

30 May 2018

Mr Kevin Ward,  
c/o Annette Feeney,  
White Horse Farm,  
White Horse Road,  
East Bergholt,  
Suffolk,  
CO7 6TX

**Your ref: PINS/H0520/429/9**

Dear Mr Ward,

**Examination of the Huntingdonshire Local Plan:**

**1- Habitats Regulations Assessment and the judgement of the Court of Justice of the European Union issued on 12 April 2018 (Case C-323/17)**

**2 – Concerns raised by Natural England**

**Habitats Regulations Assessment**

The methodology for the Screening Review prepared in January 2017 evaluated each policy against the following criteria:

1. Could the policy possibly cause or alter likely significant effects of any of the threats to the European sites?
2. Would the significant effects be positive or negative?
3. Does the wording of the policy mean that the significant effects will be either avoided or mitigated against if the policy is followed?
4. Does the wording of the policy allow for significant effects on the European sites to possibly occur?

Criterion 3 is of particular relevance to the above judgement. Appendix 2 of the Screening Review considered each draft policy of the Local Plan against the above criteria. The screening indicated that 14 policies could have a likely significant effect, six of which were positive effects. Independently of the likelihood of the policy having a significant effect, each was screened through criterion 3 to ascertain if the policy would offer protection if it were followed. The conclusion of the Screening Review was that Appropriate Assessment of the Local Plan was required.

Further clarification on the methodology has been obtained from Bodsey Ecology who undertook the HRA Report on behalf of the Council. This confirms that proposed mitigation did not screen out consideration of any European sites at the Screening Report stage. A copy of the confirmation letter is attached.

Given the attached confirmation the methodology used is considered to be legally compliant in the light of the judgement of the Court of Justice of the European Union Case C-323/17). Therefore Appropriate Assessment of additional policies or proposals is not considered to be required.

## Concerns raised by Natural England on the HRA Addendum

### *North of St James Road, Little Paxton – proposed allocation SN6*

The requirement for a bat survey to be undertaken has been incorporated into the proposed allocation; details are set out in paragraph 10.55.

### *Recreational pressures*

#### 1) Visitor impacts

Natural England's response to consultation on the HRA Addendum included the suggestion that a detailed visitor study would need to be undertaken to identify the visitor catchment areas for the European sites likely to be affected by the HLP2036. This suggestion was not put forward in their response to consultation on the main HRA. Natural England advise that in the absence of detailed visitor surveys the precautionary principle should be applied. Their response of 01/12/2017 (page 2) (appended) states that, 'the HRA should assess whether mitigation proposed in the draft HLP2036 is sufficient to absorb the additional pressure and demonstrate no adverse effect on the integrity of European sites or whether additional measures, such as developer contributions to fund additional green infrastructure provision and / or designated site management measures is required'. A number of amendments were made to the draft versions of the HLP2036 on which the main HRA Report and the HRA Addendum were prepared reflecting the recommendations set out.

In terms of potential mitigation policies LP3, LP4, LP32 and HU10 are all relevant. Policy LP3 highlights a number of strategic scale projects identified in the Cambridgeshire Green Infrastructure Strategy 2011 (INF/07). These include the Great Fen Masterplan (ENV/03) which sets out the approach to transforming over 3,000ha of largely arable land into a wildlife rich publically accessible fenland landscape and an extension to Paxton Pits which will see the nature reserve increase from 78ha to 285ha over the next decade. Policy LP4 addresses the concern over additional measures such as developer funding for provision or management of designated site. CIL payments could be directed towards this should a suitable project be identified. For large scale major developments planning obligations may be secured and criterion c) specifically identifies contributions towards green infrastructure and biodiversity enhancement/ mitigation as a requirement that may be necessary to make a proposal acceptable in planning terms. Policy LP32 directly specifies that any proposal that is likely to have a direct or indirect impact on an internationally important site will be required to submit an Appropriate Assessment in accordance with the Habitats Directive. HU10 provides for a 44ha extension to Hinchingsbrooke Country Park on the western side of Huntingdon.

#### 2) Pressure on Portholme SAC

Natural England express concerns over recreational pressure on Portholme SAC arising from sites within 4kms; again this was not raised when the main HRA Report was sent to them for consultation but first raised only on the HRA Addendum. Of the potential additional sites assessed in Appendix 2 of the HRA Addendum only one situated within 4kms of Portholme was incorporated into the proposed submission HLP2036 – BU1 East of Silver Street, Buckden for 270 dwellings equating to 595 potential residents. In practical terms the impact on Portholme is expected to be limited as the site

is only 2.8kms from the nearest point of access to the Paxton Pits extension compared to 7.8kms to the nearest access point to Portholme by road.

### 3) Allocations in Bluntisham

A requirement for assessment of impacts on the Berry Fen SSSI and provision of appropriate mitigation or alternative recreation provision were incorporated into proposed allocation BL1 West of Longacres, Bluntisham in response to Natural England's response.

#### *Water Quality*

Dr Patrick Doody from the Wildlife Trust has confirmed the veracity of HRA Addendum paragraph 2.2.6 that floodwater on Portholme SAC predominantly comes from the surrounding land as groundwater.

#### *Air Quality*

Natural England sought clarification on how potential air quality impacts associated with major development will be assessed. Policy LP38 addresses air quality. This requires any large scale major development to be accompanied by an Air Quality Assessment and that a low emissions strategy would be required where this shows a proposal would lead to adverse changes in air quality on a designated nature conservation site or protected species that is sensitive to poor air quality.

#### **Representations on paragraph 1.23 of the Proposed Submission HLP2036**

Natural England welcome that a number of amendments have been made to the HLP2036 to address concerns expressed on the HRA Addendum and generally consider the plan to be sound and legally compliant. They suggest minor amendments to a few policies and that a more strategic approach to HRA be taken through any future review of the Local Plan. The Council will be pleased to liaise with Natural England on preparation of the HRA methodology for the next Local Plan.

I am pleased to inform you that Natural England have seen a copy of the above response and have confirmed that they do not wish to raise any issues.

Yours sincerely,



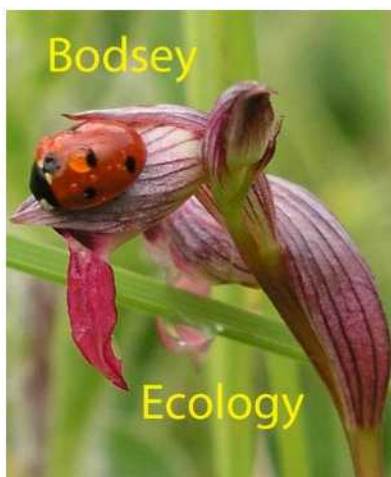
Clara Kerr,  
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# Huntingdonshire's Local Plan to 2036 - Habitats Regulations Assessment 2017

**Bodsey Ecology Limited**

**Responses to Points of Clarification Requested by  
Huntingdonshire District Council 25<sup>th</sup> May 2018**

[www.bodseyecology.co.uk](http://www.bodseyecology.co.uk)



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## Question 1

*Whether the methodology used at the AA stage tested for 'no adverse impact' or for 'no likely significant effect' as the wording of the report mixes the two?*

The methodology used at the AA stage tested for 'no likely significant effect'. The effects could be positive or negative. 'Impacts' result from effects and are one stage further down the analysis and so 'no adverse impact' was tested for only if negative likely significant effects were identified. It is possible to have a likely significant effect identified that does not have an impact. For example, pollutants could have a significant effect on a designated species of bird *i.e.* it could be detected in the birds but it has no impact on the population of the species. These instances are rare and normally a likely significant effect will be followed by an adverse impact.

## Question 2

*Whether any designated European sites which have pathways from Huntingdonshire were screened out during the Screening Report because of proposed mitigation or whether all European sites with pathways were considered in the full AA section of your report?*

A limit of distance has to be set where probability becomes very low (non-measurable) and 15km is generally that limit in HRA. For the Screening Report (Landscape Partnership, 2013), European sites within Huntingdonshire or within 15km of its boundary were considered, as this was considered the limit of the pathways. The Wash (SPA, Ramsar) was added to the AA by Bodsey Ecology because although it is farther than 15km from Huntingdonshire it has a direct waterborne pathway downstream. The Upper Nene Valley Gravel Pits (SPA, Ramsar) was added at the AA stage because it was designated after the Screening Report in 2013. No other European sites are connected directly to pathways from Huntingdonshire based on the 15km limit.

Mitigation did not screen out any European sites at the Screening Report stage.

Date: 01 December 2017  
Our ref: 232636  
Your ref: [Click here to enter text.](#)



Clare Bond  
Planning Policy Team Leader  
Huntingdonshire District Council

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**BY EMAIL ONLY**

Dear Ms Bond

**Huntingdonshire Local Plan to 2036 - Habitats Regulations Assessment 2017 a**

Thank you for seeking Natural England's views on the above in your email of 20 November 2017. Having been requested to provide feedback before 4 December we have not been given sufficient time to review the document in detail hence our comments below are limited to key points only.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England raised a number of issues on the draft Habitats Regulations Assessment (HRA) in our letter dated 2 March 2017 (ref. 207125). Natural England made further comments on matters needing to be addressed through the HRA in our recent responses to the draft Local Plan consultations. We trust that our advice / comments have been addressed in the main report.

We note that the 'Addendum to Final Report' (Bodsey Ecology, 16 November 2017) (the Addendum) primarily assesses whether delivery of an additional 962 dwellings (13 allocations) through the Local Plan changes the 'no likely significant effect' conclusion of the HRA with regard to potential impacts to European sites.

We welcome consideration of the potential impacts of allocations/development on Eversden and Wimpole Woods SAC supporting habitat for barbastelle bats, in accordance with Natural England advice. We agree with the findings of the assessment that allocations are unlikely to have any adverse impact on suitable barbastelle bat foraging habitat (which can be located up to ~ 20km from the SAC) except for the Little Paxton allocation which has a long woodland edge and is close to freshwater. We agree with the HRA recommendation that it would be prudent for a bat survey to be undertaken before this allocation progresses further, to determine likely impact to bats and in particular barbastelles associated with the Eversden and Wimpole Woods SAC. Natural England therefore advises that bat surveys are undertaken prior to this site being allocated to ensure that any adverse impacts can be adequately mitigated, to meet your authority's requirements under the Conservation (of Habitats and Species) Regulations 2010 (as amended).

From the detail provided we assume that the impacts of all allocations have now been considered, and not just those with >200 dwellings. However, it is not clear that the combined/cumulative effects of the allocations have been considered, particularly with regard to increased recreational pressure, as discussed below.

We welcome reference to the [Site Improvement Plans \(SIPs\)](#) for European sites in accordance with our previous advice.

### Recreational pressure

Section 2.3.2 of the Addendum states that the number of additional visitors to the European sites will not have a likely significant effect over and above those identified in the HRA because the number of extra visitors will be very small, given that the new allocations represent an increase of 4.7% on the number evaluated in the original HRA. Natural England's view is that this appears to be a considerable increase: whether it is significant or not requires detailed assessment and consideration of a range of criteria. The screening of allocations for recreational pressure is presented in Appendix 2. This uses a metric devised by Bodsey Ecology. This is a simplistic method based on size of proposed allocation and distance to European site, used to predict visitor numbers to the site. Whilst these factors are relevant, a whole range of additional criteria needed to inform an objective assessment have been omitted. It is claimed to be known that people will not travel long distances for casual recreation such as dog-walking; however, recent visitor studies (e.g. several undertaken by Footprint Ecology) to inform Local Plan preparation elsewhere, have indicated a minimum 8km catchment (in many cases, significantly greater) for regular visitors to honeypot destinations such as natures reserves and other designated sites. A detailed visitor study would need to be undertaken to identify the specific catchment area (zone of influence) for the European sites likely to be affected by the Huntingdonshire Local Plan. Criteria such as ease of access (by car, on foot), availability of parking, dog-walking facilities, accessibility, attractiveness, availability of alternative open access closer to the development, and range of additional factors, will all influence the extent of the catchment area for regular visitors to that site.

Related to the last point above, the draft Local Plan recognises recreational pressure as a risk to designated sites and proposes mitigation, through GI provision (including extension to Hinchingsbrooke Country Park) to address this. The HRA doesn't mention this. The HRA should assess the effects of all proposed development within the zone of influence for the European site and identify appropriate measures to adequately mitigate adverse effects. The application of the metric in Appendix 2, to individual allocations, has resulted in most of these allocations falling below the subjective 1% threshold. The combined effects of these developments are not considered. Our advice is that, in the absence of detailed visitor survey / assessment, the precautionary principle should be applied to the assessment of effects and identification of appropriate mitigation – in accordance with the requirements of the Habitats Regulations. As indicated in our response to the draft Local Plan, the HRA should assess whether mitigation currently proposed in the draft Local Plan is sufficient to absorb the additional pressure and demonstrate no adverse effect on the integrity of European sites or whether additional measures, such as developer contributions to fund additional green infrastructure provision and / or designated site management measures is required.

Notwithstanding the above, we appreciate Bodsey Ecology's efforts to assess the effects of recreational pressure in more detail, including consideration of visitor estimates through the ORVAL tool. We generally agree that recreational pressure impacts to the Ouse Washes, Woodwalton Fen, Nene Washes, Barnack Hills and Holes and Eversden and Wimpole Woods European sites can be screened as not significant, for the reasons described, and taking into consideration mitigation proposed through the draft Local Plan, which is not really considered.

Our outstanding concern therefore relates to Portholme SAC, a European site supporting sensitive floodplain meadow plant communities. There is already evidence that existing visitor levels are having an adverse effect on these features through trampling/damage to vegetation, conflicts between dogs and essential livestock grazing of the site, nutrient enrichment etc. The proposed level of development within the zone of influence for this popular recreation / dog-walking site, i.e. within easy car / walking distance will almost certainly contribute additional pressure and this has the potential to have an adverse impact to the qualifying / notified features of the SAC. The table in Appendix 2 indicates that the new allocations include ~ 300 additional dwellings within just 4km of Portholme SAC. This is equivalent to almost 1000 people / potential additional visitors. The other allocations in the Local Plan, within just 4km of the SAC, will result in substantially more potential additional visitors. We advise that further consideration of this should be included within the HRA: this should assess whether mitigation currently proposed in the draft Local Plan is sufficient to absorb the additional pressure and demonstrate no adverse effect on the integrity Portholme SAC or whether residual effects remains and therefore additional measures are needed - such as



developer contributions to fund additional green infrastructure provision and / or SAC management measures are required.

Section 2.2.4 of the Addendum indicates a conflict between the goals of the Green infrastructure policy and biodiversity goals, due to recreational pressures, and suggests that this is unavoidable. Natural England's advice is that any conflict should be avoidable if the impacts are thoroughly assessed through the HRA and SA, and any mitigation measures are secured through the relevant allocation policies in the Local Plan. The HRA and SA should inform Local Plan policies to ensure that sensitive habitats are adequately protected, buffered and enhanced to improve their resilience and sufficient additional / enhanced green infrastructure is provided to meet the recreational needs of the additional population. The Addendum states that the increase of visitors to the European sites from the allocations added to the HLP2036 between November 2016 and November 2017 will not increase the likely significant effect on them, with the exception of a new site in Bluntisham close to the Ouse Washes.

We agree with the recommendation that allocation(s) in Bluntisham should be subject to further investigation to assess impacts through increased recreational pressure on the Ouse Washes SAC/SPA/Ramsar site. Natural England advises that the assessment should consider impacts to Berry Fen Site of Special Scientific Interest (SSSI). Berry Fen provides functional land for overwintering wildfowl associated with the Ouse Washes, including Bewick's swans, which is particularly important when the Washes are too deeply flooded for them. The ornithological features of this site, including ground nesting birds and wintering waders and waterfowl, are particularly sensitive to disturbance by people and dogs. The site is popular with local dog-walkers and a public footpath heads along the floodbanks around and adjacent to the SSSI. Breeding and wintering birds are especially disturbed by people and dogs straying away from the footpath and through the site. Uncontrolled access into the SSSI can also have an adverse effect on the notified grassland features through trampling of vegetation and nutrient enrichment from dog-fouling. People and dogs can also conflict with the essential livestock grazing of the site, posing a risk to the long-term management of the site. The HRA should indicate that any allocation in this area will need to deliver sufficient mitigation to demonstrate no adverse effect to the Ouse Washes including the supporting habitat of Berry Fen. Appropriate mitigation is likely to require a combination of alternative accessible green infrastructure, particularly attractive to dog walkers, and implementation/ contribution towards implementation of designated site management measures.

We note that consideration of the effects of the Plan on the Upper Nene Valley Gravel Pits Special Protection Area (SPA) and Ramsar site has been included in the addendum, in line with our previous advice. Based on this information the HRA concludes that Local Plan development within the visitor catchment for the SPA will not generate significant levels of additional pressure at this site. Natural England accepts this conclusion.

#### Water quality

If we interpret section 2.3.4 correctly development in Somersham, Oldhurst and Ramsey will not be taken forward until sufficient waste water treatment capacity to adequately serve it can be demonstrated. We note that policies *LP5 – Waste Water* and *LP18 – Surface Water* have been amended, in accordance with our previous advice, to ensure delivery of such measures. We are satisfied that this will offer sufficient protection to the Ouse Washes SAC/SPA/Ramsar and Woodwalton Fen SAC.

Section 2.2.6 suggests that floodwater on Portholme SAC rarely originates from the River Great Ouse or the Alconbury Brook, but comes from the surrounding land as groundwater. It would be helpful to have confirmation from the Environment Agency that this is correct and that this minimises risk to the SAC from development upstream.

#### Air quality

In our previous response we advised that a requirement should be included in the relevant Local Plan policies to ensure proposals for major new developments are accompanied by transport assessments and that transport impacts close to designated sites will require an air quality assessment to demonstrate no adverse effect on sensitive features. Email correspondence from



Bodsey Ecology (22 March 2017) indicated 'we have added some text to ensure that whilst the transport strategy is not available then airborne pollution is considered'. It is still not clear from this how potential air quality impacts associated with major development will be assessed. Further clarification would be welcome.

We welcome that policy LP37 – Renewable and Low Carbon Energy has been amended in accordance with our previous advice to ensure proposals will not have any adverse effect on European sites.

We trust that the Environment Agency, Wildlife Trust and RSPB have been consulted for their views on relevant aspects of this assessment.

To summarise, our advice is that the HRA should be amended to provide further consideration of the recreational impacts of Plan allocations on Portholme SAC and mitigation measures to address adverse effects. The HRA should also address our advice above regarding the Bluntisham allocation and potential impacts to the Ouse Washes supporting habitat of Berry Fen SSSI. This is required in order to conclude that the Local Plan will not have an adverse effect on the integrity of European sites in accordance with the requirements of the Conservation (of Habitats and Species) Regulations 2010 (as amended). We will be pleased to comment on the further revised HRA.

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**  
**Sustainable Land Use Adviser**