

Cambridge Neighbourhoods Design
Code for Arbury, King's Hedges and
parts of West Chesterton



Strategic Environmental Assessment (SEA) & Habitats Regulations Assessment (HRA) Screening Report

October 2024







About us

Place Services is a leading public sector provider of integrated environmental assessment, planning, design and management services. Our combination of specialist skills and experience means that we are uniquely qualified to help public organisations meet the requirements of the planning process, create practical design solutions and deliver environmental stewardship.

Place Services has a proven track record of delivering sustainable, creative and effective solutions for the built environment. Our in-house expertise comprises a multidisciplinary team which includes planners, urban designers, landscape architects, flood specialists and public art consultants. Our approach is client led; we work alongside our clients to deliver services, projects and planning objectives in a collaborative and cost effective way.

Copyright

This report may contain material that is non-Place Services copyright (e.g. Ordnance Survey, British Geological Survey, Historic England), or the intellectual property of third parties, which Place Services is able to provide for limited reproduction under the terms of our own copyright licences or permissions, but for which copyright itself is not transferable by Place Services. Users of this report remain bound by the conditions of the Copyright, Designs and Patents Act 1988 with regard to multiple copying and electronic dissemination of the report.

Disclaimer

The material contained in this report was designed as an integral part of a report to an individual client and was prepared solely for the benefit of that client. The material contained in this report does not necessarily stand on its own and is not intended to nor should it be relied upon by a third party. To the fullest extent permitted by law Place Services will not be liable by reason of breach of contract, negligence, or otherwise for any loss or damage (whether direct, indirect or consequential) occasioned to any person acting or omitting to act or refraining from acting in reliance upon the material contained in the report. Loss or damage as referred to above shall be deemed to include, but is not limited to, any loss of profits or anticipated loss of profits damage to reputation or goodwill, loss of business, or anticipated loss of business, damages, costs, expense incurred or payable to any third party (in all cases whether direct, indirect or consequential) or any other direct, indirect or consequential loss or damage.



Contents

1. Introduction	6
2. Legislative Background	8
3. SEA Screening	10
4. HRA Screening	21
5. Conclusions	30
Appendix 1	32



List of Tables

Table 1: Exploring whether the Principle of the Plan would warrant SEA.....10
Table 2: Assessment of Likely Significant Effects on the Environment.....14
Table 3: Habitats sites within 20km to be considered in this assessment.....23
Table 4: Assessment of potential impacts on Habitats sites27

1. Introduction

1.1 The Purpose of this Report

This Screening Report is an assessment of whether or not the contents of the Cambridge Neighbourhoods Design Code, for Arbury, King's Hedges and parts of West Chesterton, here onwards called Cambridge Neighbourhoods Design Code, requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations. A SEA will be required if the Design Code, as a Supplementary Planning Document (SPD), is deemed to have a likely significant effect on the environment.

This Report will also screen to determine whether the Design Code requires a Habitats Regulations Assessment (HRA) in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). An HRA Screening Report is required when it is deemed that likely adverse significant effects may occur on protected Habitats (European) sites as a result of the implementation of a plan or project.

1.2 Cambridge Neighbourhoods Design Code

The Cambridge Neighbourhoods Design Code supplements Cambridge City Council's Local Plan policies on high quality design, distinctive local character and placemaking. The Cambridge Neighbourhoods Design Code is intended to be adopted as a Supplementary Planning Document which will hold material weight in the determination of planning applications in Cambridge City's Neighbourhoods. As an SPD, the Cambridge Neighbourhoods Design Code cannot introduce new planning policy, or allocate sites for development, and must be in conformity with the policies of the Cambridge City Local Plan.

The Cambridge Neighbourhoods Design Code has been prepared by Pollard Thomas Edwards and Greater Cambridge Shared Planning Service in collaboration with community representatives. The purpose of the Cambridge Neighbourhoods Design Code is to inspire and set out placemaking requirements by setting out the clear parameters of design expectation from the start. It represents the priorities of the community, as explored through the process of community participation and consultation through which the Design Code has been developed. The Cambridge Neighbourhoods Design Code identifies five principles which have been chosen as they are considered to be memorable and to have an easily understood focus:

- Principle 1 – Make Space for Nature
- Principle 2 – Prioritise Walking and Cycling
- Principle 3 – Thriving Public Spaces
- Principle 4 – Enhance Character

- Principle 5 – Increase Sustainability

1.3 The Cambridge City Local Plan

The Cambridge City Local Plan sets out the planning policies and land allocations to guide the future development of the City up to 2031. It includes policies on a wide range of topics such as housing, employment, services and facilities, and the natural environment.

1.3.1 Content regarding Cambridge Neighbourhoods within the Local Plan

1.3.1.1 The Settlement Hierarchy and Principle of Development

The “Neighbourhoods” referred to in the Cambridge Neighbourhoods Design Code is made up of the Kings Hedges Estate, Nuns Way Estate and Arbury Town Centre. The Local Plan identifies Arbury Town Centre as a District Centre within the Plan and the centre is allocated to this effect. In terms of the settlement hierarchy, District Centres are second to the City Centre. There are also a number of local centres, two allocation proposals (Policy R1 and Policy R2) and a protected industrial site within the boundary of the Design Code.

The preamble to Policy 61 (Conservation and enhancement of Cambridge’s historic environment) identifies Arbury as a post-war suburb. The southern point of Hilston Road within the Cambridge Neighbourhoods Design Code boundary is adjacent to and partly within a Conservation Area.

The Local Plan identifies the Cambridge Neighbourhoods Design Code boundary as entirely falling within the existing settlement boundaries of Cambridge City.

1.3.1.2 Design Principles

Section Seven of the Local Plan looks to protect and enhance the character of Cambridge. Policies 55 and 56 in particular look at responding to context and creating successful places. Policy 55 states that development will be supported where it is demonstrated that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings to help create distinctive and high quality places. Policy 56 sets out that development that is designed to be attractive, high quality, accessible, inclusive and safe will be supported.

1.3.1.3 Conservation Area

As discussed above, a small part of the site abuts and partly falls within a Conservation Area. Policy 61 of the Local Plan sets out the Council’s position on the conservation and enhancement of Cambridge’s historic environment. Cambridge’s historic and natural environment define the character and setting of the city and it is therefore important to preserve and enhance these environments to ensure that Cambridge remains compact and walkable.

2. Legislative Background

2.1 Strategic Environmental Assessment (SEA)

Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment states that,

‘Environmental assessment is an important tool for integrating environmental considerations into the preparation and adoption of certain plans and programmes which are likely to have significant effects on the environment.

(10) All plans and programmes which are prepared for a number of sectors and which set a framework for future development consent of projects listed in Annexes I and II to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment(7), and all plans and programmes which have been determined to require assessment pursuant to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna(8), are likely to have significant effects on the environment, and should as a rule be made subject to systematic environmental assessment. When they determine the use of small areas at local level or are minor modifications to the above plans or programmes, they should be assessed only where Member States determine that they are likely to have significant effects on the environment.

(11) Other plans and programmes which set the framework for future development consent of projects may not have significant effects on the environment in all cases and should be assessed only where Member States determine that they are likely to have such effects.’

The Cambridge Neighbourhoods Design Code may influence frameworks for future development or become used ancillary to those plans and programmes that do set such a framework, and as such it has been determined that the principle of the Cambridge Neighbourhoods Design Code, as a Supplementary Planning Document, should be screened for the necessary application of the SEA Directive.

The Report from the Commission to The Council, The European Parliament, The European Economic and Social Committee and the Committee of the Regions states, on the application and effectiveness of the Directive on Strategic Environmental Assessment (Directive 2001/42/EC), that

‘the following Plan & Programme (P&P), and modifications to them, are covered when prepared and/or adopted by an authority and required pursuant to legislative, regulatory or administrative provisions:

- P&P prepared for certain sectors and which set the framework for future development consent in respect of projects under the Environmental Impact Assessment-EIA-Directive.

- P&P requiring an assessment under the Habitats Directive (92/43/EEC).
- P&P setting the framework for development consent in respect of projects (not limited to those listed in the EIA Directive; see above) and determined by "screening" as being likely to have significant environmental effects.'

This report represents this screening process in regard to the content and influence of the Cambridge Neighbourhoods Design Code.

2.2 Habitats Regulations Assessment (HRA)

This HRA Screening Report has been undertaken in order to accompany the Cambridge Neighbourhoods Design Code.

Under the provisions of the Habitats Regulations (The Conservation of Habitats and Species Regulations 2017, as amended), a competent authority must carry out an assessment of whether a plan or project will significantly affect the integrity of any European Site (also referred to as Habitats sites in the National Planning Policy Framework), in terms of impacting the site's conservation objectives.

The first stage of HRA is the screening assessment of the impacts of a land use proposal against the conservation objectives of Habitats sites. Specifically, it is to ascertain whether or not a proposal (either alone or in combination with other proposals) would potentially damage the internationally designated features of that site.

In line with the Court judgement (CJEU People Over Wind v Coillte Teoranta C-323/17), mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a plan or project is likely to result in significant effects on a Habitats site.

3. SEA Screening

3.1 When is SEA Required?

The Cambridge Neighbourhoods Design Code introduces design parameters which are specific to the Arbury area and is intended to be adopted by the Local Planning Authority as a Supplementary Planning Document. Planning Practice Guidance – Strategic environmental assessment requirements states that SEA,

‘implement[s] the requirements of the European Directive 2001/42/EC (the ‘Strategic Environmental Assessment Directive’) on the assessment of the effects of certain plans and programmes on the environment.

Strategic environmental assessment alone can be required in some limited situations where sustainability appraisal is not needed. This is usually only where either neighbourhood plans or supplementary planning documents could have significant environmental effects.’

Articles 2 and 3 of the SEA Directive set out the circumstances in which a SEA is required. Table 1 sets out the assessment of whether the principle of the Cambridge Neighbourhoods Design Code will require a full SEA.

Table 1: Exploring whether the Principle of the Plan would warrant SEA

Question 1: Is the Plan subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through legislative procedure by Parliament or Government?

Yes - The Design Code has been prepared for adoption through local authority provision.

Question 2: Is the Plan required by legislative, regulatory or administrative provision? (Typical characteristics of "administrative provisions" are that they are publicly available, prepared in a formal way, probably involving consultation with interested parties. The administrative provision must have sufficient formality such that it counts as a "provision" and it must also use language that plainly requires rather than just encourages a Plan to be prepared.)

Yes - The Design Code would be considered as falling within the category of an ‘administrative provision’.

Question 3: Is the Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive?

Yes to both criteria - The Design Code has been prepared for town and country planning

and as a Supplementary Planning Document sets a framework for future development consent.

Question 4: Will the Plan, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive?

The Design Code's likely effect on sites and requirement for an assessment under Article 6 or 7 of the Habitats Directive is explored in Section 4 of this Report.

Question 5: Does the Plan determine the use of small areas at local level, OR is it a minor modification of a Plan likely to require assessment under the Habitats Directive?

Yes to one of the criteria - the Design Code can be considered to carry weight in decision-making, as a Supplementary Planning Document, and therefore influences the determination of the use of small areas at local level commensurate with its status in determining local planning applications.

Question 6: Does the Plan set the framework for future development consent of projects (not just projects in the Annexes of the EIA Directive)?

Yes - the Design Code has been prepared for town and country planning and as a Supplementary Planning Document sets a framework for future development consent.

Question 7: Is the Plans sole purpose to serve national defence or civil emergency, or is it a financial or budget Plan, or is it co -financed by structural funds or European Agricultural Guidance and Guarantee Fund (EAGGF) programmes 2000 to 2006/7?

No - The Design Code does not serve a purpose related to national defence or civil emergency, a financial or budget Plan. The Design Code is not co-financed by structural funds or EAGGF programmes 2000 to 2006/7.

Question 8: Is it likely to have a significant effect on the environment?

Likely significant effects are explored in more detail in Section 3.3 of this Screening Report. The 'conclusions' section of the Report outlines whether the Design Code requires SEA or not due in regard to its effects on the environment.

The following section looks at the criteria for assessing the effects of the Design Code and the identified effects of the Design Code in line with the criteria. Crucially, it will determine whether there are any likely significant effects on the environment.

3.2 Criteria for Assessing the Effects of the Cambridge Neighbourhoods Design Code

Criteria for determining the likely significant effects on the environment, referred to in Article 3(5) of Directive 2001/42/EC are set out below.

Annex II of SEA Directive 2001/42/EC – Significant Effects

1. The characteristics of plans and programmes, having regard, in particular, to

- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
- environmental problems relevant to the plan or programme,
- the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects,
- the transboundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
- the value and vulnerability of the area likely to be affected due to:

Annex II of SEA Directive 2001/42/EC – Significant Effects

- * special natural characteristics or cultural heritage,
- * exceeded environmental quality standards or limit values,
- * intensive land-use,
- * the effects on areas or landscapes which have a recognised national, Community or international protection status.

3.3 Likely Significant Effects resulting from the Cambridge Neighbourhoods Design Code

The following assessment will consider the likelihood of the Design Code (at the time of writing) to have significant effects on the environment. The table below will explore the likelihood of effects on the following required themes, as included within Annex I of the SEA Directive (2001/42/EC):

- Biodiversity;
- Population;
- Human health;
- Fauna;
- Flora;
- Soil;
- Water;
- Air;
- Climatic factors;
- Material assets;
- Cultural heritage including architectural and archaeological heritage;
- Landscape; and
- The interrelationship between the above factors.

Table 2: Assessment of Likely Significant Effects on the Environment

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The Cambridge Neighbourhoods Design Code sets out proposed guidance which could be used to influence proposals for development within the Arbury area should it be adopted by the Local Planning Authority as a Supplementary Planning Document, as intended. This could therefore afford a strong degree of weight in determining planning applications in the Arbury area.
The degree to which the plan or programme influences other plans or programmes including those in a hierarchy.	The Cambridge Neighbourhoods Design Code provides guidance for the Arbury area, relevant to a local level only. The content of the Cambridge Neighbourhoods Design Code is in conformity to that of the Cambridge City Local Plan (which was adopted in September 2018). The Cambridge Neighbourhoods Design Code will carry weight in relevant planning decision-making, as an SPD.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	The Cambridge Neighbourhoods Design Code includes key principles related (directly / indirectly) to ensuring environmental considerations will be integrated into any forthcoming development within the Arbury area.
Environmental problems relevant to the plan area	The Cambridge Neighbourhoods Design Code, relevant only to the Arbury area, reflects a small area and seeks to address some current environmental issues. The policy content of the adopted Local Plan will additionally apply to any proposals within the Arbury area. The Local Plan policies have been subject to Sustainability Appraisal within the context of the Local Plan. A Sustainability Appraisal has also been produced in relation to the Greater Cambridge emerging local plan



Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	which has equally considered environmental issues relating to the plan area.
The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	The content of the Cambridge Neighbourhoods Design Code is supplementary to, and therefore not in conflict with those relevant planning documents within the wider district and county area related to waste management or water protection.
The probability, duration, frequency and reversibility of the effects on the following factors:	The following impacts have been identified within this Screening Assessment:
<ul style="list-style-type: none"> Biodiversity 	<p>The Design Code boundary is not within any existing biodiversity sites or designated sites as identified by Sustainability Appraisal submitted with the Greater Cambridge Emerging Plan.</p> <p>Depending on the scale of future development will inform whether proposals will have likely significant effects. Consultation with Natural England on such matters is considered a development management issue (in so far as consultation is required at that stage), and relevant policies exist within the adopted Cambridge City Local Plan and the emerging Greater Cambridge Local Plan.</p> <p>In consideration of all of the above, effects on biodiversity resulting from the Cambridge Neighbourhoods Design Code can therefore be ruled out.</p>
<ul style="list-style-type: none"> Population 	It is considered that there would be no significant effects on

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	population resulting from the Cambridge Neighbourhoods Design Code. This is due to the small scale of the Code boundary and that it does not identify specific sites for growth.
<ul style="list-style-type: none"> • Health 	There are no highlighted significant effects of the Cambridge Neighbourhoods Design Code regarding human health that would warrant a strategic assessment through SEA. The Cambridge Neighbourhoods Design Code includes design guidance that includes the protection and development of public open space. This can be considered to contribute to healthy lifestyles.
<ul style="list-style-type: none"> • Fauna 	There are no direct impacts resulting from the Cambridge Neighbourhoods Design Code on fauna that is considered significant. The Cambridge Neighbourhoods Design Code seeks development to strengthen the green infrastructure, and to incorporate enhancement opportunities for biodiversity and wildlife. It is possible that any number of speculative developments could be forthcoming within the Code boundaries that could have negative impacts on protected species, however these cannot be considered strategically significant to the extent that Strategic Environmental Assessment would be warranted. Such issues are more appropriate to be considered on a case-by-case 'project level' basis at the development management stage and in accordance with relevant development management policies contained within the LPA's adopted Local Plan.
<ul style="list-style-type: none"> • Flora 	The Sustainability Appraisal that informs the emerging Greater Cambridge Local Plan does not identify any strategic areas of biodiversity that contain protected flora species. There will be no likely significant effects on flora as a result.
<ul style="list-style-type: none"> • Soil 	The Design Code boundaries are contained entirely within settlement boundaries. There is no agricultural land contained within the boundaries and as such there are no identified negative implications surrounding soil quality as a result of the

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	Cambridge Neighbourhoods Design Code.
<ul style="list-style-type: none"> Water 	<p>The Cambridge Neighbourhoods Design Code boundary is not within any Groundwater Source Protection Zone. Pollution control policies at the LPA level apply within the area subject to the Code to ensure that no negative effects on water quality should be experienced within the Arbury area.</p>
<ul style="list-style-type: none"> Air 	<p>There are no identified air quality issues within the Parish. Although consultation with Natural England is required for any development that could cause air pollution (regarding industrial/agricultural development) in association with the IRZs of SSSIs in parts of the Plan area, consultation would be required at the planning application stage and is not considered a matter would warrant SEA, as a strategic process, to be undertaken. Furthermore, policy related to air quality exists within the Local Plan.</p>
<ul style="list-style-type: none"> Climatic factors 	<p>Local Plan policies regarding flood risk apply to the area covered by the Code and any speculative development coming forward within the area can be considered at the planning application stage. There will be no significant negative effects regarding flood risk resulting from the scope and content of the Cambridge Neighbourhoods Design Code. It is therefore considered that SEA would not be required.</p>
<ul style="list-style-type: none"> Material assets 	<p>The content of the Cambridge Neighbourhoods Design Code is not considered to have any significant effects due to the extent / size of the area. Such issues are more appropriate to be considered on a case-by-case basis at the development management stage and in accordance with relevant development management policies contained within the LPA's adopted Local Plan.</p>
<ul style="list-style-type: none"> Cultural heritage 	<p>The area covered by the Design Code does not contain any Listed Buildings but it would abut a Conservation Area to the</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<p>south and could impact the setting of a number of Listed Buildings.</p> <p>Irrespective of the robustness of the Cambridge Neighbourhoods Design Code in ensuring the protection and enhancement of heritage assets, policy also exists at the LPA level which applies to the area. The effects on heritage are, as a result, considered a development management issue in the context of the Plan and its content. There are not considered to be any elements of the Design Code that would give rise to significant effects on the historic environment at the strategic level that would require the full application of the SEA Directive.</p>
<ul style="list-style-type: none"> • Landscape 	<p>The boundaries of the Design Code are restricted to the existing settlement boundaries of Cambridge. As a result, there are not any significant strategic landscape effects that would warrant the requirement for the application of the SEA Directive and the formulation of a SEA Environmental Report.</p>
<p>The cumulative nature of the effects.</p>	<p>In line with the above considerations that explore the possible individual effects of the Cambridge Neighbourhoods Design Code content, no significant cumulative effects are considered to be likely to warrant the requirement for the application of the SEA Directive and the formulation of a SEA Environmental Report.</p>
<p>The trans boundary nature of the effects.</p>	<p>The adopted Cambridge City Local Plan can be seen to support the protection and improvement of conditions relevant to those sustainability factors listed within the SEA Directive. The Cambridge Neighbourhoods Design Code is not in conflict with these wider thematic policies. The HRA Screening element of this Report, which explores in-combination effects with other relevant plans and projects, also identifies no in-combination effects regarding Habitats (European) sites.</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
<p>The risks to human health or the environment (e.g. due to accidents).</p>	<p>It is considered that there is no risk to human health or the environment as a result of the Cambridge Neighbourhoods Design Code. This is in consideration of the above screening requirements related to sustainability themes. The Design Code is unlikely to give rise to any accidents that can be considered to have a significant risk to human health or the environment.</p>
<p>The magnitude spatial extent of the effects (geographical area and size of the population likely to be affected).</p>	<p>The Cambridge Neighbourhoods Design Code relates to the local level only. No effects are identified within this Screening Report.</p>
<p>The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> • special natural characteristics or cultural heritage • exceeded environmental quality standards • intensive land use 	<p>As highlighted above in the screening of the Cambridge Neighbourhoods Design Code per sustainability theme, the Design Code has not been assessed as having any possible negative effect associated with environmental themes.</p>
<p>The effects on areas or landscapes which have a recognised national, community or international protection status.</p>	<p>As highlighted above in the screening of the Cambridge Neighbourhoods Design Code per sustainability theme, the Design Code has not been assessed as having any significant effects on areas or landscapes which have a recognised national, community or international protection status.</p>



4. HRA Screening

4.1 Habitats Regulations Assessment of Development Plans (including Supplementary Planning Documents)

This section forms a plan level Habitats Regulations Assessment (HRA) as required by Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended).

This HRA Screening Report has been undertaken in order to support the Cambridge Neighbourhoods Design Code. The area covered by the guide (the Area boundary) is shown in Appendix 1.

This section of this Report aims to:

- Identify the Habitats sites within 20km of the Cambridge Neighbourhoods Area boundary.
- Summarise the reasons for designation and Conservation Objectives for each Habitats site to be considered in this assessment.
- Screen the Design Code for its potential to impact upon a Habitats site.
- Assess the potential for effects in-combination with other projects and plans.
- Identify if there are any outstanding issues that need further investigation.

On 23 June 2016, the United Kingdom (UK) held a referendum and voted to leave the European Union (EU). On 29 March 2017 the Prime Minister triggered Article 50 of the Treaty on European Union, which commenced a period of negotiations regarding the UK's exit from the EU. On 26 June 2018, The European Union (Withdrawal) Act 2018 received Royal Assent and the UK left the EU with the European Union (Withdrawal) Act 2018 making sure that UK laws continue to operate following the UK's exit. Relevant EU Directives have been transposed into UK law and those are unchanged until amended by Parliament. Therefore the requirements for HRA under the Conservation of Habitats and Species Regulations 2017 (as amended) remain in place.

4.2 Court Judgements and their consideration in this Report

4.2.1 CJEU People Over Wind v Coillte Teoranta C-323/17

As previously mentioned, in line with the Court judgement (CJEU People Over Wind v Coillte Teoranta C-323/17), mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a plan or project is likely to result in significant effects on a Habitats Site.

This HRA Screening Report does not therefore consider mitigation measures within the

assessment of Likely Significant Effects resulting from the Cambridge Neighbourhoods Design Code.

4.2.2 CJEU Holohan C- 461/17

This Court judgement now imposes more detailed requirements on the competent authority at Appropriate Assessment stage:

1. [...] an 'Appropriate Assessment' must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.
2. [...] the competent authority is permitted to grant to a plan or project consent which leaves the developer free to determine subsequently certain parameters relating to the construction phase, such as the location of the construction compound and haul routes, only if that authority is certain that the development consent granted establishes conditions that are strict enough to guarantee that those parameters will not adversely affect the integrity of the site.
3. [...] where the competent authority rejects the findings in a scientific expert opinion recommending that additional information be obtained, the 'Appropriate Assessment' must include an explicit and detailed statement of reasons capable of dispelling all reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.

Within this HRA Screening report, the assessment determines the requirement whether an Appropriate Assessment is needed for the Cambridge Neighbourhoods Design Code.

4.2.3 R (Foster and Langton) v Forest of Dean DC and Homes and Communities Agency (2015) EWHC 2648 (Admin) Cranston J

This court ruling states that there is no basis to carry out an assessment of in-combination effects when there are no effects from the subject proposal to take account of.

4.3 Habitats (European) sites

Habitats sites is the term used in the NPPF (2024) to describe any site which would be included within the definition at Regulation 8 of the Conservation of Habitats and Species Regulations 2017 (as amended) for the purpose of those regulations. These now form part of the UK national network of sites for nature protection. The aim of the network is to assure the long-term survival of UK's most valuable and threatened species and habitats.

All Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) are

comprised of Sites of Special Scientific Interest (SSSIs) and all Ramsar sites in England are SSSIs. Together, SPAs, SACs and Ramsar Sites are considered as Habitats sites in England (NPPF, 2024).

4.3.1 Explanation of SPAs, SACs and Ramsar sites

Special Protection Areas (SPAs)

SPAs are areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within EU countries. Example: Ouse Washes is internationally important for wintering waterfowl. Legislation: Conservation of Habitats and Species Regulations 2017 (as amended).

Special Areas of Conservation (SACs)

SACs are areas designated to protect habitat types that are in danger of disappearance, have a small natural range, or are highly characteristic of the region; and to protect species that are endangered, vulnerable, rare, or endemic. Example: woodland habitat of Eversden and Wimpole Woods for the population of Barbastelle bats. Legislation: Conservation of Habitats and Species Regulations 2017 (as amended)

Wetlands of International Importance (Ramsar Sites)

Ramsar sites are designated to protect the biological and physical features of wetlands, especially for waterfowl habitats. For example, Wicken Fen is an outstanding remnant of East Anglian peat fens and supports one species of British Red Data Book plant fen violet *Viola persicifolia* which survives at only two other sites in Britain. Ramsar sites often overlap with SACs and SPAs and UK planning policy determines that they should be accorded the same importance when developments are proposed. Legislation: Ramsar Convention (1971) – Wetlands of International Importance and Conservation of Habitats and Species Regulations 2017 (as amended)

4.3.2 Habitats sites to be considered

There are four Habitats sites which lie within 20 km of the Cambridge Neighbourhoods Design Code area boundary. These are listed in Table 3 and shown on the map in Appendix 1.

Table 3: Habitats sites within 20km to be considered in this assessment

SPA
Ouse Washes

SAC

Fenland, Eversden and Wimpole Woods, Devils Dyke

Ramsar

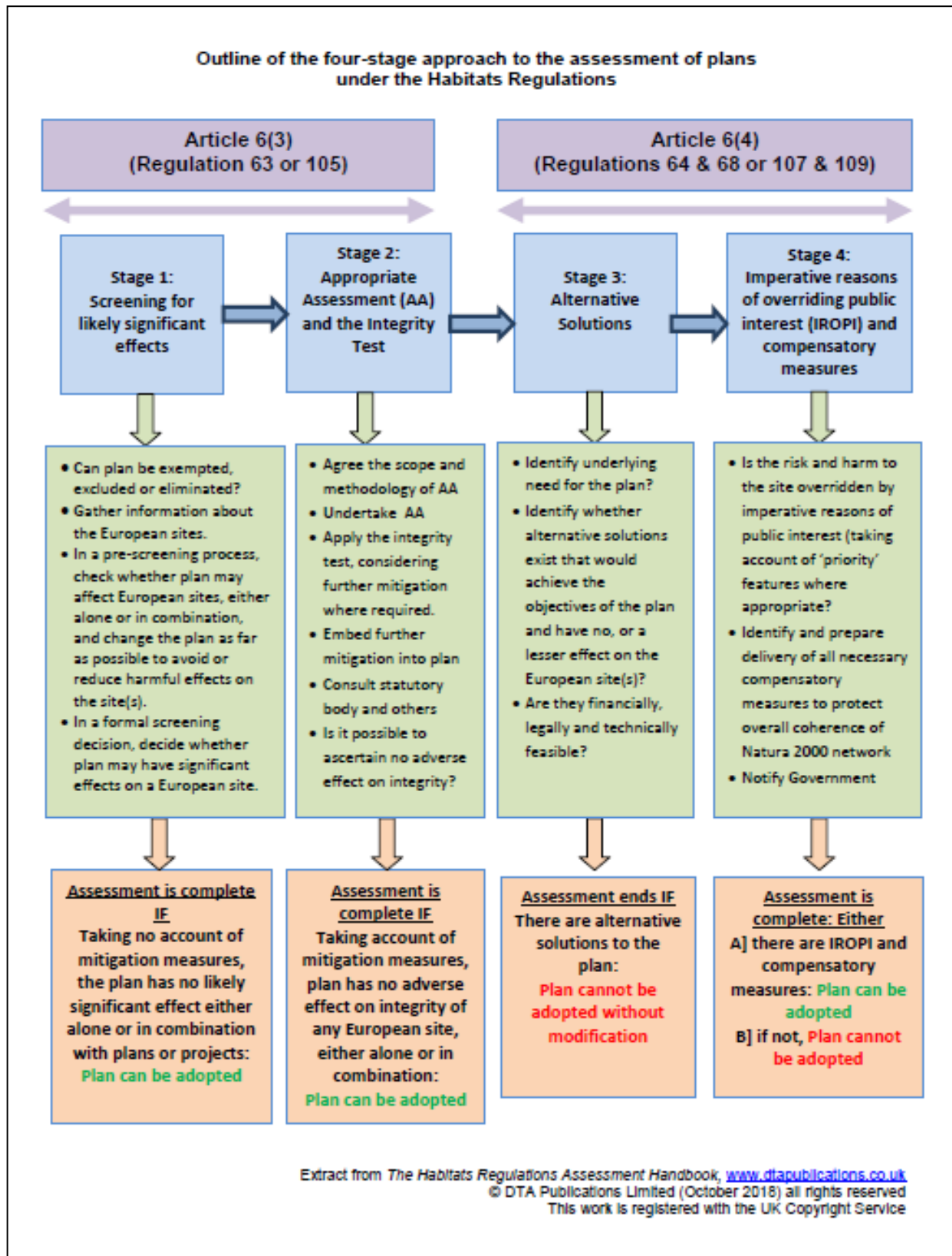
Wicken Fen, Ouse Washes

Fenland SAC is comprised of three fenlands and overlaps with Wicken Fen Ramsar. The Impact Risk Zones (IRZs) for the underpinning SSSIs for the aforementioned Habitats sites were interrogated on MAGIC map. The Cambridge Neighbourhoods Design Code area lies outside the 5km IRZs for Wicken Fen Ramsar site and Fenland SAC. The area also lies outside of the 10km IRZ for Eversden and Wimpole Woods SAC.

4.4 Method and Approach

This document relates only to Stage 1 of the HRA process as set out in Figure 1 below.

Figure 1: Outline of the Four Stage Approach to the Assessment of Plans under the Habitats Regulations (taken from the DTA handbook).



4.4.1 Stage 1: HRA Screening

The screening stage identifies if any significant effects are likely because any policies or projects will have an impact on a Habitats Site. Table 4 identifies the different categories assigned to each element of the Design Code: Category A identifies those policies or projects that are considered to have No Negative Effect. Category B identifies those policies or projects that will have No Likely Significant Effect. Category C identifies those policies or projects that might have Likely Significant Effect upon a Habitats site either alone or in combination with other plans or projects. Section 4.5 considers each policy or projects and the results of the screening exercise recorded.

Table 4: Screening categorisation

Category A: No negative effect

Policies or projects that will not be likely to have any negative effect on a Habitats site.

Category B: No Likely Significant Effect

Policies or projects that could have an effect but would not be likely to have a *significant* negative effect on a Habitats site alone or in combination. This conclusion could only be reached if the effects, even in combination and taking the precautionary principle into account, are considered trivial.

Category C: Likely Significant Effect

Policies or projects which are predicted to have a likely significant effect on a Habitats Site either alone or in combination with other plans and projects.

4.4.2 Potential impacts of the Cambridge Neighbourhoods Design Code on Habitats sites

There are a wide range of potential impacts on Habitats sites that could arise from development plans or Supplementary Planning Documents. These can be summarised as -

- Land take by development;
- 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 Habitats 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 waste 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.

In line with the Sustainability Appraisal submitted with the Greater Cambridge Emerging Plan, the Design Code and its policies will be assessed against the criteria in the table below where any impact pathways are screened in.

Table 4: Assessment of potential impacts on Habitats sites

Nature of potential impact	How the Cambridge Neighbourhoods Design Code (alone or in combination with other plans and projects) could affect a Habitats site	Why these effects are not considered significant
Land take by development	The Cambridge Neighbourhoods Design Code area is outside the boundaries of the Habitats sites within scope of this HRA.	N/A
Impact on protected species outside the protected sites	<p>The Cambridge Neighbourhoods Design Code area lies outside the 5km IRZ for Wicken Fen Ramsar, Fenland SAC and Devils Dyke SAC.</p> <p>The Area also lies outside the 10km IRZ for Eversden and Wimpole Woods SAC.</p>	<p>The Cambridge Neighbourhoods Design Code does not allocate any land for development.</p> <p>The SPD proposes the retention and enhancement of all woodland blocks and mature boundary trees.</p> <p>Therefore, the pathway for impacts on protected species outside of the Habitats sites is <u>screened out</u>.</p>
Recreational pressure and disturbance	The Cambridge Neighbourhoods Design Code area lies outside the 5km IRZ for Habitats sites within scope	There is currently no formal Zone of Influence identified for Wicken Fen within which recreational impacts are

Nature of potential impact	How the Cambridge Neighbourhoods Design Code (alone or in combination with other plans and projects) could affect a Habitats site	Why these effects are not considered significant
	<p>of this HRA.</p> <p>The Area also lies outside of the 10km IRZ for Eversden and Wimpole Woods.</p>	<p>considered. Further investigation is underway.</p> <p>Given the nature of the Qualifying Features for Eversden and Wimpole Woods, recreation is not considered to have a significant effect on the designated features of the SAC.</p> <p>Additionally, as the Cambridge Neighbourhoods Design Code does not allocate any land for development, the impact pathway for recreation arising from the Design Code is screened out.</p>
Water quantity and quality	<p>Although water quality is an issue of concern for Wicken Fen Ramsar site (and thereby Fenland SAC), the Cambridge Neighbourhoods Design Code area lies outside the 5km Impact Risk Zone, and it is considered that there is no pathway for water quantity or quality impacts.</p> <p>Additionally, there is no hydrological connection between the Area and the designated sites within scope.</p>	N/A
Changes in pollution levels	The Cambridge Neighbourhoods Design Code area lies outside the 5km IRZ for the Wicken Fen Ramsar, Fenland SAC and Devils Dyke	<p>The Cambridge Neighbourhoods Design Code does not allocate any land for development.</p> <p>Therefore, the impact pathway</p>

Nature of potential impact	How the Cambridge Neighbourhoods Design Code (alone or in combination with other plans and projects) could affect a Habitats site	Why these effects are not considered significant
	SAC. The Area also lies outside of the 10km IRZ for Eversden and Wimpole Woods.	for changes in pollution levels at the Habitats sites is <u>screened out</u> .

There are no specific policies identified in the Cambridge Neighbourhoods Design Code to screen for impacts on Habitats sites. Table 4 assesses the potential mechanisms by which the Design Code could result in impacts on Habitats sites, given the contents of the SPD and the distance of the Area from the sites within scope of this assessment, there are no Habitats sites screened in for assessment.

4.4.3 Recommendations

There are no specific recommendations for changes to the Cambridge Neighbourhoods Design Code to avoid any likely significant effects on Habitats sites alone nor any residual insignificant effects. It is therefore considered there is no mechanism through which the Design Code could affect any Habitats sites at all.

4.6 Other Plans and Projects: In-combination Effects

As it is considered that the Design Code will not have any effect on Habitats sites at all, there is no mechanism for the Cambridge Neighbourhoods Design Code to result in any effects 'in-combination' with other plans and projects.

There is therefore no need to consider any plans or projects which could be relevant at the time of adoption of this Design Code.

This is in line with the Court ruling Foster and Langton (2015) EWHC 2648 (Admin) which states that "There is no basis to carry out an assessment of in-combination effects when there are no effects to take into account."

As the in-combination provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) are not triggered, it is considered unnecessary to undertake an in-combination assessment of Cambridge Neighbourhoods Design Code.

5. Conclusions

5.1 Strategic Environmental Assessment (SEA)

The Cambridge Neighbourhoods Design Code has been prepared for town and country planning purposes and sets a framework for future development consent. The aims and key principles of the Design Code can be considered to determine the use of small areas at the local level commensurate with their status in determining local planning applications, however the Cambridge Neighbourhoods Design Code supports existing policy within the Local Plan that has been subject to Sustainability Appraisal. SPDs will only require SEA if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan.

The potential for significant effects can be ruled out in consideration of the content and remit of the Cambridge Neighbourhoods Design Code, including suitable protection objectives and with no identified development proposals that could give rise to significant effects on the environment.

The Cambridge Neighbourhood Design Code can therefore be **screened out** for its requirement of Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC.

5.2 Habitats Regulations Assessment (HRA)

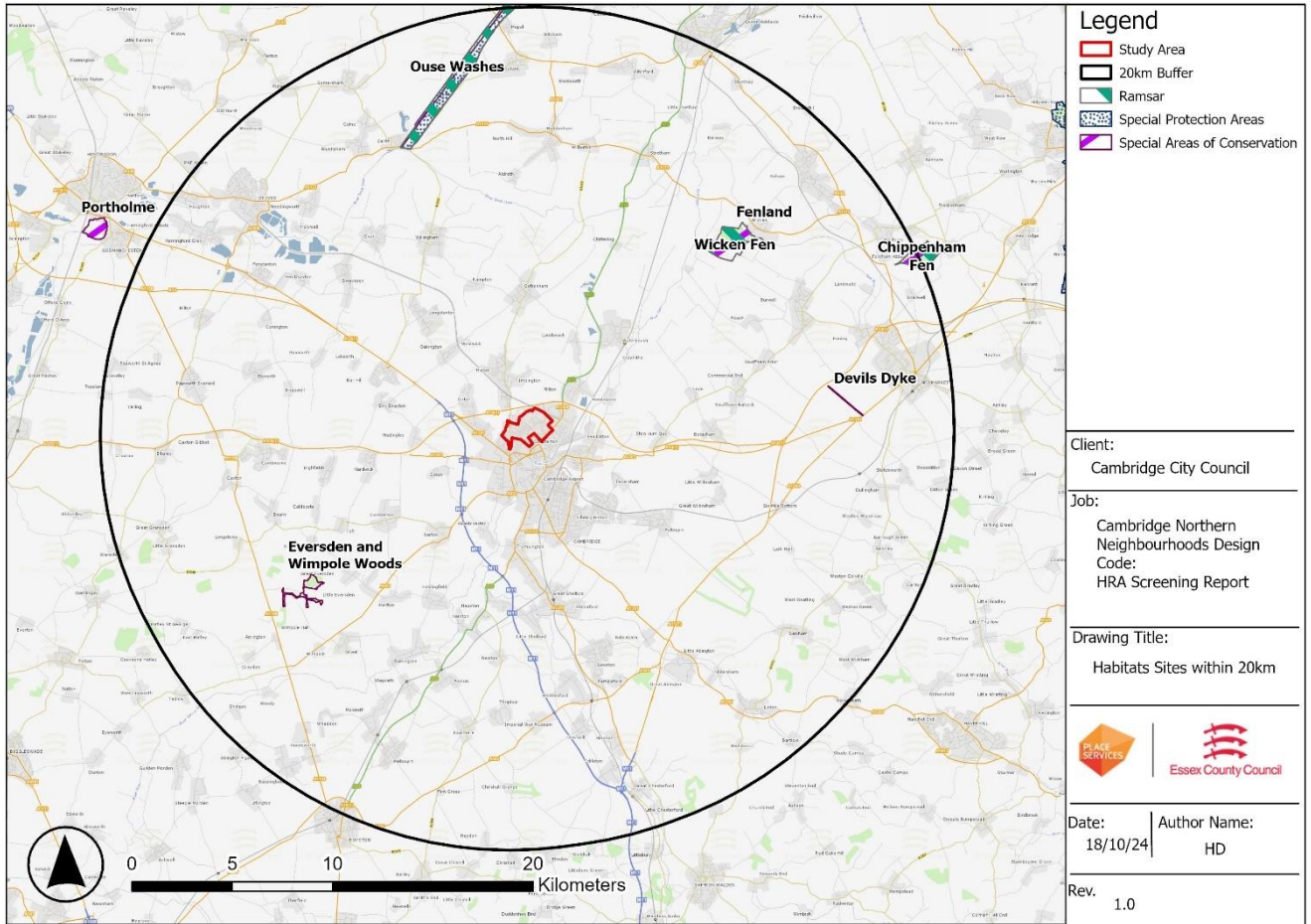
Subject to Natural England's review, this HRA screening report indicates that the Cambridge Neighbourhood Design Code is not predicted to have likely significant effects on any Habitats site, either alone or in combination with other plans and projects. The requirement for the Plan to undertake further assessment under the Conservation of Habitats and Regulations 2017 (as amended) is therefore **screened out**.

References

- Bourn Airfield New Village SPD SEA / HRA Screening Report (June 2019)
- Cambridge City Local Plan (September 2018)
- Cambridge East Area Action Plan HRA (May 2007)
- Cambridge Neighbourhood Design Code Draft (Feb 2024)
- Greater Cambridge Local Plan Habitats Regulations Assessment Issues and Options Scoping Report (Dec 2019)
- Little Shelford Village Design Guide (Pre-Submission Draft, 2021)
- [Natural England Conservation objectives for European Sites: East of England Website](#)
- North East Cambridge Area Action Plan HRA Report (July 2020)
- North West Cambridge Area Action Plan HRA (August 2007)
- Northstowe Area Action Plan HRA (April 2007)
- South Cambridgeshire District Council Cambridge Southern Fringe Area Action Plan HRA (May 2007)
- Tydlesley, D., and Chapman, C., (2013) The Habitats Regulations Assessment Handbook, (January 2020) edition UK: DTA Publications Limited
- Waterbeach New Town SPD HRA screening report (2018)

Appendix 1

The Design Code Area and Locations of Habitats sites within 20 km



Source: Place Services, 2024



Place Services

County Hall, Essex CM1 1QH

T: +44 (0)3330 136 844

E: enquiries@placeservices.co.uk

www.placeservices.co.uk

[@PlaceServices](https://twitter.com/PlaceServices)



Essex County Council