



**Huntingdonshire Local Plan
Examination**

Matter 1 – Procedural /legal requirements

**Natural England Further Written Statement to
Address the Inspector's Questions**

15 June 2018

Sustainability Appraisal

6) Has the methodology for the SA been appropriate? What concerns have been raised and what is the Council's response to these? Have the requirements for Strategic Environmental Assessment been met?

As advised in our response to the Local Plan Proposed Submission consultation, in our letter dated 5 February 2018 (ref. 234429), Natural England is satisfied that the Final Sustainability Appraisal (SA) report appears to generally accord with the requirements of the Planning and Compulsory Purchase Act 2004 and the Strategic Environmental Assessment Regulations.

However, we do have concerns that the SA has not been informed by the findings and recommendations of the HRA. In accordance with the Planning and Compulsory Purchase 2004 Act, which incorporates the requirements of SEA in accordance with European Union Directive 2001/42/EC, the findings of the HRA should inform the Sustainability Appraisal. Section 1.15 of the Local Plan Final SA states that:

The HRA process has not been combined with the SA process. Although there are synergies between the two processes they are distinct as SA is completed throughout the plan production process while HRA is better completed towards the end of the plan production process so that there is certainty about what environmental effects will arise from the plan. It is also considered beneficial if they are conducted separately with HRA being undertaken by an independent body.

Natural England agrees that HRA and SA are separate processes, required under distinct legislative frameworks. However, we believe that the findings of the HRA should be incorporated within the SA, to ensure the latter provides a robust test of the sustainability of the Local Plan, including consideration of impacts to European designated sites, in accordance with the 2004 Act.

In our response to the Proposed Submission consultation Natural England also raised concerns that the effect of increased recreational pressure on the green infrastructure network is not sufficiently addressed. We appreciate that the Local Plan policies, informed by the Infrastructure Delivery Plan, go a long way in recognising recreational pressure issues and providing measures to mitigate impacts. However, the HRA and SA should consider whether proposed mitigation is sufficient to address the impact of allocations alone and cumulatively, on the existing GI network, including nationally and internationally designated sites and County Wildlife Sites. Whilst Plan policies generally seek to deliver a sufficient level of mitigation, our view is that a more detailed and strategic approach to assessing the effects of recreational pressure should be taken to demonstrate no adverse effect to designated sites. Notwithstanding this view, based on the evidence currently available, for example through Natural England's Impact Risk Zones (IRZs) and Site Improvement Plans (SIPs), we are satisfied that any uncertainty regarding the effects of recreational pressure on designated sites is likely to be addressed through the mitigation requirements of the relevant plan policies, as discussed further below.

Habitats Regulations Assessment

7) How was the Habitats Regulations Assessment (HRA) carried out and was the methodology appropriate?

Natural England has no comments to make on the general approach to the HRA and believes the methodology for screening of likely significant effects on European sites to be generally compliant with the requirements of the Regulations.

Natural England appreciates the approach taken in the HRA to assess the impacts of recreational pressure on European sites. Our only concern is that since this has not been informed through a detailed visitor study and assessment of current visitor pressures at the European sites, it could be argued that uncertainties remain regarding the adequacy of mitigation to address recreational pressure. However, based on the evidence currently available, for example through Natural England's IRZs and SIPs, we believe that any uncertainty regarding the effects of recreational pressure on European designated sites can be addressed through mitigation measures, including on-site green infrastructure provision and Hinchbrook Country Park Extension, to be delivered through Plan policies.

8) Was the approach in accordance with the recent judgement of the Court of Justice of the European Union (12 April 2018 - Case C-323/17) which ruled that it is not appropriate to take account of measures intended to avoid or reduce the harmful effects of a plan or project on a European site at the screening stage as part of the Habitats Regulations Assessment (HRA)?

Natural England has considered the approach taken to the HRA in light of the recent judgement of the Court of Justice for the European Union on 12 April 2018¹. The judgement determined that a full and precise analysis of the measures capable of avoiding or reducing any significant effects on the European site concerned must be carried out, not at the HRA screening stage, but specifically at the stage of the Appropriate Assessment. The Council's letter to the Inspector (15 May 2018) states that the HRA methodology is considered to be legally compliant in the light of the judgement of the Court of Justice of the European Union Case. Whilst Natural England is satisfied with this, our view is that the Draft HRA (Bodsey Ecology Limited, January 2017) and the Addendum to Final Report (Bodsey Ecology Limited, 16 November 2017) have considered mitigation measures through an appropriate assessment. As alluded to in our response to question 7 above, Natural England does not believe that further work is required to inform the HRA.

9) What are the relevant designated sites considered?

Natural England believes the relevant European sites have considered through the HRA process. These include the Upper Nene Valley Gravel Pits SPA, Ramsar site, Woodwalton Fen Ramsar site, component of Fenland SAC, the Ouse Washes SAC, SPA and Ramsar site, Eversden and Wimpole Woods SAC and Portholme SAC.

10) What potential impacts of the Local Plan were considered? What were the conclusions of the HRA and how has it informed the preparation of the Local Plan?

We trust that the Council will provide a detailed response to this question.

11) What concerns have been raised and what is the Council's response to these? Specifically what is Natural England's position and the Council's response?

As discussed above, Natural England's only outstanding concern relates to the assessment of recreational pressure. Since this has not been informed through a detailed visitor study and assessment of current visitor pressures at the European sites, it could be argued that uncertainties remain regarding the adequacy of mitigation to address recreational pressure. However, as set out in our response to questions 7 and 8 above, based on the evidence currently available, for example through Natural England's IRZs and SIPs, we believe that any uncertainty regarding the effects of recreational pressure on European

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

designated sites can be addressed through mitigation measures, including on-site green infrastructure provision and Hinchingsbrooke Country Park Extension, to be delivered through Plan policies.

12) Is additional work required to address any of the above matters? Have there been further discussions with Natural England and if so what has been the outcome?

As stated above Natural England does not believe that further work is required to address any of the above matters.

Sarah Fraser
Natural England