



**Draft Mitcham's Corner Development Framework
Supplementary Planning Document**

DRAFT HABITATS REGULATIONS ASSESSMENT SCREENING

JULY 2016

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1. INTRODUCTION

- 1.1 The City Council as the Local Planning Authority has been working in partnership with local stakeholders to prepare a framework for change in the Mitcham's Corner area. This culminated in the development of the draft Mitcham's Corner Development Framework Supplementary Planning Document which was approved at Development Plan Scrutiny Sub Committee on 21 July 2016.
- 1.2 The SPD provides a framework to help guide the preparation and assessment of future planning applications and re-development within the Opportunity Area. The draft SPD has been prepared to support Policy 21: Mitcham's Corner Opportunity Area as set out in the Cambridge Local Plan 2014: Proposed Submission¹ (hereafter referred to as the Draft Cambridge Local Plan 2014) and the Schedule of Proposed Changes following Proposed Submission consultation. The Opportunity Area includes the Draft Local Plan 2014 housing allocation of Henry Giles House (Site R4²).
- 1.3 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 2014³, for which the draft Mitcham's Corner Development Framework SPD provides further guidance.
- 1.4 The conclusion drawn as a result of this screening assessment is that the draft Mitcham's Corner Development Framework SPD 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 Found in Appendix B: Proposals Schedule of the Cambridge Local Plan 2014: Proposed Submission.

³ 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 1994⁴. On 1st April 2010 this was replaced by The Conservation of Habitats and

⁴ <http://www.legislation.gov.uk/ukxi/1994/2716/contents/made>

Species Regulations 2010⁵, which was consequently amended by The Conservation of Habitats and Species (Amendment) Regulations 2011 and 2012⁶.

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 Ramsar⁷ 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/2010/490/contents/made>

⁶ <http://www.legislation.gov.uk/uksi/2012/1927/contents/made>, which came into force on 16th August 2012.

⁷ 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 draft Mitcham's Corner Development Framework SPD 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 Mitcham's Corner Development Framework SPD, 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 draft Mitcham's Corner Development Framework SPD.
- Section 5 - Consultations

3. DRAFT MITCHAM'S CORNER DEVELOPMENT FRAMEWORK SPD AND RELATIONSHIP TO THE DRAFT CAMBRIDGE LOCAL PLAN 2014

- 3.1. The intention to establish strategic planning and development guidelines for Mitcham's Corner has been an ambition of the Council since the initial development of the Mitcham's Corner Area Strategic Planning and Development Brief in 2003⁸. In 2012, during the Council's Issues and Options Report Consultation, a number of representations were submitted suggesting the need for Mitcham's Corner to be designated an Opportunity Area. This intention was subsequently carried forward into the Draft Cambridge Local Plan 2014⁹ and established through Policy 21: Mitcham's Corner Opportunity Area. The Opportunity Area includes the Local Plan 2014 housing allocation of Henry Giles House (Site R4¹⁰).
- 3.2. The Mitcham's Corner Opportunity Area (Figure 1) lies within the northern edge of the extended Central Conservation Area and is approximately 10 minutes' walk from the city centre. The area owes its name to Charles Mitcham, who owned a draper's shop on the corner of Chesterton Road and Victoria Avenue from the early-to mid-20th century. Today, the name is associated with the gyratory system that radically changed the area in the 1970s. The one-way system has left the backs of terraces exposed, created an unpleasant and difficult environment for pedestrians and cyclists, and has come to dominate and erode the character of the area. Despite the challenges, a diverse mix of services and small independent shops exist within the area, surrounded by a vibrant community.
- 3.3. The key issues and opportunities for the site have been identified as follows:
- Create a low-speed environment to help restore the balance between people and vehicles;
 - Emphasise 'place making' over vehicle movement, in particular at junctions, through the use of tighter geometry – by removing or revising the existing gyratory system;
 - Reinforce or re-establish historic routes and create opportunities for new public spaces;
 - Create a more comfortable and simplified pedestrian environment by providing wider pavements and more street trees, removing pedestrian guardrails and unnecessary signage.
- 3.4. Policy 21: Mitcham's Corner Opportunity Area states the intention of the Council to create a Development Framework Supplementary Planning Document¹¹ for the area, which must be approved before any major planning application is submitted.

⁸ <https://www.cambridge.gov.uk/sites/default/files/docs/Mitchams%20Corner%20area%20strategic%20planning%20and%20development%20brief.pdf>

⁹ As amended by the Addendum to the Cambridge Local Plan 2014: Proposed Submission document (July 2013). Schedule of Proposed Changes following Proposed Submission Consultation March 2014

¹⁰ Found in Appendix B: Proposals Schedule of the Cambridge Local Plan 2014: Proposed Submission.

¹¹ As illustrated through proposed modifications in the Council's CC2 Matter Statement to support the Local Plan Examination hearing sessions in June 2016 (https://www.cambridge.gov.uk/sites/default/files/cc2-ccc_statement_and_appendices.pdf).

3.5. The draft Mitcham's Corner Development Framework SPD has now been developed in partnership with local stakeholders. The SPD provides a framework to help guide the preparation and assessment of future planning applications and redevelopment within the Opportunity Area. Public consultation on the draft SPD will run from 9am on 5 September 2016 to 5pm on 17 October 2016.

3.6. The Draft Cambridge Local Plan 2014 (which states the requirement for a Mitcham's Corner Development Framework SPD) was subject to a Habitats Regulations Assessment Screening Report in June 2013 and can be accessed from the following links:

- [Cambridge City Council Habitats Regulations Assessment Screening Report Part 1](#)¹²; and
- [Cambridge City Council Habitats Regulations Assessment Screening Report Part 2](#)¹³.















The designation of Mitcham's Corner as an opportunity area 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 significant changes to the site area, this report provides a summary of the Screening Report of the Draft Cambridge Local Plan 2014.

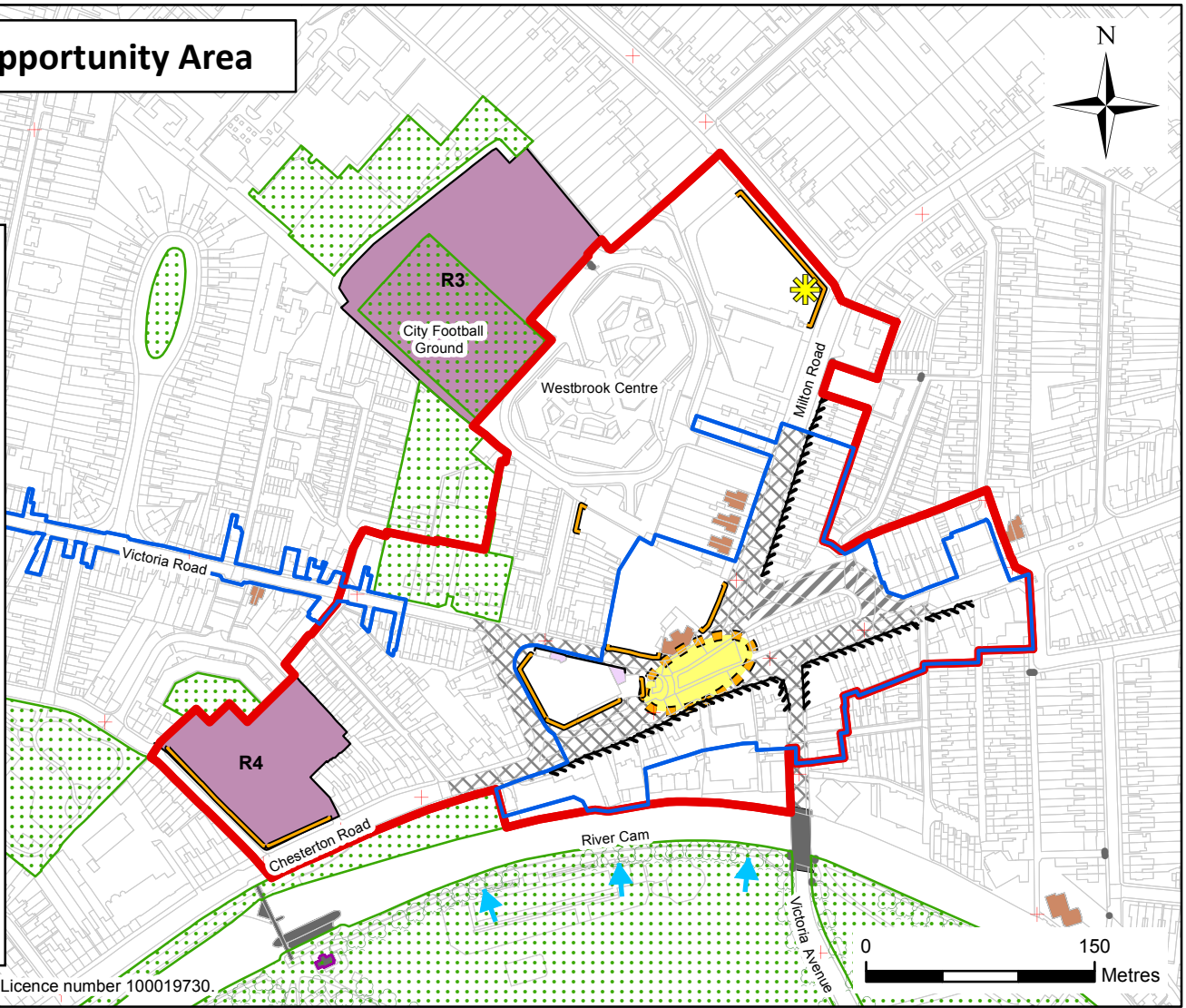
¹²https://www.cambridge.gov.uk/sites/default/files/documents/Appropriate%20Assessment%20Part%201%20-%20FINAL_0.pdf

¹³<https://www.cambridge.gov.uk/sites/default/files/documents/Appropriate%20Assessment%20Part%202%20-%20FINAL.pdf>

Figure 1: Mitcham's Corner Opportunity Area



-  Proposal Site
-  District, Local or Neighbourhood Centre
-  Designated Heritage Asset
-  Local Heritage Asset
-  Remnants of Historic High Street
-  Primary Frontage
-  Building Frontage
-  Protected Open Space
-  Opportunity to Repair Damaged Frontage
-  Highway Network Improvement
-  Opportunity for New Urban Space
-  Important View
-  Potential for Focal Building
-  Opportunity Area



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4. DESCRIPTION OF THE HABITATS REGULATIONS ASSESSMENT SCREENING REPORT FOR THE DRAFT CAMBRIDGE LOCAL PLAN 2014 AND RELEVANCE TO THE DRAFT MITCHAM'S CORNER DEVELOPMENT FRAMEWORK SITE SPD

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 SACs or 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 Screening Report for the Draft Cambridge Local Plan 2014, while maps of the sites are included within Appendix 3.

Conclusions of the Screening Assessment and relevance to the draft Mitcham's Corner Development Framework SPD

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 designation of Mitcham's Corner as an opportunity area 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

Mitcham's Corner Development Framework SPD does not make any significant changes to the site area, or the policy guidance contained within Policy 21 of the Draft Cambridge Local Plan, 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 draft Mitcham's Corner SPD 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 Mitcham's Corner Opportunity Area 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 Mitcham's Corner Opportunity Area envisaged by the draft SPD includes residential site allocation R4: Henry Giles House. The Council's Habitats Regulations Assessment¹⁴ assessed the impact of sites allocated for residential development in the Draft Cambridge Local Plan 2014 and concluded that there would be no significant impact from increased recreational pressure and disturbance (alone or in combination with other plans) on Natura 2000 and Ramsar sites in the surrounding area.

The Mitcham's Corner Development Framework SPD also includes guidance to promote and shape overall change in within the Opportunity Area during the life of the Plan including the District Centre and the site known as Staples. If a planning application were submitted this would be assessed against criteria within Policy 21: Mitcham's Corner Opportunity Area and the SPD. Theme 3 of the Mitcham's Corner Vision¹⁵ aims to promote the creation of new and exciting public spaces for people to relax and enjoy and to promote measures to physically 'green' the area; this will provide additional recreational and leisure facilities within the area.

¹⁴ Habitats Regulations Assessment – Screening Report for the Draft Cambridge Local Plan 2014 (June 2013).

¹⁵ Mitcham's Corner Development Framework SPD (2016), page 11.

In addition to this, Mitcham's Corner is in close proximity to two large public open spaces: Jesus Green and Midsummer Common; any potential new residents generated as part of any redevelopment would therefore also be within easy access of substantial recreational facilities. As such, it is unlikely that the SPD will have significant impacts on recreational pressure and disturbance of the Natura 2000 and Ramsar 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 Natura 200 and Ramsar sites identified in the Habitats Regulations Assessment, notably Wicken Fen, Chippenham Fen, Woodwalton Fen, the Ouse Washes and Portholme. While the Mitcham's Corner Opportunity Area 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.

Whilst new housing and potential redevelopment within the Opportunity Area will increase potable water demand, the Council is looking to introduce water efficiency standards for all new residential development in the city. All new development will be required to mitigate the impact of water runoff and drainage through the use of Sustainable Drainage Systems through Policy 31: Integrated Water Management and Water Cycle Policy and Policy 32: Flood Risk. As the Opportunity Area is some distance away from the identified Natura 2000 and Ramsar sites, it is considered that the Draft Cambridge Local Plan 2014 (in combination with other Plans) will have no likely significant impact on water quantity and quality.

The Draft Mitcham's Corner Development Framework SPD also requires new design within the area to be sustainable in terms of water usage and flood mitigation. Any development would also have to comply with adopted policy related to sustainable design and construction, with reference to the most up to date guidance on sustainable design and construction¹⁶. Developers must also pay close attention to drainage and surface water flood risk issues. Architects will be encouraged to employ water sensitive urban design to the process of integrating water cycle management within their schemes¹⁷. Integrated water management is also covered in more detail in the draft SPD in relation to key sites: Henry Giles House (housing allocation R4) and Staples. 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.

¹⁶ Mitcham's Corner Development Framework SPD, page 44.

¹⁷ Mitcham's Corner Development Framework SPD, page 46.

- **Changes in pollution levels** – The Mitcham’s Corner Opportunity Area 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. The revision or removal of the Mitcham’s Corner Gyratory, improvement of pedestrian and cycle movement in the area and the introduction of a low speed environment within the Opportunity Area are key objectives of both the Draft Mitcham’s Corner Development Framework SPD and Policy 21: Mitcham’s Corner Opportunity Area. These objectives are likely to reduce air pollution associated with vehicle use around the site.

As with policies in the draft Cambridge Local Plan 2014¹⁸, and indeed other relevant plans and programmes, the Draft Mitcham’s Corner Development Framework SPD includes provision for reduced car parking. The proximity of the area to the City Centre provides the opportunity for developers to implement low car ownership or car free development supplemented by car clubs. These measures should help reduce air pollution associated with car use around the site.

- 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 Mitcham’s Corner Development Framework SPD 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.

¹⁸ Policy 80: Supporting sustainable access to development; Policy 81: Mitigating the transport impact of development and; Policy 82: Parking management.

5. CONSULTATIONS

- 5.1 Natural England is the statutory nature conservation body for Appropriate Assessment. As such, they will be consulted on this report, and any amendments deemed necessary will be made and agreed prior to the adoption of the Mitcham's Corner Development Framework SPD.