



East Cambridgeshire  
District Council

East Cambridgeshire Local Plan 2016 – 2036

Local Plan Examination Stage

**Interim Statement of Common Ground between:**

East Cambridgeshire District Council

Natural England

*In relation to Matter 1, Q8-10*

May 2018

## 1 Introduction

- 1.1 This is an Interim Statement of Common Ground (SoCG) between the following parties:
- East Cambridgeshire District Council ('the Council')
  - Natural England ('NE')
- 1.2 The SoCG has been prepared in relation to questions 8-10 of Matter 1, which fall under the sub-heading of **Habitat Regulations Assessment**.
- 1.3 The Statement sets out the confirmed points of agreement or disagreement between the above parties.
- 1.4 It is an interim SoCG for reasons as explained in the SoCG, and we anticipate a final SoCG to be published in summer 2018.
- 1.5 We hope this SoCG will assist the Inspector during the examination of the Plan.

## 2 The Areas of Agreement – *Goose and Swan Impact Risk Zone*

- 2.1 Both parties agree that the following allocated sites: fall within the *Goose and Swan Impact Risk Zone (IRZ)*; are yet to receive consent; and are located on greenfield land.

Parish	Site Ref	Site name / address	Proposed Use	Status	Greenfield / Brownfield
Ely CP	ELY.M1	Land to the north of Ely	Mixed use	Site with extant permission + Local Plan 2015 allocation	G
Littleport CP	LIT.E1	Land at Wisbech Road	Employment	Draft site allocation	Mix
Littleport CP	LIT.E2	Existing employment allocation, land west of 150 Wisbech Road	Employment	Local Plan 2015 allocation	G
Littleport CP	LIT.H5	Land west of Highfields, Littleport	Housing	Resolution to grant planning permission	G
Littleport CP	LIT.M1	Housing / employment allocation, west of Woodfen Road	Mixed use	Local Plan 2015 allocation	G
Littleport CP	LIT.M2	Land south of Grange Lane	Mixed use	Draft site allocation	G

- 2.2 A map of the applicable IRZ is attached at Appendix 1.
- 2.3 Both parties agree that land within the IRZ is considered to be potentially functionally linked to the Ouse Washes European site and therefore any development which may take place on the

above listed allocations will require appropriate consideration under the Conservation (of Habitats and Species) Regulations 2010 (as amended).

2.4 As such, both parties agree that each of the above sites need identifying in the Local Plan as a site which will require, as a starting point, a HRA screening to be undertaken to determine if there will be a likely significant effect.

2.5 Both parties therefore agree that the following standard bullet point should, by way of main modification, be added to the applicable policy for each site identified above:

**“Undertake a project level Habitats Regulation Assessment Screening to identify whether the land affected by the proposed development is regularly used by qualifying species (especially foraging and roosting swans) of the Ouse Washes SPA / Ramsar site and whether the proposal will have a likely significant effect. Where this identifies a likely significant effect, applicants will be required to submit sufficient information for a project level Appropriate Assessment to be undertaken by the District Council under the Habitats Regulation Assessment process to ensure there will be no adverse impacts on European sites.”**

2.6 In addition, both parties agree that in the supporting text to LP30, an additional paragraph should be added, by way of main modification, as follows:

**“6.10.4 In addition to land specifically designated, land beyond the designated site boundary may also provide important functional habitat for qualifying bird species. This land requires appropriate consideration under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 2010 (as amended). Natural England’s Goose and Swan Functional Land IRZ identifies land which is functionally linked to the Ouse Washes Special Protection Area (SPA) and Ramsar site. Land within this IRZ area, identified through a British Trust for Ornithology (BTO) research project, has the potential of being regularly used by Ouse Washes qualifying species, particularly swans, for foraging and roosting. An indicative map of the area is shown on the following page. Since the IRZ area is considered to be potentially functionally linked to the European designated site, development in this area requires appropriate consideration under the Conservation (of Habitats and Species) Regulations 2010 (as amended). As such, any greenfield ‘major development’ (see glossary) within the IRZ must undertake a project-level HRA to demonstrate that proposed development will not have any adverse effect on Ouse Washes functional land in accordance with the requirements of the Habitats Regulations. Where this applies to specific allocations in this plan, a bullet point has been included to draw the need for such an HRA to the applicants (and decision maker’s) attention.”**

2.7 Notwithstanding the above suggested modifications, both parties agree that it is unlikely that development will be precluded to take place on the identified sites above, as a result of the additional requirement to prepare a HRA. However, as a precautionary measure, it will be necessary for this to be tested and confirmed at the project level HRA stage.

2.8 In addition to the above, it is suggested that the Council’s HRA (as to be republished in June in accordance with examination document ED010) should include reference to the *Goose and Swan Functional Land IRZ* in appropriate places, and, subject to the completion of that further work, likely include the following recommendation within the Appropriate Assessment:

*“The Local Plan includes a strong policy framework that will ensure new development protects designated habitats and species, and delivers a net gain in biodiversity where possible, in accordance with the NPPF. However, in relation to site allocations within the Goose and Swan Functional Land IRZ, as set out in Proposed Submission Local Plan, the Plan has, using the precautionary principle, the potential to result in significant effects on the functional land of the Ouse Washes. It is therefore recommended that the Local Plan adopts a precautionary approach and includes a requirement for applicable allocation site policies (i.e. sites within the Goose and Swan Functional Land IRZ) to include a requirement for a*

*project-level HRA screening to demonstrate that proposed development will not have any adverse effect on Ouse Washes functional land.”*

- 2.9 Both parties further agree that it is entirely reasonable, and common practice, for sites to be allocated in a Local Plan which require project based HRAs at the planning application stage.

### 3 **The Areas of Agreement – recreational pressure**

- 3.1 Both parties agree that, as suggested by the original HRA Screening Report (CD13) recommendation at para 5.34, Policy **Burwell1** should recognise Devil's Dyke as a SSSI and a designated N2K site. This is not considered strictly necessary to make the plan 'sound' and could be actioned via an 'additional (minor) modification'.

- 3.2 Both parties agree, partly reflecting the suggestion by the original HRA Screening Report (CD13) recommendation at para 5.34, that Policy **Isleham4** could, due to the scale of this allocation, be slightly adjusted in relation to considering the effects of increased recreational pressure on N2K sites. More specifically, Policy Isleham4 could be amended so the first bullet reads:

“ a. An area of approximately 1.0 - 1.5 ha to be gifted to the Parish Council for the purpose of recreational facilities (such as new football pitch(es)), located adjacent to the existing recreational facilities. **Subject to the outcome of a satisfactory project level Habitats Regulation Assessment, as prepared by the applicant, other** ~~Other~~ open space policy requirements are relaxed, except for on-site provision of toddler play areas and informal green spaces/landscaping, unless it is deemed necessary to provide additional open space to mitigate any adverse effects on any designated national or international site;”

- 3.3 Both parties agree, partly reflecting a suggestion by the original HRA Screening Report (CD13) recommendation at para 5.34, the Policy wording for **Littleport6** be strengthened in relation to open space provision, green infrastructure and a 'net gain' in biodiversity. More specifically:

“f. The requirement for 'Informal Open Space' (as set out by LP21) should be met predominantly in the southern portion of the site, including a new Country Park **of a scale and quality to attract residents from the whole of Littleport**, thereby creating a significant area of **strategic scale** landscaping and open space;

g. A significant net biodiversity gain, together with a well connected Green Infrastructure Network **(i.e. internal connections, as well as connections to the wider network)**;

- 3.4 Both parties agree that it is not necessary to stipulate in Policy Littleport6 a precise % land take at this stage (i.e. not the 40% as mentioned in the original HRA Screening Report CD13), because this should be a matter determined at the planning application stage.

- 3.5 Both parties agree, and going beyond the final recommendation at para 5.34 of the original HRA Screening Report (CD13) which referred only to Soham, that a modification to Policy LP21 (Open Space, Sport and Recreational Facilities), Part B (Major Development Proposals) should be made, so that Part B reads as follows:

**“Subject to any limitations set by legislation, for some major development proposals, and especially any such proposal within an assumed 8km zone of influence of Devil's Dyke SAC and Breckland SPA (see indicative Diagram on page x), it may be necessary to provide open space, outdoor sport and recreational facilities in excess of Part A requirements, with those instances being where it is identified that such additional provision is needed to mitigate the effects of increased recreational pressure on nationally or internationally designated biodiversity sites. This 'in excess', which would need to be agreed with the Council (potentially in consultation with Natural England), could be on-site, off-site and/or include a financial contribution to the delivery of a project as set out in the Cambridgeshire Green Infrastructure Strategy (2011 or successor document).**

- 3.6 Both parties agree that only Devil's Dyke and Breckland need be listed as per above (rather than all designated sites) because the Site Improvement Plan for Breckland lists public access and recreational pressure as a threat, and (whilst not specifically mentioned in its Site Improvement Plan) Natural England has stated that recreational pressure is an issue for the Devil's Dyke site - an IRZ has been created for this site since the last iteration of the HRA. All other designated sites do not currently list public access and recreational pressure as a vulnerability. Confirmation of these details are identified in the original HRA Screening Report (CD13) at paras 5.20-5.25. It is agreed, therefore, that it would be unreasonable to seek an 'excess' contribution from a development site within 8km of a site which is not recognised as having a recreational pressure problem. It is also worth noting that, for example, at Ouse Washes and Wicken Fen, visitors are actively managed (with Wicken Fen in particular actively encouraging visitors , and has, for example, recently substantially expanded its car park to facilitate further visitors).
- 3.7 The two parties agree that, taken as a whole, and subject to the outcome of the forthcoming Appropriate Assessment, the mitigation measures already included in the Local Plan (as identified in the original HRA Screening Report (CD13) from paragraph 5.32) combined with the above actions is sufficient to support a conclusion that there is unlikely to be additional recreational use of Devil's Dyke, Ouse Washes, Wicken Fen and Chippenham Fen, as a result of new developments, and, therefore, there would not be consequential significant adverse effects.
- 3.8 The contents and agreements in this Interim SoCG will be revisited once the outcome of the Appropriate Assessment work has concluded. An updated SoCG is then intended to be prepared within 6 weeks of that work concluding, though it is not anticipated at this stage that any fundamental amendments to this SoCG (and its suggested modifications herein) will be necessary.

#### 4 The Areas of Disagreement

- 4.1 Provided all of the above measures are actioned, there are no outstanding areas of disagreement between the two parties in relation to matters raised under questions 8-10 of Matter 1.

#### 5 Conclusion / Any Suggested Modification

- 5.1 The signatories of this SoCG confirm support for the above suggested modifications, and (subject to any public consultation on them) would welcome the Inspector recommending such Modifications in due course.

#### 6 Agreements made by

<b>Named officer on behalf of East Cambridgeshire District Council</b>	
Name and position	Date
<b>Richard Kay – Strategic Planning Manager</b>	<b>22.5.18</b>

<b>Named officer on behalf of Natural England</b>	
Name and position	Date
<b>Sarah Fraser - Senior Adviser</b>	<b>22.5.18</b>

Appendix 1 – Map of the Goose and Swan IRZ

