

## Development & Renewal

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Dear David Hammond

### **South Quay Masterplan – Statement in respect of Habitats Regulations Assessment Conservation of Habitats and Species Regulations 2010**

#### **South Quay Masterplan Supplementary Planning Document**

South Quay is located to the south of Canary Wharf on the Isle of Dogs.

Since 2010, interest from the development industry and land owners has resulted in a high number of development proposals which seek to maximise densities along Marsh Wall (within the South Quay area), specifically in tall building typologies. If these developments are not appropriately managed, there is a risk that the townscape and wider environment of the South Quay area will suffer and development opportunities across the whole area will not be optimised. This will result in the lost opportunity to deliver a sustainable place and capture benefits for the community.

Currently development in the South Quay area is managed in accordance with policies and site allocations set out in the Local Plan (the adopted Core Strategy and Managing Development Document) and policies within the London Plan. The western side of South Quay also falls within the boundary covered by the Millennium Quarter Masterplan, which was produced in 2000. The Masterplan will be used for the purpose of development management alongside the Local Plan and London Plan to determine planning applications.

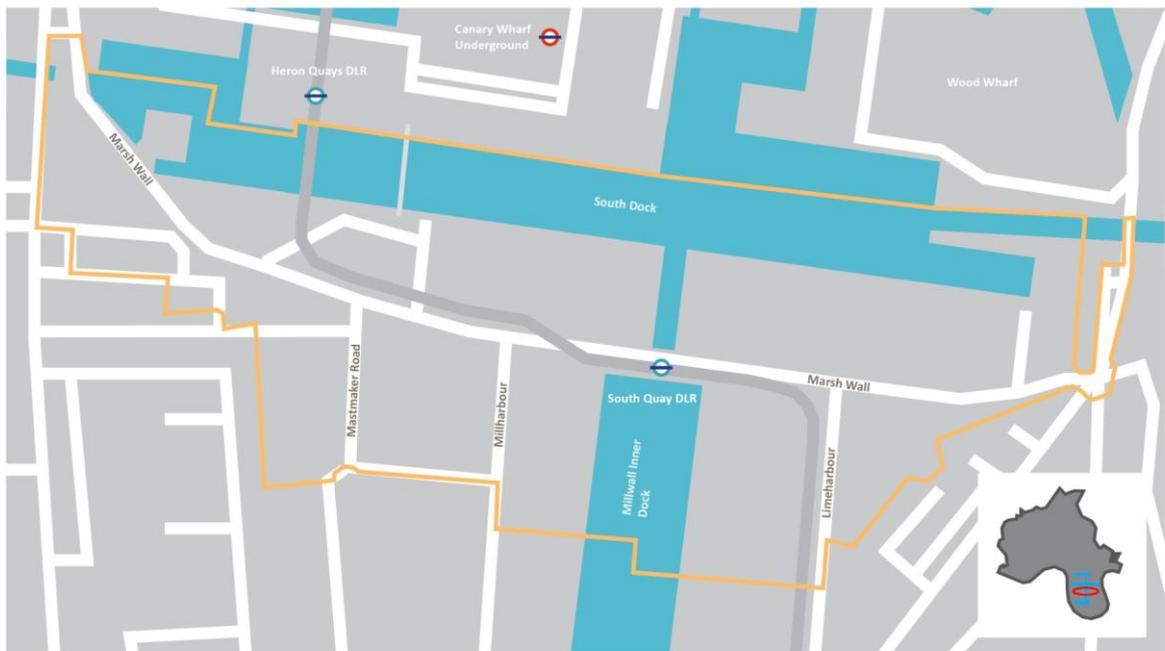
Given the scale of development which has been coming forward in this area (and to ensure benefits are maximised, whilst adverse impacts are appropriately managed at a strategic scale), LBTH consider that a bespoke Masterplan is required for the South Quay area to supplement the Local Plan and London Plan.

The proposed Masterplan for South Quay is therefore required to assist with the management of the proposed growth within the area, securing the associated benefits of this growth for the wider community. Specifically, it is needed to ensure that development contributes to an overall high quality and sustainable connected morphology and that social and physical infrastructure

requirements are planned for and delivered in line with the proposed levels of growth. It is intended that the Masterplan be adopted as a SPD and it will become a material consideration in future planning decisions.

The Masterplan Area is set out in Figure 1.1 below. It comprises a series of development sites which are at varying stages in the planning process. All of these sites are brownfield comprising existing residential or commercial buildings and associated public realm. Some of the sites are vacant and the buildings are unoccupied.

**Figure 1.1: Masterplan SPD boundary and location within wider borough**



The Masterplan provides concise and effective guidance to inform the determination of planning applications. It should be considered a manual for the development management process that aims to deliver the vision and principles set out for the area.

### **Regulatory requirement for HRA**

The Habitats Regulations 2010 require 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 European 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.”*

This regulatory requirement is met by a process commonly referred to as HRA.

## Stages of HRA

The HRA Regulations do not specify any particular method of approach but its requirements are usually met via the three stage process shown in Table 1.1.

**Table 1.1: Stages of HRA**

Stage	Task	Outcome
<b>Stage 1:</b> Screening	Identification of potentially affected European sites and factors contributing to their integrity.  Review of other plans and projects.  Consideration of development plan and assessment of likely significant effects alone or in-combination.	Where effects are unlikely, prepare a 'finding of no significant effect report'.  Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.
<b>Stage 2:</b> Appropriate Assessment (where Stage 1 does not rule out likely significant effects)	Information gathering (development plan and European Sites).  Impact prediction.  Evaluation of development plan impacts in view of conservation objectives.  Where impacts are considered to affect qualifying features, identify and assess alternative development plan options.  If no alternatives exist, define and evaluate mitigation measures, where necessary.	Appropriate assessment report describing the plan, European site baseline conditions, the adverse effects of the plan on the European site, how these effects will be avoided through, firstly, avoidance, and secondly, mitigation including the mechanisms and timescale for these mitigation measures.  If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.
<b>Stage 3:</b> Assessment where no alternatives exist and adverse impacts remain taking into account mitigation	Identify 'imperative reasons of overriding public interest' (IROPI).  Identify potential compensatory measures.	This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

## Nature of the Masterplan and its relationship to other Local Plan documents

The Masterplan is required to manage the large scale and density of growth proposed in South Quay and to secure associated benefits for the wider community. The primary role of the Masterplan is to manage development provided for by existing Local Plan documents and/or proposed by developers. As an SPD it cannot propose new policy but can only provide guidance on existing policy within the Local Plan.

## **Core Strategy**

Core Strategy policy SP02 provides for large scale housing development in the Borough, including over 6,000 homes in Millwall and over 4,000 in Cubitt Town during 2010-2025. South Quay occupies the northern part of these areas. The Core Strategy also provides visions for Cubitt Town and Millwall which include significant development in their northern parts i.e. South Quay.

## **Managing Development Document**

The Managing Development Document builds on the Core Strategy by providing planning policies for managing planning applications and site allocations for strategic housing developments (greater than 500 net additional homes) and key regeneration sites. There are two Site Allocations within the South Quay Masterplan area:

- 17. Millennium Quarter – allocation for mixed use development including strategic housing. The site is subject to an existing Masterplan which is almost completely built out. The South Quay Masterplan will guide the remaining development; and
- 20. Marsh Wall East - allocation for mixed use development including strategic housing.

## **Findings of HRA of Tower Hamlets Local Plan documents**

HRA Screening assessments have been undertaken for the two LBTH Local Plan documents described above, as follows:

- Assessment of Core Strategy under the Habitats Regulations – Screening Report (August 2009); and
- Assessment of Managing Development DPD and Fish Island Area Action Plan under the Habitats Regulations – Screening Report (November 2011).

Both HRAs confirmed that no European sites exist within the Borough and both considered that there was only a need to examine the potential for likely significant effects on three European sites. A summary of relevant information for the European sites drawn from the two HRAs is presented in Table 1.2.

**Table Error! No text of specified style in document..1: European sites scoped into HRA of Local Plan documents**

	<b>Position relative to LBTH boundary</b>	<b>Qualifying features</b>	<b>Vulnerabilities</b>
Epping Forest SAC	4.2 km to north of borough	Atlantic acidophilus beech forests Stag beetle North Atlantic wet heaths with Erica tetralix European dry heaths Great crested newt	Habitat destruction (recreation) Air pollution (epiphytes) Air pollution (acid soils) Change to management regime (pollarding) Climate change / drought (hydrological regime)

	Position relative to LBTH boundary	Qualifying features	Vulnerabilities
			Water abstraction / drainage (hydrological regime)
Lee Valley SPA	3.5 km to north west of borough	Bittern Gadwall Shoveler	Habitat destruction (recreation, adjacent development) Eutrophication (hydrological regime) Disturbance (recreation) Abstraction (hydrological regime) Climate change / drought (hydrological regime) Food availability
Lee Valley Ramsar site	3.5 km to north west of borough	Whorled water-milfoil Water boatman Internationally important populations of Northern shoveler and gadwall	Habitat destruction (recreation, adjacent development) Eutrophication (hydrological regime) Disturbance (recreation) Abstraction (hydrological regime) Climate change / drought (hydrological regime) Food availability

Both of the HRA Screening Reports concluded that Appropriate Assessment was not required for either the Core Strategy or the Managing Development DPD. Although the reports made some recommendations, none of these were specific to the South Quay Masterplan area and the conclusions of the HRAs were not, in any case, contingent on the recommendations being followed.

### **Draft Further Alterations to the London Plan (FALP) and HRA**

Draft Further Alterations to the London Plan (FALP) have been submitted for examination in public (EiP) which is due to commence September 2014. The FALP have been prepared primarily to address key housing and employment issues emerging from an analysis of census data released since the publication of the London Plan in July 2011, and which indicate a substantial increase in the capital's population.

The FALP confirm the London Plan's identification of the Isle of Dogs as an Opportunity Area – an area with significant capacity to accommodate new development. The FALP also specify a minimum ten year target for additional housing in Tower Hamlets of 39,314 dwellings during 2015-2025 compared to 28,850 during 2011-2021 in the London Plan, a 36% increase (albeit for a later ten year period). The indicative employment capacity of 110,000 jobs and minimum number of new homes of 10,000 identified for the Isle of Dogs by the FALP are, however,

unchanged from the London Plan. These aspects are not affected by the Mayor's July 2014 'suggested changes' to the draft FALP which have been published to help inform the EiP.

An HRA Screening report for the draft FALP was published in December 2013. Its overall conclusions were that:

*"the FALP do not introduce any potentially significant effects over those identified and mitigated within the 2009 HRA [of the London Plan]. Some policies will require assessment at a lower tier (as before) but appropriate mitigating policies are included within the plan (e.g. Policy 7.19) to ensure that it will have no significant or adverse effects through its implementation."*

### **Conclusion**

The Masterplan can only provide more detailed guidance to applicants on Local Plan policies, it cannot propose new policy. Instead, the Masterplan's purpose is to manage growth and secure community benefits. It must be in conformity with the Core Strategy and the Managing Development Document. The HRAs for these Local Plan documents rule out any likely significant effects on European sites and no such sites are present within the Borough boundary.

On the basis of the above, it is the Council's opinion that no potential exists for the South Quay Masterplan to have likely significant effects on a European site and HRA is therefore not required.

### **Consultation**

The Council's environmental consultants sought an informal opinion from Natural England (David Hammond) as to whether a HRA is required for the South Quay Masterplan. Natural England concluded that they did not consider HRA to be necessary in this instance.

If you require any further assistance, please contact the Plan Making Team on 020 7364 3648 or email [ldf@towerhamlets.gov.uk](mailto:ldf@towerhamlets.gov.uk)

Yours sincerely

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