

[REDACTED]

From: Bush, Anna <[REDACTED]>
Sent: 11 June 2019 16:21
To: Planning Policy
Subject: RE: 281116 Northampton Local Plan Part 2, Sustainability Appraisal and HRA
Attachments: 281116 - NE Response.pdf

Dear Paul Everard,

Thank you for consulting Natural England on the above Local Plan. Please find our comments in the letter attached.

Kind regards,

Anna

Anna Bush
Lead Planning Adviser
Natural England

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www.gov.uk/natural-england

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From: Planning Policy [REDACTED]
Sent: 29 April 2019 17:13
To: SM-NE-Consultations (NE) [REDACTED]>
Subject: NORTHAMPTON LOCAL PLAN PART 2 PROPOSED SUBMISSION CONSULTATION

Dear Sir/Madam

In accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Council is consulting on the Proposed Submission of the Northampton Local Plan Part 2, Sustainability Appraisal and Habitats Regulations Assessment.

The Draft Plan was approved for consultation by the Council's Cabinet on 3 April 2019. A Statement of Fact and a Statement of Representation Procedure can be downloaded through the following links:

<https://www.northampton.gov.uk/downloads/file/10945/05-statement-of-fact-nbc-2019>
<https://www.northampton.gov.uk/downloads/file/10947/06-statement-of-representations-procedure-notice-nbc-2019>

If you have any representations to make, please do so, preferably using the online survey, by 5pm on 14 June 2019. Consultation begins on the 1 May 2019, and further information can be found by accessing the following link: www.northampton.gov.uk/lp2proposedsubmission.

The online representation form and evidence base documents will be available from 1 May.

Yours faithfully

Paul Everard
Planning Policy and Heritage Manager

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Date: 11 June 2019
Our ref: 281116
Your ref: N/A



FAO Northampton Borough Council

BY EMAIL ONLY

Customer Services
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Crewe Business Park
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CW1 6GJ

T [REDACTED]

Dear Paul Everard

RE: Regulation 19 Consultation on the Proposed Submission of the Northampton Local Plan Part 2, Sustainability Appraisal and Habitats Regulations Assessment.

Thank you for your consultation on the above dated 29 April 2019 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

Natural England's headline points are:

1. The need to protect Unit 1 of the Upper Nene Valley Gravel Pits Special Protection Area, RAMSAR and SSSI from recreational pressure is Natural England's main representation.
2. Natural England will work with your Council to produce a Mitigation Strategy that will protect Unit 1 from recreational pressures resulting from new development. This will need to be in place by the time the local plan is adopted.
3. In line with work on the new Mitigation Strategy, and information within the body of this letter, there is a need to strengthen Policy 26 to ensure the plan is in compliance with the NPPF and meets the requirements of the Habitats Regulations.
4. The conclusion of the Sustainability Appraisal in relation to Objective 9 is unclear and therefore impacts to biodiversity and geodiversity resulting from the Plan remain unclear.
5. Until suitable protection has been afforded to Unit 1, and a suitable mitigation strategy has been developed and agreed between Natural England and your Council to ensure Unit 1 is protected from further recreational pressure, we cannot support the HRA conclusions.

1. Draft Local Plan

POLICY 23 - Unsound: Natural England supports that *development of 15 dwellings or more will deliver and / or contribute to a net gain of green infrastructure in accordance with the Best Practice Principles, Aims and Objectives set out in the Northampton Green Infrastructure Plan (or subsequent updated documents).*

However, within our consultation response for Northampton's Green Infrastructure Plan (01 October 2015, Our Ref: 163864) we state that in relation to the SPA *the sensitivity ... is recognised in particular with regard to conflict between recreational use and ... importance for wildfowl and waders. We particularly welcome the inclusion of project plan F2 which is designed to reduce the*

impact of recreation on birds through community engagement. Implementation of this Green Infrastructure Strategy is important for the protection of Unit 1 SPA bird features, and we advise that due to its importance, the commitment to providing specific community engagement should be directly written into Policy 23. A strong GI Policy will satisfy paragraph 20 of the NPPF.

POLICY 25 - Unsound: Natural England supports that all proposals must secure a net gain in biodiversity.

Although, we note that Objective 10 of the Plan is *to conserve natural habitats and species, seek to provide net gains in biodiversity **where possible** and enhance the existing strategic green infrastructure network by incorporating and designing these into sustainable urban extensions.* We recommend this wording is strengthened by omitting the words “where possible” to avoid confusion. We note the new NPPF has had the wording “where possible” removed in relation to net gain. Paragraph 170 d). states that *Planning policies and decisions should contribute to and enhance the natural and local environment by “minimising impacts on and **providing net gains for biodiversity**”.*

We note within your draft Plan there is no mention of the Habitat Opportunity Mapping across Northamptonshire, which is an important tool that could significantly enhance the delivery of biodiversity net gain and successful Green Infrastructure across the Plan area.

In addition the concepts of natural capital approaches and ecosystem services are not mentioned within the draft Plan. It is essential the Plan defines, understands, and enforces these concepts in order to deliver effective green infrastructure, biodiversity net gain and therefore positive environmental outcomes.

POLICY 26 - Unsound: Natural England supports the inclusion of this policy.

“All new development proposals within 3km of the Special Protection Area, must demonstrate, where necessary through a series of mitigation measures, that their proposals will not contribute to the disturbance and subsequent decline of the bird species for which the site is designated.”

As detailed below, Natural England will work with your Council to develop a new Mitigation Strategy to help protect the Northampton Washlands from ongoing significant recreational pressures prior to the adoption of this Plan.

As a result, the wording of Policy 26 may be likely to change subject to the content of the agreed Mitigation Strategy. This will need to occur to ensure that Policy 26 is in line with paragraph 170 and 174 of the NPPF.

Please note that the Nene Valley is a Focus Area for our work at Natural England, an area that lies within the Northamptonshire Vales National Character Area (NCA). We note this NCA is not mentioned within your Plan.

For ease of reference, Clifford Hill Gravel Pits is also known as Northampton Washlands and forms Unit 1 of the Upper Nene valley Gravel Pits Special Protection Area (SPA), RAMSAR site and Site of Special Scientific Interest (SSSI).

A note on the Northampton to Market Harborough railway

We would like to reiterate our comments made in response to the West Northamptonshire Strategic Plan - duty to co-operate and holistic engagement consultation. They are as follows:

The Market Harborough to Northampton line is a key Green Infrastructure link highlighted within the current JCS. The route is well used for walking and cycling, and offers a long strip of important and diverse habitats and species enjoyed by the public. Although the line does not meet SSSI quality, its habitats, species (particularly bats), and its array of non-statutory designations need to be drawn

into consideration by the JPU. Natural England would consider the re-opening of this line as a significant loss of a major recreational route and strategic GI, connecting people with nature.

2. Sustainability Appraisal

Response to previous comments

Within our response at the Options stage NE commented that *where elements of uncertainty exist Natural England would expect to see evidence that negative effects on important environmental assets can be avoided before sites and policies are committed to, in Local Plan documents* (letter dated 01 November 2016, Our Ref 196646). We are pleased that this is acknowledged. Further, regarding the reasonable alternative sites North of Bedford Road LAA0593r and LAA0593c, Natural England agree with the SA conclusion, which states that the sites are *not considered suitable for development due to its allocation close to commercial areas and the SPA. Residential areas are considered to be more likely to cause disturbance to the bird colony.*

We also note the removal of LAA0593c will have allowed Policy 16: Supporting New Employment Developments and Schemes within and outside Safeguarded Sites to demonstrate no impact on biodiversity within the SA assessment.

In response to our comments at the Options stage, we are pleased that *the distance assessment criteria have been amended to reflect Natural England's comments* (letter dated 10 June 2016, Our Ref. 184406). We welcome the opportunity to develop a mitigation strategy with your Council to address recreational impacts within 3km of the Northampton Washlands.

SA Objective 9: Protect and enhance Northampton's biodiversity and geodiversity

With respect to the above SA objective, the SA concludes that *Overall, a mixed minor positive and minor negative cumulative effect on SA Objective 9 is likely. **This assessment is vague, uninformative, and does not provide confidence that no likely negative effects to biodiversity and geodiversity will result from the Plan.***

The SA states that the *HRA of the Local Plan concludes that the Local Plan Part 2 will not result in adverse effects on the integrity of any European site provided that recommended additional policy safeguards are included before the plan is adopted.* Please see Natural England's comments on Policy 26.

We note that proposed *monitoring Spatial extent and condition assessments of designated sites within the Borough* will occur as an action from the SA. We are pleased that condition assessments will be undertaken, however please note that the spatial extent of designated sites will not change unless boundaries are amended by NE.

Policy 36 The Green, Great Houghton (LAA1098) - Unsound

We note this proposed housing development is for up to 800 dwellings. The SA states that *approximately two thirds of the site (to the north and east) contains optimal supporting habitat for the Golden Plover population of Upper Nene Valley Gravel Pits... This issue was considered in more detail in the HRA which concluded that the Local Plan Part 2 would not result in adverse effects on integrity of the Upper Nene Valley Gravel Pits SPA and Ramsar Site, on condition that the recommendations in the HRA are taken into account in the Local Plan.* And further, that *significant amounts (more than 1ha) of ... Grade 2 (Very Good) agricultural land* is present.

Please see our comments on LAA1098 within the HRA section below. Natural England notes that paragraphs 170a, 170b and 171 of the NPPF protect Best and Most Versatile agricultural land. We note there is no mention of Agricultural Land Classification surveying to seek alternatives to grade 2 land allocated for development.

Policy 22: Sites for Burial Space - Unsound

We note that this proposal is within a Local Wildlife Site: 5.66 of the SA states that *proposed extension of Dallington Cemetery is within a Local Wildlife Site (Dallington Brook Field) and it is unclear from the policy requirement to give consideration to ecological values, whether this would preserve this asset. Additionally, the site is adjacent to Dallington Old Tennis Courts & Ponds Local Wildlife Site, with a potential for adverse effects on this.*

Natural England supports a net gain in biodiversity from all development. The destruction of a Local Wildlife Site, and the potential for adverse effects on an adjacent Local Wildlife Site would not demonstrate a net gain in biodiversity and would therefore not be supported by Natural England. Further, the proposals should first seek to avoid impacts on a local wildlife site to be consistent with the NPPF and the avoid-mitigate-compensate hierarchy.

This proposal goes against Policy 25 of the draft Plan which states that *the Council will seek the protection or enhancement of wildlife sites that are in areas which are... of local importance including the Borough's Local Nature Reserves and Local Wildlife Sites.* Therefore, we extend our comments to cover all potential impingements of local wildlife sites. Local Wildlife Sites are protected under paragraphs 170a and 174a of the NPPF.

Policy 23: Sustaining and Enhancing Existing and Supporting the Creation of Northampton's Green Infrastructure - Unsound

The SA states that *New development must ensure that existing green infrastructure assets will be protected, managed, maintained and connected to enhance their multi-functionality.* We advise that new development must also ensure a net gain; this wording would also support policy 25: Supporting and Enhancing Biodiversity.

3. Habitats Regulations Assessment

Natural England welcomes the submission of a HRA further to the draft Natural England reviewed on 18 August 2017 (Our Ref: 221246).

Overall, the Appropriate Assessment concludes that *the Northampton Local Plan Part 2 will not result in adverse effects on the integrity of Rutland Water SPA and Ramsar site or Upper Nene Valley Gravel Pits SPA and Ramsar site. However, in some cases, further mitigation or safeguards are required to enable this conclusion to be reached.* Natural England's principle concern is the potential for developments that could adversely affect the integrity of Unit 1 of the Nene Valley Gravel Pits SPA via impacts of recreational disturbance and loss of Functionally Linked Land. We note that the plan puts forward *up to 2,315 new homes on 24 sites within 3km of the SPA/Ramsar.* Therefore until suitable protection has been afforded to Unit 1, and a suitable mitigation strategy has been agreed between Natural England and your Council to help protect Unit 1 from recreational pressure, we cannot support the HRA conclusions.

Within our previous comments (Our Ref: 221246), we noted that the two proposed allocation sites at/near Great Houghton Independent School (LAA1024 and LAA1011) were of concern to Natural England. We are pleased to see that these sites do not appear to be included in Appendix A of the draft Plan *Trajectory for sites allocated in the Local Plan Part 2.*

Functionally Linked Land

We would like to provide clarification on the difference between Functionally Linked Land (FLL) and supporting habitat. FLL is habitat outside of the SPA boundary that supports its designated features; whereas supporting habitat by definition is situated within an SPA boundary, and the SPA designated features rely on its presence. FLL may be argued a type of supporting habitat.

We are pleased that 1.19 of the HRA states that *the potential for offsite impacts, such as through impacts to functionally linked land, ... has also been fully considered in this HRA.* From this point in the HRA we understand that FLL is described as supporting habitat.

We noted within our 18 August 2017 response that *if sites are located on optimal supporting habitat, then there should be a policy requirement for winter bird surveys to be undertaken before any allocation progresses If birds associated with the Upper Nene Valley SPA are found to be using these sites in significant numbers then the allocations should be located elsewhere, or appropriate mitigation will be required, and secured within the plan policy and Part 2 plan HRA.* We would like to reiterate this advice. Neither the HRA or the draft Plan offers requirements to safeguard wintering birds associated with the SPA and this is clearly acknowledged in the HRA within section 5.26: “None of the policies within the Local Plan provide specific mitigation for the loss of supporting habitat”. Consequently, we would like to reiterate our previous advice that specific policy safeguards for loss of FLL is required.

The Green, Great Houghton

- The HRA states that it is *unlikely that the site provides unique features that cannot be found at other areas of habitat nearby, and more suitable habitat (e.g. surrounded by other fields, or pasture) may be found elsewhere.* Although suitable FLL may be found elsewhere, we expect appropriate overwintering birds surveys to demonstrate its significance, and therefore uniqueness with respect to the HRA. We agree that the requirements for these surveys need to be written into Policy 36.
- It is also stated that *Appropriate mitigation would involve the enhancement of another area of habitat, a similar distance from the SPA/Ramsar and of the same area or greater, such that sub-optimal/unsuitable habitat becomes optimal for Golden Plover or Lapwing, to ensure that the overall quality and availability of feeding resources for these species is maintained.* The vast proportion of FLL suitable for Golden Plover or lapwing is situated within arable farmland, which is already *in situ*. For information, the golden plover foraging range is 15-20 km, but with a reduced sensitivity beyond 10km from the SPA. We agree that requirements for mitigation should be written into Policy 36.
- **The most important point, and one which is missed from the HRA entirely, is the impact from the proposed 800 dwellings on the Northampton Washlands through recreational pressure.** The outlines for The Green at Great Houghton shows an area of ecological enhancement; it is unclear whether this space would constitute biodiversity net gain, a SANG, or whether it is used by golden plover or lapwing. This distinction is important. At this stage it is clear that the impact of this site would need to be considered in combination with plans for the potential SUE adjacent and west of this development.

Fragmentation

Fragmentation is a separate but related issue to loss of functionally linked land (see the SPA SPD) and it requires its own policy protection.

Disturbance from noise, vibration and lighting

Although the disturbance from noise, vibration and lighting from allocation sites on the SPA seems to be scoped out, the impacts of unallocated development on the SPA have unknown impacts. To remove this uncertainty please refer to our comment from 18 August 2017, where we state that *for sites in close proximity to the SPA, such as LAA1107 Land off Rushmere Road, consideration should be given to phasing the construction period, whereby the most intensive/noisy part of development avoids the sensitive winter season (1st October- 31st March inclusive).* Natural England advise that the SPA is protected from such disturbances within the winter season through Plan policy.

Water Supply & Water Quality

Our previous advice on Water Supply & Water Quality stated that *We advise that policy wording is included in the part 2 plan, whereby if RAG assessments show an issue, a project level HRA of those allocations would be required.* This is not stated within the draft plan or HRA.

Sightlines

Within 5.160 of the HRA it is stated that *Policies within the Local Plan and Joint Core Strategy provide sufficient safeguards against this potential effect*. Natural England would like to advise amendments to Policy 26 of the draft plan, strengthening the protection for bird sightlines to act in addition to BN4 in the WNJCS.

Recreational Disturbance

Recreational disturbance is the key threat to Unit 1 of the UNVGP SPA. We note that the HRA outlines the need for a mitigation strategy, and in line with our Regulation 18 advice (10 June 2016, Our ref: 184406) we advise this is made prior to adoption of the plan.

The HRA states that the Plans policies *provide sufficient mitigation to prevent individual developments from having a significant effect on the SPA/Ramsar, but do not necessarily address the potential combined effects of the Local Plan's total housing provision (within 3km of the SPA/Ramsar) or the in-combination effects with other development plans*. Further, 5.85 goes on to say that *a more strategic approach – for example a mitigation strategy that can be applied to all residential developments within 3km of the SPA/Ramsar - would provide sufficient certainty that the effects of recreation disturbance can be mitigated, rather than placing the onus solely on individual developments to identify appropriate mitigation*. Natural England agree that adopting a more strategic approach to mitigation is essential to protecting the SPA from additional development that could come forward through the Plan, and will work with your authority to establish this prior to adoption of this Plan.

Specifically, a strategic approach is essential to mitigate for recreational pressure at Unit 1 of the SPA. Within our response dated 18th August 2017 we state that *the Local Plan and its HRA will need to set out the approach to mitigation and include a policy commitment to the prompt development of a full mitigation strategy. Natural England would welcome early discussions with your authority on the scope of the strategy, and would like to arrange a meeting with you in the near future*. Natural England again welcome a meeting to discuss the development of a new mitigation strategy for the Northampton Washlands, and agree that *the wording of similar text for Local Plan Policy 26 (or a separate policy) and a mitigation strategy will need to be agreed with Natural England*. As stated above, this should be done prior to adoption of the local plan.

Natural England are unsure how pet predation is prevented by the local plan policies. However we would like your Council to be aware that **dogs (on or off leads) or people, that stray off the embankment are the outstanding threat to SPA species at Unit 1, and any mechanism to enforce this would be the single most effective way of protecting this section of the SPA.**

If you have any queries relating to the advice in this letter please contact me on [REDACTED]

Yours sincerely

Anna Bush
Lead Planning Adviser, Northamptonshire and Bedfordshire