

During the current coronavirus situation, Natural England staff are working remotely to provide our services and support our customers and stakeholders. All offices and our Mail Hub are closed, so please send any documents by email or contact us by phone or email to let us know how we can help you. See the latest news on the coronavirus at <http://www.gov.uk/coronavirus> and Natural England's regularly updated operational update at <https://www.gov.uk/government/news/operational-update-covid-19>.

Stay alert, control the virus, save lives.

We now offer free and chargeable advice to land owners and managers planning works on Sites of Special Scientific Interest through SSSI Advice Service

To help Developers consider the environment Natural England offers two chargeable services:

- the Discretionary Advice Service (DAS) which can provide advice on planning/licensing proposals
- the Pre-submission Screening Service (PSS) for European Protected Species mitigation licence applications.

If you are trying to make a request for a copy of your personal information under the Data Protection Act 1998, or a request for information under the Freedom of Information Act 2000 or Environmental Information Regulations 2004, please contact the Enquiry Service on 0300 060 3900 or 0208 0261089 or email [REDACTED].

From: Paul Everard [REDACTED]
Sent: 03 September 2020 16:09
To: Tilley, Justin [REDACTED]
Cc: Peter Baguley [REDACTED]; Noreen Banks [REDACTED]
Subject: RE: Northampton Local Plan Part 2 Proposed Submission Consultation Round 2 - extension to deadline (Tracker ref. 322075)
Importance: High

Dear Justin,

Further to our discussion a few moments ago, I am writing to confirm that we cannot accept comments on the Local Plan Part 2 made after 5pm on Monday 7th September. This is because the consultation is a formal one conducted in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. In discussion with you, it seemed to me that you and your colleagues had a good idea of the main topics that your objections would cover. On this basis, I suggest that you submit your general comments, even if they are quite broad-brush at this stage, before the deadline of 5pm on 7th September and then we can cover the detail through a Statement of Common Ground.

Regards,

Paul

Paul Everard | Planning Policy & Heritage Manager

Mobile [REDACTED]

From Tuesday 24th March 2020, the Planning Policy and Built & Natural Environment teams will be based from home. Wherever possible, please cc your message to the [redacted] or [redacted] email address as appropriate. This will allow us to respond to you if any of us are on leave or unable to work during this time.

From: Tilley, Justin [redacted]
Sent: 03 September 2020 15:12
To: Paul Everard [redacted]
Subject: RE: Northampton Local Plan Part 2 Proposed Submission Consultation Round 2 - extension to deadline (Tracker ref. 322075)

Dear Paul,

Thank you for the opportunity to comment on this consultation. We regret that we will not be able to make a substantive consultation response by the deadline of 7th September, however we do have important comments to make relating to the Local Plan Part 2. Our response will help ensure that Northampton will meet legal duties regarding to the environment, and also support aspirations to ensure a high quality natural environment within the Borough.

We will endeavour to have these with you as soon as possible, and by 25th September at the latest. Should you have any problem with this then please do get in touch.

Regards, Justin

Justin Tilley
Northamptonshire Team Leader
West Anglia Team
Natural England Tel: [redacted]
[redacted]

From: Paul Everard [redacted]
Sent: 22 July 2020 12:46
To: SM-NE-Consultations (NE) [redacted]
Subject: Northampton Local Plan Part 2 Proposed Submission Consultation Round 2 - extension to deadline

I contacted you recently to inform you that the Council is consulting for a second time on the Northampton Local Plan Part 2 Proposed Submission and the associated Sustainability Appraisal and Habitats Regulations Assessment. This public consultation is in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

I am writing to let you know that the deadline for making representations has been extended to 5pm on 7 September 2020.

The local plan and its accompanying consultation documents can be viewed online:
<https://www.northampton.gov.uk/lpp2proposedsubmissionround2>

Alternatively, you can view these at the Self-Serve area of the Council's One Stop Shop. Visitors to the One Stop Shop must observe the procedures for health and safety associated with COVID19.

Yours sincerely,

Paul Everard
Planning Policy & Heritage Manager

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Date: 07 September 2020
Our ref: 322075
Your ref: n/a



Northampton Borough Council

BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T [REDACTED]

Dear Paul Everard

Planning consultation: Northampton Local Plan Part 2 Proposed Submission and the associated Sustainability Appraisal and Habitats Regulations Assessment – Round 2 consultation.

Thank you for your consultation on the above dated 22 July 2020.

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.

Natural England has previously provided advice on the Proposed Submission of Northampton Local Plan Part 2, Sustainability Appraisal and Habitats Regulations Assessment in our letters dated 29th November 2019, 298374 and 11th June 2019, 28116, where we have made comments on the plan. The Council is referred to those letters for the context to this current submission.

Policy 29 Supporting and enhancing Biodiversity Unsound

Policy 29 wording requires revision and strengthening. Point 1 and 2 within the policy are confusing.

Whilst we welcome the inclusion of biodiversity net gain, for clarity we recommend a separate point within the policy addressing biodiversity net gain. Please note that biodiversity net gain compliments the mitigation hierarchy, it does not replace it. We would also recommend a reference to using the DEFRA biodiversity metric. It is important that the policy clearly distinguishes the mitigation hierarchy from any biodiversity net gain requirements. This will help to set a transparent and auditable context within which developers can both assess their impacts and provide net gain.

We would therefore recommend that the mitigation hierarchy is detailed within this policy, please refer to paragraph 175 of the NPPF.

We also suggest the policy directs developers to the Northamptonshire Biodiversity SPD.

The policy does not reflect the wording referred to within the Habitat Regulations Assessment Report, June 2020, "Development, whether individually or in combination, having an adverse effect on the integrity of the Upper Nene Valley Gravel Pits will be refused." This wording would be welcomed within Policy 29 and Policy 30.

Policy 30 The Upper Nene Valley Gravel Pits Special Protection Area Unsound

The policy has not included a commitment to produce a mitigation strategy concerning the Upper Nene Valley Gravel Pits SPA. As stated within our previous advice, the mitigation strategy must be agreed prior to the adoption of the plan to satisfy Habitat Regulations requirements. This should be written within the policy.

The policy states “..major development within close proximity of the SPA...” All projects and plans within close proximity of the SPA, are required to demonstrate no significant effect on the SPA, in accordance with the legal requirements of the Habitats Regulations.

The policy does not reference the Habitat Regulations or the HRA process.

There is also no reference to Upper Nene Valley Gravel Pits SPD.

The policy should also refer to ‘alone or in-combination’ so as to avoid confusing with EIA terminology (for which the test is ‘cumulative’ effects). To ensure the policy is correctly testing projects against its requirements, we suggest it refers to ‘adverse impact on the integrity of the UNVGP SPA’ and avoids more subjective wording such as ‘detrimental impact’. At times the policy introduces additional unnecessary wording, such as in the third paragraph ‘and the species for which the land is designated’ where the paragraph has already included the test of adverse effects on site integrity (it is not clear what that wording is seeking to achieve). Also we assume that reference to ‘close proximity’ is meant to mean ‘within 3km’. Finally, the policy uses the term ‘supporting habitat’ where in our view the term ‘functionally linked land’ would be more appropriate to refer to land outside the SPA boundary which supports SPA notified species (such as lapwing and golden plover).

The Green, Great Houghton Unsound

The Green, Great Houghton requires a detailed project level Habitats Regulations Assessment to address impacts to the Upper Nene Valley Gravel Pits SPA. The Policy wording currently does not reference the Habitats Regulations which is an omission. Policy 30 in its current state does not refer to the HRA process.

This site has been identified as functional linked land and requires winter bird surveys to determine if there will be a loss of functionally linked land (as stated within policy 41). It is stated that if found to be functionally linked land, offsite mitigation will be required. No details have been provided regarding where or how the off-site mitigation would be achieved.

Natural England would like to remind your Authority that mitigation measures must offer certainty that they will be successful, and that they are in place and created ahead of the anticipated adverse effect arising. This will ensure that there is no temporal shortfall in habitat availability.

Without the Upper Nene Valley Gravel Pits SPA mitigation strategy in place to address recreational pressure by the time of Plan adoption, associated with the lack of detail regarding the provision of a SANG, Natural England currently is not confident that mitigation measures will be able to address recreational pressure impacts to the Upper Nene Valley Gravel Pits SPA.

Due to the number of houses proposed and the proximity to the Upper Nene Valley Gravel Pits SPA a Suitable Area Natural Greenspace (SANG), will be required to provide an area for residents to use and in particular provide for dog walkers to include provision for a substantial “off-lead” area and a sufficient circular route (approx.3km distance, Footprint Ecology SPA Visitor Survey). Further information regarding SANGS can be provided if necessary, but the Council should take its steer from the Thames Basin Heaths SPA SANG approach which establishes key principles.

**HRA
Unsound**

The policy wording quoted within the HRA is not reiterated within the Northampton Borough Council 2011-2029 Proposed Submission – Round 2, June 2020 document.

The HRA concludes no adverse effects on the integrity of the Upper Nene Valley Gravel Pits SPA, however Natural England does not support this conclusion at this stage.

We would be happy to comment further and look forward to working with the Council towards achieving a sound local plan, and as necessary a Statement of Common Ground. If in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter contact Joanna Gamble, [REDACTED]. For new consultations, or to provide further information on this consultation please send your correspondences to [REDACTED].

Yours sincerely

Joanna Gamble
West Anglia Team