

REPORT on the IMPLICATIONS for EUROPEAN SITES

Proposed Cambridge Waste Water Treatment Plant Relocation project

An Examining Authority report prepared with the
support of the Environmental Services Team

Planning Inspectorate Reference: WW010003

05 March 2024

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1 INTRODUCTION

1.1 Background

- 1.1.1 Anglian Water Services Ltd (the Applicant) has applied for a development consent order (DCO) under section 37 of the Planning Act 2008 (PA2008) for the proposed Cambridge Waste Water Treatment Plant Relocation ('the Proposed Development'). On behalf of the Secretary of State (SoS) for Levelling Up, Housing and Communities, an Examining Authority (ExA) has been appointed to conduct an Examination of the application. The ExA will report its findings and conclusions and make a recommendation to the relevant SoS as to the decision to be made on the application.
- 1.1.2 The relevant SoS is the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) for applications submitted under the PA2008 regime. The findings and conclusions on nature conservation issues reported by the ExA will assist the SoS in performing their duties under the Habitats Regulations.
- 1.1.3 This Report on the Implications for European Sites (RIES) documents and signposts the information in relation to potential effects on European sites that was provided within the DCO application and submitted during the Examination by the Applicant and Interested Parties (IPs), up to Deadline 5 (D5) of the Examination (16 February 2024). It is not a standalone document and should be read in conjunction with the Examination documents referred to. Where document references are presented in square brackets [] in the text of this report, that reference can be found in the Examination library published on the National Infrastructure Planning website at the following link:
[Examination Library](#)
- 1.1.4 For the purposes of this RIES, in line with the Habitats Regulations and relevant Government policy, the term "European sites" includes Special Areas of Conservation (SAC), candidate SACs, proposed SACs, Special Protection Areas (SPA), potential SPAs, Sites of Community Importance, listed and proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on any of these sites. For ease of reading, this RIES also collectively uses the term "European site" for 'European sites' defined in the Habitats Regulations 2017 and 'European Marine Sites' defined in the Conservation of Offshore Marine Habitats and Species Regulations 2017, unless otherwise stated. "UK National Site Network" refers to SACs and SPAs belonging to the United Kingdom already designated under the Directives and any further sites designated under the Habitats Regulations.
- 1.1.5 This RIES is issued to ensure that IPs including the Appropriate Nature Conservation Body (ANCB) - Natural England (NE) - is consulted formally on Habitats Regulations matters. This process may be relied on by the SoS for the purposes of Regulation 63(3) of the Habitats Regulations.

- 1.1.6 It also aims to identify and close any gaps in the ExA's understanding of IPs' positions on Habitats Regulations matters, in relation to all European sites and qualifying features as far as possible, in order to support a robust and thorough recommendation to the SoS.
- 1.1.7 Following consultation, the responses will be considered by the ExA in making their recommendation to the SoS and made available to the SoS along with this report. The RIES will not be revised following consultation.

1.2 Documents used to inform this RIES

- 1.2.1 The Applicant's Habitats Regulations Assessment (HRA) Report (HRA Report) comprised the following documents:
- HRA Screening Report [APP-100] provided as Environmental Statement (ES) Appendix 8.15, superseded by [AS-068] and updated at D2 [REP2-022]; and
 - HRA Report [APP-101] as ES Appendix 8.16, superseded by [AS-070] updated at D2 [REP2-024].
- 1.2.2 This RIES also makes reference to the following additional documents:
- ES Chapter 2, Project Description [REP4-022];
 - ES Chapter 2, Appendix 2.1: Code of Construction Practice Part A [REP5-050];
 - ES Chapter 2, Appendix 2.1: Code of Construction Practice Part B [REP5-052]; and
 - ES Chapter 8, Appendix 8.7: Bat Technical Appendix [APP-092].
- 1.2.3 In addition to the HRA Report, the RIES refers to representations submitted to the Examination by IPs, Issue Specific Hearing (ISH) documents, Statements of Common Ground (SoCG) and other Examination documents as relevant. All documents can be found in the Examination Library.

1.3 Change Requests

- 1.3.1 To date, the Applicant has made one change request:
- A Change Notification Request letter [AS-006] was submitted by the Applicant on 21 September 2023 to inform the ExA of a minor revision to the Proposed Development's Order limits to reflect a reduction in land take. The formal request and full description of the proposed change was provided in a letter [AS-137] dated 16 October 2023. The change would involve reducing the Order limits of the Proposed Development by 2.18 hectares (ha) (from 211.07 ha to 208.89 ha) following further refinement of the pumping station location due to the confirmation of the location of the proposed

Waterbeach New Town Railway Station. In Annex B, Section 8 of the Rule 8 notification letter [PD-007], dated 24 October 2023, the ExA concluded that the proposed change amounts to a non-material change and accepted the proposed change into the Examination.

1.3.2 No relevant HRA matters arose from this change request.

1.4 HRA Matters Considered During the Examination

1.4.1 The Examination to date has focussed on the following matters:

- The sites included in the Applicant's HRA Screening Report;
- the overall conclusions of no AEoI; and
- effects on the barbastelle bat qualifying feature of Eversden and Wimpole Woods Special SAC during construction and operation.

2 LIKELY SIGNIFICANT EFFECTS

2.1 European sites considered

Introduction

- 2.1.1 The Proposed Development is not connected with or necessary to the management for nature conservation of any European site.
- 2.1.2 The Applicant submitted a HRA Screening Report [APP-100], which set out the approach used to identify any sites within the UK National Site Network (NSN) that could be affected by the Proposed Development.
- 2.1.3 The Applicant identified [APP-100] European sites within 10km of the Order limits and any European sites within 30km of the Order limits where bats are a qualifying feature. European sites where there were any non-distance constrained impact pathways (e.g., hydrological connectivity) between the Proposed Development and sites within the UK NSN were also identified.

Sites within the UK NSN

- 2.1.4 The Applicant's HRA Screening Report [APP-100] identified seven European sites within the UK NSN for inclusion within the assessment. These are listed in Section 3.3 of the HRA Screening Report [APP-100] and are as detailed in Table 2.1 below.
- 2.1.5 In its Schedule of Amendments during the pre-examination phase [APP-008], the Applicant identified that it had submitted an incorrect version of the HRA Screening Report. The ExA requested [PD-004] the Applicant to supply further evidence into the Examination including a request for the submission of an updated HRA Screening Report and HRA Report to correct these errors.
- 2.1.6 An updated HRA Screening Report [AS-068] was therefore provided by the Applicant as an additional submission in September 2023. This identified three additional European sites omitted from the original HRA Screening Report [APP-100] and HRA Report [APP-101] which were:
- Ouse Washes SAC;
 - Ouse Washes SPA; and
 - Ouse Washes Ramsar site.
- 2.1.7 These sites are also therefore included in Table 2.1 below.

Table 2.1: European sites in the UK NSN identified in the Applicant's HRA Screening Report [AS-068]

Name of European site	Distance from Proposed Development (km)
Fenland SAC	4.72

Name of European site	Distance from Proposed Development (km)
Wicken Fen Ramsar site	4.72
Devil's Dyke SAC	8.97
Eversden and Wimpole Woods SAC	14.97
The Wash and North Norfolk Coast SAC	70.30
The Wash SPA	70.30
The Wash Ramsar site	70.30
Ouse Washes SAC	14.10
Ouse Washes SPA	14.10
Ouse Washes Ramsar site	14.10

- 2.1.8 The locations of these sites relative to the Proposed Development are depicted on Figure 1 of Appendix A in the HRA Screening Report [AS-068].
- 2.1.9 NE raised no concern regarding the European sites selected within the HRA Report and notes in the draft SoCG [REP3-046] with the Applicant, provided at D3, that an appropriate study area had been used to identify European sites. NE also confirmed it considered all relevant European sites had been screened into the HRA.

2.2 Potential impact pathways

- 2.2.1 Section 4 of the HRA Screening Report [AS-068] detailed the potential impacts from the Proposed Development, along with the potential geographical extent of effects. Section 4.2 of the HRA Screening Report [AS-068] provides a description of the sites and qualifying features and the impact pathways which could affect them. This information is listed in Tables 4-3 to 4-10 of [AS-068] for each European site.
- 2.2.2 RIES Tables A1.1 to A1.10 in Annex 1 detail the potential impact pathways considered in the HRA Screening Report [AS-068] by European site and their respective qualifying features.
- 2.2.3 The HRA Report assessed potential impact-pathways from the construction, operation and maintenance phases of the Proposed Development.
- 2.2.4 Decommissioning of the existing Cambridge Waste Water Treatment Plant (WWTP) and existing water recycling centre (WRC) at Waterbeach are assessed as part of the construction programme in the HRA Screening Report [AS-068]. Decommissioning activities at the existing WWTP and WRC include draining down and cleaning of existing tanks as well as making the plant mechanically and electrically safe. The HRA Screening Report explains (paragraph 2.10.3, [AS-068]) that these activities do not include demolition of structures and site preparation for

redevelopment as this is considered outside of the scope of the Proposed Development.

- 2.2.5 ES Chapter 2 [REP4-022], Section 6.3 notes, however, that there are no plans to decommission the proposed WWTP and it has been designed to accommodate flows until into the 2080s and 2090s by expansion, modification, enhancement and optimisation of the design within the earth bank.
- 2.2.6 No additional impact pathways have been identified by IPs for inclusion within the assessment in the Examination to date.

2.3 In-combination effects

- 2.3.1 HRA Screening Report, Section 4.3 [AS-068], details the Applicant's approach to assessing in-combination effects. The projects included in the in-combination assessment are detailed in HRA Screening Report [AS-068], Table 4-11.
- 2.3.2 No additional plans or projects have been highlighted by IPs in the Examination to date.

2.4 The Applicant's assessment

- 2.4.1 The Applicant's conclusions in respect of screening are presented in HRA Screening Report, Sections 4.4 and 5 [AS-068], and the Applicant's conclusions in respect of effects on integrity are presented in the HRA Report, Section 8 [AS-070].
- 2.4.2 The Applicant's conclusions are summarised in the Applicant's screening and integrity matrices provided in Annex B of the HRA Screening Report [AS-068] and Appendix A of the HRA Report [AS-070], respectively.

Sites for which the Applicant concluded no LSE on all qualifying features

- 2.4.3 The Applicant concluded [AS-068] that the Proposed Development would not be likely to give rise to significant effects, either alone or in-combination with other projects or plans, on all qualifying features of the following European sites:
- Wicken Fen Ramsar site;
 - Fenland SAC; and
 - Eversden and Wimpole Woods SAC.
- 2.4.4 In its response to ExQ1 [REP1-152], the Environment Agency (EA) confirmed it considered it was unlikely that Wicken Fen Ramsar site and Fenland SAC would be affected by a groundwater impact pathway due to the distance between these sites and the Proposed Development.
- 2.4.5 The Applicant's conclusions in respect of Eversden and Wimpole Woods SAC were questioned by the ExA during Examination. See Section 2.5 of this RIES for further details.

Sites for which the Applicant concluded LSE on some or all qualifying features

- 2.4.6 The Applicant concluded [AS-068] that the Proposed Development would be likely to give rise to significant effects, either alone or in-combination with other projects or plans, on the qualifying features of:
- Devil's Dyke SAC;
 - The Wash and North Norfolk Coast SAC;
 - The Wash SPA;
 - The Wash Ramsar site;
 - Ouse Washes SAC;
 - Ouse Washes SPA; and
 - Ouse Washes Ramsar site.
- 2.4.7 The qualifying features and LSE pathways screened in by the Applicant are identified in RIES Annex 1, Table A1.3, and Tables A1.5 to A1.10.

2.5 Examination matters

- 2.5.1 Matters raised in the Examination to date in relation to LSEs by the Applicant are summarised in the section below.

European sites included in the Applicant's HRA Screening Report

- 2.5.2 In its Relevant Representation (RR), Cambridgeshire County Council (CCoC) [RR-001] raised concerns with the list of sites considered by the Applicant in its HRA reports [APP-100, APP-101]. The Applicant's response [REP1-078] noted that a subsequent updated version [AS-070] had included further sites. At D1 [REP1-133], CCoC confirmed it was satisfied that its concerns had been addressed about the quality of the Applicant's original assessment with the submission of this updated version.

Impacts to the barbastelle bat qualifying feature of Eversden and Wimpole Woods SAC

- 2.5.3 Environmental Statement Appendix 8.7: Bat Technical Appendix [APP-092] confirms that barbastelle bat, the qualifying feature for Eversden and Wimpole Woods SAC, were identified during the Applicant's baseline surveys. The report also states that the Proposed Development is within the foraging range for bats from Eversden and Wimpole Woods SAC. However, the HRA Screening Report [APP-100] concluded that there was no ecological connectivity between the Proposed Development and Eversden and Wimpole Woods SAC. At ExQ1 [PD-008], the ExA therefore asked the Applicant to provide an explanation for the discrepancy between these two conclusions.
- 2.5.4 In response, at D1 [REP1-079], the Applicant confirmed that the conclusions of the HRA Screening Report would be updated and provided at D2 to include Eversden and Wimpole Woods SAC into the assessment

of effects on integrity. The updated HRA Screening Report [REP2-022] and HRA Report [REP2-024] were provided at D2.

- 2.5.5 In its response to ExQ1 [REP1-164], NE also stated that following its review of the bat technical appendix [APP-092], it agreed that it was not certain whether the records for barbastelle bat identified by the Applicant could be connected to the Eversden and Wimpole Woods SAC. NE therefore advised that as a precautionary approach, Eversden and Wimpole Woods SAC should be included in the Applicant's Stage 2: Appropriate Assessment so that mitigation measures could be taken into account.
- 2.5.6 The Applicant's updated HRA Screening Report [REP2-022] therefore noted that the Proposed Development has potential to result in likely significant effects on the barbastelle bat qualifying feature of Eversden and Wimpole Woods SAC.
- 2.5.7 The qualifying features and LSE pathways screened in by the Applicant for this site are therefore identified in RIES Annex 1, Table A1.4.
- 2.5.8 No other matters have been raised in the Examination to date in relation to the Applicant's screening assessment.

2.6 Summary of Examination outcomes in relation to screening

- 2.6.1 The ExA's understanding of the Applicant's and NE's current positions in relation to LSEs is set out above. No further representations have been made following the submission of the updated HRA Screening Report [REP2-022] in relation to the list of sites and their qualifying features.
- 2.6.2 The draft SoCG with NE [REP3-046] confirmed the following matters in relation to the version of the HRA as submitted with the application:
- An appropriate study area has been used by the Applicant to identify European sites;
 - all relevant sites have been screened into the HRA with the inclusion of Ouse Washes SPA, Ouse Washes SAC and Ouse Washes Ramsar site;
 - potential pathways for impact identified in Tables 4-1 and 4-2 are satisfactory;
 - the LSEs alone presented in Tables 4.3 to 4.8 and the in-combination effects identified in Table 4.9; and
 - the correct qualifying features have been identified for each site.
- 2.6.3 No further representations have been made on the Applicant's LSE conclusions following submission of the updated HRA Screening Report [REP2-022].

3 ADVERSE EFFECTS ON INTEGRITY

3.1 Conservation Objectives

- 3.1.1 The conservation objectives for all of the European sites for which an LSE was identified by the Applicant at the point of the DCO application were included within the HRA Screening Report [APP-100]. The conservation objectives for the Ouse Washes SAC, SPA and Ramsar site were included in the updated HRA Screening Report submitted at D2 [REP2-022].
- 3.1.2 As noted in RIES Section 2, potential LSE on Eversden and Wimpole Woods SAC were identified and agreed during the Examination. The conservation objectives for this European site were also submitted by the Applicant in its updated HRA Screening Report [REP2-022].
- 3.1.3 Information regarding the condition of the Sites of Special Scientific Interest (SSSIs), which are components of the list of European sites considered in the assessment, is provided in HRA Screening Report, Section 3.5 [REP2-022].

3.2 The Applicant's assessment

- 3.2.1 The European sites and qualifying features for which LSE were identified were further assessed by the Applicant to determine if they could be subject to AEoI from the Proposed Development, either alone or in-combination. The outcomes of the Applicant's assessment of effects on integrity are summarised in Section 6 of its HRA Report [REP2-024]. The sites and impact pathways considered by the Applicant are as follows:
- Devils' Dyke SAC – air quality;
 - Eversden and Wimpole Woods SAC – disturbance to foraging and commuting (barbastelle bat qualifying feature);
 - The Wash and North Norfolk Coast SAC – water quality, water quantity;
 - The Wash SPA – water quality and water quantity;
 - The Wash Ramsar site – water quality and water quantity;
 - Ouse Washes SAC – water quality and water quantity;
 - Ouse Washes SPA – water quality and water quantity; and
 - Ouse Washes Ramsar site – water quality and water quantity.
- 3.2.2 The ExA's understanding of the Applicant's and NE's current positions in relation to AEoI is set out in RIES Annex 1, Tables A1.1 to A1.10.

Mitigation measures

- 3.2.3 The Applicant's HRA Report (Section 6.5, [REP2-024]), identified mitigation measures for the construction (that includes decommissioning activities as explained in RIES Section 2.2), operation and maintenance

phases of the Proposed Development. The measures taken into account in the Applicant's assessment of effects on integrity are summarised in [REP2-024], Table 6-1.

- 3.2.4 The Applicant describes that measures would be secured through the Code of Construction Practice (CoCP) Parts A and B [REP5-050 and REP5-052] and a requirement within the CoCP for the production of a Construction Environmental Management Plan (CEMP).
- 3.2.5 No other matters have been raised during the Examination in relation to mitigation measures for effects on European sites.

Sites for which the Applicant concluded no AEOI

- 3.2.6 The Applicant concluded [REP2-024] that the Proposed Development would not adversely affect the integrity of any of the European sites and features assessed, either alone or in-combination with other projects or plans.
- 3.2.7 The draft SoCG with NE [REP3-046] confirmed NE's agreement with the Applicant's conclusion of no AEOI in respect of all the European sites assessed by the Applicant.
- 3.2.8 No other IPs have disputed the conclusions of the Applicant's HRA Report [REP2-024] during the course of the Examination in relation to the following sites:
- Devil's Dyke SAC;
 - The Wash and North Norfolk Coast SAC;
 - The Wash SPA;
 - The Wash Ramsar site;
 - Ouse Washes SAC;
 - Ouse Washes SPA; and
 - Ouse Washes Ramsar site.

3.3 Examination matters

- 3.3.1 The examination of the Applicant's conclusions in respect of Eversden and Wimpole Woods SAC is covered below.

Eversden and Wimpole Woods SAC – project alone

- 3.3.2 As noted in RIES Section 2.5 above, Eversden and Wimpole Woods SAC was screened into the Applicant's assessment following revisions to its HRA Screening Report [REP2-022] and an assessment of AEOI on this site is presented in its HRA Report [REP2-024].
- 3.3.3 NE [REP1-164] stated it was confident that with appropriate mitigation in the form of an ecologically sensitive lighting strategy and the retention and enhancement of vegetation corridors, particularly along the disused railway line, a conclusion of no AEOI was likely to be reached in relation to Eversden and Wimpole Woods SAC.

- 3.3.4 Section 6.6 of the Applicant's HRA Report [REP2-024] includes the Applicant's project alone assessment for this site. The Applicant concludes that the Proposed Development is sited within the foraging range of barbastelle bat, the qualifying feature of Eversden and Wimpole Woods SAC. The Applicant's bat surveys, presented in its ES Appendix 8.7, Bat Technical Appendix [APP-092], identified the presence of barbastelle bat. The Applicant considers, however, that this species requires habitat connectivity such as hedgerow features and is sensitive to artificial lighting. It concludes (paragraphs 6.6.31 to 6.6.38 [REP2-024]), that given the presence of illuminated areas such as highways and the urban area of Cambridge between the SAC and the Proposed Development, that potential routes between the SAC and the Order limits are likely to be unattractive to barbastelle bat. While it acknowledges that bats originating from the SAC could be moving across the area of the Proposed Development at certain times of the year, it considers that the habitat is sub-optimal foraging habitat for the species and numerous alternative routes with similar habitat quality and connectivity exist.
- 3.3.5 HRA Report paragraphs 6.6.34 and 6.6.35 [REP2-024] also note that the Proposed Development would lead to the temporary and permanent loss of foraging habitat including boundary features such as hedgerows. The Applicant considers (paragraph 6.6.35 [REP2-024]) that although the foraging value of the habitat would reduce during construction, the Proposed Development would result in an overall increase in available habitat through the landscaping strategy, replacement of arable land with meadows, woodlands and ponds and early tree planting.
- 3.3.6 HRA Report Table 6-1 [REP2-024] also provides a list of mitigation measures considered in the Applicant's assessment. This includes requirements for construction (temporary) and operational (permanent) lighting to be designed to accord with The Institute of Lighting Professionals Advice Note - Guidance Note 1 for the Reduction of Obtrusive Light (GN01/21) (2021) and Guidance Note GN08/23 - Bats and Artificial Lighting at Night. These measures are secured in the draft Development Consent Order (Schedule 2 requirements) [REP5-003] and through the provision of the CoCP Parts A and B [REP5-050 and REP5-052].

Eversden and Wimpole Woods SAC – in-combination

- 3.3.7 Section 7, Table 7-1, [REP2-024] sets out the Applicant's in-combination assessment for this site. This concludes that none of the identified plans and projects would act in-combination with the Proposed Development as they occur outside of the foraging range of Eversden and Wimpole Woods SAC and would not block any seasonal bat movements between roosts as there are numerous alternative routes of equal suitability.
- 3.3.8 The Applicant concludes (HRA Integrity Matrix 8 [REP2-024]) that mitigation and enhancement measures would allow barbastelle bat to forage or pass through the site. It maintains (HRA Integrity Matrix 8, [REP2-024]) nevertheless that it considers the site does not provide significant habitat for the SAC barbastelle bat population.

- 3.3.9 The Applicant concludes, therefore (paragraph 8.1.1, [REP2-024]), no AEOI either alone or in-combination with other plans and projects on Eversden and Wimpole Woods SAC.
- 3.3.10 In [AS-174] and in its draft SoCG with the Applicant [REP3-046], NE confirmed it is satisfied that its concerns raised in [REP1-164] had been addressed and that it agrees that the Proposed Development would not adversely affect the integrity of Eversden and Wimpole Woods SAC. NE also confirmed [REP3-046] it is satisfied that the mitigation measures relied upon to reach the conclusions in the HRA Report are appropriate.
- 3.3.11 CCoC [REP3-057] also confirmed that it is satisfied with the conclusion of no AEOI on Eversden and Wimpole Woods SAC.
- 3.3.12 In their RR [RR-083], Chris Smith raises concerns in relation to limitations in the Applicant's bat surveys, particularly in relation to survey effort for barbastelle bat. They note that they consider it unlikely that barbastelle bats identified in the Applicant's surveys [APP-092] originate from Eversden and Wimpole Woods SAC and that there may be a nearer, undocumented, roost.
- 3.3.13 At D2, Chris Smith [REP2-071] further questioned the extent of the Applicant's bat surveys but notes potential for linkages to Eversden and Wimpole Woods SAC. The IP considers that the Applicant's surveys are not sufficient to identify the location of barbastelle bat roosts and the extent of foraging and commuting behaviour. As such, they consider the extent of the impact on the SAC from linkages to it cannot be demonstrated beyond reasonable scientific doubt.
- 3.3.14 A further written response was received [REP4-098] from Chris Smith following ISH3 [EV-007a to EV-007u] advising that because of a lack of survey effort, it is not clear whether the barbastelle bats present within the Proposed Development could be linked to the SAC population or originate from other, closer roosts.
- 3.3.15 At ExQ2 [PD-010], therefore, the ExA asked NE to respond to these points.
- 3.3.16 NE [REP5-128] noted the points raised by Chris Smith, but stated it considered the information supplied in the Applicant's HRA Report [REP2-024] on barbastelle bat to be sufficient for that purpose.

Environmental permitting matters

- 3.3.17 Save Honey Hill Group considered in its Written Representations [REP1-171] that the conclusions of the HRA could not be considered robust until the EA had validated and accepted the discharge modelling for the permits for the Proposed Development.
- 3.3.18 The EA considered [REP1-152] in its response to ExQ1 [PD-008], that through the Water Framework Directive, the Proposed Development as a minimum would be required to meet a 'no deterioration' obligation in quality. It considered this would mean that any discharge permit for the proposed WWTP would have to ensure that river quality in the Cam would not deteriorate. It also states in response to ExQ1, questions 15.2 and 15.6 [PD-008] that:

"we have no reason to believe that any operational pollution control permits, flood risk activity permit, licences, or other relevant consents would not subsequently be approved if the development was consented" [REP1-152].

- 3.3.19 The Applicant's response to Written Representations [REP2-038] notes the EA's role as the competent authority for HRA in relation to the environmental permit process.
- 3.3.20 No further representations have been received on this matter at the point of publication of the RIES.

4 CONCLUDING REMARKS

- 4.0.1 This RIES is based on information submitted throughout the Examination by the Applicant and IPs, up to D5 (19 February 2024), in relation to potential effects on European sites. It should be read in conjunction with the Examination documents referred to throughout.
- 4.0.2 RIES Annex 1 sets out the ExA's understanding of IPs' positions on Habitats Regulations and comments on the RIES will be of great value to the ExA in order to support a robust and thorough recommendation to the SoS. In particular, the ExA seeks confirmation whether the ExA's understanding of the screening and AEOI conclusions for the identified European sites (Tables A1.1 to A1.10 in Annex 1) are correct at the point of this RIES publication.
- 4.0.3 Comments on the RIES must be submitted for D6 (2 April 2024).

ANNEX 1 EXA'S UNDERSTANDING OF POSITION AT POINT OF RIES PUBLICATION

The tables in this Annex summarise the ExA's understanding of the Applicant's screening exercise and assessment of effects on integrity, and agreement with the IPs at time of publication of this RIES.

Key to tables:

C = Construction

O = Operation

D = Decommissioning

✓ = LSE or AEOI cannot be excluded

X = LSE or AEOI can be excluded

Y = Yes

N = No

? = Unclear

n/a = not applicable

Table A1.1: Fenland SAC

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
6410: <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caeruleae</i>) 7210: Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> Priority feature 1149: Spined loach <i>Cobitis taenia</i> 1166: Great crested newt	Alone and in-combination <i>Construction and operation</i> Alterations to water quality due to pollution events Alterations to water quality due to changes in water chemistry Alterations to water quantity	X	Y	N/A	N/A

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
<i>Triturus cristatus</i>					

Table A1.2: Wicken Fen Ramsar site

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
Ramsar Criterion 1 – peat fen habitats Ramsar Criterion 2 - Red Data book plant fen violet <i>Viola</i>	Alone and in-combination <i>Construction and operation</i>	X	Y	N/A	N/A

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
<i>persicifolia</i> , eight nationally scarce plants and 121 British Red Data Book invertebrates	Alterations to water quality due to pollution events Alterations to water quality due to changes in water chemistry Alterations to water quantity				

Table A1.3: Devil's Dyke SAC

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
Annex I habitats - 6210 Semi-natural dry grasslands and	Alone and in-combination	✓	Y	X	Y

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
scrubland facies on calcareous substrates (<i>Festuco brometalia</i>)	<i>Construction and Operation</i> Emissions resulting in air-borne pollution and risk of atmospheric nitrogen deposition.				

Table A1.4: Eversden and Wimpole Woods SAC

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
S1308: Barbastelle bat	Alone and in-combination <i>Construction</i> Impact of temporary and permanent habitat	✓	Y	X	Y

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
	loss and/ or construction lighting on foraging and commuting <i>Operation</i> Impact of operational lighting on foraging and commuting				

Table A1.5: The Wash and North Norfolk Coast SAC

	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
Annex I habitats – 1110 Sandbanks which are slightly covered by sea water all the time	Alone <i>Construction</i> Potential for the construction phase activities to cause changes to water quality in surface and groundwater bodies.	✓	Y	X	Y
Annex I habitats – 1140 Mudflats and sandflats not covered by seawater at low tide	<i>Operation</i> Potential impacts from storm discharges to cause changes to water quality in surface and groundwater bodies during operation.	✓	Y	X	Y
Annex I habitats – 1160 Large shallow inlets and bays		✓	Y	X	Y
Annex I habitats – 1170 Reefs		✓	Y	X	Y

	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
Annex I habitats – 1310 Salicornia and other annuals colonizing mud and sand	In-combination <i>Construction</i> Unplanned events (spills/ leaks, site run off, flooding of site), dewatering and wet commissioning.	✓	Y	X	Y
Annex I habitats – 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)	<i>Operation</i> Changes to the fluvial and water chemistry regimes due to alterations in the volume of treated water entering the River Cam.	✓	Y	X	Y
Annex I habitats – 1420 Mediterranean and thermo-Atlantic halophilous scrubs (<i>Sarcocornetea fruticose</i>)		✓	Y	X	Y

	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
Annex I habitats - 1150 Coastal lagoons		✓	Y	X	Y
Annex II species - 1365 Harbour seal		✓	Y	X	Y
Annex II species - 1355 Otter		✓	Y	X	Y

Table A1.6: The Wash SPA

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
Article 4.1 breeding bird species	Alone <i>Construction</i>	✓	Y	X	Y

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
Article 4.1 overwintering bird species	Potential for the construction phase activities to cause changes to water quality in surface and groundwater bodies.	✓	Y	X	Y
Article 4.2 overwintering bird species		✓	Y	X	Y
Article 4.2 An Internationally Important Assemblage of Birds		<p><i>Operation</i> Potential impacts from storm discharges to cause changes to water quality in surface and groundwater bodies during operation.</p> <p>In-combination <i>Construction</i> Unplanned events (spills/ leaks, site run off, flooding of site), dewatering and wet commissioning.</p>	✓	Y	X

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
	<i>Operation</i> Changes to the fluvial and water chemistry regimes due to alterations in the volume of treated water entering the River Cam.				

Table A1.7: The Wash Ramsar site

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
Ramsar Criterion 1: The Wash is a large shallow bay comprising very	Alone <i>Construction</i>	✓	Y	X	Y

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
extensive saltmarshes, major intertidal banks of sand and mud, shallow water and deep channels	Potential for the construction phase activities to cause changes to water quality in surface and groundwater bodies.				
Ramsar Criterion 3: the inter-relationship between its various components including saltmarshes, intertidal sand and mud flats and the estuarine waters	<p><i>Operation</i></p> <p>Potential impacts from storm discharges to cause changes to water quality in surface and groundwater bodies during operation.</p> <p>In-combination</p> <p><i>Construction</i></p> <p>Unplanned events</p>	✓	Y	X	Y
Ramsar Criterion 5: a range of species with peak counts in spring/ autumn, and with	(spills/ leaks, site run off, flooding of site), dewatering and wet commissioning.	✓	Y	X	Y

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
peak counts in winter	<i>Operation</i>				
Ramsar Criterion 6: a range of species for possible future consideration, with peak counts in spring/ autumn and in winter	Changes to the fluvial and water chemistry regimes due to alterations in the volume of treated water entering the River Cam.	✓	Y	X	Y

Table A1.8: Ouse Washes SAC

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
Annex II species – Spined loach (<i>Cobitis taenia</i>)	<p>Alone <i>Construction</i> Potential for the construction phase activities to cause changes to water quality in surface and groundwater bodies.</p> <p><i>Operation</i> Potential impacts from storm discharges to cause changes to water quality in surface and groundwater bodies during operation.</p> <p>In-combination <i>Construction</i></p>	✓	Y	X	Y

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
	<p>Unplanned events (spills/ leaks, site run off, flooding of site), dewatering and wet commissioning.</p> <p><i>Operation</i> Changes to the fluvial and water chemistry regimes due to alterations in the volume of treated water entering the River Cam.</p>				

Table A1.9: Ouse Washes SPA

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
Article 4.1 overwintering bird species	<p>Alone <i>Construction</i> Potential for the construction phase activities to cause changes to water quality in surface and groundwater bodies.</p> <p><i>Operation</i> Potential impacts from storm discharges to cause changes to water quality in surface and groundwater bodies during operation.</p> <p>In-combination <i>Construction</i></p>	✓	Y	X	Y
Article 4.2 overwintering bird species		✓	Y	X	Y
Article 4.2 An Internationally Important Assemblage of Birds		✓	Y	X	Y

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
	<p>Unplanned events (spills/ leaks, site run off, flooding of site), dewatering and wet commissioning.</p> <p><i>Operation</i> Changes to the fluvial and water chemistry regimes due to alterations in the volume of treated water entering the River Cam.</p>				

Table A1.10: Ouse Washes Ramsar site

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
Ramsar criterion 1: the site is one of the most extensive areas of seasonally-flooding washland of its type in Britain	Alone <i>Construction</i> Potential for the construction phase activities to cause changes to water quality in surface and groundwater bodies.	✓	Y	X	Y
Ramsar Criterion 2: the site supports several nationally scarce plants, Invertebrate records indicate that the site holds relict fenland fauna, including the British Red Data Book species	<i>Operation</i> Potential impacts from storm discharges to cause changes to water quality in surface and groundwater bodies during operation. In-combination <i>Construction</i>	✓	Y	X	Y

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
large darter dragonfly <i>Libellula fulva</i> and the rifle beetle <i>Oulimnius major</i> . The site also supports a diverse assemblage of nationally rare breeding waterfowl associated with seasonally-flooding wet grassland	<p>Unplanned events (spills/ leaks, site run off, flooding of site), dewatering and wet commissioning.</p> <p><i>Operation</i> Changes to the fluvial and water chemistry regimes due to alterations in the volume of treated water entering the River Cam.</p>				
Ramsar Criterion 5: a range of species with peak counts in winter		✓	Y	X	Y
Ramsar Criterion 6: species/ populations occurring at		✓	Y	X	Y

Feature	Potential impact	LSE?		AEoI?	
		Applicant's conclusion (alone or in-combination)	Agreement with NE?	Applicant's conclusion (alone or in-combination)	Agreement with NE?
levels of international importance. Including a range of species for possible future consideration, with peak counts in winter					