



# Local Flood Risk Management Strategy

Habitats Regulations Assessment (HRA)  
Screening



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

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# 1 Introduction

- 1.1 The Council is revising its Local Flood Risk Management Strategy (LFRMS) to set the direction for the management of flooding in the Borough over the next 6 years.
- 1.2 A Habitats Regulations Assessment (HRA) has been carried out to determine whether the implementation of the LFRMS is likely to have a significant impact habitats designated in the [Regulation 63 of the Conservation of Habitats and Species Regulations 2017 \(as amended\)](#). These specific habitats are referred to as 'European Sites' or Natura 2000 Sites. Included under this designation are Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar Sites.
- 1.3 The purpose of this report is to identify impacts on the relevant ecological receptors of European Sites within the Borough and. The themes, objectives and broad actions in the LFRMS have therefore been screened for 'likely significant effects' on relevant sites in accordance.
- 1.4 The adoption of a plan should only proceed where, taking account of the assessment, it can be concluded that the development would not adversely affect the integrity of the European site or the European offshore marine site.
- 1.5 The Government has produced guidance on the assessment of plans and projects that have the potential to affect European sites<sup>1</sup>. The guidance identifies a three staged approach as shown in Table 4.1. This report summarise Stage 1 of the HRA.

**Table 4.1 Stages of undertaking a Habitats Regulations Assessment**

**Stage One: Screening — This step is a simple assessment to check or screen if a proposal:**

- is directly connected with or necessary for the conservation management of a European site.
- risks having a significant effect on a European site on its own or in combination with other proposals.

**Stage Two: Appropriate assessment - You must carry out an appropriate assessment if you decide there's a risk of a likely significant effect on a European site or do not have enough evidence to rule out a risk**

The assessment should be more detailed and thorough than the screening check and appropriate for the nature and complexity of the proposal and allow you to carry out the integrity test. Your appropriate assessment should assess the likely significant effects of a proposal on the integrity of the site and its conservation objectives and consider ways to avoid or reduce (mitigate) any potential for an 'adverse effect on the integrity of the site'

**Stage Three: Derogations - allow exceptions—** In certain circumstances, you can allow a proposal that's failed the integrity test to go ahead. This is

<sup>1</sup> <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

known as a derogation. It must pass all 3 legal tests for a derogation to be granted.

- 1) **There are no feasible alternative solutions that would be less damaging or avoid damage to the site.**
- 2) **The proposal needs to be carried out for imperative reasons of overriding public interest.**
- 3) The necessary compensatory measures can be secured.

## 2 Local Flood Risk Management Strategy

- 2.1 The Council is required to develop, maintain, apply and monitor a strategy for managing local flood risk in the Borough under Section 9 of the Flood and Water Management Act 2010. The current LFRMS was adopted in 2015 and was supported by a Strategic Environmental Assessment (SEA).
- 2.2 The Council, as competent authority, considers that the LFRMS is a 'plan' under the Conservation of Habitats and Species Regulations 2017 (as amended) as the accompanying guidance lists "*flood and coastal erosion risk management plans*" as items that can be considered a plan.
- 2.3 There are four emerging themes within the LFRMS, as follows:
  - Flood Resilient Communities
  - Adaptive Places
  - Working Together
  - Monitoring and Review
- 2.4 Objectives and corresponding actions have been proposed in the Strategy to not only set out the aspirations for the strategy, but detail the specific actions required to manage the risk of flooding.
- 2.5 The LFRMS was updated following the consultation responses from stakeholder organisations and the wider public.

## 3 Relevant European Sites

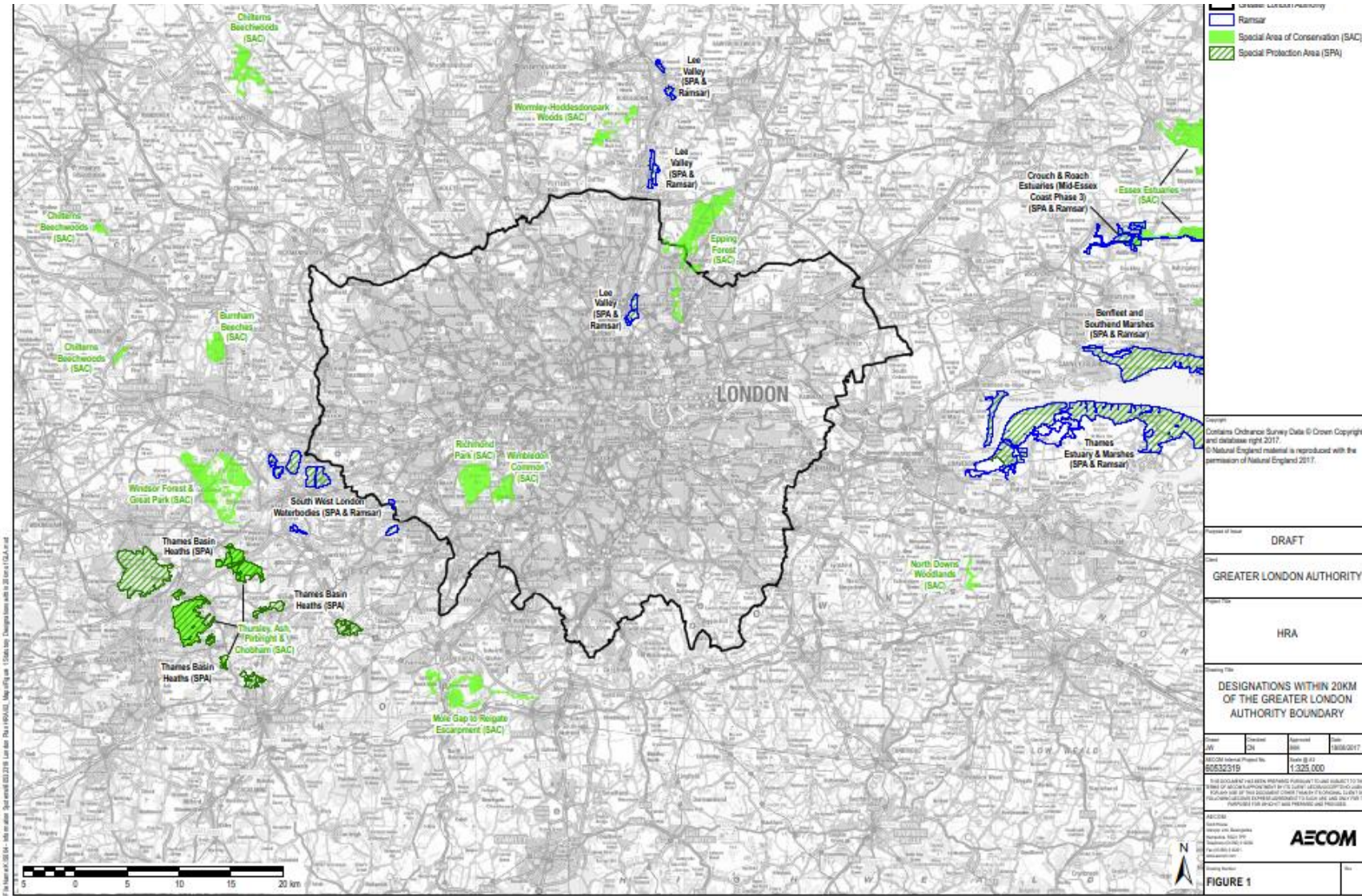
- 3.1 There are no European sites within or partially within the boundary of Kensington and Chelsea. There are four European sites within Greater London, as shown in Figure 3.1 and detailed in Table 3.2. The two sites closest to the Borough are (1) Richmond Park and (2) Wimbledon Common, as shown in Figure 3.2.
- 3.2 It is noted that all sites lie outside the hydrological catchment of the Royal Borough of Kensington and Chelsea and are therefore hydraulically distinct.

Table 3.2 Relevant European Sites

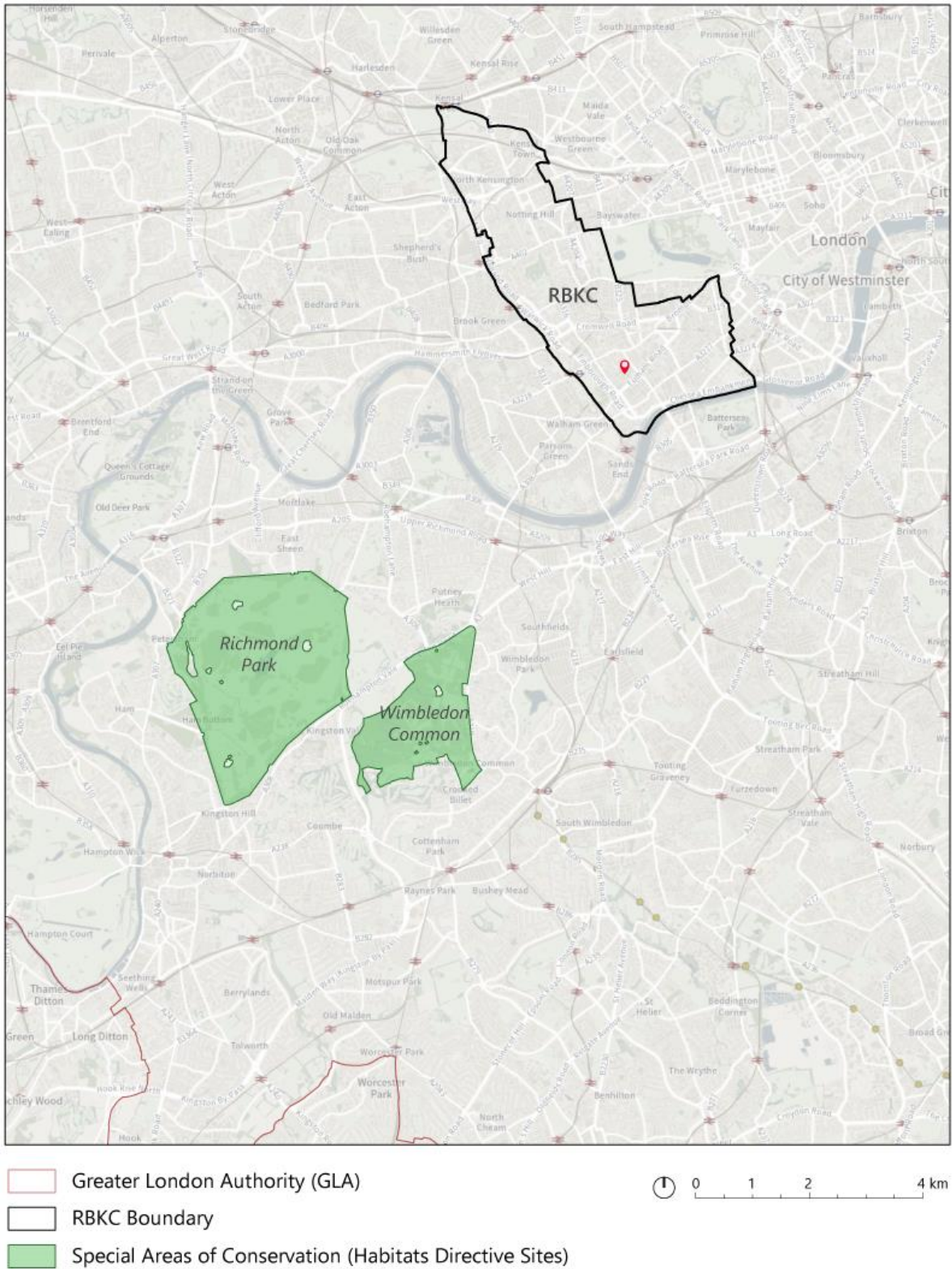
Site Name	Reason for Designation	Current Pressures
Richmond Park (SAC)	<p>The site is designated as an SAC for the following Annex II species:</p> <ul style="list-style-type: none"> <li>Stag beetle <i>Lucanus cervus</i></li> </ul>	<p>None specifically identified in the Natural England Site Improvement Plan, although loss of habitat (dead wood) would affect the stag beetle population.</p>
Wimbledon Common (SAC)	<p>The site is designated as an SAC for the following Annex I habitats:</p> <ul style="list-style-type: none"> <li>Northern Atlantic wet heaths with <i>Erica tetralix</i></li> <li>European dry heaths</li> </ul> <p>The site is designated as an SAC for the following Annex II species:</p> <ul style="list-style-type: none"> <li>Stag beetle <i>Lucanus cervus</i></li> </ul>	<ul style="list-style-type: none"> <li>Public access / disturbance</li> <li>Habitat fragmentation</li> <li>Invasive species (specifically oak processionary moth <i>Thaumetopoea processionea</i>)</li> <li>Atmospheric pollution (nitrogen deposition)</li> </ul>
Epping Forest (SAC)	<p>The site is designated as an SAC for the following Annex I habitats:</p> <ul style="list-style-type: none"> <li>Northern Atlantic wet heaths with <i>Erica tetralix</i></li> <li>European dry heaths</li> <li>Atlantic beech forests</li> </ul> <p>The site is designated as an SAC for the following Annex II species:</p> <p>Stag beetle <i>Lucanus cervus</i></p>	<ul style="list-style-type: none"> <li>Atmospheric pollution (nitrogen deposition)</li> <li>Undergrazing</li> <li>Public access / disturbance</li> <li>Changes in species distributions</li> <li>Inappropriate water levels</li> <li>Water pollution</li> <li>Invasive species</li> <li>Disease</li> </ul>
Lee Valley (SPA and Ramsar)	<p>The site is designated as an SPA and Ramsar site for the following Annex II species:</p> <p>Great Bittern <i>Botaurus stellaris</i></p> <p>Gadwall <i>Anas strepera</i></p> <p>Northern shoveller <i>Anas clypeata</i></p>	<ul style="list-style-type: none"> <li>Water pollution</li> <li>Hydrological changes</li> <li>Public access/ disturbance</li> <li>Inappropriate scrub control</li> <li>Fisheries: fish stocking</li> <li>Invasive species</li> <li>Inappropriate cutting/mowing</li> <li>Atmospheric pollution (nitrogen deposition)</li> </ul>

**Figure 3.1: Location of European Designated Sites in London and its vicinity**

Source: GLA, Habitats Regulations Assessment Screening, Regulations Assessment Modifications Update, December 2019



**Figure 3.2: Relevant Natura 2000 sites in relation to the Royal Borough of Kensington and Chelsea**



## 4 Screening Assessment

### Methodology

- 4.1 The purpose of this screening assessment is to review the potential impacts on identified European Sites as a result of implementing the proposed objectives and actions in the LFRMS.
- 4.2 The objectives and actions in each theme have been reviewed to determine whether there is likely to be a significant effect on each of the selected sites in turn.

### Screening Assessment

- 4.3 The Table 4.2 below presents a HRA screening assessment for the strategic objectives of the LFRMS.

**Table 4.2 HRA Screening Assessment for LFRMS**

		HRA Site			
		Richmond Park (SAC)	Wimbledon Common (SAC)	Epping Forest (SAC)	Lee Valley (SPA and Ramsar)
<b>LFRMS Theme</b>	Flood Resilient Communities	0	0	0	0
	Adaptive Places	0	0	0	0
	Working Together	0	0	0	0
	Monitoring and Review	0	0	0	0

**Table 4.2 HRA Screening Assessment Criteria**

0	The strategic objective will have no effect on a European Site
-	The strategic objective could have a potential negative effect on a European Site
--	The strategic objective could have a potential significant negative effect on a European Site
?	Uncertain

- 4.4 Justification for the conclusions of the Screening assessment presented in Table 4.2 is provided below.



### **Flood Resilient Communities**

- 4.5 There is not expected to be a significant effect on any European Site from the delivery of the objectives aligned with the Flood Resilient Communities theme and corresponding actions.
- 4.6 The actions relate to increasing the awareness of the risk of flooding and ensuring that residents and communities are suitably resilient and prepared for future flooding. No physical construction will be implemented as part of the Flood Resilient Communities theme. Raising awareness of flood risk as part of wider climate change impacts will increase general environmental awareness.

### **Adaptive Places**

- 4.7 There is not expected to be a significant effect on any European Site from the delivery of the objectives aligned with the 'Adaptive Places' theme and corresponding actions.
- 4.8 The actions relate to increasing the sustainable management of surface water, maintaining robust planning policies and ensuring that built infrastructure reflects climate impacts. While this theme includes objectives related to the construction of Sustainable Drainage Systems (SuDS), these will be retrofitted into existing infrastructure and will therefore not encroach into existing habitats.

### **Working Together**

- 4.9 There is not expected to be a significant effect on any European Site from the delivery of the objectives aligned with the 'Working Together' theme and corresponding actions.
- 4.10 The actions relate to increasing the cooperation and collaboration between organisations to collectively manage the risk of flooding across the Borough. Increased collaboration has the potential to support the ongoing protection of these sites through working with others across Greater London. Links to wider strategies and plans being delivered by others will be reinforced through the actions in this theme.

### **Monitoring and Review**

- 4.11 There is not expected to be a significant effect on any European Site from the delivery of the objectives aligned with the Monitoring and Review theme and corresponding actions.
- 4.12 The actions relate to monitoring the evidence relating to flood risk and climate change impacts, as well as

### **In-combination / Cumulative Effects**

- 4.13 As well as individual actions and objectives, the screening assessment also considered the cumulative effects of the strategy as a whole. There were no likely significant effects identified as a result of the actions in combination. Therefore, this screening assessment confirms that there is **no 'likely significant effect' in-combination.**

## 5 Conclusion

- 5.1 This HRA Screening Assessment has been prepared to consider whether there are 'likely significant effects' on nearby European Sites associated with the Local Flood Risk Management Strategy.
- 5.2 The conclusion of 'no likely significant effects' alone and in-combination has been determined having considered the limited scope of plans activities, the distance to Habitat Sites, and consequently the limited potential of impacts on those Habitat Sites.
- 5.3 Accordingly, no Appropriate Assessment is required as there will be no adverse effects on Habitat Sites integrity. This decision is made in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 5.4 As required by the Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended), this Screening Report was shared with the "appropriate nature conservation body", which for English Councils is Natural England. Natural England confirmed that:

*"It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are **unlikely to be significant environmental effects from the proposed plan.**"*
- 5.5 The report is also being made available alongside the LFRMS consultation. This will enable any interested party/stakeholder to comment on the Screening Report. This approach is in-line with the Regulation 63(4) of the Conservation of Habitats and Species Regulations 2017 (as amended) which states that the competent authority "must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate". No representations were received that question the validity of this screening report.

## Glossary

European Sites	Designated sites including SAC, SPA and Ramsar sites
HRA	Habitats Regulation Assessment
LFRMS	Local Flood Risk Management Strategy
LLFA	Lead Local Flood Authority
Ramsar	Wetland sites of international importance under the Ramsar Convention
RBKC	Royal Borough of Kensington and Chelsea
SAC	Special Area for Conservation
SEA	Strategic Environmental Assessment
SPA	Special Protection Area
Statutory Consultee	Natural England
SuDS	Sustainable Drainage Systems