

Mike Burgess

From: Heather Webb [REDACTED]
Sent: 14 June 2019 15:38
To: Planning Policy
Subject: Submission Draft Consultation
Attachments: 190614 NBC draft LPP2 letter.pdf

Attached please find my response to your consultation on the Northampton Local Plan Part 2 Submission Draft. Please don't hesitate to get in touch with any questions.

Regards,
Heather Webb

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Planning Policy (Submission Draft Consultation)
Northampton Borough Council
Directorate of Regeneration Enterprise and
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Please ask for: Heather Webb
Tel: [REDACTED]
Our ref:
Your ref:
Date: 14 June 2019

Dear Sir or Madam:

Re: Local Plan Part 2 Submission Draft Consultation

I'm writing in response to your consultation on the Regulation 19 Submission Consultation Draft of the Local Plan Part 2. My interest in this consultation relates specifically to policies on green infrastructure and biodiversity.

I was disappointed to see the lack of clarity and detail in the sections on biodiversity and the Upper Nene Valley Gravel Pits Special Protection Area (SPA) and policies 25 and 26, respectively. Unlike many other sections of the draft Plan (e.g. Heritage and Historic Landscapes), these sections do not appear to have had any specialist input. My particular concerns are outlined below:

Policy 23 Sustaining and enhancing existing, and supporting the creation of, Northampton's green infrastructure

I was pleased to see this commitment to green infrastructure (GI) delivery. However I would question whether it is reasonable to expect all major applications to include a site-specific GI plan or strategy. Depending on their location, applications will of course vary in their capacity to deliver new and/or connect to existing GI resources so it may be that some smaller sites could contribute in this way. I would expect however that most developers of 10 or 20 dwellings would struggle to deliver the scale of GI expected by the policy wording.

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Biodiversity

This section is in my view too generic, and instead should focus on the habitats, species and hierarchy of sites characteristic of Northampton. The borough has significant biodiversity assets, for example the Duston wetlands, Brampton Arm of the Nene and the Dallington/Harlestone Heath areas, which could benefit from policy support to help preserve their ecological and amenity value. This section should also include discussion of the threats (e.g. climate change, visitor pressure, habitat loss) to local biodiversity, in particular within the context of the National Planning Policy Framework and West Northamptonshire Joint Core Strategy/Local Plan Part 1. It should propose how the Local Plan Part 2 will contribute to preserving and enhancing Northampton's biodiversity.

Policy 25 Supporting and enhancing biodiversity

In my view this policy has a number of serious issues:

- The policy contradicts itself. The first paragraph states that major development proposals will require to deliver a net gain in biodiversity; the last paragraph states that *all* proposals will be required to deliver net gain. The latter accords more closely with paragraph 170 of the NPPF, which relates to all planning policies and decisions.
- As written the policy essentially repeats content in Policy BN2 of the Joint Core Strategy. Part 2 Local Plans should instead add detail to policies in Part 1 Local Plans to provide policy support for locally important issues.
- Contrary to the last sentence, all applicants are not required to undertake an ecological survey. Applicants are expected to consult the Biodiversity SPD to find out whether and what surveys might be necessary. This requirement could form part of a biodiversity policy as the North Northamptonshire Joint Core Strategy Policy 4 (Biodiversity and Geodiversity), which states that 'development proposals will need to take account of the Northamptonshire Biodiversity Supplementary Planning Document...'

Overall the policy is confusing and I cannot see how a development management officer would be able to apply it. I would recommend the council engage specialist ecological advice to improve both Policy 25 and the supporting text.

Upper Nene Valley Gravel Pits Special Protection Area

Paragraph 183 states that 'new housing within 3km of the SPA *is considered to cause* increased recreational pressure...' (my emphasis). This wording does not convey the weight of evidence which demonstrates this effect on the site. I would suggest it be changed to 'new housing within 3km of the SPA *has been shown to cause* increased recreational pressure...'.

As this section relates to a European Site it is important that the language reflects that of the Habitats Regulations. I would therefore recommend the last sentence in paragraph 183 be changed accordingly. The SPA SPD offers some text which might be useful here:

Disturbance effects are cumulative. Without mitigation, any increase in the number of residential units near the SPA has the potential to increase the significance of the effect by increasing the number of visits to the European Site.

I think generally this section should include a little more information on the importance of the SPA and the designation's implications for planning. Most local authority areas do not have a European Site so prospective applicants would benefit from more context and explanation.

Policy 26 Upper Nene Valley Gravel Pits Special Protection Area

1) Compliance with the Habitats Regulations

To comply with the Habitats Regulations the Northampton Local Plan Part 2 must not have any adverse effect on the integrity of the Upper Nene Valley Gravel Pits SPA. The council engaged LUC to conduct a Habitats Regulations Assessment (HRA) of the draft Plan to evaluate its potential for adverse effects and recommend any necessary policy amendments to ensure compliance. The recommendations are summarised in Table 6.1 of the HRA report, however they have not been incorporated into the draft Plan. As a result, the Plan fails to comply with the Habitats Regulations and cannot be considered sound.

It is unclear why the recommended amendments were not incorporated. The HRA report helpfully provides specific wording which would allow a conclusion of no adverse effect on the SPA's integrity:

Development within the consultation zones identified in the Upper Nene Valley Gravel pits SPD has the potential to affect bird species for which the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar site is designated. Applications for these types of development must demonstrate, where necessary through a series of mitigation measures, such that their proposals will not contribute to adverse effects on the bird species for which the site is designated, or the habitats they rely on.

This wording – or similar – must be included in Policy 26 or the Plan will not comply with the Habitats Regulations.

2) Mitigation strategy

Where Habitats Regulations Assessment determines that a local plan will have a likely significant effect on a European Site, Natural England now requires that a mitigation

strategy be put in place, otherwise the plan will not be deemed sound. Section 5.168 of the HRA for the Northampton draft Local Plan Part 2 states that:

A mitigation strategy specific to the effects of development from the Local Plan on the Northampton Washlands portion of the SPA/Ramsar will need to be developed in consultation with Natural England and committed to within Local Plan Policy 26 (or a separate policy); i.e. agreed prior to adoption of the Local Plan. This could be developed in conjunction with South Northamptonshire District.

Despite this advice there is no mention of a mitigation strategy in the draft Plan. Both Natural England and the examining inspector will expect a commitment in policy, to the preparation of a mitigation strategy. As highlighted above the mitigation strategy must be completed – and adopted as an addendum to the Upper Nene Valley Gravel Pits SPA SPD – prior to the adoption of the Local Plan. This is to satisfy the Habitats Regulations requirement that mitigation be in place *prior to* the impact (in this case the Local Plan Part 2) to the SPA.

Policy 36 The Green, Great Houghton (LAA1098)

The HRA identified this site as potential supporting habitat for the SPA. Supporting habitat is an area of habitat outside the boundaries of a European Site but which is of fundamental importance for the overall survival of the population(s) for which the European Site was designated. Supporting habitat tends to be associated with sites designated for highly mobile species (e.g. bats, birds) that are not physically restricted to European Site boundaries. Under the Habitats Regulations, development must demonstrate that it will not have a likely significant effect on supporting habitat of a European Site.

To address the potential impact on any supporting habitat at site LAA1098, section 5.159 of the HRA report recommends that the following mitigation be incorporated into Policy 36:

- *Surveys to identify whether the site is used by over-wintering Golden Plover/Lapwing (i.e. to be carried out in the winter)*
- *If significant numbers of Golden Plover or Lapwing are identified at the site, mitigation will be required for the loss of habitat, for example the enhancement of a sub-optimal/unsuitable area of habitat, such that it becomes optimal for Golden Plover/Lapwing. The enhanced habitat should be a similar distance from the SPA/Ramsar and of at least the same size as the habitat lost.*

This has not been incorporated into the draft Plan. While not required to ensure compliance with the Habitats Regulations, the wording would strengthen mitigation and facilitate development at the site.

It is unfortunate that this is the first time I have seen the draft Local Plan Part 2 policies, as am currently the ecological advisor for Northampton Borough Council on development management matters. I also led the development of the SPA mitigation strategy for the North Northamptonshire Joint Core Strategy and consequently have good knowledge of Natural England's expectations. If you would like any information on or assistance with developing biodiversity policy or an SPA mitigation strategy please contact Mark Chant on [REDACTED] or [REDACTED].

Thank you very much for the opportunity to comment on the Northampton draft Local Plan Part 2. If you have any questions or would like any additional information please feel free to contact me on [REDACTED] or [REDACTED].

Regards,

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