



The Royal Borough of Kingston upon Thames

Habitats Regulations Assessment: Screening
Opinion Report for the North Kingston
Neighbourhood Plan

July 2024

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1. Introduction

- 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 Royal Borough of Kingston upon Thames Council ("the Council") has identified three Natura 2000 sites within proximity to the Royal Borough of Kingston Upon Thames:
 - Richmond Park SAC
 - Wimbledon Common SAC
 - South West London Waterbodies SPA and Ramsar
- 1.4 North Kingston Forum is the designated Neighbourhood Forum for the designated North Kingston Neighbourhood Area. North Kingston Forum undertook a consultation on their draft Neighbourhood Plan under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in June 2021.
- 1.5 NKF has subsequently prepared a revised draft Neighbourhood Plan, which will be subject to a consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) for a minimum period of six weeks.
- 1.6 There is a statutory requirement for the Council to assess the likelihood of the Neighbourhood Plans's policies or proposals having any potential adverse impacts on the Natura 2000 sites.
- 1.7 There is also a separate requirement under the Localism Act 2011 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.
- 1.8 This Screening Opinion will need to be provided to the independent Examiner for the Neighbourhood Plan Examination to assist in their assessment as to whether the

Neighbourhood Plan meets the Basic Conditions. The Council has separately undertaken a SEA Screening Assessment for the Draft Local Plan which has been shared with the relevant statutory bodies and North Kingston Forum.

- 1.9 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. The HRA Screening Opinion must determine whether significant or adverse impacts are likely on the basis of objective information provided. Once the Screening Opinion is complete, the Council is required to consult Natural England on its findings (Please see **Appendix 1**).

2. Draft North Kingston Neighbourhood Plan

- 2.1 North Kingston Forum is preparing a final draft of the North Kingston Neighbourhood Plan to submit for independent examination. The Council has commented on previous drafts, making a representations on a the Regulation 14 Draft published for consultation in June 2021.
- 2.2 The Neighbourhood Plan covers a primarily residential area which coincides broadly with the Kingston Gate, Canbury Gardens and Tudor wards, in the north of the Borough. There are no Natura sites in the Plan area or the borough of Kingston itself.
- 2.3 The Neighbourhood Plan must be in general conformity with the strategic policies of the adopted development plan, which includes the London Plan 2021 and the Kingston Core Strategy 2012. Although the Borough's emerging Local Plan is not currently part of the statutory development plan, neighbourhood planning bodies must consider its policies due to the shared evidence bases and the need for complementary policies to prevent superseding conflicts between local and neighbourhood plans.
- 2.4 The Council considers that the HRA Screening Assessment carried out for the Draft 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.
- 2.5 The Council's HRA Screening Assessment of the Draft Local Plan (2023) identified whether the Local Plan's policies would give rise to impacts on the Natura 2000 sites and if so, established the need for further assessment. It identified three sites wholly or partly within 10km of the borough of the Borough - Richmond Park SAC, Wimbledon Common SAC and South West London Waterbodies SPA/Ramsar. A map of the relevant sites is shown in Figure 1 below.
- 2.6 The Screening Assessment can be viewed on the Council's consultation [website](#). It concluded that:

"A number of policies have been screened-out due to their nugatory or beneficial effects on Habitats sites, but three policies were screened-in (KH1 – Meeting the Borough's Housing Needs, KN2 Open Spaces and KS3 School, College and University Facilities) for their further consideration at Stage 2 AA. These policies have potential for LSE on nearby Habitats sites relating to increased traffic (and therefore impacts on air quality) and increased public access, recreational and development pressures".

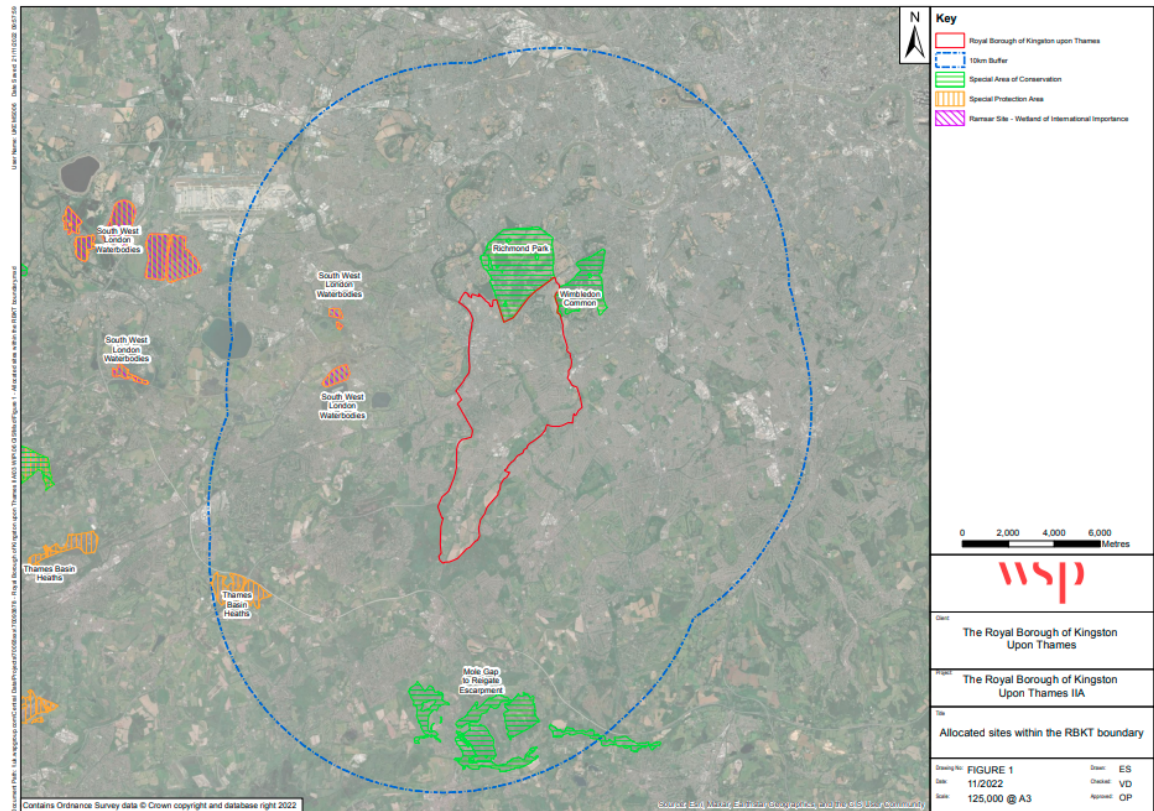


Figure 2.1: Habitat sites within 10km of the allocated sites

- 2.7 The Screening Assessment noted that increased recreational pressure as a result of additional housing within the Borough could have an effect on the Wimbledon Common SAC. The Site Improvement Plan (SIP) for Wimbledon Common SAC identifies that high visitor usage to the site causes damage to sensitive habitats and results in adverse impacts such as compaction around the base of mature trees and the removal of fallen timber.
- 2.8 The South West London Water bodies SPA and Ramsar site was found to have no likely significant effects that occur from any increase in population as a result of housing policies. Therefore, mitigation measures were not considered to be required.
- 2.9 No pressures or threats were identified for Richmond Park SAC meaning policies in the Draft Local Plan were not likely to have an effect on the site.
- 2.10 The Council has carefully considered how the Draft Neighbourhood Plan's policies relate to those set out in the Draft Local Plan. The Neighbourhood Plan sets four main objectives:
- To ensure North Kingston remains a desirable place to live by maintaining its essential suburban character and by successfully managing the transition between the growing town centre and the surrounding suburban area.
 - To ensure the long-term socio-economic sustainability of North Kingston by protecting and improving its essential local retail, business and social facilities.

- To help North Kingston adapt to climate change, including by way of new buildings designed for climate resilience and by protecting its important green spaces from development, and to mitigate climate change by reducing carbon emissions locally and delivering a net biodiversity gain from new development.
- To help meet local housing needs by managing new housing development in key areas and a number of key sites.

2.11 The policies in the Draft Neighbourhood Plan are arranged according to the various themes:

- Design
- Business and Community
- Environmental
- Site Specific

2.12 The Draft Neighbourhood Plan seeks to protect the Neighbourhood Area's identity and character and enhance the quality of life. The site-specific policy section promotes development opportunities that the North Kingston Forum would support. However, they are not site allocations and alternative uses would be acceptable if they were in accordance with the Local Plan. While the Draft 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 Local Plan and is one of the 'Basic Conditions' to be tested at the Examination.

2.13 Where the Draft Neighbourhood Plan sets out a locally-specific approach to environmental quality, for example, the suite of policies on Local Green Spaces and Green Infrastructure, this generally supports the approach in the Draft Local Plan, i.e. Policies KN1 and KN2. The Draft Neighbourhood Plan does not undermine the protections for the Natura 2000 built into the Draft Local Plan. In line with the methodology followed in the Draft Local Plan HRA Screening Assessment, the Council has assessed each of the Draft Neighbourhood Plan's 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 in Table 2.1 below:

Table 2.1: Coding used for recording effects/impacts on European Sites

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)
3	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.
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 potential effect	
8	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.
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.

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

Table 2.2: Assessment of policies contained within the Draft North Kingston 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
Design			
NK1 - Design Quality, Character & Context	1,3,7		
NK2 - Sustainable Design Standards	1,3,7		
NK3 - North Kingston Key Area	1,3		
NK4 - Transition Zone - Suburban Area	1,3		
NK5 - Development Corridors	1,3		
NK6 - Local Views	1,3,7		
NK7 - Conservation Areas & Local Areas Of Special Character	3,6,7		
NK8 - 'Neighbourhood' Locally Listed Buildings	3,7		
Business & Community			
NK9 - Local Shopping Parades	3		
NK10 - Public Houses	1,3		
NK11 - Community Facilities	3,7		
NK12 - Access & Movement	3,7		
Environmental			
NK13 - Zero Carbon Buildings	3,6,7		
NK14 - Climate Resilience	3,6,7		
NK15 - Green Infrastructure:	3,6,7		
NK16 - Local Green Spaces	3,5,6,7		
NK17 - New Pocket Parks	1,3		

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
NK18 - Public Realm	1,3		
Site Specific			
NK19 - Sury Basin	4		
NK20 - Canbury Car Park/Kingsgate Road	4		
NK21 - Canbury Business Park	4		
NK22 - Cowleaze Road	4		
NK23 - St. George's Industrial Estate	4		
NK24 - London Road/Kingston Hill Roundabout	4		
NK25 - Manorgate Road	4		
NK26 - Park Road Scout Hall	3		
NK27 - The Seven Kings Car Park	4		
NK28 - Richmond Road Petrol Station	4		
NK29 - The Keep	3		
Nk30 - Elm Grove	4		
NK31 - Acre Road (Murray House)	4		
NK32 - Canbury Court Garages	4		
NK33 - St. Luke's Primary School	4		
NK34 - Kingston Fire Station	4		

2.14 The assessment of the Draft Neighbourhood Plan's policies using the coding methodology found that the Plan generally adds detail and complements the approaches set out in the Kingston Core Strategy 2012. A particular focus of this Draft Neighbourhood Plan is on improving outcomes in terms of sustainable design and green infrastructure which would be expected to have a beneficial effect environmentally. The Draft Neighbourhood Plan's policies are not considered to have a

significant affect on the Nature 2000 sites. Although the Neighbourhood Plan identifies a number of site-specific policies, none of these are of a scale where they might be able to support a large major scheme. The vast majority of the area is already built up, therefore the smaller, incremental development is expected to be a predominant feature, which the Neighbourhood Plan seeks to manage successfully.

2.15 The Draft Neighbourhood Plan’s suite of Sustainable Design and Green Infrastructure policies should positively enhance the area. A summary of the policies and proposals is set out in the table below. The Draft Neighbourhood Plan has fully considered the area’s environmental context and the available opportunities to realise environmental gains.

Table 2.3: Summary of the policies in the Draft North Kingston Neighbourhood Plan that are considered to positively enhance the area

The Council considers that the Draft North Kingston Neighbourhood Plan has a number of positive policies to help safeguard and enhance the natural environment. These are considered to support Policies CS1 and CS3 in the Kingston Core Strategy 2012. The following measures are proposed in the Neighbourhood Plan (policy references in brackets): • Proposals will be expected to make the fullest contribution to minimising carbon monoxide emissions (NK2); • Maintaining the character of Conservation Areas and Local Areas of Special Character (NK7); • Protecting Locally Listed Buildings (NK8) • All new developments must be zero carbon ready (NK13); • Development proposals should contribute to climate change resilience (NK14); • Identifies a Green Infastructure Network to promote sustainable movement (NK15) • Protection of Local Green Spaces and the Green Belt (NK16)

3. Conclusion

- 3.1 The Council has fully considered the scope and content of the Draft North Kingston Neighbourhood Plan to determine 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 Draft Neighbourhood Plan will not do so. In making its assessment, the Council has had regard to the Screening Assessment that was previously undertaken on the Draft Local Plan for the Royal Borough of Kingston upon Thames. This found that the future growth and development of the Borough set out by the Draft Local Plan was likely to have an effect on the Natura 2000 sites.
- 3.2 The Draft Neighbourhood Plan builds on the Council's adopted approach and does not introduce new policy requirements, or diverge from the Kingston Core Strategy 2012, in a way that alters the Council's findings at a strategic/Borough-wide level. This Screening Opinion finds that the Draft Neighbourhood Plan is likely to have some positive environmental outcomes because of the attention it gives to improving green infrastructure and reducing carbon emissions on new development proposals. Any impact of the Draft Neighbourhood Plan on the Natura 2000 sites is, however, most likely to be neutral because of the nature and scale of development envisaged in the North Kingston Neighbourhood Plan.

4. Appendix

Appendix 1 - Natural England HRA screening Opinion Consultation Response

Date: 16 July 2024
Our ref: 477481
Your ref:



The Royal Borough of Kingston upon Thames Council

BY EMAIL ONLY

Thames Solent Area
Team
3rd Floor
Seacole Building
2 Marsham Street
London
SW1P 4DF

Dear Sir / Madam

North Kingston Neighbourhood Plan

Thank you for your consultation on the above dated 28 May 2024 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Screening Request: Habitats Regulations Assessment (HRA)

It is Natural England's advice, on the basis of the material supplied with the consultation, that significant effects on Habitats Sites are unlikely,

The proposed neighbourhood plan is unlikely to significantly affect any Special Areas of Conservation (SAC), Special Protection areas (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs ('candidate SACs', 'possible SACs', 'potential SPAs') or a Ramsar wetland.

Where Neighbourhood Plans could have significant environmental effects, they may require a Strategic Environmental Assessment (SEA) under the Environment Assessment of Plans and Programmes Regulations 2004 (as amended). The Neighbourhood Plan proposals should also be screened to ascertain whether Strategic Environmental Assessment is necessary. Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the [planning practice guidance](#).

Guidance on the assessment of Neighbourhood Plans, in line with the Environmental Assessment of Plans and Programmes Regulations 2004 is contained within the [Planning Practice Guidance](#). This identifies three triggers that may require the production of an SEA:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require an SEA. Further information is included in Natural England's [standing advice](#) on protected species.

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant an SEA. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission [standing advice](#).

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a SEA is necessary.

Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If a SEA is required, Natural England must be consulted at the scoping and environmental report stages.

Please send any new consultations, or further information on this consultation to consultations@naturalengland.org.uk.

Yours sincerely

Ben Ramachandra
Nature Recovery Officer
Thames Solent Area Team