



**Draft Grafton Area of Major Change - Masterplan and Guidance  
Supplementary Planning Document**

**DRAFT HABITATS REGULATIONS ASSESSMENT SCREENING**

**August 2017**

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## **1. INTRODUCTION**

- 1.1 Cambridge City Council as the Local Planning Authority has been working in partnership with local stakeholders to prepare a framework for change for the Fitzroy/Burleigh Street/Grafton Area of Major Change. This culminated in the development of the draft Grafton Area of Major Change – Masterplan and Framework Supplementary Planning Document (SPD) which is to be put before Councillor prior to consultation at Cambridge’s Development Plan Scrutiny Sub Committee on 12 September 2017.
- 1.2 The SPD provides a framework to help guide the preparation and assessment of future planning applications and development within the Grafton Area of Major Change (AoMC). The draft SPD has been prepared to support Policy 11: Fitzroy/Burleigh Street/Grafton Area of Major Change as set out in the Cambridge Local Plan 2014: Proposed Submission<sup>1</sup> (hereafter referred to as the Draft Cambridge Local Plan 2014) and the Schedules of Proposed Changes following Proposed Submission consultation.
- 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 reports carried out for the Draft Cambridge Local Plan 2014<sup>2</sup>, for which the draft Grafton Area of Major Change – Masterplan and Framework SPD provides further guidance.
- 1.4 The conclusion drawn as a result of this screening assessment is that the draft Grafton Area of Major Change – Masterplan and Framework SPD is not likely to have any significant effects on the Natura 2000 or Ramsar sites identified. The Council therefore considers that it is not necessary to proceed to further stages of appropriate assessment.

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

<sup>2</sup> 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 1994<sup>3</sup>. On 1<sup>st</sup> April 2010 this was replaced by The Conservation of Habitats and

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

Species Regulations 2010<sup>4</sup>, which was consequently amended by The Conservation of Habitats and Species (Amendment) Regulations 2011 and 2012<sup>5</sup>.

- 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 Ramsar<sup>6</sup> 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 Reports for the Draft Cambridge Local Plan 2014 and the Draft South Cambridgeshire Local Plan, which are 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 plans 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 plans 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

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

<sup>5</sup> <http://www.legislation.gov.uk/uksi/2012/1927/contents/made>, which came into force on 16th August 2012.

<sup>6</sup> 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.

plans, with respect to the site's structure and function and its conservation 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 Grafton Area of Major Change – Masterplan and Framework SPD and relationship to the Draft Cambridge Local Plan 2014 and the Draft South Cambridgeshire Local Plan;
  - Section 4 - Description of the Habitats Regulations Assessment Screening Report for the Draft Cambridge Local Plan 2014 and relevance to the draft Grafton Area of Major Change – Masterplan and 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 GRAFTON AREA OF MAJOR CHANGE – MASTERPLAN AND FRAMEWORK SPD AND RELATIONSHIP TO THE DRAFT CAMBRIDGE LOCAL PLAN 2014**

- 3.1. The Grafton Area of Major Change (AoMC) is the proposed area referred to Policy 11: Fitzroy/Burleigh Street/Grafton Area of Major Change (as amended) in the Draft Cambridge Local Plan 2014. It is the primary focus for providing additional comparison retail in the City Centre, along with other mixed uses.
- 3.2. This area is supported as a location for expansion and/or redevelopment for retail and leisure use (A1, A2, A3, A4 and D2), with residential and student accommodation on upper floors. The evidence base suggests that up to 12,000 sq m of new comparison retail floorspace could be provided in the area although the precise quantum of net new retail floorspace and residential/student units will be subject to testing and demonstration through the development of a masterplan for the area.
- 3.3. The development brief being developed will guide the development of the site. The document includes the following key sections:
  - Introduction
  - Site and Context
  - Vision and Key Principles
  - Strategies for Change
- 3.4. The draft Grafton AoMC - Masterplan and Guidance SPD identifies three key objectives of the vision to achieve on the site:
  - Integration and permeability through better streets and spaces; proposals for the site will re-integrate with adjacent streets and establish a more sensitive response to the townscape beyond the SPD boundary.
  - A balanced and successful destination; proposals for the site will seek to create a positive and attractive environment to support the vitality and viability of the centre for retail and associated activity.
  - Flexibility and phasing; the need for a flexible approach to uses which will enable a positive response to the shifting dynamics of the retail economy across short, medium and long- term cycles as set out above.
- 3.5. Policy 11: Fitzroy/Burleigh Street/Grafton Area of Major Change sets out the requirement of the Councils for a masterplan to ensure a comprehensive and coordinated approach, this masterplan will take the form of an SPD for the area.
- 3.6. The draft Grafton AoMC - Masterplan and Guidance 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 development within the AoMC. Public consultation on the draft SPD will run from 9am on 25 September 2017 to 5pm on 6 November 2017.

3.7. The draft Cambridge Local Plan 2014 (which states the requirement for a masterplan) 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 – Update February 2016](#)<sup>7</sup>;
- [Cambridge City Council Habitats Regulations Assessment Screening Report Part 2 – Update February 2016](#)<sup>8</sup>;

The designation of Fitzroy/Burleigh Street/Grafton Area of Major Change identified the site area as a primary focus for providing additional comparison retail in the City Centre, along with other mixed uses. The policy allows for the expansion / redevelopment of retail and leisure use with potential residential and student accommodation on the upper floors.

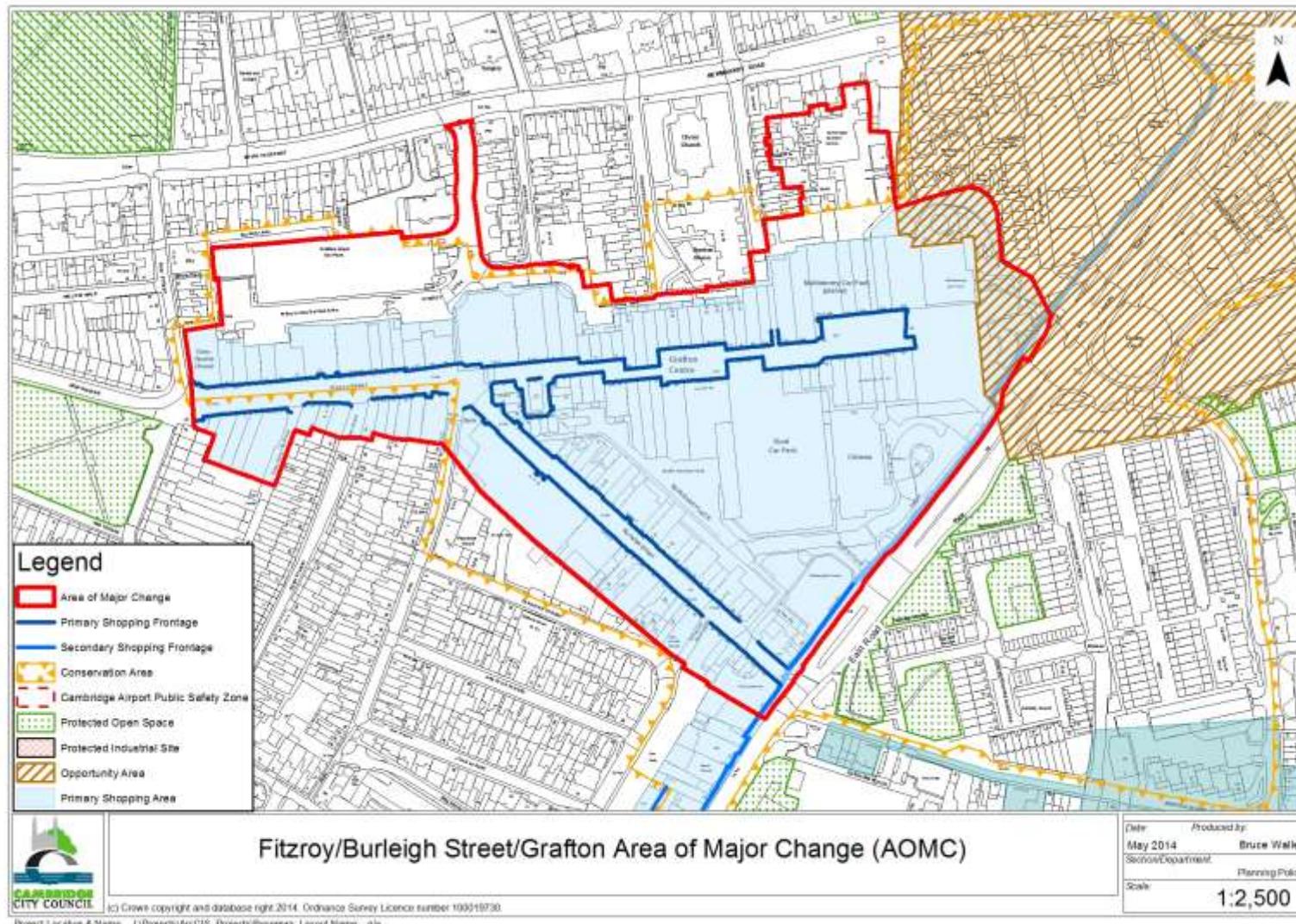
The designation took place as part of the process of developing the draft Cambridge Local Plan 2014, and as such has been subject to assessment as part of the Screening of the Draft Local Plan. As the Grafton AoMC - Masterplan and Guidance SPD does not make any changes to the site area, this report provides a summary of the Screening Report of the draft Cambridge Local Plan 2014.

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<sup>7</sup> <https://www.cambridge.gov.uk/public/ldf/coredocs/RD-SUB/RD-SUB-C-121/1-FINAL%20%20Appropriate%20Assessment%20Part%201-%20update.pdf>

<sup>8</sup> <https://www.cambridge.gov.uk/public/ldf/coredocs/RD-SUB/RD-SUB-C-121/2-FINAL%20Appropriate%20Assessment%20Part%202-%20update.pdf>

**Figure 1:** Illustration of Fitzroy/Burleigh Street/Grafton Area of Major Change



**4. DESCRIPTION OF THE HABITATS REGULATIONS ASSESSMENT SCREENING REPORT FOR THE DRAFT CAMBRIDGE LOCAL PLAN 2014 AND RELEVANCE TO THE DRAFT GRAFTON AREA OF MAJOR CHANGE – MASTERPLAN AND FRAMEWORK 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** –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**

- 4.6 An initial investigation was undertaken to identify Natura 2000 and Ramsar sites within and outside the plans' area with potential to be affected by the Cambridge Local Plan. This involved the use of GIS data as well as consultation with the Natural England Four Counties team. In line with the precautionary approach, some sites at relatively significant distances from the district boundary were included in the study.
- 4.7 There is one Natura 2000 site within South Cambridgeshire District, which has been considered as part of this assessment:
- Eversden and Wimpole Woods SAC.
- 4.8 There are a number of other sites within the surrounding districts, which have also been considered as part of this Assessment, because of their proximity to South Cambridgeshire and / or the nature of their conservation interest:
- Ouse Washes SAC and SPA
  - Fenland SAC
  - Portholme SAC
  - Devil's Dyke SAC
  - Breckland SAC and SPA
- 4.9 Two Ramsar sites are to be considered:
- Ouse Washes
  - Fenland (Woodwalton Fen, Chippenham Fen, Wicken Fen)
- 4.10 Natural England confirmed that this list was comprehensive for the purposes of Habitats Regulations Assessment (by letter 9.11.06). Breckland SAC has been now added to this list in order to ensure that a thorough assessment can be made of all the designated sites that may be impacted by proposals in the future. Other local planning authorities within Cambridgeshire have included the Breckland area into their HRA work and it was therefore considered as a precautionary principle to do likewise.
- 4.11 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 Grafton AoMC - Masterplan and Guidance SPD**

- 4.12 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 Fitzroy/Burleigh Street/Grafton Area of Major Change identified the site area as a primary focus for providing additional comparison retail in the City Centre, along with other mixed uses took place as part of the process of developing the draft Cambridge Local Plan 2014, and as such has been subject to Habitats Regulations Assessment screening as part this process. As the draft Grafton AoMC - Masterplan and Guidance SPD does not make any significant changes to the site area, or the policy guidance contained within Policy 11 of the Draft Cambridge Local Plan 2014, 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 Grafton AoMC - Masterplan and Guidance 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 designation of Fitzroy/Burleigh Street/Grafton Area of Major Change is located outside the main area of importance for the bats at Eversden and Wimpole Woods, and being located in the City Centre 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 Fitzroy/Burleigh Street/Grafton Area of Major Change designation envisaged by the draft SPD includes additional comparison retail in the City Centre, along with

other mixed uses. Cambridge City Council's Habitats Regulations Assessment<sup>9</sup> assessed the impact of sites designated for 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. South Cambridgeshire's Habitats Regulations Assessment<sup>10</sup> performed a similar task and came to the same conclusion.

The draft Grafton AoMC - Masterplan and Guidance SPD identifies three key objectives of the vision to achieve on the site:

- Integration and permeability through better streets and spaces; proposals for the site will re-integrate with adjacent streets and establish a more sensitive response to the townscape beyond the SPD boundary.
- A balanced and successful destination; proposals for the site will seek to create a positive and attractive environment to support the vitality and viability of the centre for retail and associated activity.
- Flexibility and phasing; the need for a flexible approach to uses which will enable a positive response to the shifting dynamics of the retail economy across short, medium and long- term cycles as set out above.

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 2000 and Ramsar sites identified in the Habitats Regulations Assessment, notably Wicken Fen, Chippenham Fen, Woodwalton Fen, the Ouse Washes and Portholme. While the Grafton Area of Major Change is some distance away from the majority of these sites, the Ouse Washes are of relevance, given that all of the area close to Cambridge drains into the Ouse Washes via the River Cam.

Whilst new retail and other mixed use redevelopment within the designation will increase potable water demand, Cambridge City Councils is looking to introduce water efficiency standards for all new 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.

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<sup>9</sup> Habitats Regulations Assessment – Screening Report for the Draft Cambridge Local Plan 2014 (June 2013).

<sup>10</sup> South Cambridgeshire Local Plan Submission Habitats Regulations Assessment – Screening Report

The draft Grafton AoMC - Masterplan and Guidance 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 construction. 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 schemes. 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 Fitzroy/Burleigh Street/Grafton Area of Major Change designation 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 site in terms of changes in pollution levels.

As with policies in the draft Cambridge Local Plan 2014<sup>11</sup>, and indeed other relevant plans and programmes, the draft Grafton AoMC - Masterplan and Guidance SPD includes provision for improved sustainable transportation links. 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 Grafton Area of Major Change – Masterplan and 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.

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<sup>11</sup> 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. Cambridge City Council will consult Natural England on this Screening Assessment at the same time as the consultation on the draft SPD.