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**BY EMAIL ONLY**

Dear Mr Kay

**East Cambridgeshire Local Plan Habitats Regulations Assessment (June 2018)**

Thank you for consulting Natural England on the above in your letter dated 12 June 2018.

Further to initial comments provided in our letter dated 15 June 2018 we have now had the opportunity to review the HRA in more detail. Our comments below provide Natural England's substantive advice on the HRA.

We note that the East Cambridgeshire Local Plan Habitats Regulations Assessment (June 2018) supersedes the HRA Report published in January 2017 to accompany the Further Draft Version of the Plan, and the HRA Report published in November 2017 to accompany the Proposed Submission version of the Local Plan.

**General comments**

Natural England is satisfied that the June 2018 report, including the screening of likely significant effects and appropriate assessment stages, have been prepared in accordance with the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitat Regulations).

We welcome that the Council has taken into account the recent judgement of the Court of Justice for the European Union, on 12 April 2018<sup>1</sup>, in its preparation of the report. The judgement determined that a full and precise analysis of the measures capable of avoiding or reducing any significant effects on the European sites concerned must be carried out, not at the HRA screening stage, but specifically at the stage of the Appropriate Assessment. Natural England is satisfied that the June 2018 report has been carried out in accordance with the Court of Justice for the European Union judgement and has considered measures required to mitigate significant effects on European sites through an Appropriate Assessment.

Natural England considers that the proposed measures to mitigate the significant effects of the Plan, identified through the Appropriate Assessment, are in accordance with the proposed measures detailed in the Statement of Common Ground between the Council and Natural England (May 2018) and are sufficient to demonstrate that the Plan will not have any adverse effect on the integrity of European sites.

Section 5.27: we assume that Wildlife Trust should read Wildfowl and Wetlands Trust (WWT).

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<sup>1</sup> People over Wind and Sweetman v Coillte Teoranta, Case C-323/17: Consideration of avoidance and reduction measures in Habitat Regulations Assessment.

We would advise minor amendment to wording to properly reflect the Habitats Regulations test, through appropriate assessment, of 'no adverse impact on the integrity' of European sites.

### **Ouse Washes Functional Land**

Natural England welcomes consideration, through the revised HRA, of the potential impacts of Plan policies and allocations on the Ouse Washes 'Goose and Swan Functional Land'. We support proposed amendments to relevant Plan policies, as detailed and agreed with the Council through the interim Statement of Common Ground (SoCG) (May 2018), to require project-level HRA to ensure no adverse impact to the Ouse Washes through impacts to goose and swan functional land.

### **Recreational pressure**

Natural England generally welcomes the approach taken to the assessment of impacts of Plan allocations on European sites through increased recreational pressure. We support the no adverse impact on integrity conclusions for the Ouse Washes, Breckland, Fenland SAC and Devil's Dyke, subject to the implementation of the proposed modifications as detailed and agreed with the Council in the interim SoCG.

Whilst we accept the use of assumed Zones of Influence (Zoi) for the European sites we would expect any future revisions to the Local Plan to take an evidence based approach to the identification of Zois. Unless recent data is available, visitor surveys are likely to be required.

As a point of clarification please note that recreational pressure is an umbrella term incorporating recreational disturbance, which can occur at sites where birds are a qualifying feature, and recreational damage to habitats or plant communities through the effects of trampling, littering, dog-fouling and interference with grazing management etc.

### **Air Quality**

Based on the assessment provided in sections 5.97 – 5.108, including consideration of existing mitigation and recommendations, Natural England agrees with the conclusion of no adverse impact on integrity, through changes in air quality, to Devil's Dyke SAC.

### **Water Quality /Quantity**

We note and welcome that the East Cambridgeshire Water Cycle Study was updated in June 2018 to address concerns raised by the Environment Agency regarding wastewater treatment capacity to serve growth in Littleport and Burwell. Sections 5.163 and 5.164 of the HRA identify that measures can be implemented to ensure sufficient capacity to serve Plan development in both locations without adverse impacts to water quality. Based on this, and consideration of existing mitigation and proposed recommendations, we are satisfied with the conclusion of no adverse impact on integrity for the Ouse Washes SPA, SAC and Fenland SAC, resulting from changes in water quality / quantity through implementation of the Local Plan. However, Natural England would wish to be informed if the Environment Agency has any outstanding concerns on this matter.

Subject to implementation of the recommendations detailed in the HRA (as summarised in section 6.3 and agreed through the SoCG) Natural England is satisfied with the conclusions of the Habitats Regulations Assessment (June 2018) that the East Cambridgeshire Local Plan will not have an adverse impact on the integrity of European sites.

We hope the above comments are helpful. For any queries relating to the specific advice in this letter only please contact Janet Nuttall on 020 802 65894. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

**Janet Nuttall**  
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