



**Mill Road Depot Site, Draft Planning and Development Brief
Supplementary Planning Document**

DRAFT HABITATS REGULATIONS ASSESSMENT SCREENING

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1. INTRODUCTION

- 1.1 Cambridge City Council as landowner appointed Allies and Morrison to lead on the Mill Road Depot site. The City Council as the Local Planning Authority has been working in partnership with Allies and Morrison to produce a Draft Planning and Development Brief for the Mill Road Depot site, which is intended to be adopted as a Supplementary Planning Document (SPD). The purpose of the SPD is to ensure that any future redevelopment of the site respects the surrounding area and takes full advantage of the opportunity for housing, public open space and new routes through the site. The draft SPD provides guidance in relation to Policy 23: Mill Road Opportunity Area and the following site allocation contained within the Cambridge Local Plan 2014: Proposed Submission¹ (hereafter referred to as the Draft Cambridge Local Plan 2014):
- Site Allocation R10, Appendix B: Proposals Schedule which allocates the site for residential development, with an approximate capacity of 167 homes, which equates to a density of 62 homes per hectare.
- 1.2 Habitats Regulations Assessment is an assessment of the potential effects of a proposed plan or project, both alone and in combination with other plans and projects, on one or more Natura 2000 or Ramsar sites. This report summarises stage 1 of this process providing a summary of the screening report carried out for the Draft Cambridge Local Plan 2014², for which the draft SPD for the Mill Road Depot site provides further guidance.
- 1.3 The conclusion drawn as a result of this screening assessment is that the draft SPD for the Mill Road Depot site is not likely to have any significant effects on the Natura 2000 or Ramsar sites identified. The City Council therefore considers that it is not necessary to proceed to further stages of appropriate assessment.

¹ Cambridge City Council. Cambridge Local Plan 2014: Proposed Submission. July 2013, submitted to the Secretary of State on the 28 March 2014.

² Cambridge City Council (June 2013). Habitats Regulations Assessment. Screening Report for the Draft Cambridge Local Plan 2014.

2. HABITATS REGULATIONS ASSESSMENT

The Habitats Directive

- 2.1 Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora (the 'Habitats Directive') provides the legal protection for habitats and species of European Importance. Article 6(3) establishes the requirement for Habitats Regulations Assessment and states:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”

Article 6(4) goes on to discuss alternative solutions, the test of ‘imperative reasons of overriding public interest’ (IROPI) and compensatory measures:

“If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.”

- 2.2 The sites covered by Habitats Regulations Assessment form what are known as Natura 2000 sites. These are a European network of special areas of conservation (SACs) and special protection areas (SPAs) under the old Wild Birds Directive (79/409/EEC) and the new Wild Birds Directive (2009/147/EC), provided for by Article 3(1) of the Habitats Directive. These sites of international importance for nature conservation were established under the Habitats Directive, which was transposed into UK law as the Conservation (Natural Habitats, &C) Regulations 1994³. On 1st April 2010 this was replaced by The Conservation of Habitats and Species Regulations 2010⁴, which was consequently amended by The Conservation

³ <http://www.legislation.gov.uk/ukSI/1994/2716/contents/made>

⁴ <http://www.legislation.gov.uk/ukSI/2010/490/contents/made>

of Habitats and Species (Amendment) Regulations 2012⁵, which came into force on 16th August 2012.

2.3 Also of relevance to Habitats Regulations Assessment is paragraph 118 of the National Planning Policy Framework (March 2012), which states that:

“the following wildlife sites should be given the same protection as European sites:

- *Potential Special Protection Areas and possible Special Areas of Conservation;*
- *Listed or proposed Ramsar⁶ sites; and*
- *Sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”*

Therefore, these sites have also been assessed as part of the Screening Report for the Draft Cambridge Local Plan 2014, which is summarised in this report.

What is Habitats Regulations Assessment?

2.4 Habitats Regulations Assessment is an assessment of the potential effects of a proposed plan in combination with other plans and projects on one or more European sites, Natura 2000 sites and Ramsar sites. The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. First, the plan should aim to **avoid** any negative impacts on European sites by identifying potential impacts early on in the plan-making process and writing these impacts out of the plan. Where adverse impacts remain, **mitigation measures** should be applied to the point that no adverse impacts remain. If the plan is still likely to result in adverse impacts that cannot be mitigated it should not be taken forward in its current form. In this situation, the plan may have to undergo an assessment of alternative solutions. Where adverse impacts remain, **compensatory measures** may be required, but these will only be permitted if (a) no alternative solutions exist and (b) the plan is required for imperative reasons of overriding public interest (the ‘IROPI’ test).

2.5 There are 4 stages to the Habitats Regulations Assessment process as outlined below:

- **Stage 1 (Screening)** – the process which identifies the likely impacts upon a Natura 2000 or Ramsar site(s), either alone or in combination with other projects or plans and considers whether these impacts are likely to be significant;
- **Stage 2 (Appropriate Assessment)** – the consideration of the impact on the integrity of the site(s), either alone or in combination with other projects or plans, with respect to the site’s structure and function and its conservation

⁵ <http://www.legislation.gov.uk/uksi/2012/1927/contents/made>

⁶ Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which the Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts should be provided.

- **Stage 3 (Assessment of alternative solutions)** – the process which examines alternative ways of achieving the objectives or the project or plan that avoid adverse impacts on the integrity of the Natura 2000 and Ramsar site(s); and
- **Stage 4 (Compensatory measures)** – an assessment of the compensatory measures where, in light of an assessment of imperative reasons of overriding public interest, it is deemed that the plan should proceed.

2.6 If the screening stage concludes that are likely to be no significant impacts on European sites, then there is no need to progress onto the stage of Appropriate Assessment.

2.7 Judgement of the significance of effects should be undertaken in relation to the designated interest features and conservation objectives of the site in question, using sound judgement and with a clear scientific basis where available. Where insufficient information is available to make a clear judgement, it should be assumed that a significant effect is possible in line with the precautionary principle:

The Precautionary Principle – Prudent action that avoids the possibility of irreversible environmental damage in situations where the scientific evidence is inconclusive but the potential damage could be significant.

Structure of this report

2.8 The structure of this report is as follows:

- Section 3 - Description of the Mill Road Depot Site, Draft Planning and Development Brief and relationship to the Draft Cambridge Local Plan 2014;
- Section 4 - Description of the Habitats Regulations Assessment Screening Report for the Draft Cambridge Local Plan 2014 and relevance to the draft Mill Road Depot Site, Draft Planning and Development Brief, including:
 - Description of the relevant plans and projects considered 'in combination';
 - Screening Methodology;
 - Natura 2000 and Ramsar Sites considered as part of the Screening Assessment;
 - Conclusions of the Screening Assessment and relevance to the Mill Road Depot Site, Draft Planning and Development Brief
- Section 5 - Consultations

3. MILL ROAD DEPOT SITE, MILL ROAD, DRAFT PLANNING AND DEVELOPMENT BRIEF AND RELATIONSHIP TO THE DRAFT CAMBRIDGE LOCAL PLAN 2014

3.1 The Mill Road Depot site fronts onto Mill Road, as shown in Figure 1 below, and is situated between the Cambridge to Ely railway line, Kingston Street and Hooper Street. The site is primarily in the ownership of Cambridge City Council and includes City Council office space, commercial lettings, two community facilities (which will be retained) and leased garages (which will be retained in the interim). The City Council has determined to relocate its functions to free up this site for redevelopment for new housing.

Figure 1: Location of the Mill Road Depot Site



3.2 The Mill Road Depot Site, draft Planning and Development Brief sets out the aspirations of Cambridge City Council as landowner and Local Planning Authority for the redevelopment of this site. The aspiration is to create a well designed housing

development, which incorporates market and affordable housing, public open space, pedestrian and cycle routes through the site and which responds to the character of the surrounding area.

3.3 The draft SPD is structured in four chapters:

- Chapter 1 provides the background to the draft SPD including the planning policy context, the process of preparing the draft SPD and the status of the document;
- Chapter 2 illustrates and provides an analysis of the Mill Road Depot site and its surrounding area giving consideration to the sites history, transport, open space, land uses, building and character, and summarises the key constraints opportunities for future redevelopment;
- Chapter 3 presents the vision statement and outlines the strategic design principles;
- Chapter 4 sets out the parameters for future development of the Mill Road Depot site, and gives guidance as to how these should be implemented.

3.4 The draft SPD provides guidance in relation to Policy 23: Mill Road Opportunity Area and the following site allocation contained within the Cambridge Local Plan 2014:

- Site allocation R10, Appendix B: Proposals Schedule, which allocates the site for residential development, with an approximate capacity of 167 homes, which equates to a density of 62 homes per hectare.

3.5 The Draft Cambridge Local Plan 2014 has been subject to a Habitats Regulations Assessment Screening Report, as follows:

- [Cambridge City Council Habitats Regulations Assessment Screening Report for the Draft Cambridge Local Plan 2014 \(June 2013\)](#)

The allocation of land at the Mill Road Depot Site took place as part of the process of developing the Cambridge Local Plan 2014, and as such has been subject to assessment as part of the Screening of the Draft Local Plan. As the SPD does not make any changes to this allocation, this report provides a summary of the Screening Report of the Draft Cambridge Local Plan 2014.

4. DESCRIPTION OF THE HABITATS REGULATIONS ASSESSMENT SCREENING REPORT FOR THE DRAFT CAMBRIDGE LOCAL PLAN 2014 AND RELEVANCE TO THE MILL ROAD DEPOT SITE, DRAFT PLANNING AND DEVELOPMENT BRIEF

Description of relevant plans and strategies to be considered ‘in combination’

- 4.1 Section 3 and Appendix 1 of the Screening Report for the Draft Cambridge Local Plan 2014 provided a description of the relevant plans and strategies to be considered ‘in combination’ with the draft Cambridge Local Plan. This included plans and strategies of other nearby authorities and minerals and waste plans produced by County Councils. It should be noted that all relevant plans considered will be subject to the requirements of the Habitats Directive, which will be carried out by the relevant authority producing that plan or strategy. The identification of these other plans and strategies allowed for the consideration of in combination effects as part of the screening assessment of the draft Cambridge Local Plan.

Screening methodology

- 4.2 The Screening Assessment of the Draft Cambridge Local Plan 2014 was undertaken in accordance with the European Commission’s guidance on the ‘Assessment of Plans and Projects significantly affecting Natura 2000 sites’. The tasks undertaken as part of this process are outlined below.
- 4.3 **Task 1: Identification of Natura 2000 and Ramsar sites and the factors contributing to and defining the integrity of those sites** – There are no Natura 2000 or Ramsar sites within the area covered by Cambridge City Council, so initial investigations were undertaken to identify sites in surrounding districts. This work had already been undertaken by South Cambridgeshire District Council is carrying out Habitats Regulations Assessment of their plans. Given that South Cambridgeshire is the neighbouring authority for Cambridge City Council, it was considered appropriate to apply Habitats Regulations Assessment to the same sites. The precautionary principle was applied to site selection and as a result, sites beyond the administrative boundary of South Cambridgeshire have also been included. Full details of each site considered and the attributes that contribute to and define the integrity of these sites is included in Appendix 2 of the Screening Report for the Draft Cambridge Local Plan 2014. The main aim of the screening assessment process is to ensure that the plan in question, either alone or in combination with other plans will not have an impact on the conservation objectives of these sites.
- 4.4 **Task 2: Completion of the Habitats Regulations Assessment Screening Matrix for the Draft Cambridge Local Plan 2014, including an Assessment of Significance of Effects** – A screening matrix was used to assess the Draft Cambridge Local Plan 2014, a methodology that had been used to assess previous plans and supplementary planning documents produced by Cambridge City Council in consultation with Natural England. As part of this assessment, the precautionary principle was applied to the assessment of whether or not the potential effects of the document could be considered to be ‘significant’. A screening matrix was used to assess each of the

European sites identified and considered both the potential effects of the Draft Cambridge Local Plan 2014 both on its own and in combination with the other relevant plans and projects identified in Appendix 1 of the Screening Report for the Draft Cambridge Local Plan 2014. The impacts considered by the screening matrix included:

- Consideration of land take by development;
- Impact on protected species which travel outside the designated sites;
- Increased disturbance from recreational use;
- Impacts on water quantity and quality; and
- Changes in levels of pollution.

Natura 2000 and Ramsar Sites considered as part of the Screening Assessment

4.5 While there are no Natura 2000 or Ramsar sites within Cambridge, there are a number of sites outside the boundaries of the city that were considered as part of the Screening Assessment due to their proximity to the district and/or the nature of their conservation interest. These sites are:

- Eversden and Wimpole Woods SAC;
- Ouse Washes SAC, SPA and Ramsar site;
- Fenland SAC and Ramsar site;
- Portholme SAC;
- Devil's Dyke SAC; and
- Breckland SAC and SPA.

There are no candidate Special Conservation Areas (SACs) or Special Protection Areas (SPAs) in the area.

4.6 Further detail of each of these sites along with their relevant conservation objectives is contained within Appendix 2 of the Habitats Regulations Assessment Screening Report for the Draft Cambridge Local Plan 2014 (June 2013), while maps of the sites are included within Appendix 3.

Conclusions of the screening assessment and relevance to the Mill Road Depot Site, Draft Planning and Development Brief

4.7 Appendix 4 of the Screening Report for the Draft Cambridge Local Plan 2014 contains the full assessment of the potential impacts of the plan both alone, and in combination with other relevant plans. The overall conclusions of this screening assessment were that that the Draft Cambridge Local Plan 2014 was unlikely to have any significant impacts on the conservation objectives of the Natura 2000 and Ramsar sites identified. As such it was considered that it was not necessary to proceed to Stage 2 of the Habitats Regulations Assessment process, i.e. the requirement for an Appropriate Assessment.

4.8 The allocation of land at the Mill Road Depot Site took place as part of the process of developing the Cambridge Local Plan 2014, and as such has been subject to Habitats Regulations Assessment screening as part of this process. As the draft SPD for the Mill Road Depot site does not make any changes to this allocation, it is unlikely that it will have any significant impacts on the conservation objectives of the Natura 2000 and Ramsar sites identified. The reasons for this conclusion, set against the impacts considered by the screening matrix are as follows:

- **Land take by development** – the SPD for the Mill Road Depot site does not propose any development that would take land from any of the Natura 2000 and Ramsar sites identified.
- **Impact on protected species outside the protected sites** – while some of the sites identified do contain species that forage beyond site boundaries, e.g. Barbastelle bats at Eversden and Wimpole Woods SAC, for other sites, the conservation objectives for those sites relate to species of flora and fauna located within the sites themselves. The Mill Road Depot Site is located outside the main area of importance for the bats at Eversden and Wimpole Woods, and being located within the built environment of Cambridge is unlikely to have significant impacts on the species listed as being important to the other Natura 2000 and Ramsar sites.
- **Recreational pressure and disturbance** – the redevelopment of the Mill Road Depot Site envisaged by the draft SPD will include open space to meet the needs of new residents, as well as being located in close proximity to existing open spaces that new residents can use for recreation, e.g. Parker’s Piece, Romsey Recreation Ground and Coleridge Recreation Ground, which includes provision for both formal and informal recreation. As such it is unlikely that the SPD will have significant impacts on recreational pressure and disturbance of the sites identified beyond that identified in the Screening Report for the Draft Cambridge Local Plan 2014.
- **Water quantity and quality** – the issue of water quality and quantity is of importance to a number of the sites identified, notably Wicken Fen, Chippenham Fen, Woodwalton Fen, the Ouse Washes and Portholme. While the Mill Road Depot Site is some distance away from the majority of these sites, the Ouse Washes are of relevance, given that all of the Cambridge city area drains into the Ouse Washes via the River Cam. While new housing will increase potable water demand, the Council is looking to introduce water efficiency standards for all new residential development in the city, including for the Mill Road Depot site. In terms of water quality, sustainable drainage systems will be required as part of the redevelopment of the site, which could include measures such as green and brown roofs, which may help to improve the quality of surface water runoff leaving the site. As such, it is unlikely that the draft SPD will have significant impacts on water quantity and quality of the Natura 2000 and Ramsar sites.
- **Changes in pollution levels** – The Mill Road Depot site is located some distance away from the Natura 2000 and Ramsar sites and as such, proposals contained within the draft SPD are unlikely to have an impact on the sites in terms of changes in pollution levels. As with policies in the draft Cambridge Local Plan 2014, and indeed other relevant plans and programmes, the redevelopment of

the Mill Road Depot site includes provision for improved facilities for cyclists and pedestrians (including the Chisholm Trail), which should help reduce air pollution associated with car use.

- 4.9 There are considered to be no changes to the in combination effects identified within the Screening Assessment of the Draft Cambridge Local Plan 2014.
- 4.10 The overall conclusions of this screening assessment is that the draft SPD for the Mill Road Depot site is unlikely to have any significant impacts on the conservation objectives of Natura 2000 and Ramsar sites identified. As such, it is considered that it is not necessary to proceed to the next stage of the Habitats Regulations Assessment process, i.e. Stage 2 and the requirement for an Appropriate Assessment.

5. CONSULTATIONS

- 5.1 Natural England is the statutory nature conservation body for Appropriate Assessment. As such, they will be consulted and any amendments deemed necessary will be made and agreed prior to the adoption of the Mill Road Depot Site, Draft Planning and Development Brief.