

London Borough of Barnet

Habitats Regulations Assessment

Technical Note

November 2022

Table of Contents

Introduction 3

1. The Relationship between the Barnet Plan and other development plans..... 3

 The London Plan..... 3

 Neighbouring Development Plans 3

 Other relevant Local Plans 7

2. Pathways and relevant designated sites..... 9

 Designated Sites and Pathways 9

 Likelihood of development within the Barnet Plan affecting a designated site..... 11

Introduction

A.1 The London Borough of Barnet was asked to prepare a Habitats Regulations Assessment (HRA) Technical Paper during the Hearing sessions for the Examination of the London Borough of Barnet Local Plan. This HRA Technical Paper should be read alongside the Updated HRA Screening Report 2022, the Regulation 18 and Regulation 19 Integrated Impact Assessments (IIA), the Updated IIA Non-Technical Summary, and the IIA Technical Paper.

A.2 As requested by Inspector Wildgoose at Day 1 of the examination hearings, this HRA Technical Paper covers:

- 1) The relationship between the Barnet Plan and other plans, in particular an explanation of what the baseline is for the Barnet HRA and why that has been chosen.
- 2) The principles underlying the selection of pathways between Barnet and relevant sites.

1. The Relationship between the Barnet Plan and other development plans

The London Plan

1.1 The London Plan (Core_Gen_16), prepared on behalf of the London Mayor by the Greater London Authority (GLA) and published in March 2021, sets the strategic framework for local plans across London. Plans prepared by the London Boroughs are required to be in 'general conformity' with policies in the London Plan¹.

1.2 The London Plan sets numerical targets for housing and other uses, as well as broad locations for certain types of development. Although the requirements of the London Plan have evolved over the period that the London Borough of Barnet Local Plan (LBBLP) has been in preparation, the LBBLP has been confirmed by the Mayor as being general conformity with the adopted London Plan 2021². There is no statutory definition of what is meant by general conformity although some guidance can be gleaned from the case law concerning its use in other statutory contexts such as neighbourhood planning (see e.g. *Kebbell Developments Ltd v Leeds City Council* [2016] EWHC 2664 (Admin)).

1.3 The HRA documents prepared for the London Plan provide a strategic framework. The HRA Screening Reports for the LBBLP consider the environmental implications of development in more detail, where there is additional certainty in locations of development and the amount of development in those locations. In doing so, the HRA Screening Reports for Barnet were drafted mindful of the conclusions within the London Plan HRA 2019:

¹ (Planning and Compulsory Purchase Act 2004, Section 24(4)(a) (as amended); Greater London Authority Acts 1999 and 2007; Town and Country Planning (Local Development) (England) Regulations 2012

² Letter of 9th August 2021 (Core_Gen_06)

The HRA of the London Plan identified that several amendments to policy or matters of direction to boroughs (particularly those around Epping Forest SAC) are required. Those matters have since been addressed. It is therefore considered that there are sufficient protective mechanisms in place to ensure that the growth objectives of the London Plan can be delivered without an adverse effect on the integrity of European sites, either alone or in combination with other plans and projects.

Neighbouring Local Plans

1.4 The HRA within the Regulation 18 and Regulation 19 IIA documents considered the Local Plans of the adjacent London Boroughs and Hertsmere Borough, within Hertfordshire.

1.5 Barnet as a London borough works within the parameters of the London Plan with regards to the housing market area and functional economic area for the London Borough of Barnet.

1.6 The IIA and HRA reviewed the relevant Local Plans and the evidence base, including an assessment of the HRA Screening documents, and Appropriate Assessments where those had been carried out. The table below (Figure 1) sets out the relevant development plans and Habitat Regulations Assessments considered through the process.

Figure 1: Status of Appropriate Assessment of Relevant Development Plans

Assessment within Updated Screening Report 2022	HRA Screening only or full Appropriate Assessment
<p>London Plan</p> <p>Status: On 29 January 2021 the Secretary of State wrote to the Mayor confirming that he is content for the London Plan to be formally published, with no further changes. The London Plan was then subsequently formally published in March 2021.</p> <p>HRA: The July 2016 HRA of the London Plan concludes that there are sufficient protective mechanisms in place to ensure that the growth objectives of the London Plan can be delivered without an adverse effect on the integrity of European sites, either alone or in combination with other plans and projects. Updates to the HRA during the process of examination have not changed the outcomes of the assessments in relation to the Barnet Local Plan.</p>	<p>Full Appropriate Assessment over multiple stages.</p>

<p>There are no likely in-combination effects of the adopted London Plan with the LBBLP. The LBBLP must consider the implications of development within the LBB, against the relevant designated sites and designated site network.</p>	
<p>London Borough of Harrow: Core Strategy (2012); Development Management Plan (2013); Site Allocations Local Plan (2013)</p> <p>Status: The adopted Local Plan is comprised of the Core Strategy, Development Management Plan and the Site Allocations Local Plan.</p> <p>Planned growth: The adopted Core Strategy provides for 6,050 net additional dwellings over the period 2009 to 2026. The majority of new homes will be provided within the Harrow and Wealdstone Intensification Area, and remaining growth directed to town centres and strategic previously developed sites. The Core Strategy set a target to deliver 4,000 net additional new jobs over the plan period. It is anticipated that 3,000 of these jobs will be delivered within the Harrow and Wealdstone Intensification Area.</p> <p>HRA: The November 2011 HRA concluded that no likely significant effect to the qualifying features of any European site would occur as a result of the proposed level of growth/policies.</p>	<p>Screening only. No likely significant effects.</p>
<p>London Borough of Brent: Brent Local Plan 2019-2041</p> <p>Status: The Brent Local Plan 2019-2041 was adopted by Full Council on 24 February 2022.</p> <p>Planned growth: The plan seeks grant planning permission to support the delivery of the Growth Areas, site allocations and appropriate windfall sites to provide a minimum 23,250 homes in the period 2019/20-2028/29 and a minimum of 46,018 homes in the period 2019/20-2040/41.</p> <p>HRA: The HRA concludes that the Plan is unlikely to lead to any significant adverse effects (either alone or in combination) on any European Sites.</p>	<p>Screening only. No likely significant effects.</p>
<p>London Borough of Camden: Local Plan (2017)</p> <p>Status: The Local plan was adopted in 2017 and sets out a vision to 2031.</p> <p>Planned Growth: The plan seeks to meet Camden’s objectively assessed needs, which include 16,800 additional homes, 695,000 sqm of office floorspace and 30,000sqm of retail floorspace. Development will take place throughout the borough but with the most significant growth expected to be delivered through a concentration of</p>	<p>Screening only of the Local Plan and Site Allocations Plan. Both Screening opinions determined there was no likely significant effects from development within the plans.</p>

<p>development in the growth areas of Kings Cross, Euston, Tottenham Court Road, Holborn, West Hampstead interchange and Kentish Town Road and Regis Road.</p> <p>HRA: The 2015 HRA concluded that no likely significant effect to the qualifying features of the European site would occur as a result of their growth/policies. There are no relevant updates to the Camden Local Plan.</p>	
<p>London Borough of Haringey: Strategic Policies 2013 (with alternations 2017) and Site Allocations (2017); Development Management DPD (2017)</p> <p>Status: Haringey's development plan is currently made up of the Strategic Policies, Development Management Policies, Site Allocations and Tottenham Area Action Plan, alongside the London Plan.</p> <p>Planned Growth: The strategy seeks to deliver 19,800 new net new homes over the plan period. In addition, the strategies forecasts that 23,800sqm of B class floorspace will be needed up to 2026.</p> <p>HRA: The 2015 HRA concluded that the potential impact pathway of recreational pressure upon Epping Forest was screened out, both alone and in-combination with other projects or plans. Following assessment of Lee Valley SPA and Ramsar site, the potential impact pathway of disturbance (from recreational pressure), urbanisation, water abstraction, water quality and air quality were also screened out, both alone and in-combination with other projects or plans. The impact pathway of disturbance to avian features from construction activities is a residual impact pathway as development is proposed within close proximity to the SAC and Ramsar site. Provided Haringey's Alterations to Strategic Policies document provides clear measures to address potential disturbance to bird features resulting from construction activities, then Haringey's Alterations to Strategic Policies document can be screened from further assessment and no likely significant effects upon internationally designated sites will result, either alone or in combination with other projects or plans.</p> <p>An updated IIA was produced in support of the new Local Plan and the consultation on this document closed in March 2021.</p> <p>There are no further updates on the Regulation 18 Plan at this time and therefore the baseline position assessment for the Barnet Plan considers the adopted Local Plan for Haringey.</p>	<p>Screening only. No likely significant effects.</p>
<p>London Borough of Enfield:</p> <ul style="list-style-type: none"> • <u>Edmonton Leaside Area Action Plan (2020)</u> 	<p>Full Appropriate Assessment prepared in 2021 in support of the new draft Plan. The</p>

<ul style="list-style-type: none"> • <u>North East Enfield Area Action Plan (2016)</u> • <u>North Circular Area Action Plan (2014)</u> • <u>Development Management Document (2014)</u> • <u>Core Strategy (2010)</u> <p>Status: Enfield Council’s development framework is made up of the Core Strategy which was adopted in 2010 and provides a vision up to 2025. The Core Strategy is supported by the Local Plan Policies Map.</p> <p>Planned Growth: The Core Strategy plans for 11,000 new homes over the planned period and a minimum of 6,000 new jobs. Large scale growth and regeneration will be focused in four broad locations – Central Leaside and North Enfield in the Upper Lee Valley, in addition to the area around the North Circular Road at New Southgate and the Boroughs major town centre – Enfield Town.</p> <p>HRA: The Appropriate Assessment Screening Report determined that the baseline for the 2009 AA screening for the Core Strategy remains relevant and appropriate. The 2009 AA screening undertaken for the Core Strategy concluded that none of the policies were likely to have any significant adverse impacts on European sites. The IIA in support of the new Regulation 18 Plan was consulted on in September 2021. There are no significant changes for the Barnet Plan.</p>	<p>assessment concluded that subject to amendments to policy wording, the plan was unlikely to have significant effects on the designated site network. The AA considered the latest relevant draft of the LBBLP and did not consider there were any in-combination issues with the LBBLP.</p>
<p>Hertsmere council: Core Strategy (2013); Elstree Way Corridor Area Action Pan (2015); Site Allocations and Development Management Policies Plan (2016); Policies Map</p> <p>Status: The Hertsmere Local Plan is made up of four parts (listed above) and provides a vision up to the period 2017.</p> <p>Planned Growth: The Core Strategy sets a target to deliver 3,900 new homes over the plan period (equating to 229 new homes per year). In addition, it is expected that approximately 2,700 new office jobs and 240 new warehousing jobs and 660 fewer industrial jobs over the plan period.</p> <p>HRA: The HRA scoping report (2017) introduced the HRA process that will be undertaken in relation to the new Hertsmere Local Plan as it is prepared. This version of the Local Plan has now been set aside and the Council is proposing to restart the plan process from April 2022. The HRA Screening report for the Barnet Local Plan has</p>	<p>Full Appropriate Assessment prepared in 2021. The LBBLP was considered in relation to in-combination effects and no issues were identified.</p>

considered the relevant information from the evidence documents prepared in support of the 'set-aside' Hertsmere Local Plan Review.	
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Other relevant Local Plans

1.7 In assessing the potential for pathways to designated sites, the Updated HRA Screening Report noted that a potential pathway was the effect on air quality due to potential increases in traffic on the North Circular road, which could fall within 200m of the Epping Forest SAC In reaching the conclusion that there was unlikely to be a significant effect on the Epping Forest SAC from proposed development within Barnet (as summarised in Section 2 below), the following HRA documents were reviewed:

Figure 2: Other relevant local plans

Borough or District	Screening only or Full Appropriate Assessment	Additional information
<p>Epping Forest District Council: Combined Local Plan 1998 and Alterations 2006.</p> <p>Status: The Epping Forest District Council Local Plan was submitted to the Secretary of State for examination in public on 21 September 2018.</p> <p>Planned Growth: The evidence base for the Plan at Examination indicates the need for approximately 11,400 new homes and the creation of 10,000 new jobs over the Plan Period, and a focus of development in and around Harlow.</p> <p>HRA: The HRA has been prepared as a series of documents up to the HRA submitted with the Local Plan for examination. The HRA was updated during the examination in 2021. The 2021 HRA undertook Appropriate Assessment in respect of recreational pressure, air quality, water abstraction and water quality.</p>	<p>Full Appropriate Assessment</p>	<p>The EFDC LP is currently at examination. The HRA work did not consider that development in Barnet was relevant to the assessment of in combination effects. The Council is in discussions with NE about the potential air quality impacts on Epping Forest SAC. Further evidence is being prepared in relation to the potential impact of EFDC proposed allocations on the SAC.. Paragraph 4.13 of the latest iteration of the HRA, published for consultation on 28 October 2022³, states that “It was established that growth in Epping Forest District between 2014 (the year of the baseline traffic counts) and 2033 is by far the greatest source of additional ammonia and NOx emissions on the modelled road sections and all other plans and projects make a negligible contribution to the ‘in combination’ effect”</p>

³ <http://www.efdclocalplan.org/wp-content/uploads/2022/10/Epping-Forest-Local-Plan-HRA-October-2022.pdf>

<p>Waltham Forest District Council: The WFDC development plan consists of the Core Strategy (adopted 2012), Development Management Policies Document (adopted 2013) and the Area Action Plans for Walthamstow Town Centre (adopted 2014) and Blackhorse Lane (adopted 2015)</p> <p>Status: The WFDC LP Part 1 is currently at examination. Part 2, Site Allocations, has reached the consultation stage on the submission plan.</p> <p>Planned Growth: The housing figure for Waltham Forest within the draft London Plan equated to around 17,000 homes over the plan period. This was later amended to around 12,000 homes over the plan period within the adopted London Plan. The submission Waltham Forest District Council Local Plan Part 1 seeks to meet the Objectively Assessed Need of 27,000 homes over the plan period.</p> <p>HRA: The HRA has been prepared as a series of documents up to the HRA submitted with the Local Plan for examination. The HRA was updated during the examination, most recently in 2022. The HRA undertook Appropriate Assessment in respect of recreational pressure, air quality, water abstraction and water quality.</p>	<p>Full Appropriate Assessment</p>	<p>Further evidence was prepared in the form of an updated Sustainability Appraisal and HRA. The HRA work to date did not consider that development in Barnet was relevant to the assessment of in combination effects.</p> <p>The HRA concluded there were not likely to be any significant effects from the implementation of the WFDC Local Plan Part 1, subject to the resolution of recreational impacts on Epping Forest SAC.</p>
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2. Pathways and relevant designated sites

Designated Sites and Pathways

2.1 As set out in paragraph 13 of the updated HRA Screening Report⁴, under Regulation 5 of the Habitats Regulations, the HRA requires engagement with Natural England as the statutory nature conservation body in order to agree the process, outcomes and mitigation proposals, if proposed. Natural England were consulted through the production of the original IIA, and again in terms of the updated screening opinion. A copy of their correspondence is included as Appendix 5 to Updated HRA Screening Report⁵.

2.2 As part of the consultation process, NE reviewed the proposed additional information, prepared for the Council by LUC⁶ that was incorporated into the updated Screening Report and provided additional suggestions for information sources.

2.3 This dialogue also confirmed which sites were likely to be relevant for screening purposes and the potential pathways to consider. NE did not raise concerns with the approach to distances used to screen out sites in relation to recreational pathways, or with the approach to water impacts, where sites were deemed to not be in continuity with Barnet, due to distances involved and the lack of connective pathways.

2.4 The government's current guidance on Sustainability Appraisal and Strategic Environmental Assessment⁷ reflecting the legal requirements and the wider principle of proportionality states:

The sustainability appraisal should only focus on what is needed to assess the likely significant effects of the plan. It should focus on the environmental, economic and social impacts that are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the Local Plan.

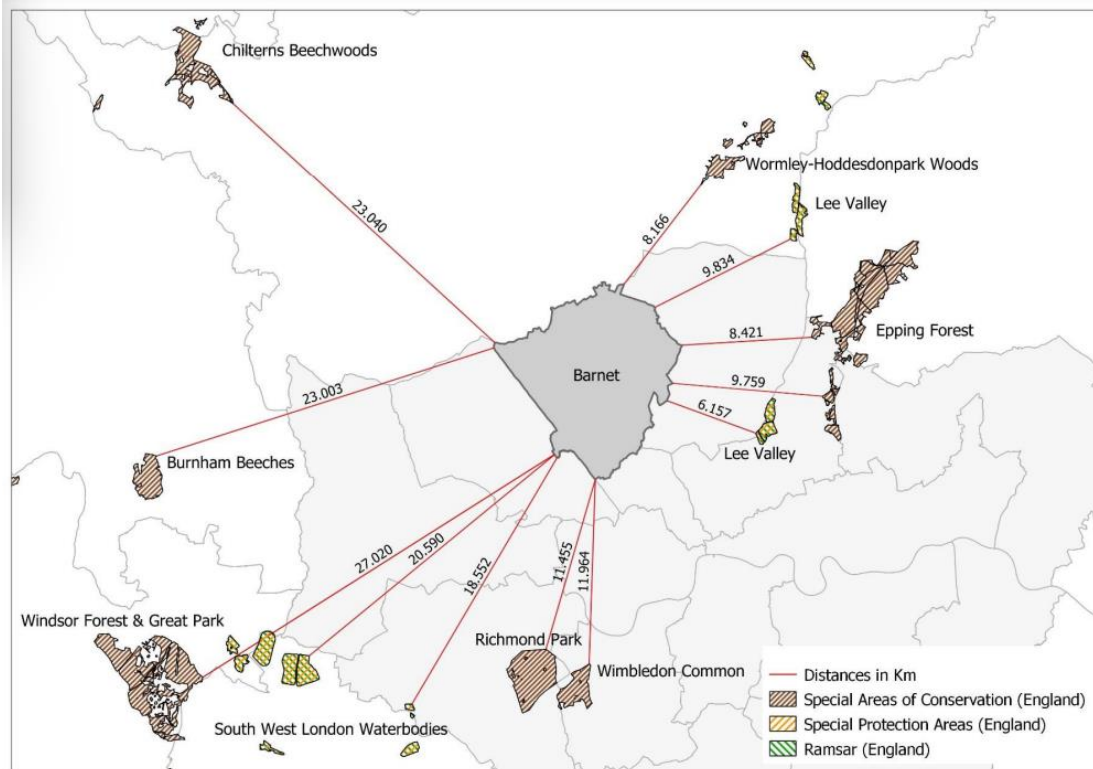
Figure 3: Distance between designated sites and the London Borough of Barnet

⁴ <https://admin.barnet.gov.uk/sites/default/files/Exam%208%20Habitats%20Regulation%20Screening%20Assessment.pdf>

⁵ <https://admin.barnet.gov.uk/sites/default/files/Exam%208%20Habitats%20Regulation%20Screening%20Assessment.pdf>

⁶ <https://admin.barnet.gov.uk/sites/default/files/EXAM%201L%20-%20LUC%20for%20LBB%20-%20HRA%20Actions%20for%20Review.pdf>

⁷ <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal> Paragraph: 009 Reference ID: 11-009-20140306, Revision date: 06 03 2014



2.5 Figure 5 below (Table 4 in examination document Exam 8) sets out the assessment of pathways against the five sites identified within 15km of the boundary of LBB.

European Site	Recreational Pressure	Air Pollution	Water quantity and impacts on water quantity
Lee Valley	Small area of Lee Valley within ZOI of 7km Potential impact pathway - No likely significant effects due to the distances involved and the small area affected.	Potential impact pathway - No likely significant effects due to the distances involved and the small area affected.	Small area of Lee Valley within ZOI of 7km No likely significant effects due to the distances involved and the small area affected.
Epping Forest	No impact pathway – distance greater than ZOI of 6.2km.	Potential impact pathway - No likely significant effects due to the distances involved.	No impact pathway.
Richmond Park	No impact pathway – distance greater than ZOI of 7km.	No impact pathway.	No impact pathway.
Wimbledon Common	No impact pathway – distance greater than ZOI of 7km.	No impact pathway.	No impact pathway.
Wormley-Hoddesdonpark Woods	No impact pathway – distance greater than ZOI of 7km.	Potential impact pathway - No likely significant effects due to the distances involved.	No impact pathway.

Likelihood of development within the Barnet Plan affecting the designated site

2.6 Most potential pathways between development in the LBB and designated sites can be ruled out due to physical distances (recreational impacts) or lack of connectivity (water quality and water quantity). The areas of the Lee Valley potentially affected are small and at a substantial distance, limiting the potential for likely significant effects⁸.

2.7 In terms of air quality, the designated sites are at a distance greater than 6km from the boundary of the LBB so direct impacts are unlikely. Natural England Guidance⁹ states that assessments should consider the potential for development sites to increase traffic on roads within 200m of the boundaries of designated sites, where air quality has been identified as an issue.

2.8 Assessments in support of the Epping Forest District Local Plan demonstrated that increases in traffic from the LBB are insignificant in terms of modelling the impact of nitrogen deposits on the Epping Forest SAC¹⁰. Currently, most commuting trips start and end within the LBB and traffic modelling

⁸ Paragraphs 25 to 30 of Exam 8: <https://admin.barnet.gov.uk/sites/default/files/Exam%208%20Habitats%20Regulation%20Screening%20Assessment.pdf>

⁹ <http://publications.naturalengland.org.uk/publication/4720542048845824>

¹⁰ <http://www.efdclocalplan.org/wp-content/uploads/2022/10/Epping-Forest-Local-Plan-HRA-October-2022.pdf>

carried out by the Council¹¹ shows that traffic levels within Barnet are decreasing over time, with an associated decrease in atmospheric pollution. This position is supported within the submission LBBLP, and with evidence prepared by the Mayor of London¹².

2.9 The Updated HRA Screening Report ([Exam 8](#), paragraph 44) concluded that, on the basis of the information available and the policy wording of the draft LBBLP, it is unlikely that there will be significant effects on the designated site network. However, any further modifications to the LBBLP that might come forward would be screened for appropriate assessment at the relevant time.

¹¹ https://www.barnet.gov.uk/sites/default/files/evidence_paper_update_june_2021.pdf

https://www.barnet.gov.uk/sites/default/files/strategic_transport_assessment_2021.pdf

<https://www.barnet.gov.uk/environmental-problems/air-quality/air-qualitymonitoring>

¹² [strategic_transport_modelling_report.pdf](#) (london.gov.uk)