

# **Habitats Regulations Assessment (HRA) Screening Opinion**

**Hampstead Neighbourhood Plan 2025-2040  
Regulation 16**

**July 2024**

Prepared by:

London Borough of Camden

## Habitats Regulations Assessment (HRA): Screening Opinion

- 1.1. The European Directive 92/43/EEC on Conservation of Natural Habitats and Wild Flora and Fauna Habitats provides legal protection for habitats and species of European importance (the Habitats Directive). The Directive's principal aim is to maintain, and where necessary restore to, favourable conservation status of important, rare or vulnerable flora, fauna and habitats. The Directive is transposed into English legislation through the Conservation and Species Regulations 2010 (as amended).
- 1.2. It is a requirement of Article 102 of the Regulations that "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", where a plan is likely to have a significant effect on a European site and where it is not directly connected with or necessary to the management of the site.
- 1.3. The Habitats Directive also established a European network of nature conservation sites known as the 'Natura 2000' network. These sites consist of Special Areas of Conservation (SACs) – which protect habitats, Special Protection Areas (SPAs) – which protect birds and Offshore Marine Sites (OMSs) as well as RAMSAR sites which give protection to wetlands. The Council has identified four Natura 2000 sites within proximity to the Borough of Camden:
  - three Special Areas of Conservation, i.e. Epping Forest, Richmond Park and Wimbledon Common, and
  - one Special Protection Area and RAMSAR site: the Lee Valley.

A Habitats Regulations Assessment is a formal assessment of whether a plan or project is likely to have a significant or an adverse impact on the integrity of Natura 2000 sites.

- 1.4. The Hampstead Neighbourhood Forum has submitted the Hampstead Neighbourhood Plan 2025-2040 to the Council for consultation in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 as amended. This followed a seven week period of consultation led by the Forum on an earlier draft (Regulation 14) which ended in February 2024. The Hampstead Neighbourhood Plan 2025-2040 is an update of the Hampstead Neighbourhood Plan adopted by the Council in 2018, which itself was subject to an HRA Screening Opinion.
- 1.5. There is a statutory requirement for Camden Council to assess the likelihood of the Plan's policies or proposals having an adverse impact on the Natura 2000 sites, including where revisions are being made to an adopted Neighbourhood

Plan. There is also a separate requirement under the Localism Act for all neighbourhood plans to meet a number of ‘Basic Conditions’ which are tested through the independent examination. One of the Basic Conditions reflects the need to undertake a Habitats Regulations Assessment (HRA) screening, i.e. the making of a neighbourhood plan must not breach, and be otherwise compatible with, EU obligations, such as the Strategic Environmental Assessment (SEA) and Habitats Directives. The requirement for screening a neighbourhood plan applies when a neighbourhood plan is being updated, as is the case with the Hampstead Neighbourhood Plan.

- 1.6. This Screening Opinion will need to be provided to the Neighbourhood Plan Independent Examiner to assist their assessment of whether the Hampstead Neighbourhood Plan 2025-2040 meets the Basic Conditions. The Council has separately undertaken an SEA Screening report which has been shared with the relevant statutory bodies and Hampstead Neighbourhood Forum. This found that the draft Neighbourhood Plan’s policies were unlikely to have significant effects. The statutory bodies concurred with the Council’s opinion.
- 1.7. The HRA Screening must determine whether significant effects on any Natura site can be ruled out on the basis of objective information. The Council will share the Screening Opinion and its findings with Natural England.

*Hampstead Neighbourhood Plan 2025-2040*

- 1.8. Hampstead Neighbourhood Forum has submitted a revised draft of their Neighbourhood Plan to the Council for consultation and independent examination. For the purposes of the HRA Screening, this assessment will focus on the amendments made to the adopted Neighbourhood Plan. A list of changes to the adopted document are set out below:

<b>Policy ref in adopted Plan</b>	<b>Policy ref in revised draft Plan</b>	<b>Nature of change</b>
<b>Design and Heritage</b>		
DH1 Design	DH1 Design	New criteria relating to extensions (which should deliver biodiversity net gains), dormer windows and wheelie bin enclosures
DH2 Conservation areas and listed buildings	DH2 Conservation areas and listed buildings	Minor rewording for clarity
	DH3 (NEW policy) Sustainable development	Sets out the need for development to meet circular economy principles and achieve the highest possible carbon standards.

		It also sets out criteria relating to sustainable materials and practice and use of sustainable design
	DH4 (NEW policy) Clean and considerate construction	Sets out a range of ways by which the negative impacts of construction activity on neighbours and the environment can be reduced
DH3 The urban realm	DH5 The urban realm	New criterion to avoid street clutter that reduces accessibility. New criterion promoting small-scale enhancements in line with certain principles
<b>Natural Environment</b>		
NE1 Local Green Spaces	NE3 Local Green Spaces	Carries forward Local Green Spaces designated in adopted Plan. New criterion relating to the fringes of Hampstead Heath
NE2 Trees	NE4 Trees	Minor amendments for clarity. Removal of criterion relating to “tree replacement enforcement notice”
NE3 Biodiversity Corridors	NE2 Ecological Networks and Biodiversity Corridors	Carries forward biodiversity corridors identified in the adopted Plan. New criteria relating to improving connectivity between corridors and to plan area boundary. New criteria relating to trees and garden buildings
NE4 Supporting biodiversity	NE1 Supporting biodiversity and climate change	Sets out additional ways in which biodiversity value can be enhanced: increasing canopy cover, increasing biomass and through living walls and roofs Encourages the ‘set-aside’ of land/buffers at the rear of gardens to provide space for planting and movement of wildlife
<b>Basements</b>		
BA1 Local requirements for Basement Impact Assessments	BA1 Basement development	New criterion requiring consideration of the cumulative impact of proposals on ground

		<p>movement and groundwater flow.</p> <p>New criterion about tree protection, with loss or deterioration of veteran trees to be “wholly exceptional”. Expectation that above basements biodiversity gains will be achieved.</p> <p>Incorporates criteria within BA2 Basement Construction Plans in the adopted Neighbourhood Plan, with more detail (Part 3 (a-c) about what BCPs should contain. Removes criterion relating to “best available piling method”</p> <p>New criterion expecting a positive pumped device to be installed to protect against sewer flooding</p>
BA3 Local Requirements for Construction Management Plans (CMP)	BA2 Local Requirements for Construction Management Plans (CMP)	<p>Carries forward text in adopted Plan.</p> <p>New criterion relating to timing of basement development and “high impact activities”</p>
<b>Traffic and Transport</b>		
TT1 Traffic volumes and vehicle size	TT1 Traffic volumes and vehicle size	Carries forward text in adopted Plan
TT2 Pedestrian environments	TT2 Pedestrian environments	Carries forward text in adopted Plan
TT3 Public transport	TT3 Public transport	Carries forward text in adopted Plan with minor factual update
TT4 Cycle and car ownership	TT4 Cycle and car ownership	Carries forward text in adopted Plan
<b>Economy</b>		
EC1 Healthy retail mix	EC1 Healthy retail mix	Carries forward text in adopted Plan with factual update to reflect the introduction of Class E. New criterion resisting the

		amalgamation of shop units. Reference to supporting the provision of community and cultural hubs
EC2 Contributing positively to the retail environment	EC2 Contributing positively to the retail environment	Carries forward text in adopted Plan. New criterion to minimise impacts of shopfront lighting on wildlife and a new criterion resisting LCD displays in shop windows. Rewording of existing criterion about “visual clutter” to clarify what is required
<b>Housing and community</b>		
HC1 Housing mix	HC1 Housing mix	Removal of existing criterion relating to “small units [provided] as intermediate affordable housing”. New criterion relating to resist the loss of housing units in conversion schemes. Additional policy support for “community-led housing”
HC2 Community facilities	HC2 Community facilities	Sites/buildings which the Forum wishes to see protected have been listed as part of the policy, not just as supporting text as in the adopted Plan. New criterion supporting proposals that facilitate cultural activities
HC3 Enhancing street life through the public realm	HC3 Enhancing street life through the public realm	Examples of “thoughtful architectural design” provided in the policy to show how the Forum envisages buildings should respond to public spaces/public realm

1.9. The Neighbourhood Plan covers a primarily residential area in the north of the Borough which coincides with the vast majority of Hampstead Town ward (a small part of this ward is within the Highgate Neighbourhood area), about a third of Frognal ward (not including Church Row and Perrins Walk which is designated as a separate neighbourhood area) and a small part of Gospel Oak ward. There are no Natura sites in the Plan area or the borough of Camden itself. However, the neighbourhood area does include a significant part of Hampstead Heath: a metropolitan Site of Importance for Nature Conservation

(SINC), which includes an area of Ancient Woodland designated as a Site of Special Scientific Interest. There are also smaller designated SINC's within the neighbourhood area at Branch Hill and various rail embankments/sides and allotments.

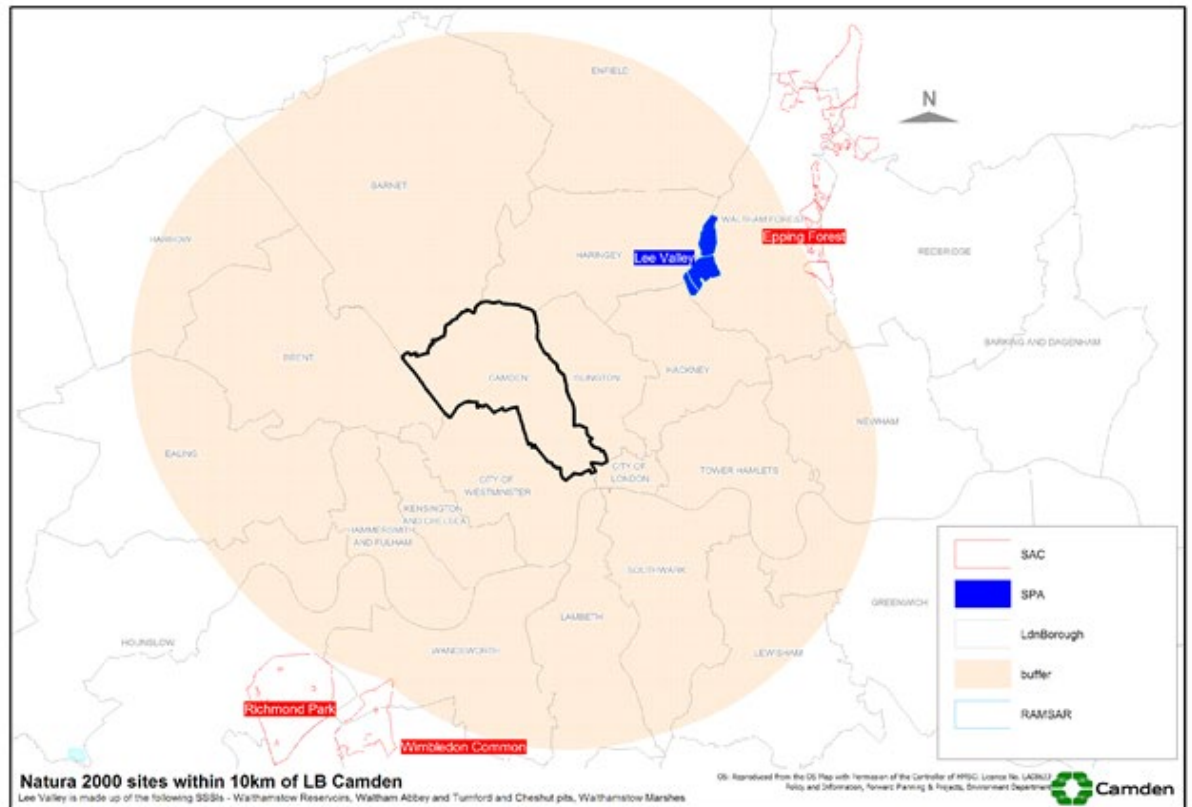
- 1.10. The Neighbourhood Plan must be in general conformity with the strategic policies of the development plan which includes the London Plan 2021, Camden Local Plan 2017 and Camden's Site Allocations Plan 2013. The Council considers that the Habitats Regulations Assessment Screening Opinion carried out for the Local Plan for the whole borough is an important consideration in determining whether there is a need for additional detailed assessment at the neighbourhood planning level.
- 1.11. As set out in paragraph 1.8 above, the Hampstead Neighbourhood Plan 2025-2040 makes focussed changes to an already adopted or 'made' Neighbourhood Plan. There are two new policies in this document. The existing/adopted Neighbourhood Plan was previously subject to a joint SEA and HRA Screening Opinion completed in January 2017. This noted:

*"Officers have informally provided comments on emerging policies in the Hampstead Neighbourhood Plan, prior to the Forum's publication of the Regulation 14 draft for public consultation (in March 2017). This confirmed that the Plan is unlikely to have negative impacts on wildlife and proactively seeks to safeguard biodiversity and deliver gains where possible, e.g. through increases to the tree canopy."*

- 1.12. The Council undertook an HRA Screening of a draft version of the (now adopted) Camden Local Plan in 2015 to identify whether the Plan's policies would give rise to impacts on the Natura 2000 sites and if so, established the need for further assessment. It identified four sites wholly or partly within 10km of the borough of Camden – Epping Forest, Lee Valley, Richmond Park and Wimbledon Common. A map of the relevant sites is set out below (Map 1).
- 1.13. The Screening Opinion can be viewed on the Council's [website](#). It concluded that:

*"None of the proposed draft policies were found to have likely significant effects on the sites of European importance for habitats or species, or an adverse impact on the integrity of the sites. It is considered that the policies contained in the draft Local Plan are unlikely to have significant effects on sites of European importance for habitats or species, or an adverse impact on the integrity of those sites".*

**Map-1. Natura-2000-sites**



- 1.14. The Screening Opinion noted that the increased population anticipated for Camden could have indirect impacts on the Natura 2000 sites. These potential impacts are - increased recreational demand; increased demand for clean water; and decreases in air quality. With regards to potential increased pressure on the sites from additional recreational demand, the Lee Valley is the closest of the four sites to LB Camden. The Plan was not considered likely to give rise to a significant or adverse impact any of the Natura 2000 sites in relation to increased recreational demand.
  
- 1.15. On the potential for an increased demand for water, the Screening Opinion considered that Camden's growth might place pressure on reservoirs within the European sites, specifically the Lee Valley. The Local Plan seeks the efficient use of water in new and refurbished developments and where possible, the re-use and recycling of water. The Screening Opinion also notes that the provision of adequate water resources, e.g. through transfers from water surplus areas or the construction of new reservoirs, is planned across a catchment area (wider than a single Borough) and investment in new infrastructure is allocated accordingly. The Screening Opinion concludes that the Local Plan is unlikely to have a significant impact on the Natura 2000 sites due to increased water consumption.



1.16. The potential for increased levels of atmospheric pollution from emissions is linked to the emissions created by the construction and occupation of development and associated vehicle movements. To address this, the Local Plan has strong policies to limit vehicular traffic, promote sustainable travel modes, support sustainable goods and materials or manage traffic from demolition and construction sites and therefore limit air pollution. The Council also requires certain developments to undertake Air Quality Assessments (AQA) and will not grant planning permission unless mitigation measures are adopted where an AQA shows there will be harm to air quality. The Screening Opinion considers that with these policies in place, the Local Plan is unlikely to have a significant impact on the Natura 2000 sites due to increased levels of atmospheric pollution.

1.17. The Council is now reviewing the adopted Camden Local Plan and in January 2024 published a Draft New Local Plan for consultation. This was also subject to an HRA Screening Opinion. Although the Hampstead Neighbourhood Plan 2025-2040 will not be tested at examination against the policies in an emerging local plan, National Planning Practice Guidance advises that the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. The important point is that the HRA Screening of the Draft New Local Plan has not identified any material reason for undertaking a full Habitats Regulations Assessment. Natural England supports the Council's approach. The overall conclusion is set out in paragraph 4.1 of the Screening report:

*“The proposed draft Local Plan policies, in combination with other plans and projects, are not considered likely to have significant effects on the sites of European importance for habitats or species, or an adverse impact on the integrity of the sites. This Screening assessment has considered the scope of the Local Plan and its relationship with other plans, in particular the adopted London Plan. Therefore it is not considered necessary to carry out Task 2 (Appropriate Assessment) and Task 3 (mitigation and alternative solutions) of the Habitats Regulations Appropriate Assessment.”*

1.18. The Council has carefully considered how the policies in Hampstead Neighbourhood Plan 2025-2040 relate to those set out in the adopted Camden Local Plan. The Plan sets five main aims:

- (i) Lively and contemporary, while safeguarding the fine heritage of streets and buildings
- (ii) Enduringly green, with the Heath, open spaces, trees and landscapes well protected

- (iii) Safe and walkable, with good public transport and alternatives to the use of cars
- (iv) Business friendly – to meet the needs of residents, workers and visitors and back local enterprise
- (v) A community with good amenities, a sense of belonging and mutual support

The aims appear in the adopted Neighbourhood Plan and remain the same in the revised Plan. There are 20 policies covering 6 main themes: Design and Heritage; Natural Environment; Basements; Traffic and Transport; Economy and Housing and Community. There are two new policies and focussed changes to some existing policies as set out in 1.8 of this report. The Plan seeks to protect the neighbourhood area’s identity and character and enhance the quality of life. While the neighbourhood plan adds locally specific detail about how the area should be conserved and development proposals managed, this must be in accordance with the strategic policies in the Camden Local Plan (and is one of the ‘Basic Conditions’ tested at examination).

1.19 Where the Draft Plan sets out a locally-specific approach to environmental quality, for example the suite of policies in the Natural Environment chapter, this generally supports the approach in the adopted Camden Local Plan, i.e. Policies A2 and A3. The Neighbourhood Plan does not undermine the protections for the Natura 2000 built into the Local Plan. In line with the methodology followed in the Draft Local Plan HRA Screening, the Council has assessed each of the Hampstead Neighbourhood Plan policies against the coding criteria produced by Tyldesley Associates, an objective and widely-used approach for assessing the likely effects of different policies. The assessment is set out below.

### **Coding used for recording effects/impacts on European Sites**

<b>Reason why policy will have no effect on a European Site</b>	
<b>1</b>	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)
<b>2</b>	The policy makes provision for a quantum / type of development (and may or may not indicate one or more broad locations)
<b>3</b>	No development could occur through this policy alone, because it is implemented through other DPD policies that are more strategic or more detailed and therefore more appropriate to assess for their effects on a European Site and associated sensitive areas.

<b>4</b>	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.
<b>5</b>	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.
<b>6</b>	The policy is intended to protect the natural environment, including biodiversity.
<b>7</b>	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.
<b>Reason why policy could have a potential effect</b>	
<b>8</b>	The policy 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.
<b>Reason why policy would be likely to have a significant effect</b>	
<b>9</b>	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.

Source: *Screening report: 'Draft Further Alterations to the London Plan'* (Forum for the Future, September 2006)

## Assessment of policies contained within the Hampstead Neighbourhood Plan

Policy	Why policy will have no impact on sites (refer to coding matrix above)	Why the policy is likely to have an impact on sites	Essential recommendations to avoid potential effects on European Sites
<b>Design and Heritage</b>			
DH1 – Design	3, 6		
DH2 – Conservation areas and listed buildings	3		
DH3 – Sustainable development	3, 6		
DH4 – Clean and considerate construction	3		
DH5 – The urban realm	3, 6		
<b>Natural Environment</b>			
NE1 – Supporting biodiversity	3, 6		
NE2 – Ecological networks and biodiversity corridors	3, 6		
NE3 – Local Green Spaces	3, 6		
NE4 – Trees	3,6		
<b>Basements</b>			
BA1 – Basement Development	3, 6		
BA2 – Construction Management Plans	3		

<b>Traffic and Transport</b>			
TT1 – Traffic volumes and vehicle size	3		
TT2 – Pedestrian environments	3		
TT3 – Public transport	3		
TT4 – Cycle and car ownership	3		
<b>Economy</b>			
EC1 – Healthy retail mix	3		
EC2 – Contributing positively to the retail environment	3, 6		
<b>Housing and Community</b>			
HC1 – Housing mix	3		
HC2 – Community facilities	3		
HC3 – Enhancing street life through the public realm	3		

- 1.20. The assessment of the policies in the Hampstead Neighbourhood Plan 2025-2040 using the coding methodology found that the Plan generally adds detail and complements policy approaches set out in the Camden Local Plan 2017. A particular focus of the Neighbourhood Plan is on improving outcomes in terms of biodiversity, which would be expected to have a beneficial effect in environmental terms. As mentioned, a chapter of the Neighbourhood Plan addresses the natural environment and seeks to realise gains in biodiversity and protect existing assets and wildlife. The Plan's policies are not considered to have a significant effect on the Natura 2000 sites. The vast majority of the area is already built up, therefore smaller, incremental development is expected to be a predominant feature, which the Neighbourhood Plan seeks to manage successfully. The protection of local green spaces will ensure residents can continue to enjoy convenient access to open space for recreation and leisure. The Neighbourhood Plan seeks to reduce harms to biodiversity for example by resisting inappropriate lighting of shopfronts. The Plan seeks to improve conditions for wildlife through better connectivity and identifies and maps key wildlife corridors and an Important Trees List. Biodiversity is given consideration in the context of proposals involving home extensions, basements and improvements to the public realm.

### **Conclusion**

- 1.21. The Council has fully considered the scope and content of the Hampstead Neighbourhood Plan 2025-2040 for the purposes of determining whether the policies and proposals are likely to give rise to any significant adverse impacts on the network of Natura 2000 sites. It is the Council's opinion that the revised Plan will not do so. In making its assessment, the Council has had regard to the HRA Screening Opinion that was previously undertaken on the Draft Local Plan and the previous Joint SEA/HRA Screening Opinion undertaken on the draft Hampstead Neighbourhood Plan in 2017. These found that the future growth and development of Camden was unlikely to significantly effect the Natura 2000 sites. Neither the adopted or revised Hampstead Neighbourhood Plan propose site allocations.
- 1.22. Hampstead Neighbourhood Plan 2025-2040 builds on the Council's adopted approach and does not introduce new policy requirements, or diverge from the Camden Local Plan, in a way that alters the Council's findings at a strategic/Borough-wide level. This Screening Opinion finds that the revised Neighbourhood Plan is likely to have some positive environmental outcomes by the attention it gives to protecting the natural environment and realising net biodiversity gains, such as from improved connectivity, within the Hampstead neighbourhood area. The Plan's policies are likely to have a neutral or positive impact on local nature conservation sites identified in this report. Any impact of the revised Plan on the Natura 2000 sites is most likely to be neutral because of

the distance of the Plan area from these sites and the nature and scale of development envisaged in the Hampstead neighbourhood area.