



REPORT TO: Cabinet

6 February 2019

LEAD CABINET MEMBER: Deputy Leader

LEAD OFFICER:

Joint Director Planning and Economic Development

Waterbeach New Town Draft Supplementary Planning Document (SPD)

Supplementary Report

Purpose

1. To update Cabinet on correspondence from the three statutory consultation bodies concerning the agenda report on the Waterbeach New Town draft Supplementary Planning Document.
2. This relates to a key decision which was added to the Forward Plan on the 2nd November 2018.

Recommendations

3. That Cabinet:
 - (a) note the main issues raised in correspondence (see Appendix A), and in SPD consultation responses from the three statutory bodies, in respect of sustainability appraisal and habitats regulations (see Appendix B), and the considerations set out in this supplementary report before considering agenda item 7.

Reasons for Recommendations

4. To respond to the recent correspondence from the three statutory consultation bodies in respect of sustainability appraisal and habitats regulations.

Background

5. Before and after the publication of the 6th February Cabinet agenda, correspondence has been received from the three statutory consultation bodies – the Environment Agency, Historic England and Natural England concerning the SPD (see Appendix A). The correspondence has been carefully considered including in respect of any legal implications. The matters raised by the Environment Agency were received in time to be addressed in the agenda report on the SPD (agenda item 7) and no new considerations arise beyond those set out in the agenda report. The correspondence from Historic England does not raise new matters beyond those in their response to the SPD consultation or which have already been considered by Cabinet at their meeting on the 5th September 2018 and no new considerations arise beyond those set out in the agenda report. The statement from Natural England received late on Friday 1st February however does go into more detail on the possible impacts of the

new town on European protected (Natura 2000) sites than was set out in their response HRA screening in August 2018 (which were appended to the 5th September Cabinet report and are also attached to this report as Appendix C) or in their October 2018 response to consultation on the draft SPD. The responses from the statutory consultation bodies to the consultation on the draft SPD are attached for reference at Appendix B.

Considerations

6. With regard to the Sustainability Appraisal (SA) and Habitat Regulation Assessment (HRA) screening, Natural England advance two principal points.
7. First, they seem to suggest that the SPD increases the quantum of development at the Waterbeach New Town, compared to that provided for by the Local Plan. That point is already addressed in the SPD and Waterbeach New Town Cabinet report (agenda item 7), making clear that the SPD notes but does not express support or indeed any view on the quantum of development (11,000) provided for by the planning applications.
8. Secondly, they suggest that there have been material changes in evidence since the SA and HRA for the Local Plan. These are in essence the “new evidence” which is referred to at paragraph 16 of the 5 September 2018 Cabinet report but which was not then provided by Natural England. From Natural England’s SPD consultation response of 25 October 2018 and particularly in their 1st February statement, some indication has been given in respect of these matters. In essence, they refer briefly to (a) further evidence of an increased propensity for recreational walking as a result of “lifestyle changes”, (b) increasing dog ownership leading to more frequent visits to the countryside, (c) changes to Natural England’s impact risk zones regarding recreational pressures and (d) a wider zone of influence in regards to visitor pressures on Wicken Fen than was identified in the Local Plan.
9. So far as the 25 October 2018 consultation response and the new Statement of Natural England is concerned, it is in large measure predicated on a misunderstanding that the SPD is seeking to make provision for 11,000 new homes rather than the approximate level of development provided for in the LP. With regard to the suggested changes of circumstances since the SA and HRA into the Local Plan is concerned, it is important to have regard to what the SPD is doing. It is not (and legally cannot) revisit the Local Plan policy for the new town (policy SS/6) or the principle of development. Local Plan policy SS/6 contains statements in regard to “environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land” provided for in the Local Plan (see regulation 5 of the Town and Country Planning (Local Planning)(England) Regulations 2012). For the reasons given in the September report, the Council does not consider that the SPD, whose purpose and substance is directed to providing “guidance” on the implementation of the Local Plan policy for Waterbeach, itself gives rise to likely significant effects so as to require itself HRA or SA.
10. However, the planning applications for the development of the New Town will themselves require Environmental Impact Assessment (EIA) and HRA screening (with an Appropriate Assessment to follow if screening so concludes). The likely effects on European Protected sites of the development of the scale and form then proposed will need to be considered as part of the EIA and the HRA process at that stage having regard to all available information. As such, it is considered that the new matters raised by Natural England are most appropriately considered when it falls to be determined whether planning permission should be granted for the development

proposed and if so in what terms, rather than being matters which are related to the guidance as to the implementation of the Local Plan policies through the SPD (which does not revisit the principle of development) It is of course the case that if, through the HRA process and/or other assessment processes carried out at planning application stage, mitigation is required to address effects on protected sites of any nature, that mitigation can be secured through the terms of the planning permission and the SPD does not and cannot prevent that mitigation being delivered.

11. In light of the statement from Natural England it would for completeness be prudent to look again at the way that the main issues arising from the SPD consultation have been summarised in the Consultation Statement (see Appendix A of agenda item 7) concerning the HRA screening and any potential impacts on European protected (Natura 2000) sites. If any changes are necessary these would be agreed by the Joint Director of Planning and Economic Development in consultation with the Deputy Leader in accordance with recommendation 3c) of the report on the SPD (agenda item 7).

Conclusion and next steps

12. Officers consider that the conclusions of the 5th September 2019 Cabinet Report and the Waterbeach New Town SPD report at agenda item 7 concerning SA and HRA screening remain appropriate. The SPD provides further guidance to the Local Plan and it is considered that it does not give rise to any new or altered likely significant effects on either European Protected sites or other designated nature conservation interests such as to require SEA or Appropriate Assessment. The issues raised by Natural England are appropriately addressed through the planning application process.

Options

13. Members may decide to:
 - Approve the SPD as recommended in the report on the SPD on this agenda (agenda item 7); or
 - Defer decision on the Waterbeach SPD report (agenda item 7) and ask officers to give further consideration to the matters raised in the latest correspondence.

Implications

14. See the implications section of agenda item 7.

Effect on Strategic Aims

15. See the strategic aims section of agenda item 7.

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the

person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

Background documents:

South Cambridgeshire Local Plan 2018 -

<http://www.scambs.gov.uk/planning/local-plan-and-neighbourhood-planning/the-adopted-development-plan/south-cambridgeshire-local-plan-2018/>

The Consultation Draft Waterbeach New Town SPD -

<http://www.scambs.gov.uk/planning/local-plan-and-neighbourhood-planning/emerging-local-plans-and-guidance/waterbeach-new-town-spd/>

Report to the 5th September 2018 Cabinet on the Waterbeach SPD –

<http://scambs.moderngov.co.uk/ieListDocuments.aspx?CId=293&MId=7344&Ver=4>

Appendices

- Appendix A – Recent correspondence from statutory consultees (Environment Agency, Historic England and Natural England).
- Appendix B – Responses from the statutory consultation bodies to the consultation on the draft SPD
- Appendix C – Responses from the statutory consultees to the Waterbeach New Town SA and SEA screening reports (August 2018)

Report Author: David Roberts – Principal Planning Policy Officer
Telephone: (01954) 713348

Appendix A - Recent correspondence from statutory consultees (Environment Agency, Historic England and Natural England)

From: Swain, Chris
Sent: 25 January 2019 16:18
To: Roberts David
Subject: Waterbeach SPD committee report

Hi David,

In rolling forward the O&S report 22/1/19, I can advise that the EA wishes the following to be added as statements of existing fact to inform the committee:

The Environment Agency has sought to support the New Town and SPD as it did in the Local Plan process.

Consultation

The EA advises (I suggest in 7.) that due to an accident in the consultation process, that the EA was not invited to the workshops or shared pre-consultation drafts of the SPD for input. The drafts included chapters / sections on matters on which the statutory consultees lead. This is important for members to understand the genesis of the gaps and issues arising in the SEA and SPD consultation responses.

There has been some consultation since then on the SPD to agree fluvial breach flooding risks to homes and a school to the eastern part of the site, but issues of wastewater are not addressed.

Status of the SPD

In paragraph 12, it is significant to clarify that originally an Area Action Plan was envisaged, which would have provided policy 'teeth' to deliver the site and infrastructure as SCDC originally envisaged when the local plan was launched for consultation. During the consultation process the AAP was downgraded to a 'guidance' level SPD, though the local plan required that the SPD addresses delivery of key infrastructure.

The SEA consultation for the SPD needs summarising (we suggest in 15.) to say that the Environment Agency, Natural England and Heritage England advised their views that SEA is needed in view of the impacts being potentially significant, and that the local plan had not addressed these impacts at any stage.

It is important, I believe, to inform Members of Officer's confliction with this Statutory consultee advice on the screening and scoping opinions. If unaddressed this may obviously have significant risks to the SPD, and hence Waterbeach. I'd think that members would wish to be aware of this in the report in making their decision, as with potential consequences if there were a legal challenge from third parties.

In 57. the fact that the existing SPD boundary does not include a new wastewater works is, in the EA's view, not a valid reason for excluding it from the SPD or SEA. The SPD encourages and relies upon the removal of the existing Wastewater works, with its large buffer which is mutually exclusive of the indicative masterplan and related guidance. The National Planning Policy Guidance requires that wastewater infrastructure is planned for and phased accordingly – however this is not done in any of SCDC's or The County Council's development plans.

Scale and spatial sensitivity of wastewater

The EA advises it would be appropriate in 56. to say that a new wastewater works is envisaged by Anglian Water to be 10-15 hectares, and that the Water Cycle Study (WCS) forming part of SCDC's evidence base asserted that a new wastewater works would be located east of the Railway, in an area 95% in flood zone 3 (high risk) and is adjacent to a SSSI. The WCS advised that that further planning work should be done on site selection and mitigation to progress the allocation. This work has not yet been done so Members are unsighted on the impacts and spatial implications of the SPD promoting the removal of the existing wastewater works. We advise that this matter is not addressed in any other part of the local plan.

Phasing to allow sustainable locations and forms of wastewater infrastructure

Leaving aside site selection and impacts of moving the existing wastewater works, the Environment Agency advises that the phasing of wastewater needs to be addressed. The Environment Agency has advised that there is a close link between the timing of the New Town, and the sustainability of the wastewater options available to Anglian Water. The EA recommended wording be included. This was rejected by Officers.

The Environment Agency has advised that the SPD need to promote and guide a clear phasing approach to ensure that limited temporary capacity in the existing wastewater works is coordinated between developers. The EA recommended wording be included. This was rejected by Officers.

The Environment Agency advised that development relying on a new wastewater works should be phased to allow the site selection and development process to proceed in a sustainable manner, and this is possible. The EA has also advised that developing a wastewater works in high flood risk areas may not be possible in NPPF policy terms.

Way forward

In terms of the officer recommendations, the Environment Agency's advice is that the EA's outstanding concerns are reconcilable, however that a delay would be needed to involve the three statutory consultees and County Council in how best to address SEA and wastewater infrastructure.

We look forward to answering any questions that the Committee or Officers may have.

I have been advised by Democratic Services to make a request to the Cabinet chair that the EA attends the Cabinet to explain how we think this situation can be addressed, and to answer any questions that members may have.

I would like to renew my offers to resolve this in the interim.

With regards
Chris

Chris Swain MRTPI
Planning Specialist
Sustainable Places Team

Environment Agency – East Anglia Area (West)

✉ Bromholme Lane, Brampton, Huntingdon, Cambridgeshire PE28 4NE

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☎ 07818454573

From: Mack, Debbie
Sent: 31 January 2019 13:43
To: Roberts David
Democratic Services
Cc: Swain, Chris
Subject: Waterbeach SPD Committee Report, Feb 6th

Dear David

I am writing to ask that the following statement be added to the Waterbeach SPD Committee report to inform members. In addition, we request that the SEA consultation responses for the three statutory bodies be added as an appendix to the report to provide members with a fuller picture of the position in relation to SEA.

Re: Waterbeach SPD Committee Report 6th February

Historic England notes the summary response in relation to Screening Opinion for the SEA for the SPD at the end of the Committee report. To provide a fuller picture to Members, we suggest that the consultation responses from the three statutory bodies be made available to members as an Appendix to the report. We continue to have concerns regarding the lack on an SEA for the SPD, contrary to the advice of all three statutory bodies, but ultimately we recognise that it is for SCDC to decide how to proceed and weigh up the legal risk. Historic England supports the Environment Agency in their request for a delay to the adoption of the SPD in order to complete an SEA and also to plan strategically for wastewater.

We trust you will understand Historic England's position.

Please do not hesitate to contact me if you have any queries,

Kind regards

Debbie

Mrs Debbie Mack BA MSc MRTPI
Historic Environment Planning Adviser
Historic Places
Planning Group | East of England
Historic England

Historic England
Brooklands | 24 Brooklands Avenue | Cambridge | CB2 8BU
www.historicengland.org.uk

From: Nuttall, Janet
Sent: 01 February 2019 17:56
To: Roberts David
Cc: Democratic Services
Swain, Chris
Mack, Debbie
Subject: RE: Waterbeach SPD Cabinet Meeting 6 February 2019

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Dear David

Further to advice from Ian Senior below I would be grateful if you could accept the attached statement as Natural England's further written representation for Cabinet Meeting on 6 February 2019. Apologies for the delay in submitting our statement whilst I sought advice from our Legal team.

Please don't hesitate to contact me should you require any further information.

Many thanks
Janet

Janet Nuttall
Sustainable Land Use Adviser
Area 08 West Anglia Team

From: Senior Ian
Sent: 28 January 2019 12:20
To: Nuttall, Janet (NE)
Cc: Cllr Aidan Vandeweyer
Hunt Caroline
Roberts David
Subject: RE: Waterbeach SPD Cabinet Meeting 6 February 2019

Hello **Janet Nuttall**

I will be publishing the agenda tomorrow in order to comply with statutory provisions relating to access to information. Caroline Hunt (Planning Policy Manager) and David Roberts (Principal Planning Policy Officer) are finalising the report today so, it would be helpful if you could convey your views to them as soon as possible. Even if time prevents such comments from being incorporated into the report, they can at least be appended to it.

The meeting takes place in the Council Chamber here at South Cambs Hall on Wednesday 6 February starting at 9.30am. Anybody can attend.

Ian Senior | Democratic Services Officer



Natural England supplementary advice to inform the Waterbeach New Town Supplementary Planning Document (SPD) Cabinet Meeting 6 February 2019

Natural England provided comments on the Waterbeach New Town SPD consultation draft (September 2018) in our letter dated 25 October 2018 (ref. 258951) and on the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening reports, in our letter of 24 August 2018 (ref. 255144). We have also provided responses to consultations on planning applications for the Waterbeach New Town development, including in our letters of 15 June 2018 (ref. 247551) and 16 August 2018 (ref. 250163).

Natural England supports preparation of the SPD to guide the development of the Waterbeach New Town and, in particular, to provide a spatial framework for future masterplanning to support comprehensive sustainable development. We welcome that the SPD encourages a collaborative and co-ordinated approach to delivery of development and associated infrastructure, placing a strong emphasis on creation, integration and enhancement of the rich biodiversity of the local fenland landscape. However, we have a number of outstanding concerns with the SPD based on the fact that recreational pressure is now acknowledged to pose a more significant risk to the natural environment than previously recognised during preparation of the Local Plan and Policy SS/6 Waterbeach New Town. Additionally, the SPD promotes delivery of a significantly greater number of new dwellings than Local Plan *Policy SS/6 Waterbeach New Town*. The SPD and accompanying HRA and SEA screening reports are not based on this up to date evidence and are therefore not compliant with the requirements of the Habitats Regulations.

Updated evidence base

It is Natural England's view that the SPD and accompanying HRA and SEA screening reports are not based on up to date evidence – this is a particular concern with regard to the Plan's compliance with the Conservation of Habitats and Species Regulations 2017 (as amended (the 'Habitats Regulations') and the SEA Regulations. In our response to the Council's consultation on the SPD, and a separate consultation on the screening reports, we have advised that preparation of the SPD needs to take into account new evidence that has become available since the site was initially allocated for development, in the Local Plan, approximately 5 years ago:

- The SPD is promoting a significantly greater number of new dwellings than policy SS/6 of the Local Plan. The additional proposed 2,000 + dwellings will not therefore have been subject to HRA as part of the local plan process. Since the SPD is promoting additional houses the effects of this needs to be properly assessed and any impacts properly mitigated. The SPD therefore needs to ensure it is compliant with the requirements of the Habitats Regulations in this regard.
- New evidence is available, and is continuing to emerge, to indicate that recreational pressure is increasing and poses a much greater risk to the natural environment, including designated sites, than was recognised when the Local Plan was initially drafted some 5 years ago. Just as the housing numbers have changed, so has the environmental evidence base. This is having a significant adverse impact on many statutorily designated conservation sites through increased levels of pressure and disturbance to notified habitats and species. We do not re-iterate all of our previous advice relating to recreational pressure; however, key points are as follows:

- Population growth / development combined with a recognised change in people's lifestyles is creating more demand for access to the countryside;
- dog ownership is on the increase resulting in more frequent visits to the countryside by people and dogs;
- Natural England's Impact Risk Zones (IRZ) have been implemented since the Local plan was initially drafted to reflect the professional judgement of Natural England that recreational pressure is now a potential threat to these sites. Whilst these are continually updated as new evidence emerges, they indicate potential risk to the Cam Washes SSSI, including the notified breeding bird interest, largely scarce species of waders and wildfowl. Specific measures are required to mitigate disturbance impacts to these species;
- the scale and effect of visitor pressure on Wicken Fen is more widely recognised than was the case during the drafting of the Local Plan. The 5km 'zone of influence' for visitor pressure identified in the Local Plan is now known to be wildly inaccurate and is more likely to be tens of kilometres.

The evidence base of the local plan HRA is now out of date in terms of recreational impacts and therefore only a relatively low level of confidence can be attributed to it in terms of capturing the likely impacts. If there is a relatively low level of confidence in the evidence base, to be compliant with the Habitats Regulations, a more precautionary approach is required to provide sufficient certainty that any proposed mitigation measures will be effective. Updating the SPD in line with our advice would in our view address this concern.

Despite the proposed provision of a significant area of high quality on-site green infrastructure, development of the Waterbeach New Town has the potential, due to its scale, to give rise to significant levels of residual recreational pressure on Wicken Fen SSSI and Ramsar site (a component of Fenland SAC) and the Cam Washes SSSI. Recreational pressure and disturbance impacts to the notified habitats and species of these internationally and nationally designated sites is Natural England's primary concern. In our opinion this matter has not been appropriately addressed through the HRA and SEA screening reports. The HRA and SEA screening reports are not supported by robust evidence to demonstrate that development will not give rise to adverse impacts to the designated sites. In the absence of this, and in light of the remaining uncertainty, the precautionary principle/approach should be applied (in accordance with Habitats Regulations and ecological best requirements). We believe this matter can then be resolved through minor amendments to the SPD and accompanying documents to:

- 1) recognise that, despite the proposed provision of on-site green infrastructure, the currently proposed scale of development is likely to give rise to residual recreational pressure impacts to designated sites which must be mitigated to ensure compliance with the National Planning Policy Framework (NPPF) and relevant legislation including the Habitats Regulations;
- 2) include a requirement for a package of appropriate mitigation measures to be agreed with relevant parties (noting that this is already in early stages of progression with Urban and Civic); and
- 3) specify an appropriate planning mechanism to secure delivery of the agreed mitigation measures;

The SPD, HRA and SEA screening reports will need to be amended accordingly to reference the new evidence that has emerged since preparation of the draft Local Plan, and our further advice below.

Habitats Regulations Assessment

Further to our comments above, we are not satisfied with the reliance of the SPD HRA screening on the conclusions of the Local Plan HRA, given the emergence of new evidence since drafting of the Local Plan and Policy SS/6. The SPD needs to be accompanied by a separate evidence based assessment of the effects of 11,000 new dwellings alone, and in combination with other Local Plan development. As it stands, the SPD HRA, relying on the conclusions of the Local Plan HRA, is based on incomplete evidence – our advice is that the SPD does not currently meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) and cannot currently be adopted.

It should be noted that the Court of Justice for the European Union (CJEU) on 12 April 2018^[1] case law is clear that all aspects of a plan or project must be considered in full in light of the best available scientific information. A recently determined CJEU case [Grace & Sweetman](#) indicates the following:

38 Article 6(3) of the Habitats Directive establishes an assessment procedure intended to ensure, by means of a prior examination, that a plan or project not directly connected with or necessary to the management of the area concerned but likely to have a significant effect on it is authorised only to the extent that it will not adversely affect the integrity of the area (see, to that effect, judgment of 17 April 2018, *Commission v Poland (Białowieża Forest)*, C-441/17, EU:C:2018:255, paragraph 108 and the case-law cited).

39 The assessment carried out under that provision may not have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the proposed works on the protected area concerned (see, to that effect, judgment of 12 April 2018, *People Over Wind and Sweetman*, C-323/17, EU:C:2018:244, paragraph 38 and the case-law cited).

40 The fact that the appropriate assessment of the implications of a plan or project for the area concerned must be carried out under that provision means that all the aspects of the plan or project which can, either by themselves or in combination with other plans or projects, affect the conservation objectives of that area must be identified in the light of the best scientific knowledge available in the field (see, to that effect, judgment of 17 April 2018, *Commission v Poland (Białowieża Forest)*, C-441/17, EU:C:2018:255, paragraph 113 and the case-law cited).

41 It is at the date of adoption of the decision authorising implementation of the project that there must be no reasonable scientific doubt remaining as to the absence of adverse effects on the integrity of the area in question (see, to that effect, judgment of 17 April 2018, *Commission v Poland (Białowieża Forest)*, C-441/17, EU:C:2018:255, paragraph 120 and the case-law cited).

Taking the above into consideration it is Natural England's view that the HRA should include an appropriate assessment of the scale of development currently planned, otherwise the appropriate assessment will be deficient. This is a situation known to happen from time in planning cases, where there is a material change in circumstances associated with scale or design, to the extent that further HRA is needed to consider those impacts if there is a risk that European sites may be affected.

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

Of further note is the provision under the Habitats Regulations that, in certain circumstances, a review of consents / planning permissions should be carried out. This is to ensure that the objectives of the Habitats Regulations are not frustrated and that all of the associated impacts have been properly considered.

SEA screening

Our comments above apply equally to the assessment of effects through the SPD Strategic Environmental Assessment (SEA) screening. SEA screening should incorporate the findings of the HRA.

Other concerns

A further significant concern for Natural England is that details of wastewater treatment services for this development have yet to be established and that any new scheme has the potential to impact on the Cam Washes SSSI and other statutorily designated sites downstream. Natural England fully supports the concerns raised by the Environment Agency on these matters, including their request that the SPD be delayed to enable these issues to be addressed strategically through SEA.

Given the scale of the proposed development our advice is that a key objective of the SPD should be the delivery of landscape scale environmental enhancement including net biodiversity gain. As a Local Plan document the SPD should require development of the site to demonstrate, through a Defra (or similar) metric, delivery of net biodiversity gain, in accordance with the National Planning Policy Framework (NPPF) and the Defra 25 Year Environment Plan.

We are concerned with the approach taken by the Council in its preparation of the SPD. Natural England has been consulted on the draft SPD and the HRA and SEA screening reports only once. We provided comments on the draft documents but have not received any further invitation to engage in subsequent stages of Plan preparation. We understand that workshops have been held to inform the later stages of plan preparation; however, Natural England was not invited to attend. The Council did not notify Natural England of any proposed actions / amendments to the Plan to take account of our advice, nor were we made aware that the Plan had been submitted to its Scrutiny and Overview Committee. The Council did not make Natural England aware of its proposal to submit the SPD for approval at the 6 February Cabinet Meeting, hence we missed the deadline for submitting further written representation for the Committee Meeting. We welcome the opportunity to submit a late statement for consideration by the Committee; however, as a statutory consultee with significant outstanding concerns we would have expected the Council to have worked more closely with Natural England in its preparation of the SPD.

Janet Nuttall
Sustainable Land Use Adviser

1 February 2019

Appendix B – Responses from the statutory consultation bodies to the consultation on the draft SPD



David Roberts
South Cambridgeshire District Council
Cambourne Business Park
Cambourne
Cambridge
CB3 6EA

Our ref: AC/2018/127418/02-L01
Your ref:
Date: 23 October 2018

Dear David

Waterbeach New Town SPD – Consultation Draft

The Environment Agency welcomes the opportunity to feed into a key document to plan a sustainable future for communities in and around Waterbeach. This is especially important given the heavy reliance that the newly adopted Local Plan places on the SPD to tackle key constraints and deliver essential infrastructure for such a significant development.

Scoping the SPD

We were not made aware of earlier SPD drafts nor have records of being invited to the workshops that set the scope for the SPD contents during production.

In parallel to the SPD, we have worked with South Cambridgeshire DC officers in development management, Anglian Water, RLW Estates and Urban and Civic to shape the planning applications and related water quality aspects of foul water. Some water matters were appraised through an earlier Denny St Francis Water Cycle Study in 2014. These substantive discussions identified a number of key constraints and opportunities for the Waterbeach New Town that we identified would be both appropriate and necessary for the SPD to address. Disappointingly the salient outcomes of these parallel discussions do not appear to have made their way into the SPD.

This presents us with a collective challenge to fill and shape the SPD at this stage. We share the objective of ensuring that the SPD delivers sustainability for local communities and can be shown to fulfil the local plan, SEA/SA and the National Planning Policy Framework.

The Environment Agency was consulted on the scope of the Sustainability Appraisal. Whilst we are not able to give legal opinions on screening, we advised that significant environmental issues (flooding and wastewater) need to be addressed in the SPD and evidence base to fulfil the local plan objectives. Noting that Sustainability Appraisal of Waterbeach impacts had not taken place as part of the local plan or any other policy document, we advise that it would be prudent to do so as part of the SPD. We do not support the view that scoping waste water out of the

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Calls to 03 numbers cost the same as calls to standard geographic numbers (i.e. numbers beginning with 01 or 02).

Cont/d..

SPD scopes it out of SEA/SA. We advise that flooding and waste water are environmentally significant infrastructure matters implicitly required via the SPD objective in the local plan.

Our comments below are intended to highlight the areas that we advise need filling and strengthening to ensure that key constraints are addressed whilst strategic opportunities are taken through a coordinated development.

Detailed comments:

Cam Washes recognition

We support the recognition of Wicken Fen (5km away) as a sensitive wetland habitat and landscape. However the much closer Cam Washes SSSI (1.6km) does not appear to be picked up beyond a single mention in 2.6. We advise that this may be a potentially significant SSSI site, particularly given that it is designated for birds and relies upon seasonal water processes. The site and related activity may be significant (we advise seeking advice on this from Natural England) and infrastructure may affect water levels in times of flood.

Use of flood maps and need for Strategic Flood Risk Assessment

Whilst landscape, heritage and movement have clear spatial frameworks, the more spatially definable flood risk does not appear to have informed the SPD beyond the theoretical scenarios in the flood map. In a low lying scenario where flood defences play a major part in defining both actual and residual flood risk, our advice to date is that the flood maps (on page 18) are unsuitable for forward planning. NPPF (paragraphs 149, 156, 157, 158) require that when planning development is proposed within or close to areas at high flood risks, that Strategic Flood Risk Assessment (SFRA) is required.

Flood risks and hazards on site

In broad floodplains and where water is artificially held up by raised flood defences in an expansive washland, the EA advises that Flood Zone Maps are inadequate for spatial planning. For example, we are aware that areas of Waterbeach New Town currently illustrated for residential or education sites are in flood zone 1, but may flood to hazardous depths in the event of existing flood defences breaching.

Government policy (NPPF paragraph 157) requires that the effects of flood defences must be assessed for different magnitude flood events including asset failure (such as breach or barrier failure) and climate change scenarios.

Possible information sources

Insufficient SFRA information exists in South Cambridgeshire DCs Local Plan evidence base, which presents a major potential challenge. However, RLW and possibly Anglian Water have done some work to remedy this and they may be able to assist with sharing work done to date.

Climate change and infrastructure needed to adapt to it

Given the clear steer in NPPF on flood risk and sequential tests (paragraphs 149, 156, 157, 158), we advise that it is essential for the plan to have flooding and climate change as key spatial elements. There are also very significant opportunities to sustain flood risk management into the future given the reliance of parts of the site on flood risk management infrastructure and its upkeep. We advise that such opportunities should be:

- identified through Strategic Flood Risk Assessment;
- shown on Figure 12 and
- contained in a bespoke chapter on flooding commensurate with the other key planning issues such as landscape and heritage.

Missing flood risk sequential approach

All conceptual illustrations show areas of potentially hazardous residual flood risk being actively earmarked for residential or possibly education development (pages 36, 42, 47, 69, 71). These have not been subject to any sequential approach or sequential test which is a major conflict with NPPF.

Contribution to flood risk infrastructure benefitting the site

If, following the clear application of the sequential approach, vulnerable land uses such as residential cannot be located outside flood risk areas, the developer should be expected to contribute financially to the upkeep of the flood assets that such parts of the development rely upon. It is important to note that such defences are not currently funded to the level that would sustain existing flood asset performance or operational regimes over the lifetime of the development. Flood assets artificially lower water levels from tidal influences despite being a considerable distance from the site. This reliance should be assessed and apportioned.

The SPD should be clear that any additional local flood defence infrastructure (including land raising or secondary defences) should not increase flood risks to others by displacing flood water without compensation.

Status of comparable constraints in the report

In contrast with flood risk, an assessment of the setting of Denny Abbey and the need to avoid and manage impacts is carried out and followed through in the SPD. We believe that this level of focus with heritage (whilst we do not doubt is necessary) appears strikingly inconsistent in comparison to water in respect of:

- the use of evidence base;
- involvement with statutory consultees;
- taking a spatial approach to avoiding harm;
- following national policy and guidance.

Spatial illustrations and blue infrastructure

The identification of the Fen edge/ rail corridor on pages 55 and 59 – should have regard to avoiding and managing flood risk. This part of the site would make ideal open space or sports pitches as ‘water compatible’ uses, from a flood risk perspective.

P70 – Diagram needs to show constraints and infrastructure related to flood risk management as ‘blue infrastructure’ and ‘areas to avoid vulnerable development’.

Pages 76-77 (categories 7 and 10) need to have regard to avoiding flood risk, making space for water and flood risk mitigation

Page 81 encouragingly lists section ‘5. Blue Infrastructure’ as a key principle to be addressed in this section. However the blue infrastructure appears to have been omitted and replaced on page 87 by “5. Promote residential access”.

5.6 We welcome inclusion of SUDS. However, blue infrastructure is wider than just SUDS. It includes:

- flood risk infrastructure (including land expected to flood) on and off site;
- water resource supply
- grey water management and rainwater harvesting,
- amenity water features (including access for craft and paddle sports) and
- ground water (for a site with previous high risk uses for land contamination and aquifer under the site)

Water Usage

Page108: We welcome and support the section on water stress. This needs more information on adoption, maintenance and steps to bring about and secure behavioural change with water use.

Key Infrastructure

6.2 lists infrastructure required and we particularly support how clearly it sets out what will be required for all key infrastructure:-

- a description of each particular infrastructure scheme
- who will provide it
- the timing / trigger for its delivery
- whether it is on of off site
- on whose land it will be provided
- who will pay for it, and
- how it will be delivered

However the SPD needs to fulfil its own requirements.

Primarily we advise that it needs to mention both **flood risk management infrastructure** (such as additional flood defences as will be required, expected at

highly significant cost) and also **wastewater infrastructure** which are both basic and fundamental, in our view.

Wastewater

The Waterbeach development will intrinsically rely upon a new destination to treat wastewater infrastructure. The SPD will need to recognise this and address the provision of infrastructure that is likely to be highly significant in land take, nature and phasing. Such new infrastructure is likely to require separate planning permission, and we anticipate is likely to be challenging to achieve given the site options and network constraints we are aware of.

The Environment Agency submits that (similar to flood risk), a new section is inserted to recognise, assess and define the extent of infrastructure provision needed. Consistent with other infrastructure included in the SPD, we advise that the SPD should give guidance on how wastewater might be addressed and phased.

P125 – only mentions upgrades to foul water network for the first 1,534 dwellings. This means that for the remaining 6,000-7,000 there needs to be an assessment, recognition, direction or phasing for waste water beyond a brief mention of wastewater networks. We advise our view that this is a major omission to be addressed.

P150 – Development phasing: Foul water and flood risk infrastructure have strong potential to be a significant factor in the phasing of development. Waste water provision should therefore be listed along with the policy references that support such infrastructure being identified and provided.

Way forward

The Environment Agency is committed to assisting South Cambridgeshire and partners with designing and delivering a sustainable new town at Waterbeach. We have already committed to supporting a blue infrastructure group for the site that includes water partners such as South Cambridgeshire DC, the Environment Agency, Anglian Water, Cambridgeshire County Council and the Ely Group of Internal Drainage Boards.

We look forward to working with your officers and partners.

Yours sincerely,

Chris Swain
Principal Planning Advisor



Awarded to Cambridgeshire and Bedfordshire Area



Historic England

EAST OF ENGLAND OFFICE

Stephen Kelly
Joint Director of Planning and Economic Development
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

Our ref: [REDACTED]

25 October 2018

Dear Mr Kelly

Waterbeach New Town - A Spatial Framework and Infrastructure delivery plan Supplementary Planning Document

Thank you for consulting Historic England on the Draft Development Framework for Waterbeach New Town Supplementary Planning Document. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process.

We have reviewed the draft Supplementary Planning Document and very much welcome the preparation of this document to support policy in the South Cambridgeshire Local Plan and to provide guidance to developers and help guide the preparation and assessment of future planning applications on the site. The document provides a thorough basis for planning for this large development site. Our detailed comments are listed below by paragraph/figure.

Chapter 1 Introduction

1.3 Key Issues - 1 The need for comprehensive development

We welcome reference to the need for comprehensive development of the site. This has been a key concern for Historic England over the years in relation to this site.

1.3 Key Issues - 5 Managing a sensitive historical location

We welcome reference to the sensitive historical location and proximity of Denny Abbey. We would highlight the fact that there are other designated heritage assets in the immediate surroundings. These include Denny Abbey Refectory listed at grade I, barn to the north of Denny Abbey listed at grade II and Waterbeach Conservation Area to the south of the site. These assets need to be specifically referenced in the SPD.

P10, para1 We welcome the reference Denny Abbey and the Major Development Site boundary outside of which built development is not permitted. This boundary was agreed through the EIP.



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Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.

Chapter 2 Site Context

P14 para 3 Strictly speaking, Denny Abbey is in the guardianship of the English Heritage Trust and open to the public via a management agreement with the Farmland Museum Trust.

P18 Section 2.4 para 3 We welcome reference to Car Dyke, the raised causeways and the Soldier's Hill earthworks.

P18 Section 2.4 para 6 We also welcome reference to distant views to Ely Cathedral to the north of the site.

P18 Section 2.4 para 7 We welcome reference to the runways and barracks. Whilst these are not designated heritage assets, they represent an important component of the history of the site.

Section 2.5 We suggest that this section is renamed 'The Historic Environment, rather than 'Inherited Assets' The historic environment is considered the most appropriate term to use as a topic heading as it encompasses all aspects of heritage, for example the tangible heritage assets and less tangible cultural heritage. We would again highlight the fact that there are other designated heritage assets in the immediate surroundings. These include Denny Abbey Refectory listed at grade I, barn to the north of Denny Abbey listed at grade II and Waterbeach Conservation Area to the south of the site. These assets need to be specifically referenced in the SPD.

Section 2.6 Surrounding Context

We welcome reference to the Conservation Area, listed buildings and Scheduled Monument in Waterbeach. Development will need to preserve, and where appropriate enhance the character and appearance of the Conservation Area. Clues may be drawn from the Conservation Area to influence the design and layout of the new settlement. The tower of St John's church should be considered as a key view in any future design for the site.

We suggest that reference should be made to the importance of drawing upon local character and the distinctive vernacular and materials palette.

Fig 11 We welcome the inclusion of heritage assets on this diagram. The grade II listed gate piers to Denny Abbey on the A10 would appear to be missing from this figure.

We also suggest the use of the term Scheduled Monument, rather than Scheduled Ancient Monument in the key. Modern convention is to refer to scheduled monuments rather than scheduled ancient monuments, given that a wide range and age of monuments are scheduled. This is in line with the terminology used in the NPPF.



Chapter 3 Vision

P29 We welcome the reference to rich local heritage in the aspirations for the new town.

P30 para3 we welcome the reference to the valuable historic setting.

P31para 4 welcome the reference to locally distinctive design which recognises and enhances the character of the area. And existing features such as the causeways, Denny Abbey, Bannold Drove etc.

Chapter 4 Towards a Spatial Framework

Figure 21

The causeway link annotation is somewhat confusing on the figure and does not match any of the annotation on the key on either p50 or 70. This should be clarified.

P51

We broadly welcome the section on the setting of Denny Abbey. However, we suggest the deletion of the word visual in the first bullet point as setting relates to more than just the visual.

We welcome the proposals to both respond sensitively to the setting of the Abbey and explore opportunities to enhance its setting.

Figure 22 We have concerns about the yellow annotation of the setting of Denny Abbey. This could imply that the setting is limited to this shaded area, when in fact it is much wider.

P53 para 1 listed building should be plural as there is more than one listing at Denny Abbey

P53 para 2 we welcome the guidance on the location of sports facilities and restrictions on floodlighting and changing facilities and other buildings. We have also indicated previously that parking would be unacceptable in this location beyond the northern boundary and suggest that this is mentioned in the SPD.

P53 para 3 and 4 We also welcome reference to the aspirations for an expansive parkland with views to the fenland landscape and Ely Cathedral with pockets of planting. This planting will need to be sufficiently permeable so that the green buffer positively contributes to the setting of Denny Abbey. The landscaping should hint at the pastoral origins and existing grain of the landscape.

P53 para 5 We welcome reference to the former military uses of the site and reflection of the former runway in the layout of the Park.





P54 and 55 We welcome the desire to locate green infrastructure along former historic routes such as the causeways and droves.

P56 We welcome the proposed retention and enhancement of a number of other historical features on the site.

P57 We welcome proposals for the A Causeway Link, in particular the off road green way section D between eh lake and the Abbey.

P58 Figure 27 introduces a different interpretation of the setting of Denny Abbey to that shown on figure 22. This could imply that the setting is limited to this shaded area, when in fact it is much wider. Perhaps a term, other than setting should be used as setting has a specific definition in heritage terms.

The plan helpfully includes reference to many of the other heritage assets in and around the site.

P59 We welcome the reference to the maintenance of views of key landmark buildings such as Ely Cathedral and Denny Abbey as well as retaining a sense of openness and connection to the skyline. the filtering of views rather than full screening.

P60 The section on Waterbeach village should include reference to the Conservation Area and listed buildings, in particular the church tower. We welcome the reference to Car Dyke.

P68 We note that in the highest density locations the SPD is proposing heights of between 4-6 storeys with two taller buildings. We are concerned at the proposed heights for development, in particular the taller buildings in the open flat landscape. concerned that this may be an inappropriate level of height and density for what will, after all, be a small fen-edge town, not an edge of Cambridge urban extension, or 'CB1' form of development. We suggest that it would be more appropriate to keep to the 4-5 storey s as a Northstowe with tall punctuating buildings being limited to 6 storeys.

P70 Spatial Framework Diagram We note the location of the Park and Ride site at the north west of the site. We can see the logic of this close to the employment site and also at the other side of the development to the park and ride site at the station. However, careful consideration will need to be given to the design of this proposal to ensure that the setting of Denny Abbey is appropriately protected and enhanced. Lighting for example will need to be carefully designed to minimise harm to setting.

Table 8 Issue 5 - We welcome reference to the setting of Denny Abbey at Issue 5. However, the wording for the mechanism is not clear. Reference to 'Development proposals' for the SLA could be misinterpreted as meaning built development. From



section 5 we appreciate that this is not the case but can we suggest hat this is reworded to more closely reflect the design aspirations for this area.

Table 8, Issue 7 We welcome reference to Bannold Drove and Car Dyke as well as Denny Causeway

Table 8 Issue 8 We welcome reference to heritage assets and landscape. We welcome the requirement for archaeology strategies.

Table 8, Issue 10 - See comments above in relation to the edge treatments for the Strategic Landscape Area. Regarding Car Dyke, a green buffer will be requirement to protect the route of Car Dyke.

Chapter 5 Guiding Principles

We note that no reference is made to the historic environment in this section of the SPD. We assume this is because most of the historic environment issues are covered in Chapter 4.

P93 para 2 We welcome reference to the retention of the Military Heritage Museum.

P98 Section 21 We welcome the requirement for development to respond to and enhance the local landscape context. In particular we welcome references to planting to filter views, as well as the protection of key views to church steeples (perhaps this should also say and towers?), Denny Abbey and Ely Cathedral.

P104 Whilst we welcome the opportunities for allotments and community orchards, if any of these land uses are to be located to the north of the agreed limit of development, then built development eg toilet facilities etc. would be consider inappropriate.

P110 We welcome the reference to the need locate land uses which generate most noise and light away from the most sensitive heritage environments. This is one of our key concerns in relation to the proposals for a park and ride site at the northern edge of the development.

Chapter 6 Delivering the Place

WE welcome the requirement for a military heritage museum and also landscaping measures contributing to setting of Denny Abbey.

We note the suggestion for allotments/community orchards and possible location to the north east of the main site (p137). We would highlight our comments above in relation to this area and the need to avoid built development in this zone (toilets etc.). Sheds etc. may also be considered inappropriate in the location.

Insufficient information is given in this section to other measures for the area around Denny Abbey. Previous discussions have involved the passing over of land within the immediate setting of Denny Abbey (land controlled by RLW) shown together with that controlled by English Heritage and CCC and the construction of a new site access road from the new roundabout to allow the site car park to be removed from the scheduled monument and site to the north of the Abbey buildings. The vision of linking the settlement to Denny Abbey and measures and resources to ensure that development would sustain and enhance the site, would depend on the conclusion of a suitable planning obligation via a Section 106 agreement. We suggest that these matters are incorporated into this section of the SPD.

P138 We note the proposal for 3 delivery groups. May we suggest an additional bullet point g under Progress and Delivery Group g) to ensure the heritage strategy for the site is implemented

P140 There is no reference in this section to the phasing of delivery of enhancements for Denny Abbey and to the heritage asset. We suggest that reference should be made to this in section 6.4/

P143, Section 6.6 There should also be a requirement for a Heritage Statement/Heritage Impact Assessment to accompany any planning application.

P147 The primary objectives of the Progress and Delivery Group listed on p 147 should also include to ensure the delivery of the heritage strategy for the site.

We would also suggest that the brief could refer to the need for high quality design and good practice in relation to the public realm. We would refer you to our regionally specific advice in 'Streets for All East of England'

<https://historicengland.org.uk/images-books/publications/streets-for-all-east-of-england/>

More information and advice on the above can be found on our website via this link: <https://historicengland.org.uk/images-books/publications/streets-for-all/>

We would also refer you to Manual for Streets and Manual for Streets 2 and would recommend that the principles therein are followed.

Appendices

List of Acronyms - We suggest the use of the term Scheduled Monument rather than Scheduled Ancient Monument. Modern convention is to refer to scheduled monuments rather than scheduled ancient monuments, given that a wide range and age of monuments are scheduled. This is in line with the terminology used in the NPPF.

Screening Report



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We note that you have concluded that a Sustainability Appraisal for this SPD is not required. This is contrary to the advice of all of the statutory environment Historic England, Natural England and the Environment Agency. We continue to express our concern regarding this, given the scale of the development and potential impacts on assets of the highest significance, together with the scope of the SPD. We trust you will review your decision and undertake an SA.

Finally, we should like to stress that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals, which may subsequently arise where we consider that these would have an adverse effect upon the historic environment.

If you have any questions with regards to the comments made then please do get back to me. In the meantime we look forward to continuing to work with you and your colleagues.

Yours sincerely,



Historic Environment Planning Adviser, Planning Group



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Date: 25 October 2018
Our ref: 258951
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Dear Mr Kelly

Waterbeach New Town Supplementary Planning Document (SPD)

Thank you for consulting Natural England on the above in your email of 14 September 2018.

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.

You will be aware that Natural England provided comments in response to the consultation on the Sustainability Appraisal and Habitats Regulations Assessment screening reports, in our letter of 24 August 2018 (ref. 255144). We have also provided responses to the planning applications for the Waterbeach New Town development in our letters of 15 June 2018 (ref. 247551) and 16 August 2018 (ref. 250163).

Natural England strongly supports preparation of the SPD to guide the development of the Waterbeach New Town and, in particular, to provide a spatial framework for future masterplanning to support comprehensive sustainable development. We welcome that the SPD encourages a collaborative and co-ordinated approach to delivery of development and associated infrastructure. The SPD places strong emphasis on creation, integration and enhancement of the rich biodiversity of the local fenland landscape, sensitively incorporating existing green and blue infrastructure into the new town and creating new ecology corridors. Natural England welcomes this.

We note that The SPD sets out the Council's overall guidance for the development of the site in context of, and supplementary to, the policies contained within the South Cambridgeshire Local Plan, 2011-2031. It sets out specific guidance for the development of the site and will be an important material consideration in the determination of planning applications. The document provides guidance about how the new settlement should be designed, developed and delivered in accordance with modified policy SS/5 of the emerging South Cambridgeshire Local Plan. Our advice is that the principles and guidance for development of the site should be agreed and the final SPD adopted prior to the determination of any planning application for the site. We also believe that the SPD should ensure that all planning applications take a strategic and consistent approach to development including delivery of mitigation to address impacts to designated sites, delivery of net biodiversity gain and implementation of a comprehensive and well connected green infrastructure network.

Natural England is aware that the SPD, consistent with Local Plan policy SS/5, is promoting the development of 8-9,000 new homes (plus other development and associated infrastructure), whilst the recent planning applications submitted by Urban & Civic and RLW Estates will deliver a total of c. 11,000 dwellings.

Site Context

Natural England welcomes recognition of the site's location within the context of the Fenland landscape and its close proximity and connectivity with Wicken Fen Site of Special Scientific Interest (SSSI) and Ramsar site, a component of Fenland Special Area of Conservation (SAC) and also the Cam Washes SSSI. The proposed development of the site to deliver Waterbeach New Town has the potential to have an adverse impact on these statutorily designated sites, particularly through the effects of increased recreational pressure. Natural England has provided detailed advice on this potential issue, and options to mitigate adverse impacts, in its responses to the planning applications. This issue doesn't appear to be addressed anywhere in the SPD despite our understanding, from the recent planning applications, that proposed on-site green infrastructure provision seeks to mitigate (in part) the effects of increased recreational pressure. Our advice is that this matter should be discussed and addressed in relevant sections of the SPD including section 2.8 Constraints and Opportunities of the SPD and the statutorily designated sites indicated on figures 11 and 12. Please see our further advice in response to the HRA and SA screening reports.

Subject to the delivery of appropriate mitigation to address the effects of increased visitor pressure, the development offers a unique opportunity to enhance connectivity with the wider countryside including sites such as Wicken Fen and the Vision Area. Opportunities should be explored further with relevant parties and promoted through the SPD.

Vision and Objectives

Natural England fully supports the vision and aspirations for the Waterbeach New Town development promoted through the SPD including the creation of a sustainable, resilient and well-connected development incorporating an enhanced ecological network. Natural England particularly supports the proposed multi-functional green infrastructure network, including a Strategic Landscape Area / North Park, which seeks to deliver integrated benefits for biodiversity, landscape, health and well-being and climate change mitigation and adaptation. However, given the scale of the proposed development our advice is that a key objective of the SPD should be the delivery of landscape scale environmental enhancement including net biodiversity gain.

As a Local Plan document the SPD should require development of the site to demonstrate, through a Defra (or similar) metric, delivery of net biodiversity gain, in accordance with the National Planning Policy Framework (NPPF) and the Defra 25 Year Environment Plan.

We particularly support strategic objectives 3: *Access to Open Space* and the Natural Environment and 8: *Biodiversity*. However, please note our advice above about exploring opportunities to enhance connectivity to the wider rural area including sites such as Wicken Fen and the Vision Area.

Spatial Framework

Natural England generally supports the Key Structuring Elements including promotion of the creation of strategic walking and cycling connections and public informal open spaces connected by greenways and corridors. We welcome recognition of the need for careful consideration with regard to the potential for conflict between areas for play and sensitive grassland habitats.

Figures 23, 24 and 27 should indicate connectivity to off-site open spaces including the river and the Cam Washes and Wicken Fen. Please note our advice above about exploring opportunities to enhance connectivity to the wider rural area including sites such as Wicken Fen and the Vision Area.

Guiding Principles

We especially support guiding principles to create a multi-functional green infrastructure network and an integrated approach to biodiversity. Natural England welcomes the requirement for applicants to demonstrate that their proposals for the protection and enrichment of habitat and biodiversity across the site are capable of delivery. We also support the requirement for applications to be accompanied by a landscape and ecology management plan (LEMP) to set out how impacts on existing and newly created habitats will be mitigated and managed. An integrated

and co-ordinated approach to the long-term management of the natural environment / green infrastructure will be critical to the successful delivery of long-term benefits for people and wildlife.

Delivering the Place

Since the development will take over 20 years to complete we welcome recognition of the need for the managed delivery of development and related infrastructure to be coordinated, comprehensive and in accordance with the Local Plan and the principles of the SPD (and any subsequent review).

Habitats Regulations Assessment

Natural England is generally satisfied that the Habitats Regulations Assessment Screening Report (Ramboll, 14 September 2018) has been prepared in accordance with the requirements of the Conservation (of Habitats and Species) Regulations 2017 (as amended). We welcome that this has taken into consideration the recent Court of Justice of the European Union (CJEU) judgement (*People over Wind, Peter Sweetman v Coillte Teoranta*). However, please note our comments below regarding the requirement for mitigation to address the effects of increased recreational pressure.

Natural England acknowledges the 'no likely significant effect' conclusion of the HRA on the basis that the draft Waterbeach New Town SPD does not make any material changes to the site area, or the relevant policy guidance or parameters of the emerging South Cambridgeshire Local Plan (2014) and Main Modifications, for which HRA conclusions of no likely significant effect were also reached.

Notwithstanding the above, section 3.4.5 of the HRA implies that, in light of new evidence becoming available since preparation of the Local Plan HRA, uncertainties may remain with regard to effects on Wicken Fen through increased levels of recreational pressure. The report suggests that these matters should be addressed at the planning application stage. Whilst Natural England agrees that uncertainty remains with regard to the significance of effects on Wicken Fen through recreational pressure, we do not agree that this matter should be deferred for consideration at the detailed stage. In accordance with Habitats Regulations requirements any uncertainty must be addressed through application of the precautionary principle. Consequently our advice is that the HRA screening should conclude that a significant effect is likely and proceed to an Appropriate Assessment of the recreational pressure effects of the development on the integrity of Wicken Fen Ramsar and Fenland SAC.

It is imperative that the revised HRA / AA takes into consideration the potential delivery of significantly more new homes than is promoted through the SPD and Local Plan Policy SS/5 (and assessed through the Local Plan HRA). The recently submitted planning applications propose to deliver a total of c.11,000 new homes whereas the SPD is promoting delivery of 8-9,000 new dwellings. It is also crucial to understand that the scale and effect of visitor pressure on Wicken Fen was not widely recognised when the Local Plan HRA was carried out. Of further importance, the application in the Local Plan HRA of a 5km 'zone of influence' for visitor pressure is now known to be completely erroneous; evidence-based studies undertaken elsewhere indicate that the zone of influence for key destination sites such as Wicken Fen, with parking, café, gift shop, all-weather trails, cycle hire etc., is likely to be tens of kilometres.

Natural England will be pleased to provide advice on the revised HRA / Appropriate Assessment.

Please note that the statement in section 3.4.3 of the report that access to Wicken Fen is by permit only is not correct. There are numerous public rights of way that enable uncontrolled public access into and across the reserve, including several at the southern end of the site closest to the proposed development. The number of people accessing Wicken Fen via major trails such as the Fen Rivers Way continues to grow and the Waterbeach New Town development is likely to give rise to further significant increase in visitor numbers. The assessment needs to recognise this in the context of the associated and increasing resources being put into the management of the Fen and the Wicken Vision Area by the National Trust.

Sustainability Appraisal

Natural England acknowledges the no significant environmental effect conclusion of the Sustainability Appraisal Screening Report prepared by Ramboll (14 September 2018) on the basis that the draft Waterbeach New Town SPD does not make any material changes to the site area, or the relevant policy guidance or parameters of the emerging South Cambridgeshire Local Plan (2014) and Main Modifications, for which SA conclusions of no significant environmental effect were also reached.

Notwithstanding the above the SA suggests that, in light of new evidence becoming available since preparation of the Local Plan SA, uncertainties may remain with regard to the effects of recreational pressure at Wicken Fen and the Cam Washes. The report suggests that these matters should be addressed at the planning application stage. Whilst Natural England agrees that uncertainties remain with regard to the significance of effects to Wicken Fen and the Cam Washes through recreational pressure, we do not agree that this matter should be deferred for consideration at the detailed stage. Our advice is that in the absence of measures to address the recreational pressure effects of the development on Wicken Fen and the Cam Washes, secured through the SPD, an SA should be prepared.

We are aware from Historic England's response to the SPD consultation that the conclusion of the SA screening is contrary to the advice of all statutory environmental consultees. Natural England has significant concerns with this based on the scale of proposed development and potential impacts on the natural environment including nationally and internationally designated sites. Accordingly we advise your authority to review its decision and carry out a Sustainability Appraisal.

Other advice

Natural England is supportive of additional comments provided by the National Trust and the Wildlife Trust in their responses to this consultation. We agree that planning applications should not be determined prior to agreement and adoption of the final SPD planning applications. We also agree that the SPD should promote the use of the Natural Cambridgeshire Local Nature Partnership's (LNP) Developing with Nature Toolkit for the creation and enhancement of high quality biodiversity-rich landscape.

We hope that our comments are helpful. For any queries relating to the specific advice in this letter only please contact [REDACTED]. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

[REDACTED]

Appendix C - Responses from the statutory consultees to the Waterbeach New Town SA and SEA screening reports (August 2018)

Caroline Hunt
Planning Policy Manager
South Cambridgeshire District Council
South Cambridgeshire Hall (6010)
Cambourne Business Park
Cambourne
Cambridge
CB3 6EA

Our ref: AC/2018/127418/01-L01
Your ref: DRAFT SPD
Date: 22 August 2018

Dear Sir/Madam

SEA & HRA SCREENING REPORTS FOR WATERBEACH NEW TOWN SPD. LAND TO THE EAST OF WATERBEACH BARRACKS & AIRFIELD SITE, WATERBEACH, CAMBRIDGESHIRE.

Thank you for your consultation

An electronic copy of your response to the applicant would be appreciated.

Environment Agency position.

The Environment Agency does not provide screening opinions, as this is the remit of the LPA. However, the EA assists by supplying information and advice on matters in our remit that contribute to the LPAs judgment.

We have reviewed the documents supplied and confirm that the sections relating to wastewater infrastructure are a fair reflection of discussions regarding, and possible plans to dispose of, foul drainage from the proposed development site.

We were satisfied in principle that the local plan has the *potential* to protect the local water environment through the criteria policies it contains. However it does not address or assess options for the Waterbeach infrastructure delivery or flood risk management. We understand that the land area under consideration for a Water Recycling Centre is 10-15 hectares, which would appear to be potentially highly significant in scale, and possibly nature.

Environmental effects aside, for the Waterbeach New Town development to be deliverable it is important that suitable water services infrastructure can be shown to be deliverable during the plan period and to that end we have worked with AW and the developers on one option.

The Environment Agency considers that the Local Plan modifications were significant by opening up the prospect of bringing the Waterbeach proposals towards the front end of the plan period (thereby hastening the infrastructure planning process) and it deferred matters of flood risk and water quality to a SPD, rather than the 'middle tier' Area Action Plan it originally proposed.

Whilst the local plan considered SA/SEA in the round for its generic policies, the specific matters around flood risk and water quality of water services infrastructure were not considered for Waterbeach. In a context where there are two principle developers for Waterbeach both pushing for early decisions, it may not be an impartial or practical option for this to happen through incremental, project specific EIA. In any event a Sustainability Appraisal of potentially significant waste water infrastructure remains to be carried out, along with spatial and operational options to be identified and appraised.

We are unclear whether delivery of the full quantum of development is dependent upon a 'Waterbeach New WRC' being built and operational, and at this point in time a new WRC has yet to be submitted for options assessment or planning approval. A new WRC siting *preference* is known to be within flood zone 3 (high risk), however information has not yet been supplied on other spatial or operational options that might be reasonably available over the plan period. To support an effective and justified SPD and accompanying appraisal, the Environment Agency advises that such information and sequential assessment is carried out. This would be needed in any event to satisfy a NPPF sequential test. So in our view, this would be time well spent.

Yours faithfully

Mr. T.G. Waddams
Planning Liaison

Direct e-mail planning.brampton@environment-agency.gov.uk

Please note – Our hourly charge for pre application assessments is currently £100 + VAT per hour

[Environment Agency, East Anglia Area \(West\), Bromholme Lane, Brampton, Huntingdon, Cambs. PE28 4NE.](#)

www.gov.uk/environment-agency



Historic England

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Ms Caroline Hunt
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
CB23 6EA

Direct Dial: 01223 582775

Our ref: PL00471305

22 August 2018

Dear Ms Hunt

Waterbeach New Town Supplementary Planning Document (SPD): SEA Screening Opinion

Thank you for consulting Historic England about the above Screening Opinion.

The principal designated heritage asset, whose significance would be affected by the SPD, is the site of Denny Abbey, a scheduled monument with the monastic buildings additionally listed at grade I and II*. In addition there will be impacts on the Waterbeach village conservation area, including its listed buildings. Non-designated heritage assets affected include remains of the Car Dyke, archaeological earthworks and remains at Soldiers' Hill and buried archaeological remains within the application site. Although the WWII airfield and barracks of RAF Waterbeach have not been designated, they make an important contribution to the character and landscape setting of the SPD site.

On the basis that the Supplementary Planning Document is both required by administrative provisions and, in terms of our area of interest, seems likely to result in significant effects upon the historic environment, Historic England considers that a Strategic Environmental Assessment is required for this document.

Whilst we note that an SA was prepared for the Local Plan and an EIA will accompany planning applications, given the scale of the development subject to the SPD, we consider that an SEA is still required for the SPD.

Historic England strongly advises that the conservation team of your authority and your archaeological advisors are closely involved throughout the preparation of the SA of this Plan. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the HER (formerly SMR); how the policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of historic assets.



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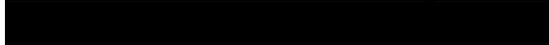
This opinion is based on the information provided by you in the Screening Report dated 7th August 2018 and, for the avoidance of doubt, does not affect our obligation to advise you on, and potentially object to any specific development proposal which may subsequently arise from this or later versions of the plan which is the subject to consultation, and which may, despite the SA/SEA, have adverse effects on the environment.

If you have any queries about any of the matters raised above or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,



Debbie Mack
Historic Environment Planning Adviser, Planning Group



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Date: 24 August 2018
Our ref: 255144
Your ref: [Click here to enter text.](#)



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BY EMAIL ONLY

Dear Ms Hunt

Habitats Regulations Assessment and Sustainability Appraisal Screening Reports for Waterbeach New Town Supplementary Planning Document (SPD)

Thank you for consulting Natural England on the above in your email of 7 August 2018.

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.

You will be aware that Natural England provided responses to the planning applications for the Waterbeach New Town development in our letters of 15 June 2018 (ref. 247551) and 16 August 2018 (ref. 250163). Our responses to both applications advise that further information should be provided to determine impacts on Wicken Fen Ramsar site, Site of Special Scientific Interest (SSSI), a component of Fenland Special Area of Conservation (SAC) (a European site), and the Cam Washes SSSI.

As referenced in the Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA) screening reports the Waterbeach New Town site is an allocation in the emerging South Cambridgeshire Local Plan. The Local Plan has already been subject to HRA and SA, the reports concluding no likely significant effect to European sites and no significant environmental effect respectively. However, as indicated in our response to the Waterbeach New Town planning applications, new evidence has emerged since the preparation of the South Cambridgeshire Local Plan, and associated HRA and SA, regarding potential risk to designated sites, such as Wicken Fen and the Cam Washes, through increased levels of recreational pressure associated with new housing development. We have provided detailed advice to the Council on this matter in our responses to the planning consultations referenced above. This specifies the additional information required from the applicants to demonstrate that the strategic development alone, and in-combination with other relevant development, will not give rise to adverse impacts through increased levels of recreation pressure, to Wicken Fen European site and the Cam Washes SSSI.

Given the above Natural England is currently unable to support the conclusions of the HRA and SA screening reports with regard to no likely significant effect / no significant environmental effect. In our view the Waterbeach New Town development alone and in-combination / cumulatively, has the potential for likely significant effect on Wicken Fen European site and significant adverse impact to the Cam Washes SSSI, through increased recreational pressure. We believe this requires an agreed approach to off-site mitigation measures to address the long-term residual impacts of additional recreational pressure.

Without acknowledgement of this issue within the HRA and SA screening reports, and in the absence of any developer commitment to / requirement for delivery of mitigation to address the

residual impacts of recreational pressure to Wicken Fen and the Cam Washes, Natural England is unable to support the conclusions of the screening reports.

Natural England will be pleased to provide advice on the screening reports, including any revisions, following agreement of an approach to address the residual impacts of the strategic development on statutorily designated sites.

We hope that our 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.

Yours sincerely

Janet Nuttall
Sustainable Land Use Adviser