

## 20. Habitat Regulations Assessment

20.1.1 The Habitats Directive (European Council Directive 92/43/EEC) on the Conservation of Natural Habitats and of Wild Flora and Fauna requires that the relevant competent authority, when preparing any plans and policy documents must carry out a 'Habitat Regulations Assessment'. South Cambridgeshire District Council as the relevant authority will have to carry out such an assessment whilst preparing the South Cambridgeshire Local Plan.

### The requirement for a Habitat Regulations Assessment

20.1.2 The Habitats Directive sets out the requirement for assessment of plans or projects affecting Natura 2000 sites. Article 6(3) establishes the requirement for Habitats Regulations Assessment (HRA) and states:

*“(3) 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 and 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.*

20.1.3 Article 6(4) goes on to discuss alternative solutions and compensatory measures. It states:

*(4) 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 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.”*

20.1.4 The European Habitats Directive (92/43/EEC) was transposed into UK law in The Conservation (Natural Habitats &c.) Regulations 1994 (as amended). On 1 April 2010 'The Conservation of Habitats and Species Regulations 2010' replaced this regulation in England and Wales.  
<http://www.legislation.gov.uk/uksi/2010/490/contents/made>

20.1.5 The Conservation of Habitats and Species Regulations 2010 updates the legislation and consolidates all the many amendments which have been made to the Regulations since they were first made in 1994.

### Review of Implementation of Habitats Directive

20.1.6 In the Chancellor’s Autumn Statement in November 2011 it was announced that the Department for Environment Food and Rural Affairs (DEFRA) is to carry out an in-depth analysis of how well the EU Habitats and Birds Directives are being applied in England to 'protected sites'. The review will be

completed by March 2012 and will involve stakeholders and other Government departments. It will look at what is working well in terms of meeting the objectives of the legislation, and what scope there is to learn from good practice by all those involved and to share it more widely. New guidance is scheduled to be available by the time of the 2012 Budget.

### **What are Natura 2000 sites?**

20.1.7 Natura 2000 is a Europe-wide network of sites of international importance for nature conservation established under the Habitats Directive (92/43/EEC).

20.1.8 Natura 2000 sites include Special Areas of Conservation (SAC) and candidate Special Areas of Conservation (cSAC), which are designated under the Habitats Directive (92/43/EEC), and Special Protection Areas (SPA) classified under the 'Birds Directive' (79/409/EEC). There are currently 251 SACs and 84 SPAs in England, covering about six per cent of land and 24 per cent of inshore waters.

20.1.9 The draft National Planning Policy Framework states that listed or proposed Ramsar sites should be given the same protection as SACs and SPAs. These Ramsar sites support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971). The draft NPPF also states that sites identified, or required, as compensatory measures for adverse effects on European sites, potential SPAs, possible SACs, and listed or proposed Ramsar sites<sup>1</sup> should also be given protection.

### **What is Habitat Regulations Assessment?**

20.1.10 Habitats Regulations Assessment (HRA) is an assessment of the potential effects of a proposed plan or project, on one or more Natura 2000 or Ramsar sites, taking into account the site's conservation objectives. There are 4 stages to the HRA process set out in the European Commission guidance "*Assessment of plans and projects significantly affecting Nature 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*" (November 2001). Article 6(3) of the Habitats Directive relates to Stages 1 to 3 and Article 6(4) to Stage 4, as follows:

**First stage – Screening** - The process, which identifies the likely impacts upon a Natura 2000 or Ramsar site, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant.

**Second stage - Appropriate Assessment** - The consideration of the impact on the integrity of the Natura 2000 or Ramsar site, either alone or in combination with other projects or plans, with respect to the site's structure and function and it's

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<sup>1</sup> Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts.

**Third stage – Assessment of alternative solutions** - The process which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 or Ramsar site.

**Fourth stage – Compensatory measures** - An assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest, it is deemed that the plan should proceed.

20.1.11 If it is concluded at the screening stage that there will be no significant impacts, there is no need to carry out subsequent stages. This first stage of the Habitats Regulations Assessment process is to be incorporated into the screening process for the sustainability appraisal assessments because consideration of the likely impacts on biodiversity and therefore on the Natura 2000 and Ramsar sites will be taken into account during this process. South Cambridgeshire District Council is carrying out this process in consultation with Natural England.

20.1.12 Natural England will be consulted at each stage in the process to ensure that the HRA is considering all the potential impacts that may affect the Natura 2000 and Ramsar sites and the management objectives for each site.

#### **What is a significant effect on a Natura 2000 Site?**

20.1.13 A judgement of the significance of effects on a Natura 2000 site should be undertaken in relation to the designated interest features and conservation objectives of the Natura 2000 site using sound judgement, and with a scientific basis where available. If 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 is - '*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.*'

#### **Relevant plans and policies to be considered 'in combination'**

20.1.14 The South Cambridgeshire Local Plan (SCLP) will provide a policy framework for the whole of the district. In carrying out an HRA of this plan it is first necessary to consider which other plans and strategies should be taken into account alongside it that in combination could impact on a Natura 2000 site or a Ramsar site.

20.1.15 The SCLP will incorporate a review of the Core Strategy, Development Control Policies and Site Specific Policies Development Plan Documents (DPD). These DPDs form part of the Local Development Framework (LDF) for the district and were all subject to an HRA screening and found to have no likely significant impact on a Natura site or a Ramsar site.

- 20.1.16 There are in addition four Area Actions Plans within the LDF that provide guidance for major development areas within the district, two of which were carried out jointly with Cambridge City Council. Northstowe AAP and Cambridge Southern Fringe AAP are fully within South Cambs and Cambridge East AAP and North West Cambridge AAP are the jointly prepared plans. All four AAPs were subject to an HRA and found not to impact on a Natura site or a Ramsar site.
- 20.1.17 The Water Cycle Strategy (WCS) for Major Growth Sites in and Around Cambridge is not in itself a relevant plan or project under the Habitats Regulations, but was prepared to support the delivery of the existing development strategy. Whilst it does not provide an assessment of new proposals for the Local Plan, its findings are relevant to support the assessment of the new plan. It focused on issues related to the water supply, surface drainage and wastewater sewerage associated with potential development sites, and also concluded no significant effects, and that protected sites could be screened out of further assessment. (The findings of the WCS are summarised alongside the details of individual protected sites in appendix 11).
- 20.1.18 There are in addition other plans prepared by other authorities that should be considered in combination with the SCLP. A summary of relevant policy document is included in Appendix 11.

#### **Identification of the Natura 2000 and Ramsar sites which may be affected by the South Cambridgeshire Local Plan**

- 20.1.19 An initial investigation was undertaken to identify Natura 2000 and Ramsar sites within and outside the plan area with potential to be affected by the South Cambridgeshire Local Plan. 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.
- 20.1.20 There is one Natura 2000 site within South Cambridgeshire District, which has been considered as part of this assessment:
- Eversden and Wimpole Woods SAC.
- 20.1.21 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
- 20.1.22 Two Ramsar sites are to be considered:
- Ouse Washes
  - Fenland (Woodwalton Fen, Chippenham Fen, Wicken Fen)
- 20.1.23 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 for South Cambridgeshire to do likewise.
- 20.1.24 The conservation objectives for each SPA or SAC are designed to ensure that the qualifying interest of each site is maintained in the long term. Whilst these are specific to each site, there are some general principles including:
- To maintain the population of the habitat / species as a viable component of the site;
  - To maintain the distribution of the habitat / species within site;
  - To maintain the distribution and extent of habitats supporting the species;
  - To maintain the structure, function and supporting processes of habitats supporting the species; and
  - To ensure that there is no significant disturbance of the species.
- 20.1.25 For Ramsar sites the main aims are to promote the conservation of the wetland to avoid deterioration of the wetland habitats of Ramsar interest and significant disturbance of associated species.
- 20.1.26 Details of the European Sites being assessed, and their relevant conservation objectives, are provided in Appendix 11 of this assessment. For each site considered in the WCS Phase 2 assessment the findings are included with the details of the site.

## Potential impacts of South Cambridgeshire Local Plan on designated sites

20.1.27 There is a wide range of impacts and these can be summarised as -

- Land take by developments;
- Impact on protected species found within but which travel outside the protected sites may be relevant where development could result in effects on qualifying interest species within the Natura 2000 or Ramsar site, for example through the loss of feeding grounds for an identified species.
- Increased disturbance, for example from recreational use resulting from new housing development and / or improved access due to transport infrastructure projects;
- Changes in water availability, or water quality as a result of development and increased demands for water treatment, and changes in groundwater regimes due to increased impermeable areas;
- Changes in atmospheric pollution levels due to increased traffic, waste management facilities etc. Pollution discharges from developments such as industrial Developments, quarries and waste management facilities.

### Scoping matrix to be carried out for each designated site for Habitat Regulations Assessment

20.1.28 At each stage in the preparation of the SCLP it will be necessary to consider the impact of plan options on the designated sites, and any potential policy changes or mitigation measures.

20.1.29 An example of screening matrix is included below.

**Table 1: SCREENING MATRIX FOR EACH DESIGNATED SITE**

Name, location and summary of conservation objectives of Natura 2000 site/ SPA/SAC / Ramsar site	<p><b>Name of site</b> (grid location xxxxxx)</p> <p><b>Reason for designation as SAC</b> – Description of site</p> <p>This site is/ is not located in South Cambridgeshire District.</p>
Are there other projects or plans that together with the South Cambridgeshire Local Plan could affect xxxxx site?	<p>Outline of vision and policies and proposals in SCLP.</p> <p>Other plans adopted by South Cambridgeshire</p>

	District Council (Area Action Plans)  Other relevant plans from other local authorities.
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**The assessment of significance of effects:**

<i>Nature of potential impact</i>	<i>How the South Cambridgeshire Local Plan (alone or in combination with other plans) is likely to affect the designated site</i>	<i>Why these effects are not considered significant</i>
Land Take by Development		
Impact on protected species outside the protected sites		
Recreational Pressure and Disturbance		
Water Quantity and Quality		
Changes in Pollution Levels		

Agencies consulted	Natural England
Response to Consultation	

**Overall Conclusions of South Cambridgeshire District Council**

At this Issues and Options stage there is no definitive plan that could be subject to Appropriate Assessment.