

NORTHAMPTON LOCAL PLAN PART 2

**Statement of Common Ground between:
WEST NORTHAMPTONSHIRE COUNCIL; HOMES ENGLAND; and NATURAL ENGLAND**

Relating to: Policy 41 and Natural Environment Matters

August 2021

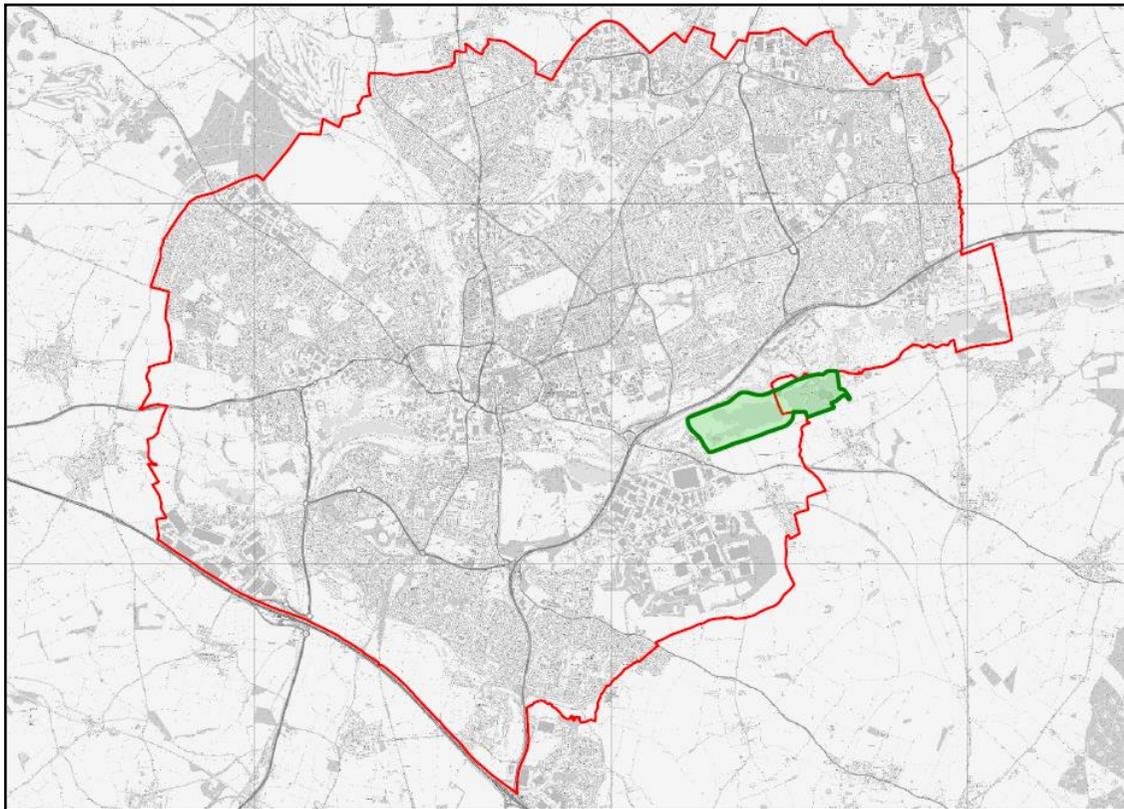


Introduction

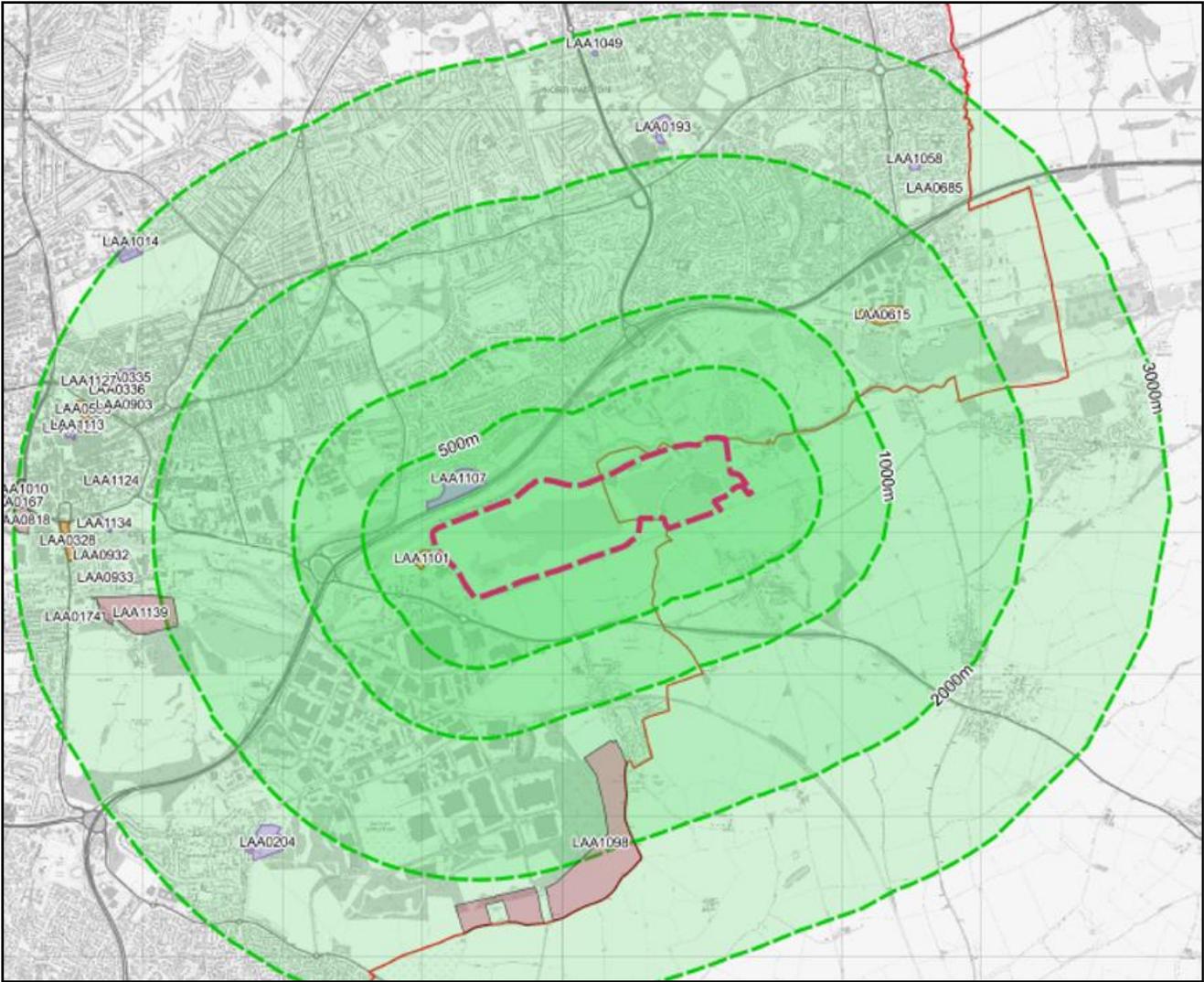
1. The Northampton Local Plan Part 2 (LPP2) was prepared by Northampton Borough Council (NBC) and submitted to the Secretary of State on 4 February 2021. On 1 April 2021, Northampton Borough Council, together with South Northamptonshire Council, Daventry District Council and Northamptonshire County Council, formed a Unitary authority known as West Northamptonshire Council (WNC). The LPP2 preparation continues to be progressed by the new Authority.
2. This Statement of Common Ground (SoCG) has been prepared jointly and approved by:
 - a. West Northamptonshire Council (WNC);
 - b. Homes England (HE); and
 - c. Natural England (NE)
3. The SoCG outlines the matters on which WNC, HE and NE (“the Parties”) agree in relation to Policy 41 (The Green, Great Houghton site: LAA1098) of the Northampton Local Plan Part 2 (LPP2). It focuses particularly on 41 on the natural environment including the impact on the Upper Nene Valley Gravel Pits SPA and Ramsar site. It has been prepared by all parties and demonstrates how issues raised by NE and HE during the plan preparation process have been taken into account and addressed.
4. The SoCG also includes comments made by Northamptonshire County Council Ecology (NCCE) on Policy 41. Northamptonshire County Council became part of the West and North Northamptonshire Councils on 1 April 2021, and the ecology function is now part of a shared service between those councils. Whilst this SoCG does detail the issues raised by NCCE and how they have been addressed, NCCE is not a signatory.
5. Clifford Hill Gravel Pits (sometimes referred to as Northampton Washlands) forms Unit 1 of the Upper Nene Valley Gravel Pits SPA, Ramsar site and Site of Special Scientific Interest (SSSI). Unit 1 is located partially within the former Northampton Borough boundary with the remainder situated within the former South Northamptonshire Council area (shown in Map 1); both councils, along with Daventry District now form WNC. The Upper Nene Valley Gravel Pits Special Protection Area (SPA) and Ramsar site is situated to the north of the proposed allocation (The Green, Great Houghton – LAA1098) dealt with through Policy 41. This is shown in Map 2.

6. A Habitats Regulations Assessment (HRA) was carried out for the LPP2 by external consultants LUC. It considered both the Upper Nene Valley Gravel Pits SPA and Ramsar site and the Rutland Water SPA and Ramsar site which is located 41km from Northampton's boundary.

Map 1: Northampton LPP2 area (red) detailing the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar site (green)



Map 2: Upper Nene Valley Gravel Pits Special Protection Area and Ramsar site (red dashed line), showing 500m, 1km, 2km and 3km zones (green dashed lines) and LAA1098 to the south (pink shaded)



Objective of this Statement of Common Ground

7. This SoCG outlines how WNC developed Policy 41 of the LPP2 as a result of consultation exercises and discussions with HE and NE and informs the Planning Inspectors and other interested third parties about the areas of agreement / disagreement.

Policy Context

8. West Northamptonshire Council is currently preparing its Local Plan Part 2 for the area of Northampton which seeks to deliver the requirements of the West Northamptonshire Joint Core Strategy (WNJCS). The LPP2 will contain local development management policies and site-specific allocations for the area of Northampton.
9. The WNJCS sets out the scale and distribution of development (Policy S3) and contains strategic policies which assist in determining planning applications including those related to the natural environment. Policy BN2 requires development to maintain and enhance biodiversity and Policy BN4 specifically relates to the Upper Nene Valley Gravel Pits SPA.
10. Policies contained in the LPP2 have been prepared in compliance with the National Planning Policy Framework (February 2019).

Local Plan Consultation Stages

11. The following tables (1 – 4) summarise the comments made at the Issues, Options, Sites and Proposed Submission Round 1 consultation stages by Natural England (NE), Homes England (HE) and Northamptonshire County Council Ecology (NCCE) and the Council's responses to those comments.

TABLE 1: Issues Consultation – April 2016

<p>Natural England:</p> <ul style="list-style-type: none">• NE were satisfied with the scope of the Sustainability Appraisal which formed a part of this consultation, however, they highlighted that a 3KM distance would need to be considered in terms of recreational disturbance upon the SPA.• NE agreed with the approach to undertake a Habitats Regulations Assessment to assess potential impacts on the Upper Nene Valley Gravel Pits SPA.• In terms of the methodology for the Land Availability Assessment, NE considered that any sites partially or wholly with a SSSI or European protected site are excluded.	<p>Local Planning Authority (LPA) Response:</p> <ul style="list-style-type: none">• Policy 30 of the LPP2 requires any residential development within 3km of the SPA to demonstrate that the impact of any increased recreational activity (indirect or direct) on the SPA and Ramsar site will not have a detrimental impact.• Paragraph 10.17 of the LPP2 also commits to the production of a mitigation strategy to ensure recreational disturbance is mitigated.• There are no sites allocated within the LPP2 that are located wholly or partially within SSSI / European or Ramsar sites.
<p>Homes England: Homes England did not comment on this consultation.</p>	<p>LPA Response: None</p>
<p>Northamptonshire Ecology:</p> <ul style="list-style-type: none">• A key issue around the SPA relates to recreational disturbance, in particular dog walkers, and NoE note that Natural England require a mitigation strategy to be put in place to address this.	<p>LPA Response:</p> <ul style="list-style-type: none">• Policy 30 of the LPP2 requires any residential development within 3km of the SPA to demonstrate that the impact of any increased recreational activity (indirect or direct) on the SPA and Ramsar site will not have a detrimental impact.• Paragraph 10.17 of the LPP2 also commits to the production of a mitigation strategy to ensure recreational disturbance is mitigated.

TABLE 2: Options Consultation – September 2016	
<p>Natural England:</p> <ul style="list-style-type: none"> Any impact from housing growth on the Washlands part of the Upper Nene Valley Gravel Pits SPA will need to be fully assessed through the HRA and will require appropriate mitigation to be included within the plan policy. Where the SA identifies potential minor negative effects / uncertain in relation to objectives 9 and 10 (Biodiversity and Landscape) NE would expect to see evidence that negative effects on important environmental assets can be avoided before sites and policies are committed to. 	<p>LPA Response:</p> <ul style="list-style-type: none"> Objective 10 of the LPP2 sets out the need to conserve natural habitats and species as well as provide net gains in biodiversity. The HRA undertaken as a part of the LPP2’s preparation has assessed the impact of growth on the SPA. Paragraph 10.17 of the LPP2 also commits to the production of a mitigation strategy to ensure recreational disturbance is mitigated. The SA was updated in June 2020 to take into account the changes in the LPP2 Proposed Submission Round 2 consultation. Where minor negative effects are identified in relation to SA objectives 9 and 10, the SA sets out how policy should include requirements to overcome these effects. Policy 30 sets out specific requirements that all development must adhere to in relation to the Upper Nene Valley Gravel Pits SPA.
<p>Homes England: Homes England did not comment on this consultation.</p>	<p>LPA Response: None</p>
<p>Northamptonshire Ecology: Northamptonshire Ecology did not comment on this consultation.</p>	<p>LPA Response: None</p>

TABLE 3: Sites Consultation – October 2017

<p>Natural England:</p> <ul style="list-style-type: none">• With regards to the Sustainability Appraisal of site options Natural England (NE) welcome the inclusion of biodiversity and landscape in the assessment criteria. However, NE advise that in relation to the SPA, residential and employment land may affect the SPA in different way and this needs to be reflected in how sites are assessed.• NE also reiterated the support for a strategic approach to mitigation with regards to residential development close to the Upper Nene Valley Gravel Pits SPA.	<p>LPA Response:</p> <ul style="list-style-type: none">• When considering potential allocations for employment and residential development, the LPP2 takes into account the potential impact of sites in proximity to the SPA.• Paragraph 10.17 of the LPP2 also commits to the production of a mitigation strategy to ensure recreational disturbance is mitigated.
<p>Homes England:</p> <ul style="list-style-type: none">• Turley provided comments on behalf of the Homes and Communities Agency (now Homes England).• The allocation of The Green, Great Houghton (site reference: LAA1098) was welcomed as suitable for further consideration.• Turley considered the site to be free from environmental designations such as Sites of Special Scientific Interest, Special Areas of Conservation, Special Protection Areas or Ramsar Sites.	<p>LPA Response:</p> <ul style="list-style-type: none">• WNC noted the assessment work related to the site.
<p>Northamptonshire Ecology:</p> <p>NoE provided comments on the following sites in relation to their potential to impact on biodiversity assets: LAA0176; LAA0177; LAA0204; LAA0205; LAA508; LAA590; LAA594; LAA1027; LAA1041; LAA1094; LAA1096; LAA1098; LAA1100; and LAA1107</p>	<p>LPA Response:</p> <p>The sites considered by NoE to have an impact on biodiversity, that have been allocated within the LPP2 are: LAA0204; LAA0205; LAA1041; LAA1094; LAA1096; LAA1098; LAA1100; and LAA1107</p> <p>Where any sites that have been allocated within the</p>

	LPP2 have the potential to impact on biodiversity assets they must take account of Policies 29 and 30 of the LPP2. These policies seek to support and enhance biodiversity and protect the Upper Nene Valley Gravel Pits SPA and Ramsar site.
--	---

TABLE 4: Proposed Submission Round 1 – May 2019

<p>Natural England:</p> <ul style="list-style-type: none"> • Due to the importance of the Upper Nene Valley Gravel Pits (UNVGP) SPA, a commitment to community engagement regarding green infrastructure should be included in the plan. • Recreational disturbance is a key threat to the UNVGP SPA and NE require a strategic approach to mitigate this in the form of a Mitigation Strategy to avoid adverse effects on the UNVGP SPA. • At the Options consultation NE comments that <i>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</i>. NE welcomed this being acknowledged and agreed with not including sites for development close to the SPA. • With regards to The Green, Great Houghton (LAA1098), NE note that significant amounts of Grade 2 (very good) agricultural land is present. • The HRA states that there is potential for offsite impacts, such as on functionally linked land, on the UNVGP SPA. As such NE would like there to a policy requirement for winter bird surveys to be undertaken. If birds associated with the UNVGP SPA are found to be using sites in significant numbers then the allocations should be located elsewhere, or appropriate mitigation will be required. 	<p>LPA response:</p> <ul style="list-style-type: none"> • The requirement for community engagement proposals impacting green infrastructure related to the SPA and Ramsar site is included within the supporting text to Policy 30 at paragraph 10.21. • The LPP2 commits to the production of a Mitigation Strategy for the UNVGP in paragraph 10.17 which is expected to be adopted within one year of adoption of the LPP2. • It is noted that there will be a loss of agricultural land. However, the negative effects identified represent a trade-off for the benefits of development and are unlikely to be avoided. • Initial survey work was carried out at the Joint Core Strategy stage to understand FLL used by Golden Plover and Lapwing. Specifically, Policy 41 requires surveys to be <i>undertaken to identify whether the site is used by over-wintering Golden Plover / Lapwing...If</i>
--	---

<ul style="list-style-type: none"> • NE noted that the HRA also stated that appropriate mitigation would involve the enhancement of another area of habitat and agreed with the requirements for this mitigation to be written into Policy 36 (now 41). • NE considered the HRA did not consider the recreational impact of development of 800 homes at The Green, Great Houghton on the UNVGP SPA. NE noted that allocation LAA1098 shows an area of ecological enhancement but it was unclear from LPP2 Policy 41 whether the space would constitute biodiversity net gain, a SANG or used by golden plover or lapwing. • Fragmentation of habitat also requires policy protection within the LPP2. • NE considered that uncertainty remained with regards to impacts on the UNVGP SPA from noise vibration and lighting. To remove this uncertainty, NE required the LPP2 to reference phasing of intensive and noisy construction to avoid the sensitive winter period. • To protect sightlines for birds within the UNVGP SPA, NE require additional protection within LPP2 policy in addition to Policy BN4 of the West Northamptonshire Joint Core Strategy. 	<p><i>significant numbers of Golden Plover or Lapwing are identified at the site, offsite mitigation will be required for the loss of habitat i.e. functionally linked land.</i> Policy 41 also requires the creation of a buffer to ensure ecological enhancements and a net gain in biodiversity which will be identified by the developer of the site in agreement with the Council and Natural England.</p> <ul style="list-style-type: none"> • Fragmentation of habitat is considered within Policy 30 and its supporting text. • To avoid impacts on the SPA from noise, vibration and light disturbance, the supporting text of Policy 30 requires development to consider phasing to avoid noisy and intensive construction during the sensitive winter months. • Policy 30 of the LPP2 relates to the Upper Nene Valley Gravel Pits SPA and Ramsar site. To protect sightlines for birds it requires development within a 250m zone of the SPA to undertake assessments <i>to demonstrate it will not have a significant adverse effect on birds within the area.</i>
<p>Homes England:</p> <ul style="list-style-type: none"> • HE confirmed that they welcomed the allocation at The Green, Great Houghton and the dwelling capacity of 800 on this site. • HE confirmed that technical assessment of the site's capacity will 	<p>LPA Response:</p> <ul style="list-style-type: none"> • The wording of Policy 36 (now 41) was altered to allow for flexibility in where built development could take place on site.

<p>take account of the extent and location of ecological enhancements needed to secure a net gain in biodiversity but cannot specify the location at this stage. As such the policy and diagram are too prescriptive and not sufficiently flexible.</p> <ul style="list-style-type: none"> • HE required changes to Policy 36 (now 41) to allow analysis and technical assessment to inform capacity on site and to allow flexibility with regards to the built and ecological enhancement areas on site. • HE also considered the trajectory contained within Appendix A of the draft LPP2 should be modified in light of dwelling capacity and start time on site (towards the end of the first 5 years). 	
<p>Northamptonshire Ecology:</p> <ul style="list-style-type: none"> • NoE considered the supporting text of Policy 30 required strengthening to reflect the evidence demonstrating recreational pressure on the SPA. • NoE also considered that to comply with the Habitats Regulations and to avoid any adverse effects on the integrity of the Upper Nene Valley Gravel Pits SPA and the species for which it is designated, the wording of Policy 30 required strengthening. • In addition to this, NoE commented that where the Habitats Regulations determine that a local plan will have a significant effect on a European Site, a mitigation strategy will need to be put in place. • The HRA states that there is potential for offsite impacts, such as on functionally linked land, on the UNVGP SPA. As such NoE considered Policy 41 needed to include a requirement for winter bird surveys to be undertaken. If birds associated with the UNVGP SPA are found to be using sites in significant numbers then the allocations should be located elsewhere, or appropriate mitigation 	<p>LPA response:</p> <ul style="list-style-type: none"> • The supporting text of Policy 30 has been strengthened to outline the evidence demonstrating recreational impact on the SPA and that a mitigation strategy is required. • Policy 30 of the LPP2 now includes specific wording requiring development to demonstrate there will be no adverse effects on the integrity of the SPA. • Paragraph 10.17 commits to the production of a Mitigation Strategy for the Upper Nene Valley Gravel Pits SPA. • Initial survey work was carried out at the Joint Core Strategy stage to understand FLL used by Golden Plover and Lapwing. Specifically, Policy 41 now requires surveys to be <i>undertaken to identify whether the site is used by over-wintering Golden Plover / Lapwing...If</i>

will be required.

significant numbers of Golden Plover or Lapwing are identified at the site, offsite mitigation will be required for the loss of habitat i.e. functionally linked land.

Proposed Submission Round 2

12. Tables 5, 6 and 7 outline the comments made by Natural England (NE), Homes England (HE) and the former Northamptonshire County Council Ecology (NCCE) at the Proposed Submission Round 2 stage of consultation. The tables include details of proposed Main and Additional Modifications to the Plan. The tables also outline where the Parties agree or disagree.

Table 5: Proposed Submission Round 2: Natural England comments			
Policy	Comment	LPA's response / Proposed Changes in Main or Additional Mods	Current Status between parties
41	NE requires a detailed project level HRA to address the impacts of site allocation LAA1098 on the Upper Nene Valley Gravel Pits SPA. NE note that Policy 41 wording does not reference the Habitats Regulations and that, in its current state, Policy 30 does not refer to the HRA process.	Policy 30 is now proposed to be amended through a Main Modification to include the requirement for an HRA where development is likely to have a significant effect on the UNVGP SPA.	Agree.
41	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. NE note that no details have been provided regarding where or how the off-site mitigation would be achieved.	Any requirement for potential functionally linked land to be mitigated, as a result of bird survey findings, will need to be identified by the developer of the land and discussed with Natural England and West Northamptonshire Council.	Agree.

30 + site specific policies	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).	<p>The Council has committed to the production of a mitigation strategy for the UNVGP by the time the LPP2 is adopted through Policy 30. This is proposed via a Main Modification to Policy 30.</p> <p>The LPA agrees that a SANG will be delivered through the proposed allocation at The Green, Great Houghton (Policy 41 – site LAA1098). As such a Main Modification is proposed which is detailed below.</p>	Agree
-----------------------------	---	---	-------

Table 6: Proposed Submission Round 2: Homes England comments			
Policy	Comment	LPA's response / Proposed Changes in Main or Additional Mods	Current Status between parties
41	Homes England (HE) support the principle of development coming forward on site LAA1098.	No comment.	Agree
41	HE stated that in advance of detailed technical assessment, the location and extent of ecological enhancement and the exact location of built development cannot be determined – specification of location and extent restricts flexibility in taking the site	<p>The following changes to Policy 41 and it's supporting text are proposed as Main Modifications:</p> <p>Bullet point 1: If significant numbers of Golden</p>	Agree

	<p>forward. As such Policy 41 is currently too prescriptive and suggest changes including the following:</p> <p>Housing development of up to <u>approximately 800 dwellings, subject to analysis of capacity,</u> which comply with the development principles shown on Figure 20 will be supported, <u>following further technical assessment and subject to</u> the following criteria being met:</p> <ul style="list-style-type: none"> - Surveys are undertaken 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, <u>appropriate mitigation offsite mitigation</u> will be required for the loss of habitat i.e. functionally linked land - There is an opportunity to provide woodland and semi-natural stepping stones (connected habitats) adjacent to and within the site that will provide habitat links. - Any development on this site must adhere to Policy 30 of this Plan, in particular with reference to recreational disturbance. 	<p>Plover or Lapwing are identified at the site, <u>offsite appropriate</u> mitigation will be required for the loss of habitat i.e. functionally linked land</p> <p>Bullet point 7: A buffer is to be created, in the form of ecological enhancements and net increase in biodiversity within the area of search shaded green in the diagram <u>that separates the allocated site from Great Houghton, and Great Houghton from Brackmills Industrial Estate</u></p> <p>It is also proposed to amend paragraph 13.12 to include the following:</p> <p><u>It is therefore important to ensure that there is a reasonable buffer created between this existing village and the new development on The Green to ensure that the setting of the conservation area and its heritage asset can be respected and protected, and the identity of the</u></p>	
--	---	--	--

	- The built development should only take place outside of the <u>indicative area shaded green in the diagram subject to the confirmation of this area's suitability for ecological enhancement to act as a buffer</u>	<u>village maintained. There will also be an opportunity to provide semi natural stepping stones (connected habitats) adjacent to and within the site that will provide habitat links.</u>	
41	HE considered that the key within Fig 20 (within Policy 41) should read 'Ecological enhancement (<u>indicative</u>)'	It is considered that the proposed alterations to the supporting text at para 13.12, as detailed above, set out the reasons for the ecological buffer in that location.	Agree
41	HE considered the trajectory for The Green, Great Houghton should be modified due to the further technical work needed. The first year of completions is expected towards the beginning of the second five years of the plan, with an expected delivery rate of 50 dwellings completed per annum for the first 2 years then up to 100 dwellings completed per annum with two sales outlets.	The Proposed Schedule of Main Modifications to the Plan proposes an update to the trajectory to reflect HE's comments.	Agree

Table 7: Proposed Submission Round 2: Northamptonshire Ecology comments			
Policy	Comment	LPA's response / Proposed Changes in Main or Additional Mods	Current status
41	Second bullet point in policy could be moved to supporting text.	The 2 nd bullet point of Policy 41 has been moved to the	This is proposed to be moved via the

		supporting text.	Proposed Main Modifications.
41	Seventh bullet point needs to clarify what is to be buffered	The 7 th bullet point of Policy 41 has been amended to clarify the buffers role.	This is proposed to be amended via the Proposed Main Modifications.

Further proposed changes to the Local Plan Part 2

13. Following meetings with Natural England on 5 February 2021 and with Natural England and Homes England on the 25 March 2021 to discuss comments and areas of disagreement, the local planning authority seeks to propose additional modifications to Policies 29, 30, 34 and 41. This SoCG however, deals solely with the issues raised relating to Policy 41 and the natural environment.
14. A separate SoCG discusses the issues relating to Policies 29, 30 and 34 and specifically, the commitment to the production of an Upper Nene Valley Gravel Pits (UNVGP) SPA Mitigation Strategy and the requirements for a Habitats Regulations Assessment where development would have an adverse effect on the UNVGP SPA. A preliminary meeting was held with Natural England on 28 April 2021 to discuss the first draft of the Mitigation Strategy SPD Addendum and it is the intention of the Council to adopt this UNVGP SPA Mitigation Strategy SPD by the time the Northampton LPP2 is adopted.
15. Natural England consider that, as part of a strategy to mitigate the adverse impact of development on the UNVGP SPA, site **LAA1098 (Policy 41)** should provide a Suitable Alternative Natural Greenspace (SANG) as part of the development. This would offer an alternative area for the population of the development to recreate and avoid further recreational disturbance to the UNVGP SPA.
16. It is agreed that the provision of a SANG is required to help mitigate development proposed within Policy 41 to avoid adverse impact on the UNVGP SPA. West Northamptonshire Council therefore proposes to seek a Main Modification to Policy 41 to include the following wording:

- *A Suitable Area of Natural Greenspace (SANG) will be secured to provide an area for residents to use and, in particular, provide dog walkers with the provision of a substantial "off-lead" area and a sufficient circular route. There will be flexibility in the delivery of the SANG as part of the development either on-site, off-site or through a combination of on-site and off-site delivery. If any of the SANG is proposed off-site, the SANG will need to be adjoining the development site.*

17. The Council attended a meeting with Homes England and Natural England on 25 March 2021 to discuss the specifications of the SANG including design and phasing, as well as other matters such as biodiversity net gain and green infrastructure associated with site LAA1098. Communication is ongoing with regards to exact requirements and Natural England have provided advice to Homes England on SANG specifications. The SANG should fully mitigate adverse impact on the Upper Nene Valley Gravel Pits SPA. Should this not be the case then a Strategic Access Management and Monitoring (SAMM) contribution will be required.

List of signatories

18. The following organisations are responsible for joint working with regards to addressing this matter:
- West Northamptonshire Council;
 - Homes England; and
 - Natural England

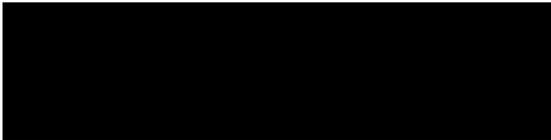
Outstanding Matters

19. Tables 5, 6 and 7 outline the comments made by Natural England, Homes England and the former Northamptonshire County Council Ecology at the Proposed Submission Round 2 consultation. In January 2021, the then Northampton Borough Council approved some Proposed Minor Modifications to the LPP2, which were submitted to the Secretary of State. These have been converted into schedules of proposed Main and Additional modifications - see [Northampton Local Plan Part 2 Examination documents | West Northamptonshire Council - Northampton Area](#) . WNC considers these proposed modifications will overcome the objections of Natural England and Homes England to ensure Policy 41 meets the requirements of the Habitats Regulations and National Planning Policy Framework.

John Torlesse (West Anglia Area Manager)
NATURAL ENGLAND
Date: 6 August 2021



Mark White (Senior Manager Planning and Enabling)
HOMES ENGLAND
Date: 20 August 2021



Paul Everard (Planning Policy and Heritage Manager)
West Northamptonshire COUNCIL
Date: 20 August 2021

