



Spelthorne Borough Council

LOCAL PLAN

Habitats Regulations Assessment - Stage 2
Appropriate Assessment





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Assessment

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1 INTRODUCTION

- 1.1.1. The Spelthorne Local Plan, which has been prepared by Spelthorne Borough Council (SBC) in consultation with the community, sets out the policies and allocations that will guide how new development and infrastructure comes forward in the Borough for the next 15 years (Spelthorne Borough Council, 2022). Once adopted, the Local Plan will replace the 2009 Development Plan.
- 1.1.2. The Local Plan is a statutory document¹ that forms part of the Council's strategy to deliver sustainable development, tackle climate change and deliver new homes, jobs and infrastructure for current and future Spelthorne residents. Local Plans must be positively prepared, justified, effective and consistent with national policy.
- 1.1.3. The Local Plan sits within a wider framework of planning documents, including national guidance set out by the government in the NPPF (NPPF, 2021), regional and county planning policies and guidance, strategic plans, supporting strategies and background studies. The Local Plan, once adopted, will form the basis on which planning applications will be determined within SBC's administrative area.
- 1.1.4. WSP has been appointed by SBC to undertake the Habitats Regulations Assessment (HRA) for the Local Plan. The focus of the HRA process is on identifying the potential for adverse effects as a result of the Local Plan policies on the integrity of European nature conservation sites (hereafter referred to as "Habitats sites").
- 1.1.5. Under The Conservation of Habitats and Species Regulations 2017² (as amended) (the 'Habitats Regulations') 'Competent Authorities' must assess plans and projects for their potential to cause Likely Significant Effects (LSE) on Habitats sites. Where the plan or project may lead to LSE it must be subject to an Appropriate Assessment to determine whether there will be adverse effects to any Habitats sites.
- 1.1.6. Stage 2 Appropriate Assessment, as presented within this report, presents a more detailed assessment of the potential adverse effects on the integrity of the Habitats sites of the Local Plan policies screened in at Stage 1 HRA.

1.2 REPORT FRAMEWORK

- 1.2.1. This HRA report has been produced alongside the Local Plan itself and associated documents.
- 1.2.2. This report will ensure that all HRA-related considerations are fully integrated into the Local Plan documents as they develop.

¹ [Section 19 of the Planning and Compulsory Purchase Act 2004](#) sets out specific matters to which the local planning authority must have regard when preparing a local plan. [Regulations 8 and 9 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) prescribe the general form and content of local plans and adopted policies maps, while [regulation 10](#) states what additional matters local planning authorities must have regard to when drafting their local plans.

² The Conservation of Habitats and Species Regulations 2017. Available at: <http://www.legislation.gov.uk/uksi/2017/1012/contents/made> (Accessed 31/03/2022)

1.2.3. This report presents:

- the HRA process and methodology for assessment;
- the findings of the Stage 1 Screening exercise;
- a detailed assessment of the potential adverse effects and the challenges of the identified Local Plan policies and how these may impact upon the integrity of the relevant Habitats sites, and;
- a summary of conclusions and any recommendations.

1.2.4. It should be noted that this HRA has been based solely upon the SBC Local Plan (Spelthorne Borough Council, 2022a) and does not include a detailed analysis of any projects that may arise as a result of this Local Plan.

1.3 THE SBC LOCAL PLAN

1.3.1. The Spelthorne Corporate Plan (2021-23) (Spelthorne Borough Council, 2022b) sets out SBC's five overarching 'CARES' priorities/objectives to focus on. By 2037 the SBC Local Plan seeks to have achieved the priorities set out within it. The 'CARES' objectives are:

Community: *Our communities are at the heart of everything we do, we have built strong relationships with our residents and businesses, and have forged links within those communities, so that they feel empowered, included, supported, safe and healthy.*

Affordable housing: *We have supported the delivery of affordable and market housing which meets the needs of all sections of our communities by supporting the development of new homes of a variety of type, size and tenure.*

Recovery: *We provided support to our business communities to help enable them to recover, be resilient to economic challenges, be dynamic and respond to the changing economic and retail climate.*

Environment: *We worked with our communities and partners to minimise our effects on the environment, played our part in tackling climate change and to moved further towards a clean, green and attractive Borough and protected biodiversity.*

Service delivery: *We delivered an efficient and effective Local Plan which provides for all sections of our communities.*

1.3.2. The Local Plan (Spelthorne Borough Council, 2022a) sets out the vision and targets for development over the Plan period, including:

"...seeking to deliver 9,270 homes, which equates to an average of 618 homes per year. This figure is Spelthorne's objectively assessed need, based on the Government Standard methodology, which is set out in the NPPF and the accompanying Planning Practice Guidance.

1.3.3. The introduction to the Local Plan also states:

"Although most of the attention is understandably focused on housing numbers, the Plan also includes important policies that reflect our local concerns and needs.

- *A robust Affordable Housing policy that will see us increase significantly the number of homes that meet the needs of our community.*
- *Actions to address the effects of climate change and protect and enhance local biodiversity.*

- A strategy to make sure that there is infrastructure in place to support existing and future residents, with a delivery plan that sets out how this will be achieved and funded.
- Policies that will support economic recovery and encourage more employment into the borough.
- A new Staines Development Framework will help the Borough's largest town to develop and grow in as sensitive a way as possible and that takes account of its existing assets and distinctive character.

In order to demonstrate the ability to meet the imposed housing targets, it has proved necessary to release some Green Belt land. Our Plan calls for the release of 0.7% of the existing Green Belt area.”

1.3.4. The Local Plan policies which are the focus of this screening exercise are listed in Table 1-1, but for more detail refer to the primary source document. A brief summary of each policy is also given in Appendix F – Findings of the Stage 1 Screening.

Table 1-1 – Spelthorne Local Plan policies screened at Stage 1 of the HRA process

Policy number	Title
Strategy and Strategic Policies	
ST1	Presumption in Favour of Sustainable Development
ST2	Planning for the Borough
Place Setting	
PS1	Responding to the climate emergency
PS2	Designing places and spaces
PS3	Heritage, Conservation and Landscape
Spatial Policies	
SP1	Staines-upon-Thames
SP2	Ashford, Shepperton and Sunbury Cross
SP3	Stanwell and Stanwell Moor
SP4	Local Centres, Shopping Parades and Isolated Retail Units
SP5	Colne Valley Regional Park
SP6	River Thames and its Tributaries
SP7	Heathrow Airport
Housing	
H1	Homes for all
H2	Affordable Housing

H3	Gypsy, Traveller & Travelling Showpeople Pitches and Plots
Environment	
E1	Green Belt
E2	Biodiversity
E3	Managing Flood Risk
E4	Environmental Protection
E5	Open Space and Recreation
Economy	
EC1	Meeting Employment Needs
EC2	Retail
EC3	Local Centres, Shopping Parades and Isolated Retail Units
EC4	Leisure and Culture
Infrastructure and Delivery	
ID1	Infrastructure and delivery
ID2	Sustainable Transport for New Developments

1.3.5. The allocated sites which are referred to primarily in Policy H1 are listed in the Stage 1 Screening report but are given graphically in this report in Figure 1 for reference purposes.

2 RELEVANT POLICY, LEGISLATION, CASE LAW AND GUIDANCE

2.1 LEGISLATIVE BACKGROUND

- 2.1.1. Under The Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations') 'Competent Authorities' must assess plans and projects for their potential to cause LSE on Habitats sites. Where the plan or project may lead to LSE it must be subject to an AA to determine whether there will be adverse effects to any Habitats sites. Any plan or project that would lead to adverse effects on the integrity of Habitats site(s) cannot be permitted without meeting strict additional tests.
- 2.1.2. Defra guidance states that Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in the UK no longer form part of the EU's Natura 2000 ecological network (Defra, 2017). The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 have created a National Site Network (NSN) on land and at sea, including both the inshore and offshore marine areas in the UK. The national site network includes:
- existing SACs and SPAs; and
 - new SACs and SPAs designated under these Regulations.
- 2.1.3. Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new NSN.
- 2.1.4. It is a matter of Government policy (NPPF paragraph 118) that sites designated under the 1971 Ramsar Convention for their internationally important wetlands (commonly known as Ramsar sites) are also considered in the same way as Habitats sites. Together, these sites are referred to as 'Habitats sites' in the NPPF and in this report.
- 2.1.5. Other site designations of national or local importance are not assessed by the HRA process, but with respect to Sites of Special Scientific Interest (SSSI) these designations largely overlap with European or Ramsar sites.
- 2.1.6. Maintaining a coherent network of protected sites with overarching conservation objectives is still required in order to:
- fulfil the commitment made by government to maintain environmental protections; and
 - continue to meet our international legal obligations, such as the Bern Convention, the Oslo and Paris Conventions (OSPAR), Bonn and Ramsar Conventions.
- 2.1.7. This report presents information to enable the assessment required as part of Stage 2 of the HRA process, to establish whether or not the SBC Local Plan will have an adverse effect upon the NSN and Habitats sites. This report should be read in conjunction with the Stage 1 Screening Report.
- 2.1.8. The principle of Favourable Conservation Status (FCS) of features within Habitats sites as set out in the original Habitats Directive (European Commission, 2021) is central to this assessment. The use of the term FCS is not amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and the term still has the meaning given by Article 1 of the Habitats Directive. Defra guidance (Defra, 2017) does however note that:

“an appropriate authority is only responsible for managing and adapting the national site network to secure FCS of a feature proportionately to the importance of the UK within the feature’s natural range”.

2.1.9. The Habitats Directive provides further interpretation of the meaning of ‘favourable conservation status’ within Article 1 parts a, e and i as below.

‘(a) conservation means a series of measures required to maintain or restore the natural habitats and the populations of species of wild fauna and flora at a favourable status as defined in (e) and (i);.....

(e) conservation status of a natural habitat means the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species within the territory referred to in Article 2. The conservative status of a natural habitat will be taken as "favourable" when:

- *its natural range and areas it covers within that range are stable or increasing, and*
- *the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and*
- *the conservation status of its typical species is favourable as defined in (i);*

(i) conservation status of a species means the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within the territory referred to in Article 2; The conservation status will be taken as "favourable" when:

- *population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and*
- *the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and*
- *there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis’.*

2.2 STAGES OF HABITATS REGULATIONS ASSESSMENT

2.2.1. Guidance on the Habitats Directive (European Commission, 2000) sets out the step-wise approach which should be followed to enable Competent Authorities to discharge their duties under the Habitats Directive and provides further clarity on the interpretation of Articles 6 (3) and 6 (4). As set out in Regulation 3 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 where Natura 2000 sites are referenced in previously issued guidance, this should be interpreted as relating to the NSN, but does not otherwise affect guidance as it applied before EU exit day.

- **Stage 1:** Screening: the process which initially identifies the likely impacts upon a NSN site of a plan or project, either alone or in combination with other plans or projects and considers whether these impacts are likely to be significant.
- **Stage 2: AA:** the detailed consideration of the impact on the integrity of the NSN sites of the plan or project, either alone or in combination with other plans or projects, with respect to the site’s conservation objectives and its structure and function. This is to determine whether there will be adverse effects on the integrity of the site. Specific guidance on this stage and Stage 1 is provided in Defra guidance (Defra, 2021).

- **Stage 3:** Assessment of Alternative Solutions: the processes that examine alternative ways of achieving the objectives of the plans or projects that avoid adverse impacts on the integrity of the NSN site.
- **Stage 4:** Assessment where no Alternative Solutions Exist and where Adverse Impacts Remain: an assessment of whether the development is necessary for Imperative Reasons of Overriding Public Interest (IROPI) and, if so, of the compensatory measures needed to maintain the overall coherence of the NSN.

2.3 RELEVANT CASE LAW

- 2.3.1. There are a number of recent Court of Justice of the European Union (CJEU) rulings which are relevant to this assessment and these are given for information in Appendix A.
- 2.3.2. As the general provisions for the protection of Habitats sites and the procedural requirements to undertake HRA to assess the implications of Plans or Projects for Habitats sites remain, this previous case law established prior to the UK's exit from the EU is considered to apply unless superseded by the judgement of an appropriate UK court.

2.4 NATIONAL PLANNING POLICY

NATIONAL PLANNING POLICY FRAMEWORK

- 2.4.1. In relation to biodiversity and the SBC Local Plan, the following paragraphs in the document are relevant:
- Paragraph 170, which states 'Planning policies and decisions should contribute to and enhance the natural and local environment by:
 - a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
 - c) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate; and*
 - d) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans'.*
 - Paragraph 171 which states:

'Plans should distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the

enhancement of natural capital at a catchment or landscape scale across local authority boundaries.'

2.5 RELEVANT GUIDANCE

- 2.5.1. Government guidance, and Court rulings, has confirmed that the level of detail in the HRA of a plan, whilst meeting the relevant requirements of the Habitats Regulations, should be appropriate to the level (or tier) of plan or project that it addresses.
- 2.5.2. The guidance referred to in this has been referred to in undertaking the Stage 2 Appropriate Assessment of the SBC Local Plan policies. The approaches set out by the guidance have been interpreted to the level of detail available within the objectives, policies and description of projects based on the descriptions contained within the Local Plan, noting that the Plan is a high-level document. At a greater level of detail, and as normally required with specific project level HRAs for example, the HRA stages have more specific data requirements.

NATURAL ENGLAND'S INTERNAL GUIDANCE

- 2.5.3. In June 2018, Natural England published guidance (Natural England, 2018) on their approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations. The document draws upon Annex F of the DMRB (now withdrawn) but takes into account the Wealden Judgement and need to assess 'in-combination' effects on Habitats sites as a result of air pollution.
- 2.5.4. The guidance provides a framework around the assessment of road traffic emissions and subsequent effects on Habitats sites. Notably:
- Step 1 – Does the proposal give rise to emissions which are likely to reach a Habitats site;
 - Step 2 – Are there qualifying features within 200m of a road sensitive to air pollution;
 - Step 3 – Could the sensitive qualifying features of the site be exposed to emissions; and
 - Step 4 – Application of the Screening Thresholds.
 - Step 4a: apply the threshold alone;
 - Step 4b: apply the threshold in-combination with emissions from other road traffic plans and projects; and
 - Step 4c: apply the threshold in-combination with emissions from other non-road plans and projects.
 - Step 5: Advise on the need for Appropriate Assessment where thresholds are exceeded, either alone or in-combination.
- 2.5.5. The relevant thresholds in relation to Step 4 are as follows:
- Changes in AADT of 1000 vehicles a day (or more); and/or
 - Changes of 1% of the relevant Critical Load and/or Level as a result of the Plan/Project.

IAQM'S GUIDE TO THE ASSESSMENT OF AIR QUALITY IMPACTS ON DESIGNATED NATURE CONSERVATION SITES

- 2.5.6. The Guide to the Assessment of Air Quality Impacts on Designated Nature Conservation Sites (Holman, et al, 2020) provides advice for ecologists relating to air quality assessments (AQAs), to evaluate the effects of air pollution on habitats and species, by increasing their understanding of the information provided by air quality specialists. The Guide focusses on

the AQA process and no specific detail on the subsequent stage of the overall process, i.e. the assessment of the effects that air quality impacts may have on habitats and species, is provided in this guidance.

CIEEM ADVISORY NOTE: ECOLOGICAL ASSESSMENT OF AIR QUALITY IMPACTS

- 2.5.7. This guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM, 2021) is intended to take ecologists (and air quality specialists) through the issues that they should consider in order to make an informed judgement as to the ecological effects of changes in pollution concentrations and deposition rates. The approaches set out build on the advice and guidance from Natural England and IAQM, but focus on the ecologist role to interpret the numerical output of air quality assessments to reach evidence-based conclusions on ecological significance.

OTHER RELEVANT GUIDANCE AND POLICY:

- Chapman, C. and Kite, B. (2021). Guidance on Decision-Making Thresholds for Air Pollution.
- JNCC Report No.696 (Main Report), JNCC, Peterborough, ISSN 0963-8091 (Note: Plan-level limitation of use is set out in this document; advice on Zol has been applied)
- Department for Communities and Local Government (August 2006). Planning for the protection of Habitats sites: Appropriate Assessment. Guidance for Regional Spatial Strategies and Local Development Documents. Draft.
- English Nature (2006). Draft Guidance – The Assessment of Regional Spatial Strategies and Sub-regional strategies under the provisions of the Habitats Regulations
- European Commission (2000). Managing Natura 2000 Sites, the provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC. Available online: http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf. Accessed [12/04/2022]
- Scottish Natural Heritage (January 2015). Habitats Regulations Appraisal of Plans Guidance for Plan-Making Bodies In Scotland Version 3.0 originally prepared by David Tyldesley And Associates;
- Tyldesley, D. and Chapman, C. (2013). The Habitats Regulations Assessment Handbook (July 2020 Edition) UK DTA Publications Ltd.
- Convention on Wetlands of International Importance especially as Waterfowl Habitat. Ramsar (Iran), 2 February 1971. UN Treaty Series No. 14583. As amended by the Paris Protocol, 3 December 1982, and Regina Amendments, 28 May 1987.
- Joint Nature Conservation Committee (JNCC) (2016). SAC and SPA Standard Data Forms and Ramsar Information Sheets. Available online: <https://jncc.gov.uk/our-work/uk-protected-area-datasets-for-download/> Accessed [12/04/2022].

HRA POLICY GUIDANCE

- Council of the European Union (1992). Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora. Available online: <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:31992L0043>. Accessed: [12/04/2022]
- Council of the European Union (2009). Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds.



Available online: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:ev0024>.
Accessed: [12/04/2022]

- Department for Communities and Local Government (DCLG) (2019). National Planning Policy Framework.
- European Communities (2007). Guidance document on Article 6 (4) of the 'Habitats Directive' 92/43/EEC; Available online: http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/guidance_art6_4_en.pdf Accessed: [12/04/2022]
- Her Majesty's Stationary Office (2017). The Conservation of Habitats and Species Regulations 2017/490.

3 SUMMARY OF APPROACH

3.1.1. The Stage 2 HRA has comprised the following steps:

- Review of LSE identified at Stage 1 Screening, drawing on the information gathered at that stage including the Conservation Objectives, Site Improvement Plans and other evidence base materials, e.g. ornithological research;
- Discussion regarding the potential adverse effects in relation to Policy actions and targets; and
- Assessment of the potential for adverse effects on integrity, both alone and in-combination with other plans and projects.

3.1.2. The findings of the Appropriate Assessment undertaken as part of Stage 2 of the HRA process to establish whether a conclusion of no adverse effects of Policies on Habitats sites can be made are presented within Section 5.

3.2 REVIEW OF HRA STAGE 1 SCREENING OF THE LOCAL PLAN POLICIES

3.2.1. Five Habitats sites were considered at HRA Stage 1 Screening and these include two SPAs and three SACs and one Ramsar site (the South West London Waterbodies) (see Figure 1).

3.2.2. The reasons for designation of these sites and their known vulnerabilities are given in Appendix B and C, which has been collated from the Natura 2000 standard data forms and the Natural England Site Improvement Plans.

3.2.3. SBC provided an indicative list of site allocations to meeting the housing needs of the Borough. These were used as the primary basis on which to set up the Zones of Influence (Zol) and assume:

- dispersal of development across the Borough as shown on supplied plans; and
- delivery of 618 dwellings per annum around the SBC boundary was applied.

3.2.4. A Zol of 10km was therefore applied around the allocated sites identified, the premise being that 10km represents the average trip length as noted in the National Transport Survey³ and as included in in the Joint Nature Conservation Committee (JNCC) guidance for air quality (Chapman and Kite, 2021).

3.2.5. The pressures and threats on these Habitats sites were also considered (noted in Appendix C) and reviewed for those likely to arise from the policies within the Local Plan and in particular the proposed delivery of dwellings within the Borough. Those considered relevant to this type and scale of development included:

- air pollution: impact of atmospheric nitrogen deposition;
- public access/ disturbance/ recreational pressures; and
- tall buildings (in relation to habitat fragmentation).

³ As cited within the Air quality and emissions mitigation guidance for Sussex (2020)

- 3.2.6. A number of policies were screened-out due to their nugatory or beneficial effects on Habitats sites, but two policies were screened-in (ST2 the Spatial Development Framework and ID1 – Infrastructure and Delivery) 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 recreational and development pressures.
- 3.2.7. The Habitats sites identified as requiring further assessment in relation to the potential impact of the implementation of the above two Local Plan policies are:
- The South West London Water bodies SPA and Ramsar site (in relation to potential LSE of habitat fragmentation);
 - Windsor Forest and Great Park SAC (in relation to potential LSE of changes in air quality);
 - Thames Basin Heaths SPA (in relation to potential LSE of increased recreational pressures); and
 - Thursley Ash, Pirbright and Chobham Common SAC (in relation to potential LSE of increased recreational pressures)
- 3.2.8. Given the possibility of LSE associated with the screened-in interventions, further, detailed appropriate assessment is considered necessary to satisfy the requirements of the Habitats Regulations.

CONSULTATION WITH NATURAL ENGLAND

- 3.2.9. Consultation with Natural England is a key element of the HRA process and assists in forming the structure of the ongoing assessment.
- 3.2.10. Consultation responses were received from Natural England on the Local Plan – Issues and Options⁴ and on the Local Plan Preferred Options – Policies and Site Allocations Plan⁵ and in a further meeting on 21 June 2022.
- 3.2.11. Natural England has provided written commentary over the consultation process in formal letter to the Issues and Options consultation, 22 June 2018⁶ and through online comments made on 21 Jan 2020 to the Preferred Options Consultation: Policies and Site Allocations: Spelthorne⁷

⁴ Natural England Consultation response on Issues and Options. Available from: <https://spelthorne.inconsult.uk/gf2.ti/af/925666/161439/PDF/-/Natural%20England%20-%20Chris%20Baines.pdf> [Accessed online 25/07/22]

⁵ Natural England Consultation response on Preferred Options - policies and site allocations. Available from: <https://spelthorne.inconsult.uk/DraftLocalPlan/listRepresentations?docid=11065172&objectoruid=25806657> [Accessed online 25/07/22]

⁶ Chris Baines, 22 June 2018. Available from: <https://spelthorne.inconsult.uk/gf2.ti/af/925666/161439/PDF/-/Natural%20England%20-%20Chris%20Baines.pdf> [Accessed online 25/07/22]

⁷ Victoria Huth, online comments made on 21 Jan 2020. Available from: [View Comment - Spelthorne Local Plan - Preferred Options Consultation: Policies and Site Allocations - Spelthorne \(inconsult.uk\)](#) [Accessed online 25/07/22]

- 3.2.12. The 2018 commentary identifies primarily issues potentially associated with air quality. The 2020 commentary focusses on tall buildings and ‘very close proximity’ as well as ‘functionally linked land’, but also references air quality and recreational disturbance.
- 3.2.13. In the meeting held on 21 June 2022, agreement was reached on the Habitats sites and pressures/threats scoped into this assessment. Clarification was sought on what ‘very close proximity’ means in relation to tall building close to the South West London Waterbodies SPA/Ramsar site. The SSSI impact zones, at 50m, 200m and 500m provide a sound baseline for this assessment, but the SSSI Zone criteria do not mention tall buildings. It was generally agreed that a 200m ZoI would be utilised as a screening distance, matching the SSSI Zone criteria, but NE would require this buffer to be increased where functionally linked land or a lack of existing barriers are present. It was also agreed that the 200m buffer could be disregarded where it is well within existing elevated urban development areas, or where the embanked sides of a waterbody would effectively reduce the impact of taller buildings.
- 3.2.14. In summary the following guidance was provided by Natural England and forms the basis of the AA:
- Air quality - the impacts of air quality on the natural environment are expected to be addressed. In particular, the traffic impacts associated with new development. In most instances the potential for LSE can be discounted based on the likely change in traffic due to the Local Plan ‘alone’ being de-minimis, meaning that there would be no need to subsequently consider ‘in-combination’ effects due to changes in air quality This applies to roads within the vicinity (200m) of Thames Basin Heaths SPA and Thursley, Ash, Pirbright and Chobham SAC. However, further evidence/traffic data information is required in relation to Windsor Forest and Great Park SAC.
 - Tall buildings and construction – 4 storeys or higher up to 200m from the sites is a concern, but this distance may be extended by open habitat. The distance to proposed multi-storey development is considered more acceptable if the water body has an elevated reservoir bund.
 - Recreation disturbance for the SBC Local Plan is a concern on South West London Waterbodies SPA/Ramsar sites only. No SANG expected, but need to review uses and supporting habitats, e.g. margins.
 - Water/nutrient neutrality – not expected to be an issue in the SBC Local Plan.
- 3.2.15. It was also agreed that Wimbledon Common SAC and Richmond Park SAC were outside the ZoI of SBC’s Local Plan proposals, and/or did not support qualifying features considered likely to be affected by the SBC Local Plan.

4 METHODOLOGY APPLIED TO THE ASSESSMENT OF EFFECTS

4.1 AIR QUALITY INPUT

- 4.1.1. As noted within Paragraph 4.1.14, the Stage 1 Screening identified that whilst air pollution is an identified pressure for Windsor Forest and Great Park SAC and an identified pressure and threat for Thames Basin Heaths SPA and Thursley, Ash, Pirbright and Chobham SAC, the changes in traffic within Thames Basin Heaths SPA and Thursley, Ash, Pirbright and Chobham SAC were de-minimis and did not warrant further assessment. The Stage 1 Screening also screened out potential air quality effects on Richmond Park SAC, Wimbledon Common SAC and the South West London Waterbodies (SPA and Ramsar).
- 4.1.2. Therefore, with respect to air quality, the Stage 2 AA has focused on the potential for air quality effects within Windsor Forest and Great Park SAC as the changes in traffic predicted by Surrey County Council's (SCC's) Sub Regional Transport Model for the nearest road to the SAC are of a magnitude that effects could not be discounted without further analysis.
- 4.1.3. The evidence base for this further analysis has comprised:
- A review of traffic data provided by SCC's Transport Team to enable consideration of the changes in traffic that are likely to occur under the emerging Local Plan;
 - A review of the average distance (5.5km) travelled within SBC;
 - A review of which site allocations fall within both:
 - The 10km zone of influence (based on the site allocations); and
 - A ZoI based on the average distance travelled (5.5km). N.B These distances have been measured 'as the crow flies' but further consideration has been given to journey length based on the most likely routes and the measured distance along these routes.
 - A review of the condition of the SSSI component units; and
 - A review of the conservation objectives for the SAC.
- 4.1.4. The review of the above evidence base has led to a professional judgement regarding the potential for LSE on the integrity of Windsor Forest and Great Park SAC.

4.2 TALL BUILDINGS AND CONSTRUCTION

- 4.2.1. Consultation with Natural England has identified concerns relating to South West London Water bodies SPA and Ramsar site and tall buildings, which is not otherwise identified as a pressure or threat in the associated site information for these locations. An assessment is therefore required to address unintended consequences of specific allocations.
- 4.2.2. Close proximity of such development could lead to disturbance of qualifying wintering bird species during development construction and operation and potentially limit the movement of birds between Habitats sites and functionally linked land or supporting habitats.
- 4.2.3. The SSSI impact zones, at 50m, 200m and 500m from the Habitats sites provide a baseline for the recognition of 'very close proximity', but the SSSI Zone criteria do not mention tall buildings per se. However, it was agreed that a 200m ZoI would be utilised as an

assessment distance, neatly matching the SSSI Zone criteria. Natural England have advised that this buffer should be increased where functionally linked land or a lack of existing barriers are present.

- 4.2.4. It was also agreed with Natural England that the 200m buffer could be disregarded where it is well within existing elevated urban development areas, or where the embanked sides of a waterbody would effectively reduce the impact of taller buildings. In addition, NE recommended that 4 storeys or higher up to 200m from the sites is a concern, but this distance may be extended if open habitats are located in the areas adjacent to the waterbodies.
- 4.2.5. This approach has been agreed with Natural England as suitable for identifying the potential risk posed by individual allocations and tall buildings, noting that this may not be a necessary consequence of the allocation sites and is undertaken as a precautionary sensitivity assessment.

4.3 RECREATIONAL PRESSURE AND DISTURBANCE

- 4.3.1. The basis of this assessment lies with the average travel distance of residents within the Borough and the propensity to use Habitats sites as a recreational resource given the geographical location of the allocated sites noted in the emerging Local Plan.
- 4.3.2. Consultation with Natural England has been key to identifying specific Habitats sites and existing pressures on those sites, with reference to likely changes in usage under the SBC Local Plan.
- 4.3.3. This assessment has additionally focussed on A review of existing accessibility and pressures on South West London Water bodies SPA and Ramsar site where these locations would not necessarily only be reachable by vehicular traffic.

4.4 IN-COMBINATION ASSESSMENT

- 4.4.1. It is a requirement of the Habitats Regulations to consider the effects of projects or plans “in combination” at the screening stage. Articles 24, 63 and 105 of the Habitats Regulations require Natural England and other competent authorities to consider the effects of plans or projects alone and in combination with other plans or projects. The ‘in-combination’ requirement is undertaken in order to make sure that prior to their authorisation the effects of numerous proposals, which alone would not result in a significant effect, are further assessed to determine whether their combined effect would be significant enough to require more detailed assessment.
- 4.4.2. The landmark Waddenzee judgment provides a clear interpretation of the legislation. Paragraphs 53 and 54 of the Judgment state:

“according to the wording of that provision [Article 6(3) of the Habitats Directive] an appropriate assessment of the implications for the site concerned of the plan or project must precede its approval and take into account the cumulative effects which result from the combination of the plan or project with other plans or projects in view of the sites conservation objectives. Such an assessment therefore implies that all the aspects of the plan or project which can, individually or in combination with other plans or projects, affect those objectives must be identified in the light of the best scientific knowledge in the field.”



- 4.4.3. With reference to Section 2.2, case law and methodology relating to HRA has changed rapidly over recent years. One of the most notable changes as a result of CJEU rulings has been the clarification that mitigation measures cannot be included in HRA Stage 1 (Screening). As this was previously a common practice, many HRAs will have concluded no LSE on Habitats sites, based on the likely effectiveness of mitigation measures. The outcome of this is that preceding plan-level HRAs can be unreliable in terms of adopted conclusions of 'no LSE'.
- 4.4.4. Based on this complexity and need for consistency in the assumptions relating to mitigation, a precautionary approach has been adopted when considering the HRA conclusions of overlapping plans and projects in-combination.

5 STAGE 2: APPROPRIATE ASSESSMENT

5.1.1. The results of the Stage 2 AA are outlined below. The discussion is presented by designated site and LSE as set out within the Stage 1 Screening.

5.2 THE SOUTH WEST LONDON WATER BODIES SPA AND RAMSAR SITE

TALL BUILDINGS AND CONSTRUCTION

5.2.1. This section considers the potential adverse effects on integrity of the South West London Water bodies SPA and Ramsar site from the construction of tall buildings in close proximity as a result of Local Plan policies.

5.2.2. Tall buildings are not specifically listed as a pressure or threat to the identified Habitats sites and specifically their qualifying features, but are considered here in relation to habitat fragmentation. This is an issue identified by Natural England during initial consultation (see 4.2 above) which has potential for impact pathways on the qualifying features of the SPA/Ramsar site.

5.2.3. There are existing tall buildings (above 5/6 stories) in the built-up area of Staines upon Thames and Ashford, some in close proximity to this Habitats site, but mostly within the established urban areas.

5.2.4. Six allocated sites have been identified which sit within the 200m Zol of this Habitats site (see Figure 2).

- AS1/001 Tesco site, 350 units proposed on 3.94ha;
- AS1/003 Fire station site 0.4ha, 50 units proposed;
- AS1/011 Former Bulldog Nurseries site, 24 units proposed;
- AS2/002 Ashford Youth Club site 0.25ha, 5 units proposed and reinstatement of youth club building;
- ST1/043 Land east of 355 London Road, allocated as a Gypsy and Traveller site; and
- ST4/025 Copper Mill Road 0.92ha 15 proposed Units.

5.2.5. The ecology baseline is taken from two key publications, a PhD thesis by Briggs (Briggs, 2007) and a paper on habitat selection and waterbody-complex use by wintering Gadwall and Shoveler in South West London by Briggs, et al, 2012. This research, whilst over ten years old, provides the best available information on the movement and distribution of the two qualifying species around the range of waterbodies in south-west London.

5.2.6. It is clear that at the time of this study the habitat preferences of Gadwall and Shoveler did not closely match the ecological condition of the SPA and Ramsar site waterbodies and, in particular, their patterns of site use did not closely match the distribution of the seven separate component waterbodies of the SPA.

5.2.7. The wider distribution of waterbodies is clearly important to these species as they are able to vary their pattern of use and distribution in response to changes in food resources and other ecological variables both within and between winters. The network of waterbodies is as important if not more so than any one individual waterbody for these species.

- 5.2.8. The research suggested that the patterns of wildfowl site use present a reasoned argument for the inclusion of additional sites in the SW London Waterbodies SPA, or for dealing with the SPA in a different manner to a site with a more contiguous boundary. The research did not focus on urbanisation and in particular tall buildings, but considered recreational pressures and other development issues.
- 5.2.9. The research states *“Since 1989, Shoveler numbers in both the SWL SPA and the SW London area as a whole, have remained fairly stable. Gadwall numbers in both areas have fluctuated widely, with numbers currently in steep decline. The decline appears to be largely the result of birds redistributing away from the SW London area to waters in the wider Thames region, rather than through local increases in density-dependent mortality. Natural variation in food is unlikely to have been sufficient to cause the redistribution, and it is thought that increasing human disturbance is partly responsible, either directly through water-based activities, or indirectly through ecological changes (e.g. due to authorised carp fishing).”*
- 5.2.10. The fact that the wintering population depends largely on the SW London waterbodies makes Shoveler more vulnerable than Gadwall to the effects of human disturbance and environmental change in the area.

ASSESSMENT OF POTENTIAL EFFECTS

- 5.2.11. Six allocated sites are considered to be in close proximity to the SPA as noted above and in Figure 2 and these are considered in turn.

AS1/001 Tesco site

- 5.2.12. On this 3.94ha site 350 units are proposed and planning guidance from SBC suggests that any new building will be constructed to a similar height to those existing in the vicinity and incorporate the existing, low-rise Tesco building. Ashford Hospital immediately adjacent to this site has 5 stories over an extensive area and the West Plaza residential building has 5/6 stories.

AS1/003 Fire station site

- 5.2.13. On this 0.4ha site 50 units proposed and planning guidance suggest that these could be 5/6 stories high. Similar to the Tesco site, existing tall buildings and the largely urbanised area of Ashford to the south and east, as well as Heathrow Airport (to the north) are located in the vicinity.

AS1/011 Former bulldog Nurseries site

- 5.2.14. On this small site 24 units are proposed and are considered unlikely to be high rise by the LPA. In the area involved these buildings could rise to 4/5 stories, but are similarly located to the Tesco and Fire Station sites immediately adjacent to built up areas with existing tall buildings.

AS2/002 Ashford Youth Club site

- 5.2.15. On this 0.25ha site, 5 units are proposed including the reinstatement of youth club building. It is also considered by the LPA that this development would unlikely be high rise. The site is located south of the A315 London Road at approximately 170m distance from the SPA boundary.

ST1/043 Land east of 355 London Road

- 5.2.16. This is allocated as a Gypsy and Traveller site and as such is likely to be laid out plots for mobile residential units and caravans, and unlikely to result in high rise development. It is located adjacent to London Road on the reservoir side and therefore sits at the base of the embankment which rises approximately 8-10m at this point.
- ST4/025 Copper Mill Road
- 5.2.17. On this small site of 0.92ha 15 units are proposed and it is considered by the LPA that any development here will unlikely result in high rise but more likely to be less than 4 stories in height. The allocated site is located adjacent to the existing residential area of Horton and the high reservoir embankment which rises above 10m at this point.
- 5.2.18. All of the above sites sit within or immediately adjacent to existing built-up residential or mixed commercial/residential areas rather than in open countryside and as such do not present any significant changes to the skyline profile for birds moving out from the SPA waterbodies. The two sites where 5/6 storey buildings are considered likely by the LPA are located adjacent to existing high-rise features which are already located in close proximity to the SPA/Ramsar site.
- 5.2.19. Little information exists, apart from ad hoc observations, on flight movements of gadwall and shoveler from the main SPA waterbodies (Staines, King George VI and Wraysbury Reservoirs) close to these proposed allocation sites, and most importantly how barriers along flight lines, such as tall buildings, influence these movements.
- 5.2.20. It can be assumed, that the primary flight paths will be to waterbodies in close proximity and in more open landscapes predominantly away from the urban areas of Staines, Ashford and Stanwell (including Heathrow Airport to the north). It is considered likely therefore that the complex of waterbodies to the north west around Wraysbury and Horton, the Queen Mother Reservoir to the north and to a lesser extent the smaller waterbodies at Bedfont Lakes Country Park will be primary destinations for both species.
- 5.2.21. The River Thames floodplain will also provide a key movement path and foraging area for these species giving access to the complex of water bodies near Thorpe and Littleton near the M3 corridor to the south, including Queen Mary Reservoir.
- 5.2.22. In this respect development of the Allocated site ST4/025 at Copper Mill Road near Horton presents the only potential feature which could impact on flight lines and increase habitat fragmentation. However, this site is unlikely to result in a high-rise development and nestles at the foot of the highest embankment zone around Wraysbury Reservoir.
- 5.2.23. Construction activity and noise in close proximity to the SPA/Ramsar site could also lead to disturbance of the two qualifying species in winter. All species vary in their responses to noise and related sources of disturbance and this response is often also related to the specific local environmental conditions. The primary factors are the sensitivity of the species in question (and this can depend on season), the proximity of disturbance sources and the timing and duration of the potential disturbance activity (Woodfield and Langston (2004). Energy expenditure by bird species in relocating to undisturbed areas is a significant factor in winter when food supply is at a premium.
- 5.2.24. Birds can habituate to predictable and regular patterns of sound or visual disturbance and the further the distance the disturbance source is the less likely it will result in a bird response. At the other extreme the most disturbing activities are likely to be those that involve unpredictable and irregular loud noises or visual disturbance events of long duration.

Habituation is a key factor therefore in determining levels of disturbance on the qualifying species in the Borough (Cutts et al, 2013, showing that high noise levels 55 – 72db are reduced to low level stimuli to bird response when located in an already highly disturbed environment (60db)).

- 5.2.25. All of the allocated sites listed in the emerging Local Plan are located at distance from the SPA/Ramsar site and/or within already built-up areas where existing noise levels including construction activity can be significant. Noise and movement of large aircraft across and above the waterbodies from Heathrow Airport occurs on a regular basis in the area.
- 5.2.26. It is considered that any noise and visual disturbance as a result of the construction activity from the allocated sites, which are located in close proximity to the SPA/Ramsar site, will likely be offset by the noise and visual barrier-effect of the large embankments around these waterbodies. Research suggests that significant noise and visual stimuli located behind normal low flood banks can be reduced significantly to low levels of disturbance (Cutts and Allen, 1999). In addition, the large size of the waterbodies and the close availability of refuge areas, as well as the proximity of the SPA and supporting habitat network, suggests that energy expenditure of wintering birds when required to relocate due to disturbance would be minimised. Research shows that high level noise activities upto 72db are reduced to moderate to low levels when birds move to more than 250-300m distance (Cutts, et al, 2013). Given the size of the waterbodies involved this movement away from disturbance sources with minimal energy expenditure is possible and likely.

MITIGATION/CONCLUSIONS

- 5.2.27. It is considered unlikely therefore that adverse effects on integrity of the South West London Waterbodies SPA and Ramsar site will occur as a result of tall buildings and their construction in close proximity. It is important to note that due to the proximity of the Habitats site it will still be necessary for each proposal within the six allocated sites noted above to also be subject to HRA at a project level.
- 5.2.28. Article 10 of Policy E2 (Biodiversity) in the emerging Local Plan states: *“Development proposals not directly related to the management of Ramsar, and SPA, as well as SSSI units forming part of these designations will not be permitted unless it can be demonstrated that the impact of proposals, either alone or in combination, will not result in likely significant effects. If significant adverse effects remain even with the implementation of suitable avoidance and/or mitigation, development proposals will need to demonstrate that alternatives to the proposal have been fully explored.”*
- 5.2.29. This is a key element of the Local Plan in terms of biodiversity conservation and bolsters the protection of Habitats sites within the vicinity of the main built-up areas in the Borough.

RECREATIONAL PRESSURE DUE TO PUBLIC ACCESS / DISTURBANCE

- 5.2.30. This section considers the potential adverse effects on integrity of both the South West London Waterbodies SPA and Ramsar site from recreational pressures as a result of proposed Local Plan led infrastructure delivery and housing development in the Borough.
- 5.2.31. Similar to that of the Thames Basin Heaths SPA and Thursley Ash, Pirbright and Chobham Common SAC provided later in this assessment, the basis of this assessment lies with the average travel distance of residents within the Borough and

the propensity to use Habitats sites as a recreational resource given the geographical location of the allocated sites noted in the emerging Local Plan.

- 5.2.32. All of the component waterbodies within the SPA/Ramsar site lie within close proximity and/or accessible distance to the main urban areas and the proposed allocated sites within the Borough and the immediate surrounds. This also applies to the large number of waterbodies which are considered to be functionally-linked or supporting habitat.
- 5.2.33. All these waterbodies have different access arrangements, some are not open to the public, others are open to the public but access is controlled, e.g. Bedfont Lakes Country Park, the Affinity Water sites such as Heron Lake and the Kempton Park East Reservoir (the latter two sites outside the Borough boundary to the south and east). A small number have unrestricted public access. It is clear that the latter are the ones most likely to experience a significant increase in visitors due to local population change, but these are located largely outside the Borough.
- 5.2.34. The waterbodies in the immediate vicinity of the main collection of allocated sites and built-up areas of Staines, Ashford and Stanwell comprise the large reservoirs of Staines, King George VI and Wraysbury. The Staines and King George VI Reservoirs are accessible by footpath and by fishing permit, but Wraysbury has no public access and is situated behind security fencing and high embankments. The single allocated site at ST4/025 Coppermill Road is located immediately adjacent to the Wraysbury Reservoir near Horton.
- 5.2.35. The large Queen Mary Reservoir in the south of the Borough is inaccessible to the public but it does have an active sailing club. There are several allocated sites situated to the east of the Reservoir at Sunbury upon Thames at the end of the M3 corridor.
- 5.2.36. The Wraysbury Lakes and Horton gravel pits complex, including the Affinity Water sites such as Heron Lake, are largely inaccessible and reserved for fishing or gravel extraction. There are some public footpaths which access parts of these areas with occasional picnic sites etc. These sites are located immediately outside the Borough boundary and as such there are no allocated sites in the immediate vicinity.
- 5.2.37. The waterbodies within the Bedfont Lakes Country Park in the Ashford area are open to the public and are managed as a nature reserve (wardened) and some parts of the site have restricted public access to provide refuge areas for wildlife.
- 5.2.38. The lake complex in the south of the Borough near the M3 corridor at Littleton are largely private and managed for fishing and sailing (Services Angling Club and Littleton Sailing Club respectively), but footpaths do traverse some banks around the residential areas to the east.
- 5.2.39. The large gravel pit bordering the River Thames and Laleham Park (SBC managed) also near the M3 corridor is partly still worked and managed for water skiing (Spelthorne Water Ski Club) and canoeing (Surrey Canoe Club).

ASSESSMENT OF POTENTIAL EFFECTS

- 5.2.40. The research by Briggs (2007) and Briggs et al (2012) has considered the extent to which these waterbodies were disturbed (or vulnerable to disturbance) and also commented on the

types of recreational use experienced. This work has been used to determine whether the waterbodies/complexes considered in this assessment are likely to be subject to disturbance due to the emerging Local Plan policies, allocated sites and housing targets.

- 5.2.41. At the waterbodies where public access is restricted or where the site is completely private, it is considered that any increase in the local population as a result of the Local Plan policies cannot be assumed to result in a significant increase in visitors. On these sites visitors can be managed which balances the interests of the site and retains the ecological value for these species. This applies to the Wraysbury, Queen Mother, Queen Mary, Wraysbury Lakes and Horton gravelpits complex, the Bedfont Lakes Country Park and the waterbodies near the M3 corridor at Littleton and Laleham. As a result, it is considered that significant recreational disturbance will not arise at these sites as a result of Local Plan policies.
- 5.2.42. At some of these sites however, water sports activities do take place, but the Briggs research suggests that these sites can also support large numbers of feeding and roosting gadwall and shoveler.
- 5.2.43. Habituation to low to moderate levels of noise and regular activities by the two qualifying species does occur at these sites and the large size of the waterbodies assists in providing suitable refuges close by, thus reducing energy expenditure in winter. The physical separation between the water sports activities for example and areas where birds can seek refuge is possible on most sites, in particular the larger waterbodies.
- 5.2.44. In addition, it is assumed that recreational pressures will be reduced in winter purely due to the smaller number of users when these non-breeding species are predominantly present in the SPA/Ramsar site.
- 5.2.45. The nature of some water sport activity, e.g. water-skiing, can provide some controls on levels of disturbance. The capacity of most water bodies to take water skiing activities for example is limited by the number of vessels permitted on safety grounds. Therefore, an increase in the local population as a result of Local Plan policies may not necessarily result in an increase in the amount of water-skiing activity at any given time. It is considered therefore that no adverse effect would arise at these sites as a result.
- 5.2.46. The Staines Reservoir is largely open to the public for walking and fishing and can be a popular destination. On the occasions when disturbance on wintering gadwall and shoveler is experienced as a result of these activities then the network of supporting habitats close by becomes important.
- 5.2.47. The Briggs research showed the importance of the Bedfont Lakes as a refuge when birds are disturbed at Princes Lake or the Staines reservoirs. This was noted in the London Plan HRA (GLA, 2018) *“The research also indicates that, while the park is open to and popular with the general public, the population of gadwall that uses the lakes have become habituated to the presence of people. Indeed, gadwall seems to have become sufficiently habituated that although this site is well used for recreation by dog walkers and joggers it also serves as a refuge for birds displaced from Princes Lake. This is probably also attributable to the management of the site as a nature reserve and the fact that some parts of the site have restricted public access to provide refuge areas. Given the fact that the site is already well-used for recreation but that this is clearly entirely compatible with its value for gadwall (and there are no proposals to introduce disturbing activities such as water-skiing as*



the site is managed as a nature reserve) it is considered that no adverse effect would arise here”.

- 5.2.48. It is clear therefore that the network of functionally-linked supporting habitat is key to maintaining a robust approach to the protection of the qualifying features and the integrity of the SPA/Ramsar site in the Borough. The Briggs research has shown that the network of sites, (Habitats sites and others) is utilised extensively by these species for foraging, roosting and seeking refuge and around which they move freely and disperse across a wide area when necessary. The largely restricted public access to waterbodies, especially the large core sites, across the Borough contributes towards their protection.

MITIGATION/CONCLUSION

- 5.2.49. Given the above it is considered that no adverse effects on the integrity of the SPA/Ramsar site will be incurred from any increase in population as a result of the Local Plan policies on housing.
- 5.2.50. The conclusion of no adverse effect on integrity means that mitigation measures are not required, however mechanisms are already in place to bolster the protection of Habitats sites against such threats if required. Specific policies within the Local Plan will also serve to avoid, minimise and offset the potential impacts of recreational pressures on these sites.
- 5.2.51. The emerging Local Plan contains policies that are likely to reduce recreational pressures on the SPA and Ramsar site by enhancing connectivity in the Borough, promoting physical activities and providing more recreational greenspace. Such recreational, leisure and cultural facilities have the potential to divert pressures away from Habitats sites bordering the Borough, e.g. Policy E5 Open Space and Recreation and Policy EC4 Leisure and Culture.
- 5.2.52. In this respect Action 1C in the SPA SIP states: *“Introduce new recreation opportunities to attract people away from ecologically sensitive areas, including well managed/constructed through routes. Incorporate such measures into plans for the area, including flood alleviation schemes. Discourage recreational disturbance by promoting sustainable and appealing recreation opportunities to the public and providing on-site signage. Work in partnership with local planning and highway authorities, nature conservation organisations, parish councils, community groups etc.”* The diversification of leisure and recreational activities/facilities across the Borough as noted in Policies E5 and EC4 will move towards achieving his goal.

5.3 WINDSOR FOREST AND GREAT PARK SAC

AIR QUALITY

- 5.3.1. This section considers the potential adverse effects on integrity of Windsor Forest and Great Park SAC from changes in air quality as a result of infrastructure delivery and housing development Local Plan policies in the Borough. It outlines key pieces of evidence (as presented to Natural England) before concluding the potential for LSE at Windsor Forest and Great Park SAC due to changes in air quality resulting from the implementation of SBC's emerging Local Plan.

REVIEW OF TRAFFIC DATA

- 5.3.2. The following strategic roads (as opposed to local roads/routes) fall within both 200m of Windsor Forest and Great Park SAC and within the identified ZOI (based on a radius of 10km from the proposed site allocations):

- B3022 North Street;
- B383 North Hill;
- B3022 Winkfield Road;
- A332 Sheet Street/Kings Road/Windsor Road;
- B3034 Lovel Lane; and
- A329 Blacknest/ London Road.

5.3.3. These are shown in Figure 3 along with the western extent of SCC's sub regional transport model from which flows have been derived. It should be noted that the model network does not extend along any of the above roads with the exception of the A329 (Blacknest/London Road).

A329 Blacknest/London Road

5.3.4. On the A329 (Blacknest/London Road), the predicted changes in traffic due to the implementation SBC's emerging Local Plan are approximately:

- +59 vehicles a day when considering the impact of the Local Plan 'alone' and
- +1306 'in-combination' (when comparing the 2014 base year and 2037 'With the Local Plan').

5.3.5. The predicted increase due to the Local Plan 'alone' is only marginally above the 50 AADT threshold which has been applied in other neighbouring Local Plans following advice from Natural England (Thames Solent Team), when determining the need for further assessment. Following detailed consultation on these traffic data changes (both alone and in-combination) Natural England has confirmed that no further assessment (i.e. air quality modelling) is required in this location.

Crimp Hill

5.3.6. Whilst not a strategic road, SCC's subregional transport model includes data for Crimp Hill which is located within 200m of Windsor Forest and Great Park SAC and within the identified ZOI. The predicted changes in traffic on this road are:

- +77 vehicles a day when considering the impact of the Local Plan 'alone' and
- -7160 'in-combination' (when comparing the 2014 base year and 2037 'With the Local Plan').

5.3.7. There is an overall decrease predicted between 2014 and 2037 'with the Local Plan', and the predicted increase due to the Local Plan 'alone' is only marginally above the 50 AADT threshold which has been applied in other neighbouring Local Plans following advice from Natural England (Thames Solent Team). Therefore, Natural England has confirmed that no further assessment (i.e. air quality modelling) is required in this location.

A308 (leading to the B3022, B383, B3022, A332 and B3034)

5.3.8. SCC's sub regional transport model does not extend to cover the following roads which fall within 200m of Windsor Forest and Great Park SAC: B3022, B383, B3022, A332 and B3034.

5.3.9. The nearest road for which there is traffic data is the A308 as it approaches Windsor (see Figure 3). The predicted changes in traffic on this road due to the implementation SBC's emerging Local Plan are circa:

- +323 vehicles a day when considering the impact of the Local Plan 'alone' and

- +4045 'in-combination' (when comparing the 2014 base year and 2037 'With the Local Plan').

5.3.10. Whilst recognising that further distribution of traffic associated with the implementation of the Local Plan is likely to occur between the A308 (for which traffic data is available) and B3022, B383, B3022, A332 and B3034, as they pass through Windsor Forest, due to the scale of the proposed changes, Natural England requested further traffic to be obtained from SCC regarding the likely distribution of traffic beyond the A308 (i.e. towards Windsor and beyond).

5.3.11. WSP requested additional data and the response from William Bryans at SCC was as follows:

"I anticipate that the additional flows on the roads specifically mentioned in the context of house growth in Spelthorne would be relatively low on the basis they are not on routes that in general would be used by those drivers heading from or to new residential and employment sites in Spelthorne. These roads in the main would cater for a different geographical distribution of trips.

The only way we could undertake a manual assessment would be to consider the additional flows on the A308 Albert Road and then distribute them according to turning count data at the A308/A322 junction. We do not have this information, but we can see if the Royal Borough can provide the data. However, I consider that this would be misleading (or very much a worst case scenario) on the basis that I anticipate that most trips coming from or going to Spelthorne on this part of the network would be going to / coming from Windsor and beyond rather than the using A332. But, I accept it is possible especially should the trips be going to / coming from places to the north-east of Bracknell."

5.3.12. SCC sought turning count data from the Royal Borough of Windsor and Maidenhead (RBWM), however they unfortunately confirmed that they did not hold the required data to facilitate SCC to undertake the manual assessment (as referred to by William Bryan's above). Therefore, a review of journey length via road from the nearest site allocation to Windsor Forest and Great Park SAC (as opposed to as the crow flies) has been undertaken along with some ecological analysis. The results of these additional pieces of evidence are discussed below.

Review of Journey Length

5.3.13. The site allocations which fall within the 10km ZOI are listed in Appendix D. However, the traffic team at SCC has confirmed that the average distance travelled within Spelthorne (5.5km) is lower than the national average. Therefore, a further ZOI has been considered, identifying which of the proposed allocations lies within a 5.5km radius of Windsor Forest and Great Park SAC (as it is traffic from these sites that is the most likely to travel to/through the SAC, taking into account the average distance travelled specific to Spelthorne). Only 10 of the proposed allocations are located within the 5.5km revised ZOI. These are:

- ST1/037 Thameside House, South Street
- ST2/006 Builders Yard, Gresham Road
- ST3/012 Staines Telephone Exchange, Fairfield Avenue
- ST4/002 Car Park, Hanover House and Sea Cadet Building, Bridge Street
- ST4/004 96-104, Church Street
- ST4/009 The Elmsleigh Centre and adjoining land, South Street
- ST4/010 Riverside Surface Carpark, Thames Street

- ST4/011 Thames Lodge, Thames Street
- ST4/019 Debenhams site, 35-45, High Street
- ST4/025 Coppermill Road

5.3.14. The closest of the proposed allocation sites to Windsor Forest and Great Park SAC is ST4/004 which is located 4.7km away as the crow flies. As the road network does not follow 'as the crow flies', a further test has been undertaken considering the distance from the nearest allocation (ST4/004) to Windsor Forest and Great Park SAC via the road network using the routing function within Google Maps. This found that:

- ST4/004 was 5.7 miles (9.2km) by road to the nearest point of Windsor Forest and Great Park SAC (A332 Kings Road by Long Walk Gate Car Park) and 7.3 miles (11.7km) to the SAC as it borders the B3022; and
- The distance travelled by road from ST4/025 to the SAC was less than the distance travelled for ST4/004 (the nearest allocation as the crow flies). ST4/025 was 5.5 miles (8.9km) by road to the nearest point of Windsor Forest and Great Park SAC (A332 Kings Road by Long Walk Gate Car Park) and 6.9 miles (11.1km) to the SAC as it borders the B3022.

5.3.15. With the above in mind:

- Windsor Forest and Great Park SAC is considered to sit outside of the average distance travelled within Spelthorne (5.5km) when considering journey length via the road network (as opposed to 'as the crow flies'); and
- The area of SAC alongside the B3022 is considered to fall outside the 10km ZOI when considering journey length via the road network (as opposed to 'as the crow flies').

5.3.16. Furthermore, as all of the proposed allocations within 5.5km of the SAC broadly lie within the same geographical area/orientation to the SAC, there can be confidence that the calculations above are robust and 'worst case'.

REVIEW OF ECOLOGICAL INFORMATION

Condition of the SSSI Units

5.3.17. A review of the condition of the SSSI units has been undertaken to understand the response of the habitats presence to existing pollutant concentrations/rates of N deposition. This found that all of the SSSI component units which make up Windsor Forest and Great Park SAC, where they border roads travelling through the SAC (namely the A322 (Sheet Street Road) and B3022 (Winkfield Road)), are currently in favourable condition. There is no reference in the reported condition assessments of negative effects associated with traffic and air quality and although these assessments relate to the SSSI citation rather than SAC qualifying features, the SSSI criteria are considered sufficiently similar to the SAC qualifying features that evidence of negative effects on these features would reasonably be expected to be detected and reported in the SSSI unit condition.

5.3.18. Due to the forecast future improvement in vehicle emissions and background concentrations, including the predicted increase in the proportion of electric vehicles (EVs) within the vehicle fleet, there is an expected improvement in overall NO_x concentrations and N deposition between now and the 2037 (representing the end of the Local Plan period).

- 5.3.19. Based on the scale of changes in traffic forecast on the A308 (which will further dissipate before reaching the SAC), the implementation of SBC's Local Plan is not considered to alter this overall trend of improvement. Rather the effect due to SBC's Local Plan will be one of retardation (i.e. slowing the rate of future improvements). Again, due to the minimal change in traffic expected on the A322 and B3022 as a result of the Local Plan, the degree of retardation will be minimal.
- 5.3.20. As the condition of the identified SSSI component units, where they border roads travelling through the SAC, are favourable now and there will most likely be an overall improvement in NO_x concentrations and N deposition between now and the end of the Local Plan period (even allowing for forecast growth under the Local Plan), there is no reason to expect the condition of the overlapping SSSI and SAC habitats to differ as result of changes in air quality following the implementation of SBC's Local Plan. Furthermore:
- There appears to be no difference between the condition of the SSSI units containing the identified roads and the SSSI units that are set back from the road edge which are also assessed to be in favourable condition.
 - According to RBWM's Report to Inform the HRA (March 2020) produced by Lepus Consulting, predicted NO_x concentrations were significantly below the Critical Level for NO_x of 30µg/m³ in 2033, both without and with the Local Plan;
 - The increases in NH₃ due to RBWM's Local Plan are forecast to be minimal (circa 0.01µg/m³ rounded to 1 d.p.). Contributions due to SBC's emerging Local Plan will be significantly less, taking into account the distance from the proposed allocations to the SAC and the predicted changes in traffic on the nearest road link to the SAC for which traffic data is available, and are therefore considered nugatory.
 - According to RBWM's Report to Inform the HRA, background concentrations of N dep (as obtained from APIS) exceed the lowest relevant CL range of 10 kg N/ha/yr without any modelled contributions due to road traffic including that associated with forecast growth between now and the end of RBWM's Local Plan Period (up to 2033) i.e. the SSSI component units are achieving favourable status despite existing exceedances of the relevant Critical Load.
 - The conservation objectives stated for the SAC are to ensure that the integrity of the site is maintained or restored as appropriate, and to 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,
 - The structure and function (including typical species) of qualifying natural habitats, and,
 - The supporting processes on which qualifying natural habitats rely.

CONCLUSIONS REGARDING AIR QUALITY EFFECTS ON WINDSOR FOREST AND GREAT PARK SAC

- 5.3.21. On the basis of the above points and as the SSSI units are already in favourable condition, it is our assessment that the appropriate measure to be applied would be 'to maintain' (as opposed to restore) SAC site integrity in relation to air quality and this is represented in the site management focus of the SSSI units. The SSSI unit condition assessments would appear to serve as suitable proxies for SAC qualifying features and would be expected to (as a minimum) provide indications of existing negative effects derived from air pollution, should they be present and discernible from other site pressures.

- 5.3.22. The contribution of traffic from SBC's emerging Local Plan on the road links within the SAC are presented here as low or very low. This is likely further reduced by the description of the conservative assumptions made in terms of likelihood of trips from SBC allocations to these locations, both in terms of route preference (as described by SCC) and in terms of distance over the anticipated average trip distance.
- 5.3.23. As there is likely to be an overall reduction in concentrations/N dep between now and the end of the Local Plan period, it is considered that the Conservation Objectives of the SAC will be met in the future even with the implementation of SBC's emerging Local Plan and a requirement for an even quicker reduction of such an impact has not been identified.
- 5.3.24. These conclusions were subject to consultation with Natural England on the specific issues of air quality changes and also the presence, absence and vulnerabilities of qualifying feature ecological receptors in proximity to assessed highway links. Natural England confirmed (following consultation with Site Managers) that "(considering) *feature presence along that side of the SAC nearest the A308 and the associated increases predicted for AADT in the local plan it would seem there shouldn't be an issue with these figures along this road.....I'm able to confirm that the veteran / ancient oaks of interest are not present in sufficient numbers in that north eastern area of the park nearest the A308 for us to be concerned.*"
- 5.3.25. Therefore, it is considered that there will be no adverse effects on the integrity of the SAC due to air pollution effects associated with SBC's emerging Local Plan.

5.4 THAMES BASIN HEATHS SPA/THURSLEY ASH, PIRBRIGHT AND CHOBHAM COMMON SAC

RECREATIONAL PRESSURE DUE TO PUBLIC ACCESS / DISTURBANCE

- 5.4.1. This section considers the potential adverse effects on integrity of both the Thames basin Heaths SPA and Thursley Ash, Pirbright and Chobham Common SAC from recreational pressures as a result of proposed Local Plan led infrastructure delivery and housing development in the Borough.
- 5.4.2. The basis of this assessment lies with the average travel distance of residents within the Borough and the propensity to use Habitats sites as a recreational resource given the geographical location of the allocated sites noted in the emerging Local Plan.
- 5.4.3. The average distance travelled within SBC's administrative area is 5.5km i.e. lower than the 10km average trip length typically applied based on the NTS (NTS, 2022). At their nearest points, the Thames Basin Heaths SPA and the Thursley Ash, Pirbright and Chobham Common SAC are both 7.5km from the nearest site allocation in the Borough.
- 5.4.4. Development in proximity to these sites can lead to an increase in visits to the sites, with the result that additional pressures can arise including increased incidence of fire, disturbance to roosting, feeding and breeding birds, trampling and increased predation rates in heathland environments (Underhill-Day, 2005).

- 5.4.5. The location of the identified Habitats sites in South East England places them in a location of acute pressure from high population density and predicted growth, with the corresponding identified trend to visit these sites more (Lake, et al, 2020).
- 5.4.6. Public access and disturbance are listed as both pressures and threats on the designated site and specifically the features of European nightjar, Woodlark and Dartford Warbler. The Habitats sites considered here include those designated for habitats, specifically heathland and woodland, supporting these species. As well as sites designated for invertebrate interest. The habitats or qualifying features of the Habitats sites are therefore vulnerable to additional pressures from public access or disturbance through different mechanisms.

Assessment of potential effects

- 5.4.7. The Site Improvement Plan identifies that parts of the SPA and SAC are already subject to high levels of recreational use and that a significant proportion of this is dog walking, with a likely associated effect on the distribution, breeding success and overall numbers of ground nesting-birds. Recreational and leisure access to these sites is therefore important and this relates to travelling distances.
- 5.4.8. All proposed site allocations are over 7kms from these Habitats sites. Whilst this still falls within the identified Zol, it does suggest that a reasonable degree of distribution of traffic over the local network is likely to have occurred between the proposed site allocation and these Habitats sites. This is also reflected in the assessment of changes in air quality as result of potential traffic increases on the road network.
- 5.4.9. It is considered that these Habitats sites are unlikely to be a major destination for recreational activities for Borough residents, mainly due to its relatively long distances involved and convoluted road travel routes to those destinations. The closest component parts of the SAC lie over 7km from the authority boundary, with most parcels lying beyond 8/9km. It is considered unlikely therefore that new residents will undertake the longer journeys to the SAC and SPA over and above more local destinations.
- 5.4.10. During consultation discussions with Natural England (21st June), there was general agreement that further assessment, similar to that of the related assessment of air quality changes on the road network (see above) on the majority of relevant Habitats sites apart from Windsor Forest and Great Park SAC, of the SPA and SAC was not required on the basis of significant distance from the Habitats sites concerned.

Mitigation/conclusions

- 5.4.11. It is considered therefore that there will be no adverse effects on the integrity of Habitats site as a result of recreational pressures led by Local Plan policies in the Borough.
- 5.4.12. The conclusion of no adverse effect suggests that mitigation measures are not required, however mechanisms are already in place to bolster the protection of Habitats sites against such threats and specific policies within the Local Plan will also serve to avoid, minimise and offset the potential impacts of recreational pressures on these sites.
- 5.4.13. Whilst there is a requirement for the provision of Suitable Accessible Natural Green Space (SANGS) for surrounding areas as agreed by Natural England during consultations, the Site Improvement Plans for the SPA and SAC identify the “avoidance” measures for recreational pressures which are already in place, including SANGs, but additional research and habitat

management are also presented as required to manage the pressures and threats from public access.

- 5.4.14. The proposed measure in the Site Improvement Plan to address this is the creation of an over-arching access management strategy (SAMM) however it is uncertain how such measures can effectively mitigate additional visitors as nearby resident numbers increase.
- 5.4.15. In addition to recognising the requirements for SANG and SAMM mitigation, the emerging Local Plan contains further policies that are likely to reduce recreational pressures on the SPA and SAC by enhancing connectivity in the Borough, promoting physical activities and providing more recreational greenspace. Such recreational, leisure and cultural facilities have the potential to divert pressures away from Habitats sites bordering the Borough, e.g. Policy E5 Open Space and Recreation and Policy EC4 Leisure and Culture.

5.5 IN-COMBINATION ASSESSMENT

- 5.5.1. The Habitats sites considered in this assessment alone sit within the geographical area surrounded by five Boroughs on the edge of London: Runnymede District, and the Boroughs of Hillingdon, Hounslow, Richmond upon Thames and Elmbridge. The London Plan developed by the Greater London Authority (GLA) also covers part of the Spelthorne Borough Council Area.
- 5.5.2. For each of the Local Plans there are also reports to inform the HRA and these have been consulted where available in this in-combination assessment. The findings from this work are summarise below.
- 5.5.3. London Borough of Hounslow: *“It is concluded that the development set out in the London Borough of Hounslow GWC and WoB Local Plans would not result in a likely significant effect, alone or in combination with other plans, on any European sites”* (also see London Plan below).
- 5.5.4. Runnymede District Council: The Local Plan is currently under review and the evidence database does not currently hold an HRA. The preceding Runnymede Local Plan HRA Screening and Appropriate Assessment Report (2018) identified LSE associated with recreational pressure and Thames Basin Heaths SPA, which was the only recommended mitigation following AA. No in-combination effect is anticipated as similar effects are not predicted to arise from the SBC Local Plan.
- 5.5.5. London Borough of Hillingdon: The Local Plan review commenced in 2021 and will conclude with the adoption of a revised Local Plan by December 2023 (see London Plan below), but the evidence database does not currently hold an HRA report.
- 5.5.6. London Borough of Richmond upon Thames: Consultation on the 'Publication' Draft Local Plan (Regulation 19) is currently underway with no HRA evidence on the portal.
- 5.5.7. Elmbridge Borough Council: The Regulation 19: Draft Elmbridge Local Plan 2022-2037 representations stage has opened, but no HRA is currently available.
- 5.5.8. The London Plan (Greater London Authority) also covering Hillingdon and Hounslow: *“it was concluded 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. Spelthorne Borough area was also partly assessed in the HRA for the London Plan.”*

- 5.5.9. Spelthorne Borough is also covered by both the Thames Water and Affinity Water Resource Plans and these could have implications on the South West London Waterbody SPA/Ramsar Site in-combination with SBC Local Plan Policies. The concluding remarks for each are given below:

“Thames Water Resource Management Plan 2019: With the inclusion of the mitigation measures, Thames Water’s WRMP19 has been assessed to have no adverse effects on the integrity of any European site, either alone or in-combination with other plans or projects”.

“Affinity Water Resource Plan: concluded that provided appropriate mitigation measures were included to ensure that the: Abingdon Reservoir to Harefield Transfer (50MI) and the Abingdon to Iwer 2 (50MI/d) do not result in an adverse effect on integrity of the South West London Waterbodies European site, it can be concluded that the Affinity Water Revised Draft WRMP will not result in adverse effects on any European sites.”

- 5.5.10. This appropriate assessment has concluded with no adverse effects on Habitats sites of the implementation of the Policies in the emerging Local Plan alone, given the nugatory effects of tall buildings and their construction, recreational pressures and changes in air quality on the four Habitats sites in question. The above analysis of relevant plans (best information currently available) has generally found a similar outcome, therefore it can be concluded that the in-combination assessment of other strategic plans also concludes with no adverse effect on integrity.

6 CONCLUSIONS

- 6.1.1. This document sets out a Stage 2 Appropriate Assessment of the emerging Spelthorne Borough Council Local Plan following Stage 1 HRA screening. The latter found that potential LSE could occur upon a number of Habitats sites, as a result of the implementation of two Local Plan policies; ST2 the Spatial Development Framework; and ID1 – Infrastructure and Delivery project.
- 6.1.2. These Policies would have implications for the following Habitats sites; The South West London Water bodies SPA and Ramsar site (in relation to potential LSE of habitat fragmentation); Windsor Forest and Great Park SAC (in relation to potential LSE of changes in air quality); Thames Basin Heaths SPA (in relation to potential LSE of increased recreational pressures); and Thursley Ash, Pirbright and Chobham Common SAC (in relation to potential LSE of increased recreational pressures).
- 6.1.3. Statutory consultation guided the assessment and meetings were held with Natural England in the process of drafting this report and their advice incorporated into the text and analysis. The final conclusions and recommendations of this HRA report have been subject to consultation comments from Natural England, which have been fully integrated into this assessment and its conclusions.
- 6.1.4. It is concluded that the Policies regarding development set out in the emerging Local Plan are unlikely to have significant effects on the qualifying features and conservation objectives and no adverse effect on integrity, alone or in combination with other plans, on any Habitats sites in the Borough or immediate surrounds.

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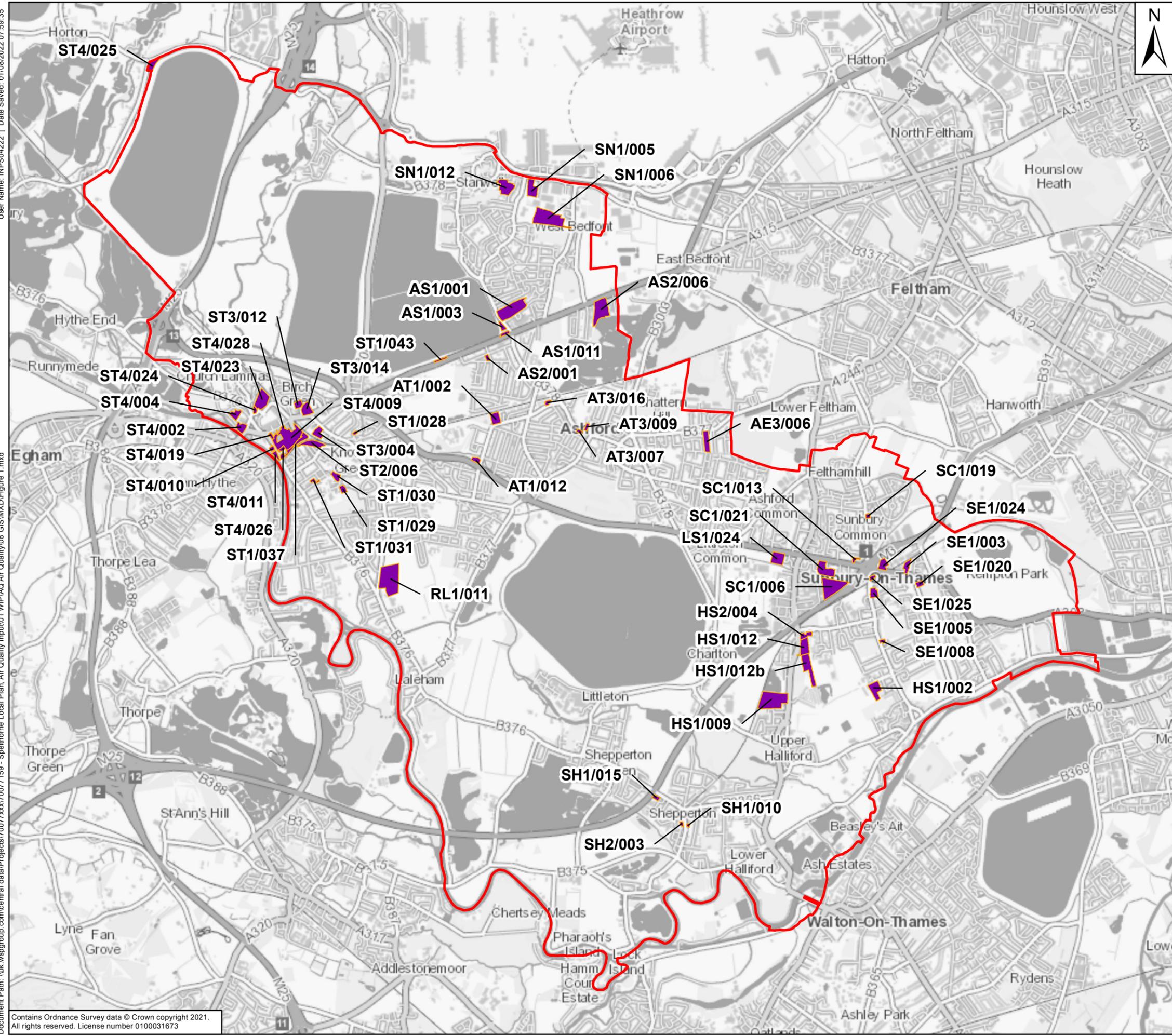
WSP 2022. Spelthorne Borough Council local Plan Habitats regulations Assessment Stage 1 Screening. WSP, Basingstoke.

FIGURES

Figure 1 – Allocated sites within the SBC boundary

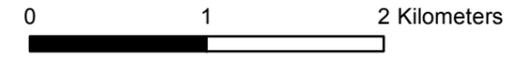
Figure 2 - Habitats sites within 10km of the Allocated sites

Figure 3 - Traffic network and Ecological Sites

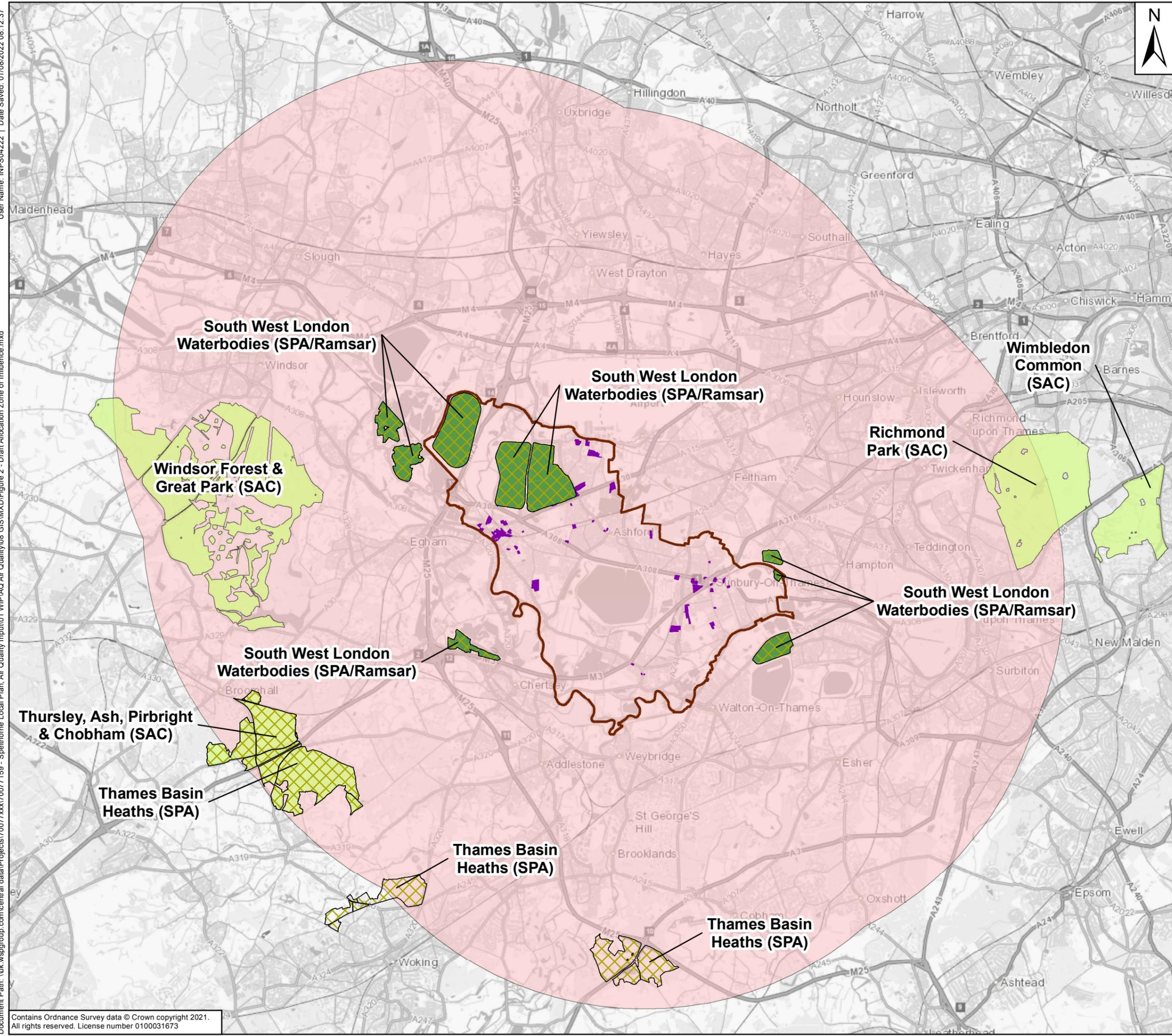


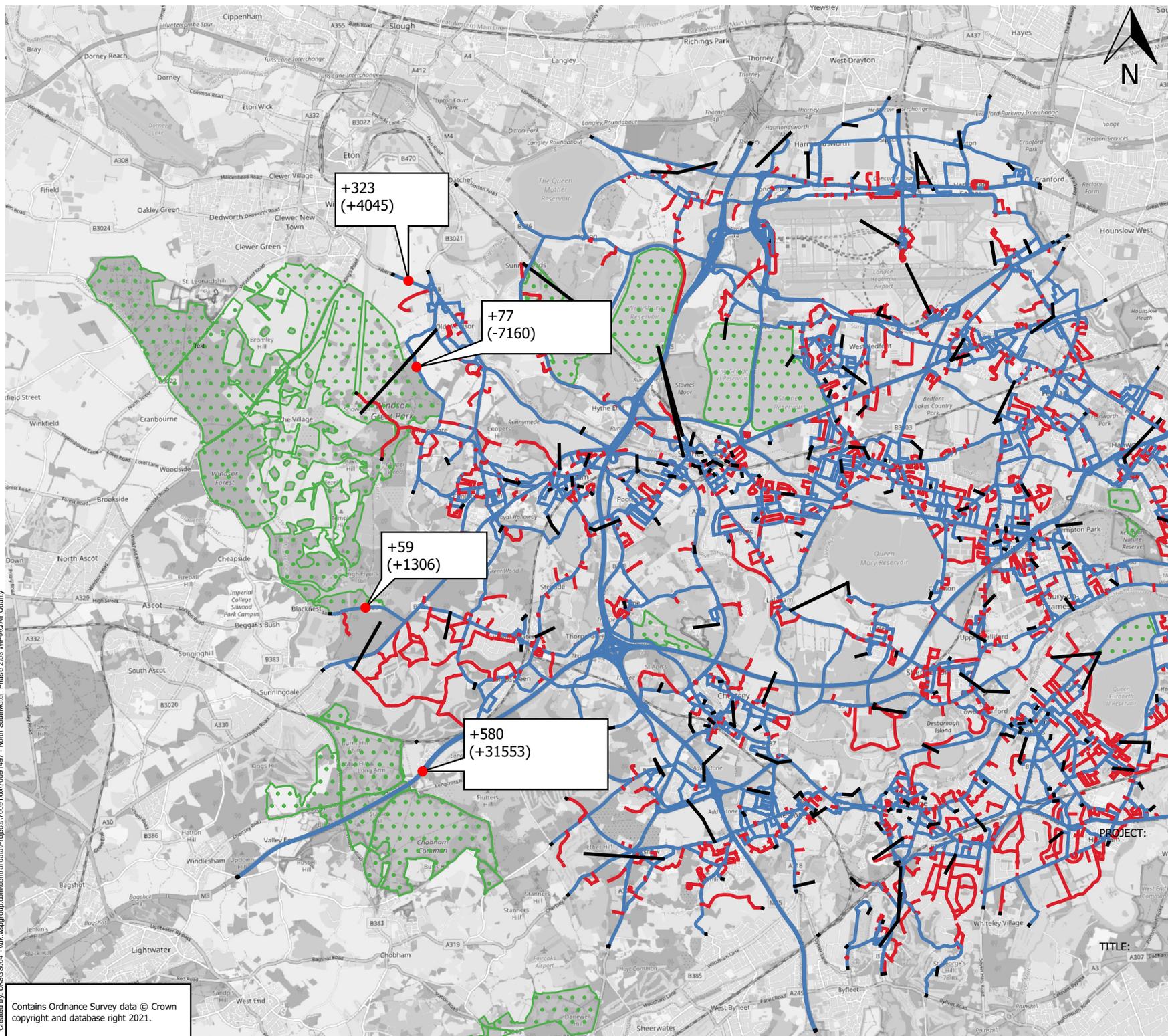
Key

- SBC administrative boundary
- SBC Site Draft Allocations



Client:	Spelthorne Borough Council	
Project:	SBC Local Plan Habitats Regulations Assessment	
Title:	Allocated Sites	
Drawing No:	Figure 1	Drawn: PS
Date:	01/08/2022	Checked: AH
Scale:	40,000 @ A3	Approved: AH





Legend

- Designated Sites

Traffic Data

- No data
- Zero flow
- AADT > 0

0 1 2 km

Client:
Spelthorne Borough Council

Project:
SBC Local Plan Habitats Regulations Assessment

Title:
Traffic network and Ecological Sites

Drawing No: Figure 3 Drawn: CC
Date: 27/09/2022 Checked: JMR
Scale: - Approved: JMR

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Created by: UKSGS004 - uk.wspgroup.com/central/data/Projects/70091/xx/70091497 - North Southwater, Phase 203 WPAQAr Quality

Appendix A

LEGISLATIVE BACKGROUND, POLICY CONTEXT AND CEJU RULINGS



LEGISLATIVE BACKGROUND

Refer to Section 2.1.14 above for arrangement post Brexit.

The Conservation of Habitats and Species Regulations (2017, as amended) (the 'Habitats Regulations') protects habitats and species of Habitats sites. The Habitats Regulations establishes a network of internationally important sites designated for their ecological status. SACs are designated under the Habitats Regulations and promote the protection of flora, fauna and habitats. SPAs are designated in order to protect vulnerable and migratory bird species. These sites combine to create a Europe-wide 'Natura 2000' network of designated sites.

Under the Habitats Regulations 'Competent Authorities' must assess Plans, in this case the LTP and associated plans, for their potential to cause Likely Significant Effects (LSE) on Habitats sites. Where the Plan may lead to LSE it must be subject to an HRA to determine whether there will be adverse effects to any Habitats sites. Any Plan that would lead to adverse effects on the integrity of Habitats site(s) cannot be permitted without meeting strict additional tests.

According to the Habitats Regulations, any plan or project likely to have a significant effect on a Habitats site, either individually or in combination with other plans or projects should undergo an appropriate assessment to determine its implications for the site. The Competent Authority can only agree to the plan or project after having ascertained that it will not adversely affect the integrity of the site concerned.

The purpose of the Habitats sites network is preservation of examples of species and habitats across the UK and Europe, rather than preservation of individual sites. In exceptional circumstances, a plan or project may still be allowed to go ahead, in spite of a negative assessment, provided there are no alternative solutions and the plan or project is considered to be of overriding public interest⁸. In such cases the UK Government must take appropriate compensatory measures to ensure that the overall coherence of the Natura 2000 Network is protected.

Regulation 63 (1) of the Habitats Regulations states that '...a Competent Authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

(a) is likely to have a significant effect on a Habitats site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site,

—must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.'

⁸ An exact definition of 'imperative reasons of overriding public interest' is not provided, but EC guidance states 'It is reasonable to consider that the "imperative reasons of overriding public interest, including those of social and economic nature" refer to situations where plans or projects envisaged prove to be indispensable:
- within the framework of actions or policies aiming to protect fundamental values for the citizens' life (health, safety, environment);
- within the framework of fundamental policies for the State and the Society;
- within the framework of carrying out activities of economic or social nature, fulfilling specific obligations of public service.'



The Habitats Regulations also make allowance for projects or plans to be completed if they satisfy 'imperative reasons of overriding public interest'⁹. Regulation 64 relates to such situations.

The requirements of the Habitats Regulations are usually met by undertaking an initial two-stage approach; Stage 1 screening of potential LSEs on the qualifying features and conservation objectives of Habitats sites, and then, for those Habitats sites where this applies, a Stage 2 'Appropriate Assessment' of the adverse effects on the integrity of those Habitats sites of the LTP policies.

It should be noted that the competent authority (Shropshire Council) undertakes the Screening and Appropriate Assessment, the consultant provides the information or evidence-base to allow this to be completed. The competent authority must include consideration of 'in-combination' effects arising from other projects and plans within their assessment, as well as those potentially acting alone. Given the scale of the HRA the in-combination exercise will likely consider in-County, as well as outside-County interactions with Habitats sites.

⁹ '(a) reasons relating to human health, public safety or beneficial consequences of primary importance to the environment; or.
(b) any other reasons which the Competent Authority, having due regard to the opinion of the Commission, consider to be imperative reasons of overriding public interest.'

POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK (2019)

The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. It must be taken into account in preparing the development plan and is a material consideration in planning decisions.

The NPPF states that when considering the conservation and enhancement of the natural environment, with regard to habitats and biodiversity, the Local Planning Authority should:

'...protect and enhance biodiversity and geodiversity, plans should:

- a) *Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- b) *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

The following should be given the same protection as Habitats sites:

- a) *potential Special Protection Areas and possible Special Areas of Conservation;*
- b) *listed or proposed Ramsar sites; and*
- c) *sites identified, or required, as compensatory measures for adverse effects on Habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.*

The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a Habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the Habitats site.'

THE COUNCIL FOR JUSTICE OF THE EUROPEAN UNION (CJEU) RULINGS

A number of CJEU rulings are relevant to the HRA screening exercise and are noted below. At the present time the position, under section 6(3) EU (Withdrawal) Act 2018 (as amended), is that the courts in the UK, with the sole exception of the Supreme Court, will continue to be bound by HRA judgments handed down by the CJEU and by domestic courts prior to 31 December 2020 when interpreting the Conservation of Habitats and Species Regulations 2017 (as amended). This is the case as long as the Conservation of Habitats and Species Regulations 2017 (as amended) remain unmodified by Parliament. The Supreme Court will, however, be at liberty to depart from these judgments after 31 December 2020 if they consider it appropriate to do so.¹⁰

THE WEALDEN JUDGEMENT

The Wealden Judgement¹¹, handed down in March 2017, has introduced additional complexities into the assessment process in relation to in-combination and cumulative effects.

Prior to this Judgement, air quality impacts on Habitats sites were only considered alongside roads where the traffic growth associated with the individual Plan or Project being assessed exceeded specified screening criteria. These criteria were typically based on changes in vehicle movements and taken from the Design Manual for Roads and Bridges (DMRB, HA207/07¹²), which has been subsequently withdrawn namely:

- increases of 1000 vehicles per day or 200 Heavy Goods Vehicles per day (as Annual Average Daily Traffic (AADT)).

The Wealden Judgement found that the application of the criteria to the traffic growth associated with a single Local Plan was unsound on the basis that two Local Plans collectively contributing more than 1000 AADT could lead to a potentially significant effect. The Judge determined that further assessment of air quality impacts on Habitats sites should have been carried out and quashed part of the Local Plan that would have led to an in-combination exceedance of 1,000 AADT.

The Wealden Judgement means that every single plan or project which, alone, is predicted to give rise to any increase in traffic or other air emission (however small) must be subjected to an in-combination assessment with other plans or projects (which would include those plans or projects

¹⁰ Freeths Habitats Regulations update 2020. Available at: <https://communications.freeths.co.uk/44/1637/october-2020/the-habitats-regulations-assessment-regime-after-31-december-2020---how-will-it-look-.asp?sid=8bf6fad5-597a-43c6-8f70-61503ec0adb9>

¹¹ Judgment in Wealden District Council v. Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017] EWHC 351 (Admin) DATE: 21 Mar 2017.

¹² *Design Manual for Roads and Bridges (DMRB), Volume 11, Section 3, Part 1 (HA207/07)*. Withdrawn, but available online: <https://standardsforhighways.co.uk/dmr/archive/search/df0c77ed-887b-4c84-be0e-000fe18545ae> Accessed [31/03/2022]

with a similar tiny impact). However, the judgement did not rule out the application of thresholds in principal and this approach is normally taken as the basis of the assessment.

The judgement has led to a more detailed analysis of three key questions to discern which plans and project are those where a detailed “in combination” assessment is required in relation to changes in air quality:

1. Is your plan or project putting emissions into the air?;
2. If so, are those emissions at a level where they could actually be measured / perceived?; and
3. If so, is there a realistic (rather than hypothetical) risk that those emissions, alone, will have an adverse effect on the ecology of a SAC / SPA?

A fuller justification will be required when applying the threshold approach.

PEOPLE OVER WIND (THE SWEETMAN CASE)

The Court of Justice of the European Union’s (CJEU’s) decision in the matter of People Over Wind and Sweetman v Coillte Teoranta (C-323/17)¹³ (hereafter referred to as the ‘Sweetman Case’), states that:

‘Article 6(3) must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an Appropriate Assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site.’

In the new judgement the CJEU concluded that mitigation measures could not be considered as part of the project, and thus that the screening stage of HRA should not take account of them. This will undoubtedly be tested further in the courts in coming months and years, but the key issue is whether the mitigation measures proposed can genuinely be considered as part of the project, in that they would happen in any case, irrespective of the Habitats site. If not, then they should be considered mitigation measures, and considered at the Appropriate Assessment stage of HRA.

This is an emerging issue for local authorities and means that, because of the potential for ‘in-combination effects and the fact that HRA Screening should not take into account measures targeted at mitigating effects on Habitats sites. Therefore, it is becoming increasingly commonplace for local authorities to conduct an Appropriate Assessment of all project, plans and planning applications (i.e. these are often no longer screened out, by way of an HRA Screening as has been the practise to date).

¹³ Judgement of the Court 12 April 2018, People Over Wind, Peter Sweetman, Coillte Teoranta Available online: <https://curia.europa.eu/juris/document/document.jsf?jsessionid=B02FE6F4F1C61308615DBBDF079EE5F4?txt=&docid=200970&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=11190634> Accessed [27/04/2022]

CJEU RULING IN THE NETHERLANDS NITROGEN AND AGRICULTURE CASES C-293/17 AND C-294/17

The final Court Judgement in relation to these two cases was handed down on the 7th November 2018. The judgement relates to the assessment of agricultural activities under the Habitats Regulations, but has potential implications for the assessment of changes in nitrogen (N) deposition in relation to air quality. Notably, the Court of Justice of the European Union ruled that:

- An ‘appropriate assessment’ may only take into account the existence of Article 6(1) ‘conservation measures’, or Article 6(2) ‘preventive measures’, or specific measures adopted for a conservation programme, or ‘autonomous’ measures not in the programme, if the expected benefits of those measures are certain at the time of the assessment.
- National measures such as procedures for the surveillance and monitoring of farms whose activities cause nitrogen deposition and the possibility of imposing penalties, up to and including the closure of those farms, are sufficient for the purposes of complying with Article 6(2).

Of particular relevance to the assessment of air quality effects on Habitats sites, the Court of Justice of the European Union ruled that:

“An ‘appropriate assessment’ may only take into account the existence of Article 6(1) ‘conservation measures’, or Article 6(2) ‘preventive measures’, or specific measures adopted for a conservation programme, or ‘autonomous’ measures not in the programme, if the expected benefits of those measures are certain at the time of the assessment.

The Ruling makes clear that certainty and a thorough and in-depth examination of the scientific soundness is required that there is no reasonable scientific doubt as to the absence of adverse effects of each plan or project on the integrity of the site concerned.

KOKOTT RULING

In the Opinion of Advocate General Kokott in Case C-6/04 Commission v UK [2005] ECR I-9017 at paragraph 49 she noted that an assessment of plans cannot by definition take into account all effects because

“Many details are regularly not settled until the time of the final permission” and “[i]t would also hardly be proper to require a greater level of detail in preceding plans or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure”.

Appendix B

**HABITATS SITES DETAILS,
INCLUDING QUALIFYING FEATURES
AND CONSERVATION OBJECTIVES**



Site Name	Site Size (Ha)	Summary of reasons for designation summarised on Natura 2000 Standard Data Form or Ramsar Information Sheet	Activities with greatest effect upon the site, as listed on Natura 2000 standard data forms and Information Sheets for Ramsar Wetlands	Pressures and threats listed within the Site Improvement Plan (NE, undated) (T=Threat, P=Pressure)	Conservation Objectives
Richmond Park SAC	846.3	<p>Annex II species that are a primary reason for selection of this site</p> <ul style="list-style-type: none"> 1083 Stag beetle <i>Lucanus cervus</i> <p>Richmond Park has a large number of ancient trees with decaying timber. It is at the heart of the south London centre of distribution for stag beetle <i>Lucanus cervus</i> and is a site of national importance for the conservation of the fauna of invertebrates associated with the decaying timber of ancient trees.</p>	<ul style="list-style-type: none"> No threats listed¹⁴ 	<ul style="list-style-type: none"> No current issues affecting the Natura 2000 feature(s) have been identified on this site¹⁵ 	<p>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;</p> <ul style="list-style-type: none"> The extent and distribution of the habitats of qualifying species The structure and function of the habitats of qualifying species The supporting processes on which the habitats of qualifying species rely The populations of qualifying species, and, The distribution of qualifying species within the site.¹⁶
South West London Waterbodies Ramsar	828.1	<p>Ramsar criterion 6 – species/populations occurring at levels of international importance.</p> <p>Qualifying Species/populations (as identified at designation):</p> <p>Species with peak counts in spring/autumn:</p> <ul style="list-style-type: none"> Northern shoveler <i>Anas clypeata</i> (NW and C Europe) - 397 individuals, representing an average of 2.6% of the GB population (5-year peak mean 1998/9-2002/3) <p>Species with peak counts in winter:</p> <ul style="list-style-type: none"> Gadwall <i>Anas strepera strepera</i> (NW Europe) - 487 individuals, representing an average of 2.8% of the GB population (5-year peak mean 1998/9-2002/3) 	<ul style="list-style-type: none"> No factors reported¹⁷ 		
South West London Waterbodies SPA	825.1	<p>ARTICLE 4.2 QUALIFICATION (79/409/EEC)</p> <p>Over winter the area regularly supports:</p> <ul style="list-style-type: none"> Shoveler <i>Anas clypeata</i> (North-western/Central Europe) - 2.1% of the population (Five-year peak mean for 1993/94 to 1997/98) 	<ul style="list-style-type: none"> I02 - Problematic native species K01 - Abiotic (slow) natural processes M02 - Changes in biotic conditions 	<ul style="list-style-type: none"> P/T – Public access/disturbance P/T – Changes in species distributions P/T – Invasive species 	<p>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;</p>

¹⁴ Richmond Park SAC Natura 2000 form. Available at: <https://jncc.gov.uk/jncc-assets/SAC-N2K/UK0030246.pdf> (Accessed on: 26/01/2021)

¹⁵ Richmond Park Site Improvement Plan. Available at: <http://publications.naturalengland.org.uk/file/4641498714865664> (Accessed on 26/01/2021)

¹⁶ Richmond Park SAC Conservation Objectives. Available at: <http://publications.naturalengland.org.uk/file/5521612917178368> (Accessed on: 26/01/2021)

¹⁷ South West London Waterbodies Ramsar Natura 2000 form. Available at: <https://jncc.gov.uk/jncc-assets/RIS/UK11065.pdf> (Accessed on: 26/01/2021)

Site Name	Site Size (Ha)	Summary of reasons for designation summarised on Natura 2000 Standard Data Form or Ramsar Information Sheet	Activities with greatest effect upon the site, as listed on Natura 2000 standard data forms and Information Sheets for Ramsar Wetlands	Pressures and threats listed within the Site Improvement Plan (NE, undated) (T=Threat, P=Pressure)	Conservation Objectives
		<ul style="list-style-type: none"> Gadwall <i>Anas strepera</i> (North-western Europe) - 2.4% of the population (Five-year peak mean for 1993/94 to 1997/98) 	<ul style="list-style-type: none"> G01 - Outdoor sports and leisure activities, recreational activities F01 - Marine and Freshwater Aquaculture¹⁸ 	<ul style="list-style-type: none"> P/T Natural changes to site conditions P – Fisheries: Fish stocking T – Inappropriate weed control¹⁹ 	<ul style="list-style-type: none"> 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.²⁰
Thames Basin Heaths SPA	8309.5	<p>ARTICLE 4.1 QUALIFICATION (79/409/EEC)</p> <p>During the breeding season the area regularly supports:</p> <ul style="list-style-type: none"> European nightjar <i>Caprimulgus europaeus</i> - 7.8% of the GB breeding population (Count mean (RSPB 1998-99)) Woodlark <i>Lullula arborea</i> - 9.9% of the GB breeding population (Count as at 1997 (Wotton and Gillings 2000)) Dartford Warbler <i>Sylvia undata</i> - 27.8% of the GB breeding population (Count as at 1999 (RSPB)) 	<ul style="list-style-type: none"> H04 – Air pollution, air-borne pollutants G05 – Other human intrusions and disturbances K02 – Biocenotic evolution, succession B02 – Forest and Plantation management and use G01 – Outdoor sports and leisure activities, recreational activities²¹ 	<ul style="list-style-type: none"> P/T – Public access/ disturbance P – Undergrazing P – Forestry and woodland management T - Hydrological changes P - Inappropriate scrub control P/T – Invasive species P – Wildlife/ arson P/T – Air pollution: Impact of atmospheric nitrogen deposition T – Feature location/ extent/ condition unknown T -Military P – Habitat fragmentation²² 	<p>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;</p> <ul style="list-style-type: none"> 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.²³
Thursley, Ash, Pirbright and Chobham SAC	5154.5	<p>Annex I habitats that are a primary reason for selection of this site</p> <ul style="list-style-type: none"> 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> <p>This site represents lowland northern Atlantic wet heaths in south-east England. The wet heath at Thursley is NVC type M16 <i>Erica tetralix</i> – <i>Sphagnum compactum</i> and contains several rare plants, including great sundew <i>Drosera anglica</i>, bog hair-grass <i>Deschampsia setacea</i>, bog orchid <i>Hammarbya paludosa</i> and brown beak-sedge <i>Rhynchospora fusca</i>. There are transitions to valley bog and dry heath. Thursley Common is an important site for</p>	<ul style="list-style-type: none"> G05 - Other human intrusions and disturbances A04 - Grazing H04 - Air pollution, air-borne pollutants J02 - Human induced changes in hydraulic conditions K02 - Biocenotic evolution, succession²⁴ 	<ul style="list-style-type: none"> See above (Thames Basin Heaths SPA) 	<p>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;</p> <ul style="list-style-type: none"> The extent and distribution of qualifying natural habitats The structure and function (including typical species) of qualifying natural habitats, and

¹⁸ South West London Waterbodies SPA Natura 2000 form. Available at: <https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9012171.pdf> (Accessed on:26/01/2021)

¹⁹ South West London Waterbodies SPA Site Improvement Plan. Available at: <http://publications.naturalengland.org.uk/file/5135484288237568> (Accessed on: 26/01/2021)

²⁰ South West London Waterbodies SPA Conservation Objectives. Available at: <http://publications.naturalengland.org.uk/file/5411059804667904> (Accessed on: 26/01/2021)

²¹ Thames Basin Heaths SPA Natura 2000 form. Available at: <https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9012141.pdf> (Accessed on: 26/01/2021)

²² Thames Basin Heaths SPA, Thursley, Ash, Pirbright & Chobham SAC) Site Improvement Plan. Available at: <http://publications.naturalengland.org.uk/file/5946121331408896> (Accessed on: 26/01/2021)

²³ Thames Basin Heaths SPA Conservation Objectives. Available at: <http://publications.naturalengland.org.uk/file/5048458801315840> (Accessed on: 26/01/2021)

²⁴ Thursley, Ash, Pirbright and Chobham SAC Natura 2000 form. Available at: <https://jncc.gov.uk/jncc-assets/SAC-N2K/UK0012793.pdf> (Accessed on: 26/01/2021)

Site Name	Site Size (Ha)	Summary of reasons for designation summarised on Natura 2000 Standard Data Form or Ramsar Information Sheet	Activities with greatest effect upon the site, as listed on Natura 2000 standard data forms and Information Sheets for Ramsar Wetlands	Pressures and threats listed within the Site Improvement Plan (NE, undated) (T=Threat, P=Pressure)	Conservation Objectives
		<p>invertebrates, including the nationally rare white-faced darter <i>Leucorhinia dubia</i>.</p> <ul style="list-style-type: none"> 4030 European dry heaths <p>This south-east England site contains a series of large fragments of once-continuous heathland. It is selected as a key representative of NVC type H2 <i>Calluna vulgaris</i> – <i>Ulex minor</i> dry heathland. This heath type has a marked south-eastern and southern distribution. There are transitions to wet heath and valley mire, scrub, woodland and acid grassland, including types rich in annual plants. The European dry heaths support an important assemblage of animal species, including numerous rare and local invertebrate species, European nightjar <i>Caprimulgus europaeus</i>, Dartford warbler <i>Sylvia undata</i>, sand lizard <i>Lacerta agilis</i> and smooth snake <i>Coronella austriaca</i>.</p> <ul style="list-style-type: none"> 7150 Depressions on peat substrates of the <i>Rhynchosporion</i> <p>This site contains examples of Depressions on peat substrates of the <i>Rhynchosporion</i> in south-east England, where it occurs as part of a mosaic associated with valley bog and wet heath. The vegetation is found in natural bog pools of patterned valley mire and in disturbed peat of trackways and former peat-cuttings.</p>			The supporting processes on which qualifying natural habitats rely. ²⁵
Wimbledon Common SAC	51.4	<p>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site</p> <ul style="list-style-type: none"> 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> 4030 European dry heaths <p>Annex II species that are a primary reason for selection of this site</p> <ul style="list-style-type: none"> 1083 Stag beetle <i>Lucanus cervus</i> <p>Wimbledon Common has a large number of old trees and much fallen decaying timber. It is at the heart of the south London centre of distribution for stag beetle <i>Lucanus cervus</i>, and a relatively large number of records were received from this site during a recent nationwide survey for the species. The site supports a number of other scarce invertebrate species associated with decaying timber.</p>	<ul style="list-style-type: none"> J03 - Other ecosystem modifications I01 – Invasive non-native species B02 – Forest and Plantation management and use H04 – Air pollution, air-borne pollutants²⁶ 	<ul style="list-style-type: none"> P– Public disturbance T – Invasive species T – Habitat fragmentation P – Air Pollution: impact of atmospheric nitrogen deposition²⁷ 	<p>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;</p> <ul style="list-style-type: none"> 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,

²⁵ Thursley, Ash, Pirbright and Chobham SAC Conservation Objectives. Available at: <http://publications.naturalengland.org.uk/file/4677991053656064> (Accessed on: 26/01/2021)

²⁶ Wimbledon Common SAC Natura 2000 form. Available at: <https://jncc.gov.uk/jncc-assets/SAC-N2K/UK0030301.pdf> (Accessed on: 26/01/2021)

²⁷ Wimbledon Common SAC Site Improvement Plan. Available at: <http://publications.naturalengland.org.uk/file/5097829219434496> (Accessed on: 26/01/2021)

Site Name	Site Size (Ha)	Summary of reasons for designation summarised on Natura 2000 Standard Data Form or Ramsar Information Sheet	Activities with greatest effect upon the site, as listed on Natura 2000 standard data forms and Information Sheets for Ramsar Wetlands	Pressures and threats listed within the Site Improvement Plan (NE, undated) (T=Threat, P=Pressure)	Conservation Objectives
					<ul style="list-style-type: none"> The distribution of qualifying species within the site.²⁸
Windsor Forest and Great Park SAC	1680.2	<p>Annex I habitats that are a primary reason for selection of this site</p> <ul style="list-style-type: none"> 9190 Old acidophilous oak woods with <i>Quercus robur</i> on sandy plains <p>Windsor represents old acidophilous oak woods in the south-eastern part of its UK range. It has the largest number of veteran oaks <i>Quercus</i> spp. in Britain (and probably in Europe), a consequence of its management as wood-pasture. It is of importance for its range and diversity of saproxylic invertebrates, including many rare species (e.g. the beetle <i>Lacon querceus</i>), some known in the UK only from this site, and has recently been recognised as having rich fungal assemblages. Windsor Forest and Great Park has been identified as of potential international importance for its saproxylic invertebrate fauna by the Council of Europe.</p> <p>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site</p> <ul style="list-style-type: none"> 9120 <i>Atlantic acidophilous</i> beech forests with <i>Ilex</i> and sometimes also <i>Taxus</i> in the shrublayer (<i>Quercion robori-petraeae</i> or <i>Ilici-Fagenion</i>) <p>Annex II species that are a primary reason for selection of this site</p> <ul style="list-style-type: none"> 1079 Violet click beetle <i>Limoniscus violaceus</i> <p>Violet click beetle <i>Limoniscus violaceus</i> was first recorded at Windsor Forest in 1937. The site is thought to support the largest of the known populations of this species in the UK. There is a large population of ancient trees on the site, which, combined with the historical continuity of woodland cover, has resulted in Windsor Forest being listed as the most important site in the UK for fauna associated with decaying timber on ancient trees (Fowles, Alexander and Key 1999). The site was also identified as of potential international importance for its saproxylic invertebrate fauna by the Council of Europe.</p>	<ul style="list-style-type: none"> H04 - Air-pollution, air-borne pollutants I01 – Invasive non-native species B02 – Forest and Plantation management and use K04 – Interspecific floral relations²⁹ 	<ul style="list-style-type: none"> P/T – Forestry and woodland management T – Invasive species T – Disease P – Air Pollution: impact of atmospheric nitrogen deposition³⁰ 	<p>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;</p> <ul style="list-style-type: none"> 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.³¹

²⁸ Wimbledon Common SAC Conservation Objectives. Available at: <http://publications.naturalengland.org.uk/file/6215672493506560> (Accessed on: 26/01/2021)

²⁹ Windsor Forest & Great Park SAC Natura 2000 form. Available at: <https://jncc.gov.uk/jncc-assets/SAC-N2K/UK0012586.pdf> (Accessed on: 26/01/2021)

³⁰ Windsor Forest & Great Park SAC Site Improvement Plan. Available at: <http://publications.naturalengland.org.uk/file/5106041196904448> (Accessed on: 26/01/2021)

³¹ Windsor Forest & Great Park SAC Conservation Objectives. Available at: <http://publications.naturalengland.org.uk/file/6569964010209280> (Accessed on: 26/01/2021)



Site Name	Site Size (Ha)	Summary of reasons for designation summarised on Natura 2000 Standard Data Form or Ramsar Information Sheet	Activities with greatest effect upon the site, as listed on Natura 2000 standard data forms and Information Sheets for Ramsar Wetlands	Pressures and threats listed within the Site Improvement Plan (NE, undated) (T=Threat, P=Pressure)	Conservation Objectives

Appendix C

PRESSURES AND THREATS ON HABITATS SITES





Pressures and threats listed on Habitats sites SIPs³²

Impacts highlighted as red should be given primary consideration in screening and appropriate assessment of the Local Plan policies, and those highlighted green are less likely to be considerations in screening and appropriate assessment of the LTP policies (note that abbreviations are those pressures and threats listed in the JNCC data sheet for the respective Habitats site).

Site Name	Air pollution: impact of atmospheric nitrogen deposition	Hydrological changes	Public access/ disturbance	Habitat fragmentation	Inappropriate Management	Invasive species	Changes in species distribution	Disease	Fisheries : Fish stocking	Military	Forestry and woodland management	Natural Changes to site conditions	Undergrazing	Wildfire/ arson
Thames Basin Heaths SPA	P/T	T	P/T	P	P – scrub control	P/T	T			T	P		P	P
Thursley, Ash, Pirbright and Chobham SAC ³³	P/T	T	P/T	P	P – scrub control	P/T				T	P		P	P
Richmond Park SAC	No current issues affecting the Habitats site feature(s) have been identified for this site													
South West London Waterbodies SPA and Ramsar			P/T		T – weed control	P/T	P/T		P			P/T		

³² P = Pressure, T = Threat

³³ The Thames Basin Heaths SPA and Thursley, Ash, Pirbright and Chobham SAC overlap and share a SIP.



Wimbledon Common SAC	P		P	T		T								
Windsor Forest and Great Park SAC	P					T		T			P/T			

Appendix D

ALLOCATED SITES PROXIMITY TO HABITATS SITES





Proximity of proposed site allocations to Habitats sites within 10km of SBC's administrative boundary

Site ID	Address	Settlement	Area (ha)	Distance of Habitats sites within 10km (km) ³⁴						Total no. Habitats sites within 10km
				South West London Water Bodies SPA and Ramsar	Thames Basin Heaths SPA	Thursley, Ash, Pirbright and Chobham SAC	Windsor Forest and Great Park SAC	Richmond Park SAC	Wimbledon Common SAC	
AE3/006	158-166, Feltham Road	Ashford	1.32	2.4			9.8			2
AS1/001	Tesco Extra, Town Lane	Ashford	3.98	0.086			8.6			2
AS1/003	Staines Fire Station, Town Lane	Stanwell	0.4	0.0			7.5			2
AS1/011	Land at Former Bulldog Nurseries, Town Lane	Ashford		0.05			8.6			2
AS2/001	Ashford Youth Club, Kenilworth Road	Ashford	0.25	0.05			8.6			2
AS2/005	Land west of Edward Way	Ashford	1.87	0.6			8.2			2

³⁴ Where the Habitats site lies outside of 10km from the listed site allocation, no value is shown.



Site ID	Address	Settlement	Area (ha)	Distance of Habitats sites within 10km (km) ³⁴						Total no. Habitats sites within 10km
				South West London Water Bodies SPA and Ramsar	Thames Basin Heaths SPA	Thursley, Ash, Pirbright and Chobham SAC	Windsor Forest and Great Park SAC	Richmond Park SAC	Wimbledon Common SAC	
AS2/006	Land East of Desford Way	Ashford		0.917			8.6			2
AT1/002	Ashford Sports Club, Woodthorpe Road	Ashford	1.15	0.7	9.7	9.7	7.5			4
AT1/012	Ashford Community Centre, Woodthorpe Road	Ashford		1.17			8.5			2
AT3/007	Ashford Multi-storey car park, Church Road	Ashford	0.20	1.3			8.4			2
AT3/009	Ashford Telephone Exchange, Church Road	Ashford	0.26	1.3			8.5			2
AT3/016	23-31 (not 11-19) Woodthorpe Road	Ashford		0.92			8.5			2
HS1/002	Land at Croysdale Avenue, Croysdale Avenue	Shepperton	1.68	1.5	9.5			9.1		3
HS1/009	Bugle Nurseries, Upper Halliford Road	Shepperton		5.25						
HS1/012	Land East of Upper Halliford, Nursery Road	Shepperton	1.60	2.4	9.8			9.6		3



Site ID	Address	Settlement	Area (ha)	Distance of Habitats sites within 10km (km) ³⁴						Total no. Habitats sites within 10km
				South West London Water Bodies SPA and Ramsar	Thames Basin Heaths SPA	Thursley, Ash, Pirbright and Chobham SAC	Windsor Forest and Great Park SAC	Richmond Park SAC	Wimbledon Common SAC	
HS1/012b	Land East of Upper Halliford Road	Shepperton		2.6	9.25					2
HS2/004	Land South of Nursery Road, Nursery Road	Sunbury	0.66	2.5				9.6		3
LS1/006	Land at Windmill Close, Windmill Close	Sunbury	0.92	2.6				9.6		3
LS1/024	Land at Staines Road West and Cedar Way	Sunbury		2.65				9.8		2
RL1/007	Land off Worple Road, Worple Road	Staines	6.52	1.9	7.7	7.7	6.7			4
RL1/011	Land at Staines and Laleham Sports Club, Worple Road	Staines	6.03	2.0	7.5	7.5	6.7			4
SC1/006	Tesco Extra, Escot Road	Sunbury		2.6				9.8		2
SC1/013	RMG Warehouse and Delivery Office, 47-79, Staines Road West	Sunbury	0.25	1.8				8.8		2



Site ID	Address	Settlement	Area (ha)	Distance of Habitats sites within 10km (km) ³⁴						Total no. Habitats sites within 10km
				South West London Water Bodies SPA and Ramsar	Thames Basin Heaths SPA	Thursley, Ash, Pirbright and Chobham SAC	Windsor Forest and Great Park SAC	Richmond Park SAC	Wimbledon Common SAC	
SC1/019	Sunbury Social Services Centre, Vicarage Road	Sunbury		2.8				9.8		2
SC1/021	Land at Spelthorne Grove	Sunbury		2.8				9.8		2
SE1/003	77, Staines Road East	Sunbury	0.75	1.2				8.3		2
SE1/005	Benwell House, Green Street	Sunbury		2.8				9.8		2
SE1/008	Telephone Exchange, Green Street	Sunbury	0.25	1.8				8.9		2
SE1/020	Sunbury Adult Education Centre, The Avenue	Sunbury	0.43	1.2				8.2		2
SE1/024	Annandale House, 1, Hanworth Road	Sunbury	0.97	1.5				8.5		2
SE1/025	Elmbrook House, Station Road	Sunbury		2.8				8.5		2
Shepperton	Shepperton Library, High Street	Shepperton		3.3		9.12				2



Site ID	Address	Settlement	Area (ha)	Distance of Habitats sites within 10km (km) ³⁴						Total no. Habitats sites within 10km
				South West London Water Bodies SPA and Ramsar	Thames Basin Heaths SPA	Thursley, Ash, Pirbright and Chobham SAC	Windsor Forest and Great Park SAC	Richmond Park SAC	Wimbledon Common SAC	
SH1/015	Shepperton Youth Centre, Laleham Road	Shepperton	0.31	3.6	8.1	8.9				3
SH2/003	Shepperton Delivery Office, 47, High Street	Shepperton	0.17	3.3	7.8	9.0				3
SN1/005	Land at Northumberland Close, Northumberland Close	Stanwell	1.75	0.9			8.0			2
SN1/006	Land to the west of Long Lane and South of Blackburn Trading Estate, Long Lane	Stanwell	4.83	0.8			8.0			2
SN1/012	Stanwell Bedsits, De Havilland Way	Stanwell	2.19	0.6			7.7			2
ST1/028	Leacroft Centre, Leacroft	Staines	0.15	0.6	8.7	8.7	6.1			4
ST1/029	Surrey CC Buildings, Burges Way	Staines	0.47	1.2	8.0	8.0	6.0			4
ST1/030	Fairways Day Centre, Knowle Green	Staines	0.66	1.1	8.1	8.1	5.9			4



Site ID	Address	Settlement	Area (ha)	Distance of Habitats sites within 10km (km) ³⁴						Total no. Habitats sites within 10km
				South West London Water Bodies SPA and Ramsar	Thames Basin Heaths SPA	Thursley, Ash, Pirbright and Chobham SAC	Windsor Forest and Great Park SAC	Richmond Park SAC	Wimbledon Common SAC	
ST1/031	Thameside Arts Centre, Wyatt Road	Staines	0.26	1.2	8.0	8.0	5.7			4
ST1/037	Thameside House, South Street	Staines	0.24	1.0	8.0	8.0	5.3			4
ST1/043	Land East of 355 London Road	Staines		0.05		10.0	6.9			3
ST2/006	Builders Yard, Gresham Road	Staines	1.36	0.8	8.1	8.1	5.5			4
ST3/004	34-36 (OAST House) /Car park, Kingston Road	Staines	0.92	0.6	8.3	8.3	5.6			4
ST3/012	Staines Telephone Exchange, Fairfield Avenue	Staines	0.59	0.4	8.4	8.4	5.4			4
ST3/014	Birch House/London Road, Fairfield Avenue, Staines	Staines		0.53		8.5	5.56			3
ST4/002	Car Park, Hanover House and Sea Cadet Building, Bridge Street	Staines	0.92	0.8	7.8	7.8	4.8			4
ST4/004	96-104, Church Street	Staines	0.88	0.7	7.8	7.8	4.7			4



Site ID	Address	Settlement	Area (ha)	Distance of Habitats sites within 10km (km) ³⁴						Total no. Habitats sites within 10km
				South West London Water Bodies SPA and Ramsar	Thames Basin Heaths SPA	Thursley, Ash, Pirbright and Chobham SAC	Windsor Forest and Great Park SAC	Richmond Park SAC	Wimbledon Common SAC	
ST4/009	The Elmsleigh Centre and adjoining land, South Street	Staines	6.34	0.7	7.9	7.9	5.2			4
ST4/010	Riverside Surface Carpark, Thames Street	Staines	0.25	0.9	7.9	7.9	5.2			4
ST4/011	Thames Lodge, Thames Street	Staines	0.36	1.0	7.9	7.9	5.2			4
ST4/019	Debenhams site, 35-45, High Street	Staines	0.26	0.8	7.9	7.9	5.2			4
ST4/023	Two Rivers Retail Park Terrace, Mustard Mill Road, Staines	Staines		0.6		8.5	5.56			3
ST4/024	Frankie and Benny's/Travelodge, Two Rivers, Hale Street, Staines	Staines		0.6		8.5	5.56			3
ST4/025	Coppermill Road	Staines	0.92	0.08			4.78			2
ST4/026	Communications House, South Street, Staines	Staines		0.6			5.6			2



Site ID	Address	Settlement	Area (ha)	Distance of Habitats sites within 10km (km) ³⁴						Total no. Habitats sites within 10km
				South West London Water Bodies SPA and Ramsar	Thames Basin Heaths SPA	Thursley, Ash, Pirbright and Chobham SAC	Windsor Forest and Great Park SAC	Richmond Park SAC	Wimbledon Common SAC	
ST4/028	William Hill / Vodafone/ Monsoon, High Street	Staines		0.6			5.6			2

Appendix E

**APIS INFORMATION FOR SPA AND
SAC SITES WHERE AIR POLLUTION
IS LISTED AS A PRESSURE OR
THREAT**

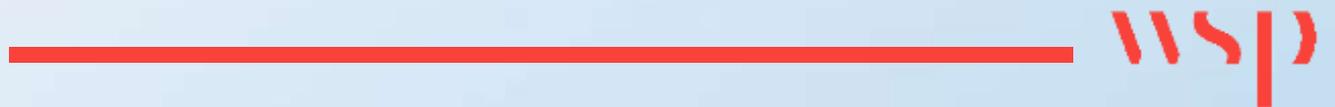


Site	Distance from Spelthorne Boundary at nearest point	Species	Relevant Critical Load			N Deposition kg N/ha/yr			Ammonia Critical Level $\mu\text{g NH}_3/\text{m}^3$ annual mean	NH ₃ Concentration $\mu\text{g}/\text{m}^3$		
			Relevant Habitat	Relevant CL Habitat	CL Range	Maximum	Minimum	Average		Maximum	Minimum	Average
Thames Basin Heaths SPA		<i>Caprimulgus europaeus</i> - European nightjar	Coniferous Woodland	Coniferous Woodland	5 - 15	26.5	19.9	21.8	3	1.46	0.9	1.04
			Dry Heaths	Dry Heaths	10- 20	15.7	12	13.1	3	1.46	0.9	1.04
		<i>Lullula arborea</i> - Wood lark	Coniferous Woodland	Coniferous Woodland	5 - 15	26.5	19.9	21.8	3	1.46	0.9	1.04
			Dry Heaths	Dry Heaths	10 - 20	15.7	12	13.8	3	1.46	0.9	1.04
	<i>Sylvia undata</i> - Dartford warbler	Dry Heaths	Dry Heaths	10 - 20	15.7	12	13.8	3	1.46	0.9	1.04	
South West London Waterbodies		<i>Anas strepera</i> (North-western Europe) - Gadwall	Standing open water and canals	Standing open water and canals	No CL available	10.7	9.4	9.9	3	1.85	1.56	1.65
		<i>Anas strepera</i> (North-western Europe) - Gadwall	Neutral Grassland	Neutral Grassland	20 - 30	17.5	15.1	15.7	No CL Stated	1.85	1.56	1.65
		<i>Anas strepera</i> (North-western Europe) - Gadwall	Neutral Grassland	Neutral Grassland	20 - 30	17.5	15.1	15.7	No CL Stated	1.85	1.56	1.65
		<i>Anas clypeata</i> (North-western/Central Europe) - Northern shoveler	Standing open water and canals	Standing open water and canals	No CL available	10.7	9.4	9.9	3	1.85	1.56	1.65
		<i>Anas clypeata</i> (North-western/Central Europe) - Northern shoveler	Standing open water and canals	Standing open water and canals	No CL available	10.7	9.4	9.9	3	1.85	1.56	1.65

Site	Species	Relevant Critical Load			N Deposition kg N/ha/yr			Ammonia Critical Level $\mu\text{g NH}_3/\text{m}^3$ annual mean	NH ₃ Concentration $\mu\text{g}/\text{m}^3$		
		Relevant Habitat	Relevant CL Habitat	CL Range	Maximum	Minimum	Average		Maximum	Minimum	Average
Richmond Park SAC	<i>Lucanus cervus</i> - Stag beetle	Broadleaved deciduous woodland	Broadleaved deciduous woodland	10 - 20	29.6	27.5	28.4	3	1.87	1.7	1.77
Thursley, Ash, Pirbright & Chobham SAC	Depressions on peat substrates of the <i>Rhynchosporion</i>	Depressions on peat substrates of the <i>Rhynchosporion</i>	Valley mires, poor fens and transition mires	10- 15	15.7	12	12.7	1	1.46	0.79	0.94
	Northern Atlantic wet heaths with <i>Erica tetralix</i>	Northern Atlantic wet heaths with <i>Erica tetralix</i>	Northern wet heath: <i>Erica tetralix</i> dominated wet heath	10- 20	15.7	12	12.7	1	1.46	0.79	0.94
	European dry heaths	European dry heaths	Dry heaths	10- 20	15.7	12	12.7	1	1.46	0.79	0.94
Wimbledon Common SAC	Northern Atlantic wet heaths with <i>Erica tetralix</i>	Northern Atlantic wet heaths with <i>Erica tetralix</i>	Northern wet heath: <i>Erica tetralix</i> dominated wet heath	10 - 20	16.9	16.9	16.9	1	1.87	1.87	1.87
	European dry heaths	European dry heaths	Dry heaths	10 - 20	16.9	16.9	16.9	1	1.87	1.87	1.87
	<i>Lucanus cervus</i> - Stag beetle	Broadleaved deciduous woodland	Broadleaved deciduous woodland	10 - 20	29.6	29.6	29.6	3	1.87	1.87	1.87
Windsor Forest & Great Park SAC	Old acidophilous oak woods with <i>Quercus robur</i> on sandy plains	Old acidophilous oak woods with <i>Quercus robur</i> on sandy plains	Acidophilous <i>Quercus</i> -dominated woodland	10-15	27.8	20.8	23	Site specific	1.81	0.97	1.2
	<i>Limonicus violaceus</i> - Violet click beetle	Broadleaved deciduous woodland	Broadleaved deciduous woodland	10-20	27.8	20.9	23	3	1.81	0.97	1.2
	Atlantic acidophilous beech forests with <i>Ilex</i> and sometimes also <i>Taxus</i> in the shrublayer (<i>Quercion robori-petraeae</i> or <i>Ilici-Fagenion</i>)	Atlantic acidophilous beech forests with <i>Ilex</i> and sometimes also <i>Taxus</i> in the shrublayer (<i>Quercion robori-petraeae</i> or <i>Ilici-Fagenion</i>)	Fagus woodland	10-20	27.8	20.9	23	Site specific	1.81	0.97	1.2

Appendix F

FINDINGS OF STAGE 1 SCREENING





Screening outcomes

Policy	Heading	Summary of Policy	Relevant Habitats sites within refined ZO ³⁵	Screening of Likely Significant Effects (LSE)	In-Combination	Screened in?
<i>Strategy and Strategic Policies</i>						
ST1	<i>Presumption in Favour of Sustainable Development</i>	<p>When determining development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.</p> <p>The principle informs both the policies and site allocations contained within the Local Plan.</p> <p>When implementing Policy ST1, local circumstances will be taken into account to respond to different opportunities for achieving sustainable development. In accordance with policies in the NPPF that protect important natural and heritage assets, the presumption will not automatically apply to: Habitats sites (including sites</p>	All Habitats sites	<p>This is a positive policy that seeks to promote sustainable development. It is compatible with the aims of conserving the integrity of Habitats sites by helping to ensure the delivery of sustainable development.</p> <p>In addition, there is a presumption against automatically applying this Policy to Habitats sites which will require appropriate assessment (generic level) in the planning process aiming to protect all nature conservation sites including Habitats sites.</p>	No LSE therefore no in-combination effect.	Screened out

³⁵ Where there is an identified pressure or threat.

		protected under the Birds and Habitats Directives) and/or designated as Sites of Special Scientific Interest (SSSIs), development requiring appropriate assessment because of its potential impact on a Habitats site, land designated as Green Belt, or Local Green Space, designated heritage assets, and or locations identified as at risk of flooding.				
ST2:	<i>Planning for the Borough</i>	<p>Spatial Development Strategy</p> <p>National policy requires that SBC meet objectively assessed housing needs, including any unmet needs from neighbouring authorities, where it is practical to do so and consistent with achieving sustainable development.</p> <p>The Plan seeks to deliver 9,270 homes over the Plan period, which equates to an average of 618 homes per year.</p> <p>The policy also includes the provision for new permanent pitches for Gypsies and Travellers and new permanent plots for Travelling Showpeople in accordance with Gypsy and Traveller Accommodation Assessment (GTAA).</p>	<p>South West London Waterbodies SPA and Ramsar site</p> <p>Windsor Forest and Great Park</p>	<p>This policy provides the development principles to meet the National Housing Allocation objectives.</p> <p>The quantum of development across the Borough is set out in the Allocated sites identified, some of which are in close proximity to Habitats sites (Figure 2).</p> <p>Any development within SBC's administrative area has the potential for increased traffic (and therefore impacts on air quality), increased recreational and development pressures and therefore disturbance on nearby Habitats sites (10km buffer for recreation and air quality and 200m for tall</p>	<p>Any increase in traffic due to development has the potential to give rise to 'in-combination' effects with other plans and projects.</p> <p>Visitor pressure may be further increased as a result of additional residents and journeys delivered under Local Plan policies and development schemes.</p>	Screened in



		The Council expects that all development will, at a scale proportionate to the proposal, make a positive contribution to achieving the relevant targets relating to climate change and Biodiversity Net Gain.		buildings). This policy could result in development in proximity to Habitats sites which could lead to LSE.		
<i>Place Shaping</i>						
PS1:	<i>Responding to the climate emergency</i>	<p>The Local Plan plays a key role in addressing the climate emergency by reducing carbon dioxide emissions and supporting the transition to a zero carbon future. As well as helping to deliver improvements to flood risk, air quality, recycling and waste management.</p> <p>Across the Council's services, all strategic decisions, budgets and approaches to planning decisions will be aligned with the goal of achieving a shift to carbon neutrality. The Council intends to accelerate its efforts by introducing greener buildings, transportation, greener investments and increasing renewable energy.</p> <p>The Council will take a proactive approach to mitigating the effects of, and adapting to, climate change to ensure the future resilience of both communities and infrastructure. This includes locating new development in</p>	All Habitats sites	A positive policy addressing the climate emergency by reducing carbon dioxide emissions and supporting the transition to a zero carbon future. Likely to be of benefit to the Habitats sites if this includes the provision of increased EV infrastructure and shifts to public transport and active travel modes.	No LSE therefore no in-combination effect.	Screened out



		locations that reduces reliance on private motor vehicles as well as being designed and constructed in a way to achieve low or zero carbon buildings and facilitates more sustainable lifestyles including supporting the ability to work flexibly				
PS2:	<i>Designing places and spaces</i>	<p>High quality in the design and layout of new development is fundamental to achieving identified needs and creating places where people want to live and will thrive. Good design is a</p> <p>Article 7 is relevant to this HRA :</p> <p>7) Given the size, function and proposed density of major developments, particularly those exceeding 50 dwellings, tall buildings and/or allocated sites on former Green Belt land, it may not always be desirable to reflect locally distinct patterns of development.....and in Staines, the Development Framework will provide site specific guidance on the design of larger and tall buildings.</p>	All Habitats sites	<p>This is a development management policy relating to housing quality.</p> <p>This policy provides positive provision and is a key aspect of sustainable development. There are no effects pathways present.</p>	No LSE therefore no in-combination effect.	Screened out
PS3:	<i>Heritage, Conservation and Landscape</i>	SBC will seek to preserve, conserve and enhance as appropriate the architectural, historic and landscape	All Habitats sites	A development management policy relating to conserving Heritage assets. There	No LSE therefore no in-combination effect.	Screened out

		character of the Borough. The Council will also expect all new development proposals to make a positive contribution to the environment taking account of any relevant design codes.		are no effects pathways present.		
<i>Spatial Policies</i>						
<i>SP1:</i>	<i>Staines-upon-Thames</i>	<p>Staines has the opportunity to grow and develop into a thriving town that can take advantage of its close proximity to Heathrow Airport and proposed new public transport schemes are likely to enhance its connectivity further. The Staines Development Framework will deliver an ambitious and viable vision for the transformation and regeneration of the whole town. The Framework will be adopted as a Supplementary Planning Document to guide decision-making, supporting the Local Plan and this policy.</p> <p>Article 1 of this policy states :</p> <p>Recognising its size, location and significant opportunity for further regeneration, Staines-upon-Thames will be a key focus for housing, employment and retail development in the Borough. The guidance for how the town grows sustainably and coherently will be provided within a new</p>	South West London Waterbodies SPA and Ramsar site	<p>This policy provides the development principles for development within Staines upon Thames. This policy will be embedded in the Staines Development Framework which will set out guidance on sustainable development in this area of the Borough.</p> <p>The quantum of development is set out in the Allocated sites identified in the area of the town, some of which are in close proximity to Habitats sites (Figure 2).</p> <p>Most allocated sites are in Staines town itself which is built-up and has a number of tall buildings. These Allocated sites can be screened out on this basis and the lack of effects pathways to the nearest Habitats site and respective qualifying features (see Section 5).</p>	No LSE therefore no in-combination effect.	Screened out



		Staines Development Framework (the Framework) to deliver development to meet need		<p>Two Allocated sites in close proximity (200m Zol) to the SW London Waterbodies SPA/Ramsar (Staines and King George VI Reservoirs (ST1/043) and Wraysbury Reservoir (ST4/025)) require particular note. The former (ST1/043) is an allocated Gypsy and Traveller site alongside London Road and it is anticipated will entail low rise, small mobile units or caravans. The latter (ST4/025) is allocated for 15 residential units on 0.92ha and is unlikely to comprise a high rise residential development. Both will sit at the base of the Reservoir embankments which are approximately 17m above ground level at this location.</p> <p>The South West London Waterbodies in the vicinity of Staines, Ashford and Stanmore have restricted access and are fenced. Recreational pressure from any proposed development in the Staines area is likely to be dispersed over a much wider area therefore and no LSE is anticipated.</p> <p>As air pollution has not been identified as a</p>		
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				<p>pressure or threat at South West London Waterbodies (see Table 5-2) this policy is unlikely to result in significant effects at South West London Waterbodies.</p> <p>Furthermore, the focus on development within Staines, where there is existing infrastructure and services, is likely to reduce overall traffic associated with forecast growth (by reducing the need to travel and travelling by more sustainable modes of travel).</p>		
SP2:	<i>Ashford, Shepperton and Sunbury Cross</i>	<p>Article 1 of this policy states : Ashford, Shepperton and Sunbury Cross offer the potential for development opportunities to help meet identified needs. There are opportunities to maximise the efficient use of land by raising densities whilst ensuring high quality design, particularly around public transport interchanges, within the existing character. New developments will be expected to provide infrastructure improvements necessary to mitigate impacts.</p>	South West London Waterbodies SPA/Ramsar site	<p>This policy provides the principles for development within the Ashford, Shepperton and Sunbury Cross built-up areas.</p> <p>The quantum of development is set out in the Allocated sites identified in the area of the towns, some of which are in close proximity to Habitats sites (Figure 2).</p> <p>Most Allocated sites are located within already built-up areas and are some distance from Habitats sites. On this basis and the lack of effects pathways to the nearest Habitats site and</p>	No LSE therefore no in-combination effect.	Screened out

				<p>respective qualifying features they are screened out of this assessment (see Figure xx Section xx)</p> <p>Four Allocated sites (AS1/001, AS1/003, AS1/011 and AS2/001) are located near the Staines Reservoir, a part of the SW London Waterbodies SPA/Ramsar site. These are discussed in Table 7-2 above.</p> <p>The South West London Waterbodies in the vicinity of Staines, Ashford and Stanmore have restricted access and are fenced. Recreational pressure from any proposed development in the Staines area is likely to be dispersed over a much wider area therefore and no LSE is anticipated.</p> <p>As air pollution has not been identified as a pressure or threat at South West London Waterbodies (see Table 5-2) this policy is unlikely to result in significant effects at South West London Waterbodies due to changes in air quality.</p> <p>Furthermore, the focus on development within areas where there is existing infrastructure and</p>		
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				services, is likely to reduce overall traffic associated with forecast growth (by reducing the need to travel and travelling by more sustainable modes of travel).		
SP3:	Stanwell and Stanwell Moor	<p>SBC will support the communities of Stanwell and Stanwell Moor and will seek to secure improved economic, social and environmental benefits.</p> <p>Stanwell and Stanwell Moor are communities to the north of the Borough which are less well connected to the rest of Spelthorne. Both Stanwell and Stanwell Moor are heavily impacted by Heathrow Airport. There is therefore a requirement for these communities to benefit from new and improved facilities and infrastructure where this can be secured.</p>	South West London Waterbodies SPA/Ramsar site	<p>This policy provides the principles for development within the Stanwell and Stanwell Moor built-up areas.</p> <p>The quantum of development is set out in the Allocated sites identified in the area of the towns (Figure 2).</p> <p>All Allocated sites are located within already built-up areas and are some distance from Habitats sites. On this basis and the lack of effects pathways to the nearest Habitats site and respective qualifying features they are screened out of this assessment (see Figure 2).</p> <p>The South West London Waterbodies in the vicinity of Staines, Ashford and Stanmore have restricted access and are fenced. Recreational pressure from any proposed development in the</p>	No LSE therefore no in-combination effect.	Screened out

				<p>Staines area is likely to be dispersed over a much wider area therefore and no LSE is anticipated.</p> <p>As air pollution has not been identified as a pressure or threat for South West London Waterbodies (see Table 5-2) this policy is unlikely to result in significant effects at South West London Waterbodies due to changes in air quality.</p>		
SP4:	Green Belt	<p>In order to uphold the fundamental aims of the Green Belt to prevent urban sprawl and to keep land within its designation permanently open, inappropriate development will not be approved unless very special circumstances can be demonstrated. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.</p> <p>Proposals within the Green Belt will also be expected to comply with all other Local Plan policies, particularly those that cover design, amenity, landscape, biodiversity and flooding.</p>	All Habitats sites	A development management policy relating to protecting the Greenbelt. There are no effects pathways present.	No LSE therefore no in-combination effect.	Screened out

<p>SP5:</p>	<p><i>Colne Valley Regional Park</i></p>	<p>The Colne Valley Regional Park covers over 10,000 hectares to the west of London. SBC supports the objectives of the Park and will seek to ensure that land within it is kept open and available for informal recreation where possible and that any proposals for development make a positive contribution to the setting of the Park, its landscape and recreational potential.</p>	<p>All Habitats sites</p>	<p>A development management policy relating to conserving the Colne Valley regional Park. There are no effects pathways present.</p>	<p>No LSE therefore no in-combination effect.</p>	<p>Screened out</p>
<p>SP6:</p>	<p><i>River Thames and its Tributaries</i></p>	<p>The River Thames is regarded as a key asset of the Borough, is one of the Borough's key tourist attractions, and the Council is keen to maximise its potential.</p> <p>The river brings great benefits from tourism, leisure, recreation and ecological perspectives, and is also beautiful.</p> <p>Section 5.27 states; Policy SP6 aims to ensure that the setting of the river and its tributaries are protected and where possible enhanced.</p> <p>SBC is working with the Environment Agency and other partners to bring forward the River Thames Scheme which aims of reducing flood risk in communities. The large scale of the project means it is treated as a Nationally</p>	<p>All Habitats sites</p>	<p>A development management policy relating to protecting the character of the River Thames. A key element of this Policy is the development of the River Thames Scheme in partnership with the Environment Agency and others. As an NSIP and DCO a specific HRA will be required for this Scheme.</p> <p>However, for the Policy itself, which is a positive one and sets out to protect the River Thames, no effects pathways have been identified.</p>	<p>No LSE therefore no in-combination effect.</p>	<p>Screened out</p>



		Significant Infrastructure Project (NSIP) and requires a development consent order' (DCO).				
<i>SP7:</i>	<i>Heathrow Airport</i>	<p>The main objective of this policy is for SBC to ensure that a future expansion at Heathrow Airport secures and provides the best possible outcomes for its residents and businesses, and in particular those most directly affected in the Stanwell Moor and Stanwell communities.</p> <p>SBC will support a future expansion (in principle) as it recognises the potential economic benefits and opportunities that an expanded airport could bring to Spelthorne, the wider Southeast and the UK as a whole. However, its support will be entirely dependent on Heathrow Airport Limited (HAL) making sure that the proposed scheme comprehensively and effectively mitigates the impacts it will have on communities, businesses, services and environment.</p>	South West London Waterbodies SPA/Ramsar site	<p>This policy sets out to ensure that any future significant development at Heathrow Airport leads to the best possible outcomes for the Borough and is therefore largely a positive one.</p> <p>SBC supports expansion proposals, but the responsibility to ensure the environmental impact of such does not detrimentally affect the Habitats sites within the Borough and surrounds lies with Heathrow Airport Ltd. This policy therefore is screened out (see Section 7.2.23).</p>	No LSE therefore no in-combination effect.	Screened out
<i>Housing</i>						
<i>H1</i>	<i>Homes for All</i>	The policies within the Plan set out how a wide variety of high-quality homes, of all tenures,	All Habitats sites	This is a development management policy relating to equality and	No LSE therefore no in-combination effect.	Screened out



		<p>types and sizes, which meet the needs of SBC residents will be delivered.</p> <p>The Council will seek to enable housing delivery which meets the needs of different groups including families, older people, younger people, people with disabilities, people requiring more specialist accommodation, the Gypsy and Traveller community and Travelling Showpeople community. The Plan will also seek to make provision for self-build/custom build projects and starter homes.</p>		<p>inclusivity and to meet the demand and supply of suitable homes which meet the needs of SBC residents.</p> <p>There are no linking effects pathways present</p>		
H2:	<i>Affordable Housing</i>	<p>The Council will require at least 30% affordable housing units on all schemes of 10 units (net) or more. Greenfield sites will be expected to deliver at least 50% affordable housing.</p> <p>The objective of this policy is therefore to provide a deliverable framework within which affordable housing can be secured from new development in the Borough.</p>	All Habitats sites	<p>This is a development management policy and a framework to guide the affordable housing requirement in SBC. There are no linking impact pathways present</p>	No LSE therefore no in-combination effect.	Screened out
H3:	<i>Meeting the needs of Gypsy, Traveller and Travelling Showpeople</i>	<p>SBC will make provision for additional Gypsy and Traveller pitches and additional plots for Travelling Showpeople to meet the accommodation needs in the Borough which are identified in the most up-to-date Gypsy and Traveller</p>	South West London Waterbodies SPA/Ramsar site	<p>This is a development management policy to guide SBC when providing for Gypsy and Traveller needs. It does not identify any quantum of development. However, some Allocated sites do</p>	No LSE therefore no in-combination effect.	Screened out



		Accommodation Assessment (GTAA).		include those which are planned to accommodate Gypsies and Travellers and are in close proximity to Habitats sites, e.g. ST1/043 near the SW London Waterbodies SPA/Ramsar at Staines. The nature of the development within these sites is such that no buildings above one storey are anticipated and therefore no visual disturbance is likely for qualifying bird species.		
<i>Environment</i>						
E1:	<i>Green and Blue³⁶ Infrastructure</i>	All development should contribute towards the provision, improvement, and maintenance of the green infrastructure network across the Borough where appropriate to do so.	All Habitats sites	A positive policy providing for the protection and creation of Local Green and Blue infrastructure. This policy has the potential to divert recreational pressure	No LSE therefore no in-combination effect.	Screened out

³⁶ Green Infrastructure is defined in the NPPF as ‘a network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

Blue Infrastructure is the network of watercourses and other bodies of water including reservoirs, which provide ecological, landscape and recreational value to the Borough. This also includes the banks and corridors immediately along the watercourse which can provide significant biodiversity benefits and play a vital role in ensuring habitat connectivity

		<p>Section 7.9 states :</p> <p>The Water Framework Directive⁴³ requires rivers and waterbodies in the UK to achieve good ecological status by 2027. This includes resisting the establishment and spread of non-native invasive species which can have a significant detrimental impact on native species. UK domestic law has retained the WFD and requires that River Basin Management Plans (RBMPs) are produced to improve the status of waterbodies. Many of the waterbodies in the Borough support recreational uses which are required to be carried out within tight environmental restrictions and are regulated. Recreational uses are supported provided that they respect the ecological and landscape values of the waterbodies and the associated corridor.</p>		away from sensitive Habitats sites.		
E2:	Biodiversity	<p>Articles 1 and 2 state :</p> <p>1) SBC will support development proposals which restore, maintain and enhance habitat connectivity and will seek opportunities for habitat creation particularly within Biodiversity Opportunity Areas. Development proposals will be expected to contribute to biodiversity through clearly</p>	All Habitats sites	This is a positive policy that seeks to protect nature conservation sites including Habitats sites and embeds Biodiversity Net Gain within Planning Policy.	No LSE therefore no in-combination effect.	Screened out



		<p>demonstrating improvements when submitting a planning application as part of securing biodiversity net-gain.</p> <p>2) Development on or adjacent to the following designated sites in the Borough will need to have reference to this Policy:</p> <ul style="list-style-type: none">• Ramsar sites (International).• Special Protection Areas (European).• Sites of Special Scientific Interest and National Nature Reserves (National). <p>And article 10 states :</p> <p>Development proposals not directly related to the management of Ramsar, and SPA, as well as SSSI units forming part of these designations will not be permitted unless it can be demonstrated that the impact of proposals, either alone or in combination, will not result in likely significant effects. If significant adverse effects remain even with the implementation of suitable avoidance and/or mitigation, development proposals will need to demonstrate that alternatives to the proposal have been fully explored.</p>				
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E3:	<i>Managing Flood Risk</i>	<p>Article 2 states :</p> <p>To reduce the overall and local flood risk and manage water resources development must be located, designed and laid out to ensure that it is safe, the risk from flooding is minimised (whilst not increasing flooding risk elsewhere) and that residual risks are safely managed.</p>	All Habitats sites	This is a positive policy that seeks to protect development from flood risk.	No LSE therefore no in-combination effect.	Screened out
E4:	<i>Environmental Protection – Air, water, noise and light</i>	<p>Relevant sections state :</p> <p>7.36 National policy states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (NPPF 2021, paragraph 174).</p>	All Habitats sites	This is a positive policy that is to drive significantly improved environmental conditions in the SBC area, including air and water quality.	No LSE therefore no in-combination effect.	Screened out

		<p>7.37 Whilst some polluting activities are controlled through legislation, the planning system has a complementary role in directing the location of development that may give rise to pollution where a separate pollution control regime does not apply, both pollution directly generated from the development or indirectly, for example through the traffic a development generates. The NPPF 2021 is clear that the impact of pollution is a material planning consideration.</p> <p>7.38 National policy requires planning policies and decisions to take into account the likely cumulative effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development (NPPF 2021, paragraph 185 and 186).</p>				
E5:	<i>Open Space and Recreation</i>	<p>Open Space forms the basis of the Borough's green infrastructure network supporting residents and other users.</p> <p>This policy seeks to protect existing provision as a minimum and ensure provision of spaces in which there are</p>	South West London Waterbodies SPA/Ramsar site	This is a positive policy that promotes leisure activities, including walking and cycling, Such activities potentially can lead to air quality improvements through reduced reliance on motor vehicles.	No LSE therefore no in-combination effect.	Screened out

		identified deficiencies over the plan period.		<p>Recreational facilities also have the potential to divert pressure away from Habitats sites.</p> <p>There is potential for new recreational/leisure facilities and infrastructure to impact on Habitats sites but no proposals or quantum of development has been put forward in this respect.</p> <p>Allocated site AS2/001 requires the re-location of the existing Youth Club on the same development site.</p>		
<i>Economy</i>						
<i>EC1:</i>	<i>Meeting Employment Needs</i>	<p>One of the roles of the planning system is to contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity.</p> <p>The Employment Land Needs Assessment (ELNA), identified a need for a fairly small additional amount of floorspace over the plan period in order to meet the anticipated level of jobs which will be created. Meeting this will meet the identified local</p>	All Habitats sites	<p>This is a broad policy relating to Spelthorne's economy. Whilst it is noted that economic growth has potential to impact upon Habitats sites (atmospheric pollution and water resource conflicts), this policy does not explicitly provide for development, but provides planning guidance for decision making.</p>	No LSE therefore no in-combination effect.	Screened out

		Spelthorne need. We are keen to gain from the economic benefits that our close proximity to Heathrow brings.				
EC2:	<i>Retail</i>	Staines-upon-Thames is the Borough's main town centre, where main town centre uses should be directed principally. Ashford, Shepperton and Sunbury Cross are district centres which act as key providers for their respective catchments. As such SBC will ensure that identified retail needs, as well as those of other main town centre uses, will be met using the centre hierarchy.	South West London Water bodies	This policy provides the principles for retail development within town centres. It does not identify any specific location or quantum of development. The policy primarily relates to already built up town centres and therefore unlikely to impact on Habitats sites. It can be considered that at the Local Plan level there are no linking impact pathways.	No LSE therefore no in-combination effect.	Screened out
EC3:	<i>Local Centres, Shopping Parades and Isolated Retail Units</i>	The local centres play an important role in supporting their communities. These centres have a few shops which help to provide for local people's basic day-to-day needs but lack the diversity of more established retailers or uses such as banking facilities, supermarkets etc The Local Plan sets out protect these centres and encourage the development of uses within Class E, particularly retail where appropriate. Parades and	All Habitats sites	This policy provides the principles for development within town centres and isolated retail units. It does not identify any specific location or quantum of development. Isolated retail units, eg convenience stores, are unlikely to impact on Habitats sites and will largely be within already built up areas. It can be considered that at the Local Plan level	No LSE therefore no in-combination effect.	Screened out



		isolated shops which are often on their own and provide an important service such as post office or local convenience store. are also the focus.		there are no linking impact pathways.		
EC4:	<i>Leisure and Culture</i>	<p>SBC considers that the leisure and cultural experience in the Borough has the potential to contribute to Spelthorne's future growth. As such, the Council will continue to protect existing leisure and tourism facilities. Where appropriate, new facilities will also be supported to enhance the Borough's attractiveness to its residents and visitors. The provision of arts and cultural facilities in particular can broaden the Borough's offer and increase its appeal to visitors.</p> <p>In relation to Heathrow section 8.34 states : Spelthorne's proximity to Heathrow Airport, London and several large-scale tourist attractions means that there is potential for visitors to use facilities within the Borough, particularly in respect of hotels. This also presents the opportunity to enhance this provision to improve tourism opportunities within the Borough.</p>	All Habitats sites	<p>This is a positive policy that promotes leisure activities, including walking and cycling, Such activities potentially can lead to air quality improvements through reduced reliance on motor vehicles.</p> <p>Leisure facilities also have the potential to divert pressure away from Habitats sites.</p> <p>There is potential for new recreational/leisure facilities and infrastructure to impact on Habitats sites, but no proposals or quantum of development has been put forward in this respect.</p> <p>Allocated site AS2/001 requires the re-location of the existing Youth Club on the same development site.</p>	No LSE therefore no in-combination effect.	Screened out

Infrastructure and delivery						
ID1:	<i>Infrastructure and Delivery</i>	<p>Infrastructure provision is a key element in the delivery of the SBC Local Plan. The Spelthorne Infrastructure Delivery Plan outlines the capacity and quality of existing infrastructure, including planned improvements. The planning system allows SBC to ensure that there is adequate infrastructure in place to support new development.</p> <p>Article 5 states : Development proposals, including those allocated in this plan which give rise to a need for infrastructure improvements, will be expected to mitigate their impact, whether individually or cumulatively, and at a rate and scale to meet the needs that arise from that development or a phase of that development. The standards of infrastructure delivery will be expected to comply with other policies set out within this Plan</p>	<p>South West London Waterbodies SPA/Ramsar site</p> <p>Windsor Forest and Great Park</p> <p>Thames Basin Heaths SPA/Thursley Ash Pirbright and Chobham Common SAC</p>	<p>Any development to support economic growth has the potential for increased traffic (and therefore impacts on air quality).</p> <p>These objectives could result in development in proximity to Habitats sites which could lead to LSE.</p>	<p>Any increase in traffic due to development to support demographic change has the potential to give rise to 'in-combination' effects with other plans and projects.</p> <p>Visitor pressure may be further increased as a result of additional residents and journeys delivered under Local Plan policies and development schemes.</p>	Screened in
ID2:	<i>Sustainable Transport for New Developments</i>	<p>The planning process for new developments provides the opportunity to maximise the use of sustainable and active travel modes such as walking, cycling and the increased use of public and community transport. SBC will require</p>	All Habitats sites	<p>This is a positive policy to drive significantly improved environmental conditions in the SBC area, including air and water quality. This improvement in environmental quality is</p>	No LSE therefore no in-combination effect.	Screened out



		development proposals to incorporate opportunities to facilitate sustainable and active modes of travel.		driven primarily by human health considerations, however, an improvement in air quality through reductions in NOx concentrations will have a positive impact on levels of atmospheric pollution at Habitats sites.		
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