



**Draft Planning Obligations Supplementary Planning  
Document**

**Habitats Regulation Assessment Screening Report**

**November 2024**

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# 1. Introduction

- 1.1 The Greater Cambridge Shared Planning Service has drafted the Planning Obligations Supplementary Planning Document (SPD), in order to provide technical guidance to assist with the implementation of policies related to the Planning Obligations contained within the 2018 Cambridge and South Cambridgeshire Local Plans. The draft SPD was made available for public consultation between 28 November 2024 and 24 January 2025.
- 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 Planning Obligations.
- 1.3 It supports the implementation of the following policies:

## **Cambridge Local Plan (2018):**

### Section Two: The Spatial Strategy

- Policy 1: The Presumption in Favour of Sustainable Development
- Policy 5: Sustainable Transport and Infrastructure
- Policy 7: The River Cam
- Policy 8: Setting of the City

### Section Three: City Centre, Areas of Major Change, Opportunity Areas and Site-Specific Proposals

- Policy 10: The City Centre
- Policy 11: Development in the City Centre Primary Shopping Area
- Policy 12: Fitzroy/Burleigh Street/Grafton Area of Major Change
- Policy 13: Cambridge East
- Policy 14: Areas of Major Change and Opportunity Area – General Principles
- Policy 15: Cambridge Northern Fringe East and New Railway Station Area of Major Change
- Policy 16: South of Coldham's Lane Area of Major Change
- Policy 17: Cambridge Biomedical Campus (including Addenbrooke's Hospital) Area of Major Change
- Policy 18: Southern Fringe Areas of Major Change
- Policy 19: West Cambridge Area of Major Change
- Policy 20: Land between Huntingdon Road and Histon Road Area of Major Change
- Policy 21: Station Areas West and Clifton Road Area of Major Change
- Policy 22: Mitcham's Corner Opportunity Area
- Policy 23: Eastern Gate Opportunity Area
- Policy 24: Mill Road Opportunity Area

- Policy 25: Cambridge Railway Station, Hills Road Corridor to the City Centre Opportunity Area
- Policy 26: Old Press/Mill Lane Opportunity Area
- Policy 27: Site specific Development Opportunities

#### Section Four: Responding to Climate Change and Managing Resources

- Policy 28: Carbon Reduction, Community Energy Networks, Sustainable Design and Construction, and Water Use
- Policy 31: Integrated Water Management and the Water Cycle

#### Section Six: Maintaining a Balanced Supply of Housing

- Policy 45: Affordable Housing and Dwelling Mix

#### Section Seven: Protecting and Enhancing the Character of Cambridge

- Policy 55: Responding to Context
- Policy 56: Creating Successful Places
- Policy 61: Conservation and Enhancement of Cambridge's Historic Environment
- Policy 67: Protection of Open Space
- Policy 69: Protection of Sites of Biodiversity and Geodiversity Importance

#### Section Nine: Providing the Infrastructure to Support Development

- Policy 85: Infrastructure Delivery, Planning Obligations and the Community Infrastructure Levy

### **South Cambridgeshire Local Plan (2018):**

#### Chapter 2: Spatial Strategy

- Policy S/2: Objectives of the Local Plan

#### Chapter 3: Strategic Sites

- Policy SS/1: Orchard Park
- Policy SS/2: Land Between Huntingdon Road and Histon Road
- Policy SS/3: Cambridge East
- Policy SS/4: Cambridge Northern Fringe East and Cambridge North Railway Station
- Policy SS/5: Northstowe Extension
- Policy SS/6: Waterbeach New Town
- Policy SS/7: New Village at Bourne Airfield
- Policy SS/8: Cambourne West

#### Chapter 10: Promoting and Delivering Sustainable Transport and Infrastructure

- Policy TI/8: Infrastructure and New Developments

- 1.4 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 [Habitats Regulations Assessment Screening Report](#) carried out for the Cambridge Local Plan 2018 and [Habitats Regulations Assessment Screening Report](#) for the South Cambridgeshire Local Plan 2018, for which the Planning Obligations SPD provides further guidance.
- 1.5 The conclusion drawn as a result of this screening assessment is that the Planning Obligations 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.



## 2. Habitats Regulation 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 1994](#). On 1 April 2010 this was replaced by [The Conservation of Habitats and Species Regulations 2010](#), which was

consequently amended by [The Conservation of Habitats and Species \(Amendment\) Regulations 2011 and 2012](#).

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 Ramsar 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;

- **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 there 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 Planning Obligations 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 Planning Obligations 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 Planning Obligations SPD.
- Section 5 - Consultations

### **3. Planning Obligations SPD and relationship to the Cambridge Local Plan 2018 and the South Cambridgeshire Local Plan 2018**

- 3.1. As set out in the Strategic Environmental Assessment and Sustainability Appraisal screening section of this report, the draft Planning Obligations SPD provides guidance on how the Councils' seek to apply planning obligations through the Section 106 process to new development proposals. The draft SPD supplements policies within the adopted development plans that seek to secure infrastructure necessary to support the needs generated by proposed developments, with the overall aim to speed up the planning process.
- 3.2. The adopted Local Plans contain a range of policies that are relevant to the SPD, particularly supplementing Policy 85: Infrastructure delivery, planning obligations and the Community Infrastructure Levy of the Cambridge Local Plan 2018 and Policy TI/8: Infrastructure and New Developments of the South Cambridgeshire Local Plan 2018, alongside other policies within the adopted development plans that seek to secure infrastructure necessary to support the needs generated by proposed developments.
- 3.3. The SPD outlines the policy requirements set out in the Local Plans, and the types of obligations likely to arise as a result of applying these. In the document the process of negotiating, preparing, and completing a S106 agreement is outlined. The SPD supports the implementation of the policies listed in Section 1 of this report.
- 3.4. 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 \(2015, revised March 2016\)](#).

- 3.5. The focus of the draft 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 Planning Obligations 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

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 details of each of these sites along with their relevant conservation objectives are 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 Planning Obligations 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.

4.14 The policies for which the Planning Obligations SPD provides guidance, were assessed as part of the Habitats Regulations Assessment Screening undertaken of the Cambridge and South Cambridgeshire Local Plans. As the 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 Planning Obligations 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 Planning Obligations SPD does propose any development that would impact protected species outside of protected sites. The SPD sets out the approach to S106 and requirements of Biodiversity Net Gain (BNG). The SPD does not supersede any of the policies contained within the Cambridge Local Plan (2018) or the South Cambridgeshire Local Plan (2018), nor does it supersede the planning guidance on biodiversity management and nature conservation contained within the adopted Greater Cambridge Biodiversity SPD (2022). As such, it is considered that the Planning Obligations SPD will not have any significant adverse impacts on protected species outside of the protected sites.
- **Recreational pressure and disturbance** – The Planning Obligations SPD does not allocate land for development, the SPD provides further detail on policies contained within the local plan 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, Chippen Fen, Woodwalthon Fen and the Ouse Washes and Portholme. The Planning Obligations SPD provides high level guidance for developers to consider as part of new development proposals such as for water. When preparing planning applications, Applicants will be required to read the Planning Obligations SPD in conjunction with other policy documents that are more relevant to water quantity and quality, including the Greater Cambridge Sustainable Design and Construction SPD and the Cambridgeshire Flood and Water SPD. Therefore, it is unlikely that the Planning Obligations SPD will have significant impacts on water quantity and quality of the Natura 2000 and Ramsar sites may have some positive effects.
- **Changes in pollution levels** – The Planning Obligations SPD addresses the impacts of development on a range of issues including transport and

biodiversity. The SPD sets out the approach to S106 and requirements of Biodiversity Net Gain (BNG). The SPD also contributes to minimising the impact of development on carbon emissions and refers to the South Cambridgeshire District Council Zero Carbon and Doubling Nature Strategies. The guidance contained within the Planning Obligations SPD is only supplementary and does not provide specific guidance on how pollution levels should be assessed or controlled; further guidance on these matters is provided within other adopted planning policy documents such as the Greater Cambridge Sustainable Design and Construction SPD. As such, it is unlikely that the draft SPD will have significant impacts on pollution levels at Natura 2000 and Ramsar Sites.

- 4.15 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.
- 4.16 The overall conclusions of this screening assessment are that the Planning Obligations 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 A public consultation on the draft Planning Obligations SPD will be held between 28 November 2024 and 24 January 2025. As part of the consultation, Natural England the statutory nature conservation body for appropriate assessment will be consulted on this Screening Assessment at the same time as the consultation on the draft SPD.