurus stellaris</i>)
Lee Valley Ramsar	12km	Nationally scarce plant species (whorted water-milfoil) <i>Myriophyllum verticillatum</i>) and the rare or vulnerable invertebrate (<i>Micronecta minutissima</i>). Species/populations occurring at levels of international importance: Northern Shoveler, and Gadwell.

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⁵ <https://magic.defra.gov.uk/>

In order to assess whether the Royal Docks and Beckton Riverside OAPF will have a significant effect on European Sites, the HRA of the London Plan was reviewed for the three particular sites identified.

The London Plan HRA identified the various ways in which land use plans can impact on internationally designated sites by following the pathways along which development can be connected with those sites. Pathways are routes by which a change in activity associated with a development can lead to an effect upon an internationally designated site. Four impact pathways were identified, and were discussed in relation to each European site:

- Impacts from urbanisation and recreational activities (including disturbance and abrasion)
- Atmospheric pollution
- Water Abstraction
- Water Quality

Epping Forest SAC (From London Plan updated HRA 2018)

Introduction

70% of this 1,600 hectare site consists of broadleaved deciduous woodland, and it is one of only a few remaining large-scale examples of ancient wood-pasture in lowland Britain. Epping Forest supports a nationally outstanding assemblage of invertebrates, a major amphibian interest and an exceptional breeding bird community.

Reasons for Designation⁶

Epping Forest qualifies as a SAC for both habitats and species. The site contains Annex I habitats of:

- Beech forests on acid soils with *Ilex* and sometime *Taxus* in the shrub layer.
- Wet heathland with cross-leaved heath; and
- Dry heath

The site contains Annex II species:

- Stag beetle *Lucanus cervus*.

Current Pressures⁷

- Air pollution
- Public disturbance
- Inappropriate water levels
- Water pollution

Conservation Objectives

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site

Assessment

Epping Forest SAC receives a great many visits per year (estimated at over 4 million) and discussions with the Corporation of London (who manage Epping Forest) have identified long-

⁶ JNCC (2015) Natura 2000 Standard Data Form: Epping Forest SAC

⁷ Natural England (2016). Site Improvement Plan: Epping Forest SAC

standing concerns about increasing recreational use of the forest resulting in damage to its interest features. A programme of detailed visitor surveys has been undertaken in recent years. A core catchment, within which 75% of visitors derive, has been defined as 6.2km where net new housing will need to be mitigated in some form. Within London the major points of visitor origin are Waltham Forest and Redbridge, with a small proportion from Newham.

The Royal Docks and Beckton Riverside OA falls outside this core catchment and is 8km from the SAC at its closest boundary. The OA does have access to open space closer than the Epping Forest SAC. The OAPF sets out proposals to retain, enhance, and increase the quantum of local open space, encouraging greater public access. It is considered that the OAPF will not have any likely significant effects on the Epping Forest SAC.

Air Quality

Epping Forest SAC is known to be adversely affected by relatively poor local air quality alongside the roads that traverse the SAC, and this has been demonstrated to have negatively affected the epiphytic lichen communities of the woodland as well as other features. The nature of the road network around Epping Forest is such that journeys between a number of key settlements around the Forest by car, van or bus effectively necessitate traversing the SAC.

Journey to work census data from 2011 indicate that the London boroughs most likely to contribute to NO_x concentrations and nitrogen deposition within Epping Forest SAC, arising from road traffic, are Waltham Forest, Redbridge and possibly Enfield.

Natural England advised Runnymede Borough Council on air pollution in July 2006. An excerpt of the letter follows:

The air pollution associated with developments that could arise from the LDF CS is primarily a result of predicted increases in traffic and construction activities. Pollutants can act locally or be transported far from the source in long range transport to act nationally or even internationally. The LDF CS can only be concerned with locally emitted and short range locally acting pollutants'¹. In terms of pollution from vehicular emissions the concentrations decline exponentially from the road edge.

Though it varies with a range of factors and from pollutant to pollutant, the concentrations of pollutant from roads can be said to have localised impacts up to 200m from the road side. Therefore, for the LDF CS effects of vehicular atmospheric emissions should be considered if the roads on which the vehicles travel are closer than 200m from the Natura 2000 site

(English Nature, 2006).

Given there are no European sites within 200m of any roads in the OA it is considered that the OAPF will not have a significant effect in relation to air quality. The potential impacts of London's overall growth on Epping Forest were considered through the HRA of the London

Plan and recommendations were made and incorporated into the London Plan including the text at paragraph 4.1.13 which states:

As identified in the Habitats Regulation Assessment, a mitigation strategy for Epping Forest Special Area of Conservation (SAC) is being produced to respond to the impact of additional recreational pressure and air pollution from nearby authorities, including some London boroughs. Should monitoring and evidence demonstrate adverse impacts on the SAC associated with development from London and following the implementation of the mitigation strategy, this will be considered as part of assessing whether a review of the London Plan is required. The GLA will engage with the relevant stakeholders on the formulation and delivery of the mitigation strategy.

It unlikely that any additional growth identified in this OA and its associated traffic and construction activities will impact Epping Forest SAC especially as the SAC is north of the river Thames and there are no direct vehicles routes to it.

Lee Valley SPA and RAMSAR

Introduction

The Lee Valley is a series of wetlands and reservoirs located in the north east of London within the Lee Valley Regional Park. The site occupies approximately 24 km of the valley and comprises embanked water supply reservoirs, sewage treatment lagoons and former gravel pits that support a range of man-made, semi-natural and valley bottom habitats that support wintering wildfowl.

Reasons for Designation

Lee Valley qualifies as a SPA for its Annex I species⁸:

Wintering:

- Bittern *Botaurus stellaris*

Migratory:

- Gadwall *Anas strepera*
- Shoveler *Anas clypeata*

Lee Valley qualifies as a Ramsar site under the following criterion⁹:

- Criterion 2: The site supports the nationally scarce plant species whorled water-milfoil *Myriophyllum verticillatum* and the rare or vulnerable invertebrate *Micronecta minutissima* (a water-boatman); and,
- Criterion 6: species/populations occurring at levels of international importance. Qualifying Species/populations (as identified at designation):
- Species with peak counts in spring/autumn: Northern shoveler *Anas clypeata*
- Species with peak counts in spring/autumn: Gadwall *Anas strepera*

Current Pressures¹⁰

- Water pollution
- Hydrological changes
- Recreational disturbance including angling
- Atmospheric pollution

Conservation Objectives¹¹

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change.

⁸ JNCC (2015). Natura 2000 Standard Data Form: Lee Valley SPA

⁹ JNCC (2008). Information Sheet on Ramsar Wetlands: Lee Valley Ramsar site.

¹⁰ Natural England (2014) Site Improvement Plan: Lee Valley

¹¹ Natural England (2014) Conservation Objectives: Lee Valley

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site

Recreational activity

Within the past five to ten years landowners/managers within the SPA (RSPB, the local Wildlife Trust, the Regional Park Authority and Thames Water) have undertaken initiatives both to facilitate and to promote greater public access to the SPA for recreation. Changing public access is fundamentally linked with increasing visitor numbers given that one of the primary reasons for changing the access is to attract more visitors. Most recently, Thames Water's flagship Walthamstow Wetlands project, which opened in October 2017, aims to substantially increase public access to, and use of, Walthamstow Reservoirs, which were little used for recreation and had only been accessible by prior arrangement. Clearly, the various owners and managers of the SPA components would not have embarked on these initiatives (or have been permitted to do it by competent authorities) if it was expected that by providing and promoting greater public access at this location, they would risk an adverse effect on the SPA. There is therefore no current evidence that recreational disturbance of the wintering gadwall and shoveler using Walthamstow Reservoirs in international numbers will be incompatible with growth in London over the period 2019-2029 and no *a priori* reason to assume any mitigation will be needed. This is particularly the case since both species are known to be able to habituate to human activity and the peak of human recreational use of the Walthamstow Wetlands is likely to be in summer when numbers of gadwall and shoveler are at their lowest.

Notwithstanding this promotion of the site, it is unlikely residents of the OA would traverse multiple London boroughs to reach the SPA. The OAPF also promotes greater access to the River, which could provide an alternative water-based recreation activity to the SPA.

Water Resources

Walthamstow Reservoirs SSSI is a series of sealed reservoirs that are part of the water supply infrastructure for London. As such, water levels are directly controllable by the site manager (Thames Water) and they have been largely responsible for creating the circumstances that have led to the site being of international importance for gadwall and shoveler. Moreover, Thames Water has invested significantly in water supply infrastructure to ensure that London's water supply is as resilient as possible. This includes the construction of an operational desalination plant at Beckton in north-east London.

It is unlikely the OA will rely on the water supply from this reservoir.

Water Quality

Any increase in wastewater resulting from proposals in the OAPF are not likely to affect the SPA/Ramsar, as wastewater is treated at the Beckton Treatment Plant and discharged into the Thames.

It is considered unlikely that development associated with the OAPF will adversely affect the Lee Valley SPA/Ramsar as the OA has its own waste water treatment facility at Beckton which has been recently been upgraded to treat more sewage.

Other Plans

The LB Newham adopted Local Plan 2018 was supported by a HRA screening assessment. This assessment concluded that there would not be any likely significant effects on any European Site.

Conclusion

This report has identified those European sites within 15km of the OA boundary. These sites are Epping Forest SAC and the Lee Valley SPA/Ramsar. The assessment reviewed the reasons for site designations and key vulnerabilities. In brief it is considered that: the distance between the OA and the sites (8km approximately respectively), their position to the north of OA, and the existing open space within and close to the OA all lead to an assessment that the Royal Docks and Beckton Riverside OAPF will not have a likely significant effect on any European Site.

In addition, individual schemes within the OA will be subject to wider London Plan and more specific policies set out in the OAPF on air quality, water management, sustainable transport and open space enhancements that aim to minimise adverse effects of development.

Map of Royal Docks and Beckton Riverside OA and protected sites

