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WATERBEACH NEW TOWN SPD HABITATS REGULATIONS ASSESSMENT SCREENING REPORT

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Description **Waterbeach New Town SPD HRA Screening Report**

1. INTRODUCTION

1.1 This Report

- 1.1.1 This final screening report has been prepared to present the findings of an HRA screening exercise of the draft Waterbeach New Town Supplementary Planning Document. The screening exercise has considered potential Likely Significant Effects (LSEs) of the above-mentioned SPD on Natura 2000 sites. Please note that this letter takes account of the legal ruling *People over Wind, Peter Sweetman v Coillte Teoranta* and the additional work that has been carried out on the South Cambridgeshire Local Plan HRA Screening (please see the following report: *South Cambridgeshire and Cambridge Local Plans HRA Review* (Ramboll, June 2018)).
- 1.1.2 A Draft screening report was published for consultation with the three statutory bodies (Natural England, Environment Agency and Historic England) in August 2018. The Environment Agency and Natural England have responded to the consultation. Please note that consideration of the consultation responses has not changed the conclusion of the draft screening report such that the Waterbeach New Town SPD is unlikely to have any significant effects on the Natura 2000 and Ramsar sites identified alone or in combination with other plans or projects. As such, it is considered that it is not necessary to proceed to the next stage of the Habitats Regulations Assessment process, i.e. Stage 2 and the requirement for an Appropriate Assessment.

1.2 The draft Waterbeach New Town Supplementary Planning Document (August 2018) and relation to the emerging South Cambridgeshire Local Plan.

- 1.2.1 South Cambridgeshire District Council intends to adopt a Supplementary Planning Document following the preparation of the South Cambridgeshire Local Plan. The Local Plan was submitted for examination in March 2014. On 3 September 2018, Cambridge City Council and South Cambridgeshire District Council published the Inspectors' Reports on their respective Local Plans. The Inspectors have concluded that both Local Plans are 'sound' subject to a number of modifications being made.

The draft South Cambridgeshire Local Plan was subject to a Habitats Regulations Assessment Screening Report in June 2014. The screening concluded that there are no likely significant effects from the Local Plan either alone or in combination with other reasonably foreseeable plans and projects on the identified European (Natura 2000) sites. In 2014 the Local Plan Submission was re-screened due to minor edits. The rescreening also concluded that there are no likely significant effects. Natural England were consulted on these reports and agreed with their conclusions stating that they were satisfied that the Local Plan is unlikely to give rise to significant in-combination effects. The Local Plan has since been subject to an updated Sustainability Appraisal of the Main Modifications (November 2017) and it is considered that none of the Further Proposed Main Modifications would change this conclusion due to the fact that the majority of modifications are minor in nature. Natural England were consulted on this report and agreed with its conclusions stating that they were satisfied with the Councils' conclusions that the proposed modifications do not amend the findings of the HRA screening reports and that the Submission Cambridge and South Cambridgeshire Local Plans including the Proposed Modifications are unlikely to have significant effects on Natura 2000 or Ramsar sites.

- 1.2.2 The HRA has recently (June 2018) been re-screened to ensure that the screening was legally compliant in light of the legal ruling *People over Wind, Peter Sweetman v Coillte Teoranta*. *People over Wind, Peter Sweetman v Coillte Teoranta* concerns a judgement by the Court of Justice of the European Union (CJEU).
- 1.2.3 The Court held that Article 6(3) of the Habitats Directive requires that measures which are intended to avoid or reduce the harmful effects of a plan or project on a European Protected Site should not be taken into consideration at the screening stage. As such, it is considered that the

Conservation of Habitats and Species Regulations 2010 should be construed and applied accordingly. The June 2018 review found that the conclusions of the previous HRA work were properly reached without regard to measures intended to avoid or reduce harmful effects on any European Protected site. Therefore, the previous HRA screening reports remain valid and there remains no need to progress to Appropriate Assessment.

1.2.4 The draft Waterbeach New Town SPD has been prepared to provide design guidance on the implementation of Policy SS/5 of the emerging South Cambridgeshire Local Plan (2014): Water Beach New Town and Policy S/6: Development Strategy to 2031. The SPD will set out the local context, principles and provide local design and associated guidance for developers for Waterbeach New Town. The SPD does not provide new policy nor does the SPD of itself establish the principle of development. The SPD provides guidance on the implementation of the development, the principle of which is established through the Local Plan, consistent with parameters set out in above polices and generally within the Local Plan.

1.2.5 SPD identifies six key strategic delivery issues for the SPD to address:

- The need for a comprehensive development;
- Supporting a shift towards sustainable access and movement;
- Delivering strong communities;
- Capitalising on natural assets – a strong green and blue infrastructure network;
- Managing a sensitive historical setting;
- Nurturing a relationship with existing settlements;

1.2.6 The allocation for Waterbeach New Town relates to an area of land covering approximately 580ha, located around 9km north east of Cambridge City Centre. The site currently comprises a former military barracks and airfield in the west (circa two thirds of the site area) and agricultural land in the east. Figure 1 provides the proposed site boundary for Waterbeach New Town.

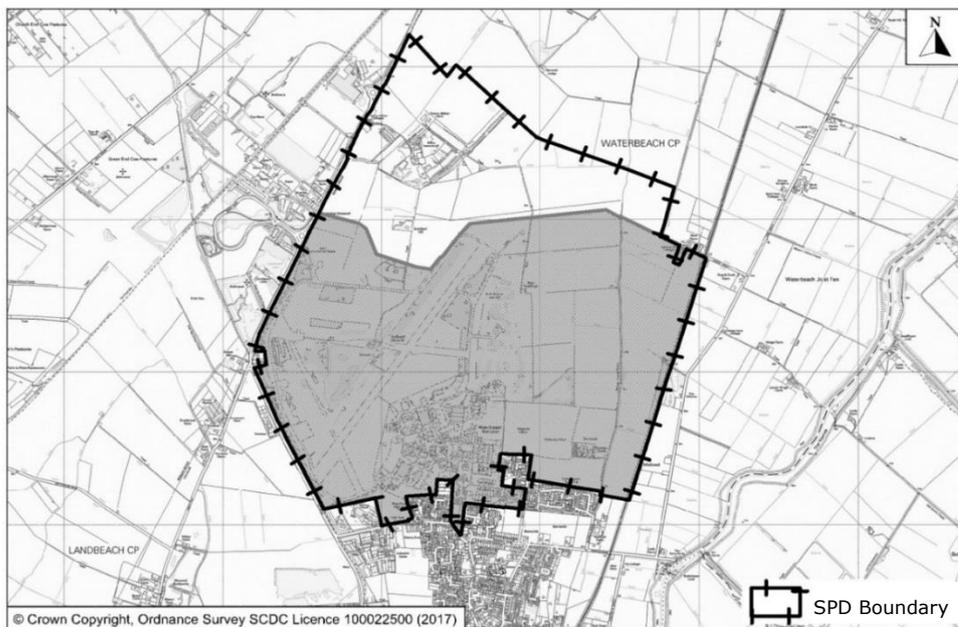


Figure 1 Waterbeach Site Allocation Boundary

1.2.7 Paragraph 1 of Policy SS/5 sets out development principles for the Waterbeach New Town with regards capacity, phasing, design and infrastructure. Policy SS/5 states that:

1.2.8 "A new town of approximately 8,000 to 9,000 dwellings and associated uses is proposed on the former Waterbeach Barracks and land to the east and north as shown on the Policies Map. A

Supplementary Planning Document (SPD) will be prepared for the new town as addressed at subsection 17 of this policy. The final number of dwellings will be determined through a design-led approach and spatial framework diagram included in the SPD having regard to:

- The quantum, location and distribution of development in the town; and
- Maintaining an appropriate setting for Denny Abbey listed building and scheduled monument.”

1.2.9 The SPD has however carried out an indicative assessment of potential dwellings types and densities that may be provided in the new town. These are still general assumptions based on a broad set of criteria/assumptions in terms of gross and net developable land. Page 66 of the forthcoming SPD states:

“At the time of preparing the SPD, the Council had received planning applications by both promoters covering the whole site that together would provide in the order of 11,000 homes. The SPD makes no comment on the suitability of this overall level of development but has considered the dwelling type and mix and the infrastructure implications of a range of levels of housing development ... It will be for the planning application process to test specific proposals contained in the planning applications in the context of the Local Plan policy, and this will determine the number of dwellings that can appropriately be accommodated on the site whilst achieving a high quality sustainable new community that makes best use of the land.”

2. THE NEED FOR HRA

2.1.1 HRA is required under the EU Habitats Directive (92/43/EEC) for any proposed plan or project which is likely to have a significant effect on one or more European designated sites either alone or in combination with other plans or projects. The Conservation of Habitats and Species Regulations 2017 transposes into English Law the requirement to carry out Appropriate Assessment for land use plans.

2.1.2 Regulation 105 of the Conservation of Habitats and Species Regulations 2017 states that if a land use plan is:

- likely to have a significant effect on a Natura 2000 site or a European offshore marine site (either alone or in combination with other plans or projects); and
- is not directly connected with or necessary to the management of the site;

...then the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives before the plan is given effect.

2.1.3 The process by which Regulation 105 is met is known as Habitats Regulations Assessment (HRA). This means that the effects of such plans/projects on Natura 2000 designated for their nature conservation value (Natura 2000 sites (SPAs, SACs), Ramsar sites¹) need to be assessed to ensure that the integrity of these sites is maintained.

2.1.4 The preparation of the above-mentioned SPD needs to be subject to HRA to ascertain if there is potential for LSEs on any Natura 2000 as a result of the SPD. This HRA Screening letter report provides a summary of Stage 1 of the HRA process by providing a summary of the screening

¹ Under the National Planning Policy Framework 2012 (para 118), Ramsar Sites, and candidate SACs (cSACs) / potential SPAs (pSPA) must be given the same protection as SACs and SPA fully designated under international and domestic legislation

report carried out for the emerging South Cambridgeshire Local Plan 2014 for which the draft Waterbeach New Town SPD provides further guidance.

2.2 European Sites

2.2.1 An initial investigation was undertaken as part of the HRA Screening assessment of the South Cambridgeshire Local Plan (2014) to identify Natura 2000 and Ramsar sites within and outside the plan area with potential to be affected by the Local Plan².

2.2.2 There is one Natura 2000 site within South Cambridgeshire District, which has been considered as part of this assessment:

- Eversden and Wimpole Woods Special Area of Conservation (SAC).

2.2.3 There are seven other Natura 2000 Sites within the surrounding districts, which have also been considered as part of this Assessment, because of their proximity to South Cambridgeshire and / or the nature of their conservation interest:

- Ouse Washes SAC;
- Ouse Washes Special Protection Area (SPA);
- Fenland SAC;
- Portholme SAC;
- Devil's Dyke SAC;
- Breckland SAC; and
- BrecklandSPA.

2.2.4 There are no candidate Special Conservation Areas (cSACs) or Potential Special Protection Areas (pSPAs) in the area. Two Ramsar sites were considered:

- Ouse Washes; and
- Fenland (Woodwalton Fen, Chippenham Fen, Wicken Fen).

2.2.5 Natural England confirmed that this list was comprehensive for the purposes of Habitats Regulations Assessment (by letter 9.11.06). Details of the Natura 2000 sites being assessed, and their relevant conservation objectives, are provided the Habitats Regulations Assessment Screening Report (2014)³. Breckland SAC was added later to this list in order to ensure that a thorough assessment could be made of all the designated sites that may be impacted by proposals in the future.

3. CONCLUSIONS OF THE SCREENING ASSESSMENT

3.1.1 The Habitats Regulations Assessment Screening Report (2014) for the Local Plan contains a full assessment of the potential impacts of the plan both alone, and in combination with other relevant plans. The overall conclusions of this screening assessment, of which Policy SS/5 and Policy S/6 of the Local Plan relate to the proposed Waterbeach New Town development, were that the emerging South Cambridgeshire Local Plan (2014) was unlikely to have any significant impacts on the conservation objectives of the Natura 2000 and Ramsar sites identified. As such it was not necessary to proceed to Stage 2 of the Habitats Regulations Assessment process, i.e. the requirement for an Appropriate Assessment. As stated above, this conclusion was also

² Further detail of each of these sites along with their relevant conservation objectives is contained within Appendix 2 of the Habitats Regulations Assessment Screening Report for the Draft Cambridge Local Plan 2014

³ South Cambridgeshire Habitat Regulations Assessment Screening Report (2014)
(https://www.scambs.gov.uk/sites/default/files/documents/HRA%20Screening_0.pdf)

determined for the Main Modifications of the Local Plan and was found to be robust in light of the legal ruling *People over Wind, Peter Sweetman v Coillte Teoranta*.

- 3.1.2 The draft Waterbeach New Town SPD does not make any material changes to the site area, or to the general policy guidance or parameters contained within Policy SS/5 and Policy S/6 of the emerging South Cambridgeshire Local Plan (2014) and Main Modifications.
- 3.1.3 The reasons for this conclusion are summarised below and are in line with the screening matrix which was used to assess the emerging South Cambridgeshire Local Plan (2014). This methodology has been used to assess previous plans and supplementary planning documents produced by South Cambridgeshire District Council in consultation with Natural England.

3.2 Land take by development

- 3.2.1 The draft Waterbeach New Town SPD does not propose any development that would take land from any of the Natura 2000 and Ramsar sites identified.

3.3 Impact on protected species outside the protected sites

- 3.3.1 Whilst some of the sites identified within the Natura 2000 sites do contain species that forage beyond site boundaries, e.g. Barbastelle bats at Eversden and Wimpole Woods SAC, for other sites, the conservation objectives for those sites relate to species of flora and fauna located within the sites themselves. The draft Waterbeach New Town allocation is located outside the main area of importance for the bats⁴ at Eversden and Wimpole Woods (the allocation is located approximately 19.8km north east of the SAC), and being located on the edge of the built environment of Cambridge is unlikely to have significant impacts on the species listed as being important to the other Natura 2000 and Ramsar sites.

3.4 Recreational pressure and disturbance

- 3.4.1 All of the sites are over the 5km distance for likely recreational use as a result of development. Therefore, there is no effects pathway for the majority of sites. The nearest site is Fenland SAC and Wicken Fen which is approximately 6 km⁵ away from the Waterbeach New Town allocation.
- 3.4.2 However, the development of the Waterbeach New Town allocation in respect of which guidance is given by the draft SPD is required by policy to include open space to meet the needs of new residents, as well as being in close proximity to existing open spaces that new residents can use for recreation. For example, the local centre will be located adjacent to Bannold Drove and front the public/green open space. Runway Park will form a centre for the town around retained lake, woodland and grassland areas and North Park will provide provision for formal and informal recreation.
- 3.4.3 In addition, entry to Fenland SAC and Wicken Fen Ramsar Site is by permit only to help control visitor numbers. Visitors are also managed by zoning parts of the Fen near the entrance, leaving the more remote parts of the site relatively undisturbed. The impact of public access is not listed in the vulnerabilities relating to the site.
- 3.4.4 Therefore, it is unlikely that the SPD will have significant impacts on recreational pressure and disturbance of the sites identified beyond that identified in the Screening Report for the emerging South Cambridgeshire Local Plan 2014. The SPD does not prescribe or change the scale parameters of the development which is set out in the Local Plan policy SS/5 (as proposed to be modified) as approximately 8,000 to 9,000 dwellings. The SPD considers the issue of dwelling capacity and explicitly does not endorse or otherwise comment on the acceptability of the 11,000

⁴ South Cambridgeshire District Council Biodiversity SPD (2009)
(<https://www.scambs.gov.uk/sites/default/files/documents/ADOPTED%20Biodiversity%20SPD.pdf>)

⁵ The distance to the public entrance of Wicken Fen is 6km in a straight line and 14.5 km by road.

dwelling capacity that is provided within the two major planning applications for the development of the site.

- 3.4.5 The response from Natural England comments that 'new evidence has emerged since the preparation of the South Cambridgeshire Local Plan, and associated HRA and SA, regarding potential risk to designated sites, such as Wicken Fen and the Cam Washes, through increased levels of recreational pressures associated with new housing development'. Natural England do not specify the 'new evidence' but it may relate to detailed information contained within and arising from the two major planning applications for the site from U&C and RLW, where comments by Natural England are seeking additional information from the applicants for planning permission and an agreed approach to off-site mitigation measures to address any long-term residual impacts of additional recreational pressure. These are a matter arising from the details contained within the planning applications, and therefore fall to be considered through the application process. It is possible that information may be forthcoming arising within the detail of a proposed development set out as part of a planning application which give rise to impacts which do not arise from a policy made at strategic level. The planning application is the appropriate stage to examine such impacts.
- 3.4.6 However, and importantly, the Waterbeach SPD does not establish the principle of development at Waterbeach, or indeed many of the central parameters of such development, which is provided for by policy SS5 of the of the Local Plan, As acknowledged above, the SPD seeks to provide guidance on the implementation of development provided for by that policy, in accordance with the parameters set within that policy. The comments made by Natural England are not considered to relate to the role or substance of the SPD in fulfilling that function. Natural England's comments have been considered, but those comments do not change the conclusion of the draft screening report that the SPD is not likely to give rise to likely significant effects on any European Protected sites (and most specifically the Wicken Fen Ramsar site and the Fenland SAC). The conclusion that it is not considered necessary to undertake an Appropriate Assessment remains unchanged.

3.5 Water quantity and quality

- 3.5.1 The issue of water quality and quantity is of importance to a number of the Natura 2000 and Ramsar sites identified in the Habitats Regulations Assessment, notably Wicken Fen, Chippenham Fen, Woodwalton Fen, the Ouse Washes and Portholme. Fenland SAC and Wicken Fen Ramsar site are the closest designated Natura 2000 sites located approximately 5.5km north east of the Waterbeach allocation.
- 3.5.2 Whilst new housing and potential redevelopment within the allocation will increase potable water demand, the Council is looking to introduce water efficiency standards for all new residential development in the city including the Waterbeach allocation. A key priority for development is to promote water efficiency and water-sensitive design in accordance with emerging Local Plan policy CC/4 and the South Cambridgeshire District Design guide.
- 3.5.3 In terms of water quality, sustainable drainage systems will be required as part of the redevelopment of the site. All new development will be required to mitigate the impact of water runoff and drainage through the use of Sustainable Drainage Systems which could include measures such as green and brown roofs, which may help to improve the quality of surface water runoff leaving the site.
- 3.5.4 Any development would also have to comply with adopted policy related to sustainable design and construction, with reference to the most up to date guidance on sustainable design and construction. Developers must also pay close attention to drainage and surface water flood risk

issues which are considered within Section 4.6: Blue Infrastructure of the draft Waterbeach New Town SPD.

- 3.5.5 As such, it is unlikely that the draft SPD will have significant impacts on water quantity and quality of the Natura 2000 and Ramsar sites. Please note that regard has been made to policies of the plan which are of general application and which are intended to address the broader effects of development, including to ensure sustainability (e.g. policies to ensure that new developments are water efficient and that adequate waste water infrastructure is available to meet their needs). That the operation of these policies has not been discounted at screening stage, is considered appropriate and consistent with the European Court's decision since such general policy requirements are not considered to amount to measures intended to avoid or reduce the harmful effects on European Protected Sites.

3.6 Changes in pollution levels

- 3.6.1 Fenland SAC and Wicken Fen Ramsar site is the closest designated international site, and is located some distance (5.5km) north east of the Waterbeach New Town allocation and as such, it is unlikely that the draft SPD will have significant impacts on pollution levels of the Natura 2000 and Ramsar sites. As with policies in the emerging South Cambridgeshire Local Plan (2014) and other relevant plans and programmes, the draft Waterbeach New Town SPD includes provision for reduced car parking, provision of cycle parking cycle hire facilities and electric car charging points. These measures should help reduce air pollution associated with car use around the site. Promoting and integrating sustainable transport measures into the design, in accordance with Policy SC/13: Air Quality, of the emerging Local Plan, in order to reduce additional road traffic on the A10 and local network should be considered at the design phase.
- 3.6.2 There are considered to be no changes to the in-combination effects identified within the Screening Assessment of the South Cambridgeshire Local Plan. The conclusions of previous HRA work for South Cambridgeshire have been reviewed and it is not considered that the draft Waterbeach New Town SPD would have significantly different effects than the assessment of Policy SS/5.

4. CONCLUSION

- 4.1.1 The overall conclusion of this screening assessment is that the draft Waterbeach New Town SPD is unlikely to have any significant effects on the Natura 2000 and Ramsar sites identified alone or in combination with other plans or projects. As such, it is considered that it is not necessary to proceed to the next stage of the Habitats Regulations Assessment process, i.e. Stage 2 and the requirement for an Appropriate Assessment.