



**Draft Greater Cambridge Sustainable Design and Construction
Supplementary Planning Document**

DRAFT HABITATS REGULATIONS ASSESSMENT SCREENING

June 2019

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1. Introduction

1.1 The Greater Cambridge Shared Planning Service has drafted the Greater Cambridge Sustainable Design and Construction Supplementary Planning Document (SPD), in order to provide technical guidance to assist with the implementation of policies related to climate change and sustainable design and construction contained within the 2018 Cambridge and South Cambridgeshire Local Plans. The draft SPD will be made available for public consultation between 15 July and 23 September 2019.

1.2 The SPD provides technical guidance for developers on the information that needs to be submitted with planning applications to demonstrate compliance with adopted planning policies related to climate change and sustainable design and construction. It supports the implementation of the following policies:

Cambridge Local Plan (2018):

Section 4: Responding to climate change and managing resources

- Policy 28: Carbon Reduction, Community Energy Networks, Sustainable Design and Construction and Water Use
- Policy 30: Energy Efficiency Improvements in Existing Dwellings;
- Policy 31: Integrated water management and the water cycle;
- Policy 32: Flood Risk
- Policy 33: Contaminated land
- Policy 34: Light pollution control
- Policy 35: Protection of human health from noise and vibration
- Policy 36: Air quality, odour and dust

Section 7: Protecting and enhancing the character of Cambridge

- Policy 63: Works to a Heritage Asset to Address Climate Change
- Policy 69: Protection of sites of biodiversity and geodiversity importance
- Policy 70: Protection of priority species and habitats
- Policy 71: Trees

South Cambridgeshire Local Plan (2018):

Chapter 4: Climate Change

- Policy CC/1: Mitigation and Adaptation to Climate Change
- Policy CC/3: Renewable and Low Carbon Energy in New Developments
- Policy CC/4: Sustainable Design and Construction
- Policy CC/5: Sustainable Show Homes.
- Policy CC/6: Construction Methods

Chapter 6: Protecting and enhancing the Natural and Historic Environment

- Policy NH/4: Biodiversity Clause 7 of the policy relates to climate change impacts on biodiversity.
- Policy NH/15: Heritage Assets and Adapting to Climate Change

Chapter 9: Promoting successful communities

- Policy SC/10: Lighting proposals
- Policy SC/11: Noise Pollution
- Policy SC/12: Contaminated Land
- Policy SC/13: Air Quality
- Policy SC/15: Odour and Other Fugitive Emissions to Air

- 1.3 Habitats Regulations Assessment is an assessment of the potential effects of a proposed plan or project, both alone and in combination with other plans and projects, on one or more Natura 2000 or Ramsar sites. This report summarises stage 1 of this process providing a summary of the screening reports carried out for the Cambridge Local Plan 2018¹ and the South Cambridgeshire Local Plan 2018², for which the draft Greater Cambridge Sustainable Design and Construction SPD provides further guidance.
- 1.4 The conclusion drawn as a result of this screening assessment is that the draft Greater Cambridge Sustainable Design and Construction SPD is not likely to have any significant effects on the Natura 2000 or Ramsar sites identified. The Councils therefore consider that it is not necessary to proceed to further stages of appropriate assessment.

¹ Cambridge City Council (June 2013). Habitats Regulations Assessment Screening Report for the Draft Cambridge Local Plan 2014.

² South Cambridgeshire District Council (March 2014). Draft Final Sustainability Appraisal Scoping Report and HRA Screening Report and Sustainability Appraisal Addendum Report incorporating Habitats Regulations Assessment Screening Assessment (2015, revised March 2016).

2. HABITATS REGULATIONS ASSESSMENT

The Habitats Directive

- 2.1 Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora (the 'Habitats Directive') provides the legal protection for habitats and species of European Importance. Article 6(3) establishes the requirement for Habitats Regulations Assessment and states:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”

Article 6(4) goes on to discuss alternative solutions, the test of ‘imperative reasons of overriding public interest’ (IROPI) and compensatory measures:

“If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.”

- 2.2 The sites covered by Habitats Regulations Assessment form what are known as Natura 2000 sites. These are a European network of special areas of conservation (SACs) and special protection areas (SPAs) under the old Wild Birds Directive (79/409/EEC) and the new Wild Birds Directive (2009/147/EC), provided for by Article 3(1) of the Habitats Directive. These sites of international importance for nature conservation were established under the Habitats Directive, which was transposed into UK law as the Conservation (Natural Habitats, &C) Regulations 1994³. On 1st April 2010 this was replaced by The Conservation of Habitats and

³ <http://www.legislation.gov.uk/ukxi/1994/2716/contents/made>

Species Regulations 2010⁴, which was consequently amended by The Conservation of Habitats and Species (Amendment) Regulations 2011 and 2012⁵.

2.3 Also of relevance to Habitats Regulations Assessment is paragraph 176 of the National Planning Policy Framework (February 2019), which states that:

“the following should be given the same protection as habitats sites:

- *Potential Special Protection Areas and possible Special Areas of Conservation;*
- *Listed or proposed Ramsar⁶ sites; and*
- *Sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”*

Therefore, these sites have also been assessed as part of the Screening Reports for the Cambridge Local Plan 2018 and the South Cambridgeshire Local Plan 2018, which are summarised in this report.

What is Habitats Regulations Assessment?

2.4 Habitats Regulations Assessment is an assessment of the potential effects of a proposed plan in combination with other plans and projects on one or more European sites, Natura 2000 sites and Ramsar sites. The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. First, the plans should aim to **avoid** any negative impacts on European sites by identifying potential impacts early on in the plan-making process and writing these impacts out of the plan. Where adverse impacts remain, **mitigation measures** should be applied to the point that no adverse impacts remain. If the plan is still likely to result in adverse impacts that cannot be mitigated it should not be taken forward in its current form. In this situation, the plans may have to undergo an assessment of alternative solutions. Where adverse impacts remain, **compensatory measures** may be required, but these will only be permitted if (a) no alternative solutions exist and (b) the plan is required for imperative reasons of overriding public interest (the ‘IROPI’ test).

2.5 There are 4 stages to the Habitats Regulations Assessment process as outlined below:

- **Stage 1 (Screening)** – the process which identifies the likely impacts upon a Natura 2000 or Ramsar site(s), either alone or in combination with other projects or plans and considers whether these impacts are likely to be significant;

⁴ <http://www.legislation.gov.uk/uksi/2010/490/contents/made>

⁵ <http://www.legislation.gov.uk/uksi/2012/1927/contents/made>, which came into force on 16th August 2012.

⁶ Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which the Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

- **Stage 2 (Appropriate Assessment)** – the consideration of the impact on the integrity of the site(s), either alone or in combination with other projects or plans, with respect to the site’s structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts should be provided.
- **Stage 3 (Assessment of alternative solutions)** – the process which examines alternative ways of achieving the objectives or the project or plan that avoid adverse impacts on the integrity of the Natura 2000 and Ramsar site(s); and
- **Stage 4 (Compensatory measures)** – an assessment of the compensatory measures where, in light of an assessment of imperative reasons of overriding public interest, it is deemed that the plan should proceed.

2.6 If the screening stage concludes that are likely to be no significant impacts on European sites, then there is no need to progress onto the stage of Appropriate Assessment.

2.7 Judgement of the significance of effects should be undertaken in relation to the designated interest features and conservation objectives of the site in question, using sound judgement and with a clear scientific basis where available. Where insufficient information is available to make a clear judgement, it should be assumed that a significant effect is possible in line with the precautionary principle:

The Precautionary Principle – Prudent action that avoids the possibility of irreversible environmental damage in situations where the scientific evidence is inconclusive but the potential damage could be significant.

Structure of this report

2.8 The structure of this report is as follows:

- Section 3 - Description of the draft Greater Cambridge Sustainable Design and Construction SPD and relationship to the Cambridge Local Plan 2018 and the South Cambridgeshire Local Plan 2018;
- Section 4 - Description of the Habitats Regulations Assessment Screening Report for the Cambridge Local Plan 2018 and the South Cambridgeshire Local Plan 2018 and relevance to the draft Greater Cambridge Sustainable Design and Construction SPD, including:
 - Description of the relevant plans and projects considered ‘in combination’;
 - Screening Methodology;
 - Natura 2000 and Ramsar Sites considered as part of the Screening Assessment;
 - Conclusions of the Screening Assessment and relevance to the Draft Greater Cambridge Sustainable Design and Construction SPD.
- Section 5 - Consultations

3. DRAFT GREATER CAMBRIDGE SUSTAINABLE DESIGN AND CONSTRUCTION SPD AND RELATIONSHIP TO THE CAMBRIDGE LOCAL PLAN 2018 AND THE SOUTH CAMBRIDGESHIRE LOCAL PLAN 2018

- 3.1. The planned growth of Greater Cambridge provides an exciting opportunity to create sustainable and vibrant new communities that contribute to meeting national targets set out in the Climate Change Act and the principles set out in the Cambridgeshire Quality Charter for Growth. The 2018 Cambridge and South Cambridgeshire Local Plans contain a suite of policies related to climate change mitigation and adaptation, biodiversity and environmental health issues such as air quality and land contamination which will help to ensure that new development in the area reduces its environmental impact – minimising carbon emissions, flood risk, pollution and pressure on resources such as water. In order to ensure that the policies in the plan are implemented as effectively as possible, guidance is required to ensure that the correct information is submitted alongside planning applications, demonstrating how policy requirements will be met.
- 3.2. The Draft Greater Cambridge Sustainable Design and Construction SPD has been developed with input from officers from across both South Cambridgeshire District Council and Cambridge City Council, as well as input from Councillors through consideration at the Council’s Climate and Environment Advisory Committee. Further detail on this input will be included within the Statement of Consultation, which will be published alongside the consultation documents. The SPD provides technical guidance for developers on the information that needs to be submitted with planning applications to demonstrate compliance with adopted planning policies related to climate change and sustainable design and construction. In providing such guidance, the SPD will ensure that new development contributes to meeting the challenges posed by our changing climate including:
- Contributing to carbon reduction targets and reducing fuel poverty;
 - Ensuring that new development is adaptable to our changing climate;
 - Ensuring that new development makes efficient use of resources;
 - Ensuring that new development contributes to the health and wellbeing of new and existing residents;
 - Ensure that new development protects and enhances the areas biodiversity.
- 3.3. The SPD supports the implementation of the following policies:
Cambridge Local Plan (2018):
Section 4: Responding to climate change and managing resources
- Policy 28: Carbon Reduction, Community Energy Networks, Sustainable Design and Construction and Water Use
 - Policy 30: Energy Efficiency Improvements in Existing Dwellings;
 - Policy 31: Integrated water management and the water cycle;
 - Policy 32: Flood Risk
 - Policy 33: Contaminated land
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3.4. Guidance in the SPD takes the form of details of the documents that need to be submitted with planning applications and the information to be included in those documents. Proformas to be used to provide information such as carbon calculations and air quality information are included alongside a sustainability checklist to be submitted with applications to demonstrate how meeting policy requirements has been integrated into the design of new developments.

3.5. Both the 2018 Cambridge and South Cambridgeshire Local Plans were subject to a Habitats Regulations Assessment Screening Report during their preparation and can be accessed from the following links:

- [Cambridge City Council Habitats Regulations Assessment Screening Report Part 1 – Update February 2016;](#)
- [Cambridge City Council Habitats Regulations Assessment Screening Report Part 2 – Update February 2016;](#)
- [South Cambridgeshire Local Plan Submission Sustainability Appraisal Report and Habitats Regulations Screening Assessment \(March 2014\).](#)
- [South Cambridgeshire Sustainability Appraisal Addendum Report incorporating Habitats Regulations Assessment Screening Assessment \(2015, revised March 2016\).](#)

- 3.6. The focus of the Greater Cambridge Sustainable Design and Construction SPD is to provide additional guidance on the implementation of policies in the adopted Local Plans. It does not set new policy requirements or allocate any land for development. In light of this, this report provides a summary of the Screening Reports of the Cambridge Local Plan 2018 and the South Cambridgeshire Local Plan 2018.

4. DESCRIPTION OF THE HABITATS REGULATIONS ASSESSMENT SCREENING REPORT FOR THE CAMBRIDGE LOCAL PLAN 2018 AND THE SOUTH CAMBRIDGESHIRE LOCAL PLAN 2018 AND RELEVANCE TO THE DRAFT GREATER CAMBRIDGE SUSTAINABLE DESIGN AND CONSTRUCTION SPD

Description of relevant plans and strategies to be considered ‘in combination’

- 4.1 Section 3 and Appendix 1 of the Screening Report for the Cambridge Local Plan 2018 provided a description of the relevant plans and strategies to be considered ‘in combination’ with the Cambridge Local Plan. This included plans and strategies of other nearby authorities and minerals and waste plans produced by County Councils. It should be noted that all relevant plans considered will be subject to the requirements of the Habitats Directive, which will be carried out by the relevant authority producing that plan or strategy. The identification of these other plans and strategies allowed for the consideration of in combination effects as part of the screening assessment of the Cambridge Local Plan.
- 4.2 South Cambridgeshire’s draft final Sustainability Appraisal and HRA Screening Update include a similar description of relevant plans and strategies to be considered ‘in combination’ at appendix 11 of that document.

Screening methodology

- 4.3 The Screening Assessments of the Cambridge Local Plan 2018 and the South Cambridgeshire Local Plan were undertaken in accordance with the European Commission’s guidance on the ‘Assessment of Plans and Projects significantly affecting Natura 2000 sites’. The tasks undertaken as part of this process are outlined below.
- 4.4 **Task 1: Identification of Natura 2000 and Ramsar sites and the factors contributing to and defining the integrity of those sites** – The assessments for Cambridge and South Cambridgeshire identify the same Natura 2000 and Ramsar sites. Full details of each site considered and the attributes that contribute to and define the integrity of these sites is included in Appendix 2 of the Screening Report for the Cambridge Local Plan and Appendix 13 of the Scoping Report for the South Cambridgeshire Local Plan. The main aim of the screening assessment process is to ensure that the plan in question, either alone or in combination with other plans will not have an impact on the conservation objectives of these sites.
- 4.5 **Task 2: Completion of the Habitats Regulations Assessment Screening Matrix for the Cambridge Local Plan and the South Cambridgeshire Local Plan, including an Assessment of Significance of Effects** – A screening matrix was used to assess the Cambridge Local Plan, a methodology that had been used to assess previous plans and supplementary planning documents produced by Cambridge City Council in

consultation with Natural England. As part of this assessment, the precautionary principle was applied to the assessment of whether or not the potential effects of the document could be considered to be 'significant'. A screening matrix was used to assess each of the European sites identified and considered both the potential effects of the Cambridge and South Cambridgeshire Local Plans both on their own and in combination with the other relevant plans and projects identified in the Screening Reports. The impacts considered by the screening matrix included:

- Consideration of land take by development;
- Impact on protected species which travel outside the designated sites;
- Increased disturbance from recreational use;
- Impacts on water quantity and quality; and
- Changes in levels of pollution.

Natura 2000 and Ramsar Sites considered as part of the Screening Assessment

- 4.6 An initial investigation was undertaken to identify Natura 2000 and Ramsar sites within and outside the plans' area with potential to be affected by the Cambridge and South Cambridgeshire Local Plans. This involved the use of GIS data as well as consultation with the Natural England Four Counties team. In line with the precautionary approach, some sites at relatively significant distances from the district boundary were included in the study.
- 4.7 There is one Natura 2000 site within South Cambridgeshire District, which has been considered as part of this assessment:
- Eversden and Wimpole Woods SAC.
- 4.8 There are a number of other 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 and SPA
 - Fenland SAC
 - Portholme SAC
 - Devil's Dyke SAC
 - Breckland SAC and SPA
- 4.9 Two Ramsar sites are to be considered:
- Ouse Washes
 - Fenland (Woodwalton Fen, Chippenham Fen, Wicken Fen)
- 4.10 Natural England confirmed that this list was comprehensive for the purposes of Habitats Regulations Assessment (by letter 9.11.06). Breckland SAC has been now added to this list in order to ensure that a thorough assessment can be made of all

the designated sites that may be impacted by proposals in the future. Other local planning authorities within Cambridgeshire have included the Breckland area into their HRA work and it was therefore considered as a precautionary principle to do likewise.

- 4.11 Further detail of each of these sites along with their relevant conservation objectives is contained within Appendix 2 of the Screening Report for the Cambridge Local Plan, while maps of the sites are included within Appendix 3. Details of the European Sites being assessed, and their relevant conservation objectives, are provided in Appendix 11 of the South Cambridgeshire Draft Final Sustainability Appraisal.

Conclusions of the Screening Assessment and relevance to the draft Greater Cambridge Sustainable Design and Construction SPD

- 4.12 Appendix 4 of the Screening Report for the Cambridge Local Plan contains the 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 were that that the Cambridge Local Plan was unlikely to have any significant impacts on the conservation objectives of the Natura 2000 and Ramsar sites identified. As such it was considered that it was not necessary to proceed to Stage 2 of the Habitats Regulations Assessment process, i.e. the requirement for an Appropriate Assessment.
- 4.13 Annex C of the Screening Report for the South Cambridgeshire Local Plan contains the 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 were that the South Cambridgeshire Local Plan was unlikely to have any significant impacts on the identified European sites as a consequence of the policies and allocations in the plan.
- 4.8 The policies for which the Greater Cambridge Sustainable Design and Construction SPD provides guidance, were assessed as part of the Habitats Regulations Assessment Screening undertaken of the Cambridge and South Cambridgeshire Local Plans. As the draft SPD does not make any changes to these policies, or allocate any land for development, it is unlikely that it will have any significant impacts on the conservation objectives of the Natura 2000 and Ramsar sites identified. The reasons for this conclusion, set against the impacts considered by the screening matrix are as follows:
- **Land take by development** – the draft Greater Cambridge Sustainable Design and Construction SPD does not propose any development that would take land from any of the Natura 2000 and Ramsar sites identified.
 - **Impact on protected species outside the protected sites** – the draft Greater Cambridge Sustainable Design and Construction SPD contains high level guidance on the role that new developments have to play in protecting and enhancing biodiversity, in line with delivering measurable biodiversity net gain. This guidance supplements adopted policies on biodiversity contained within the

Cambridge and South Cambridgeshire Local Plans, which have already been subject to Habitats Regulations Assessment Screening. Further detailed guidance will be provided in an updated Biodiversity SPD, to cover the Greater Cambridge area. As such, it is considered that the Greater Cambridge Sustainable Design and Construction SPD will not have any significant adverse impacts on protected species outside of the protected sites and may have some positive effects.

- **Recreational pressure and disturbance** – the draft Greater Cambridge Sustainable Design and Construction SPD does not allocate any land for development and as such the guidance that it contains will not result in an increase in recreational pressure and disturbance. As such, it is unlikely that the SPD will have significant impacts on recreational pressure and disturbance of the Natura 2000 and Ramsar sites.
- **Water quantity and quality** – 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. Whilst new housing and potential redevelopment within the allocation will increase potable water demand, the draft Greater Cambridge Sustainable Design and Construction SPD provides guidance on water efficiency policies contained within the Cambridge and South Cambridgeshire Local Plan. The draft SPD, alongside the Cambridgeshire Flood and Water SPD, also provides guidance on mitigating the impact of water runoff and drainage through the use of Sustainable Drainage Systems. 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.
- **Changes in pollution levels** – The Sustainable Design and Construction SPD does not allocate any land for development. In terms of pollution, guidance is provided in the SPD on measures that should be integrated into schemes to minimise air pollution, and guidance on dealing with land contamination. Requirements related to electric vehicle charging provision are also included, which should help to reduce air pollution associated with car use. As such, it is unlikely that the draft SPD will have significant impacts on pollution levels at Natura 2000 and Ramsar Sites.

4.9 There are considered to be no changes to the in combination effects identified within the Screening Assessment of the Cambridge Local Plan 2018 and the South Cambridgeshire Local Plan 2018.

4.10 The overall conclusions of this screening assessment are that the draft Greater Cambridge Sustainable Design and Construction SPD is unlikely to have any significant impacts on the conservation objectives of Natura 2000 and Ramsar sites identified. 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.

5. CONSULTATIONS

- 5.1 Natural England is the statutory nature conservation body for appropriate assessment and will be consulted on this Screening Assessment at the same time as the consultation on the draft SPD. The results of this consultation will be reported in an update to this Screening Assessment.