

## **NORTHAMPTON LOCAL PLAN PART 2**

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

**Relating to: Policies 27, 28 29, 30 and 34**

**August 2021**

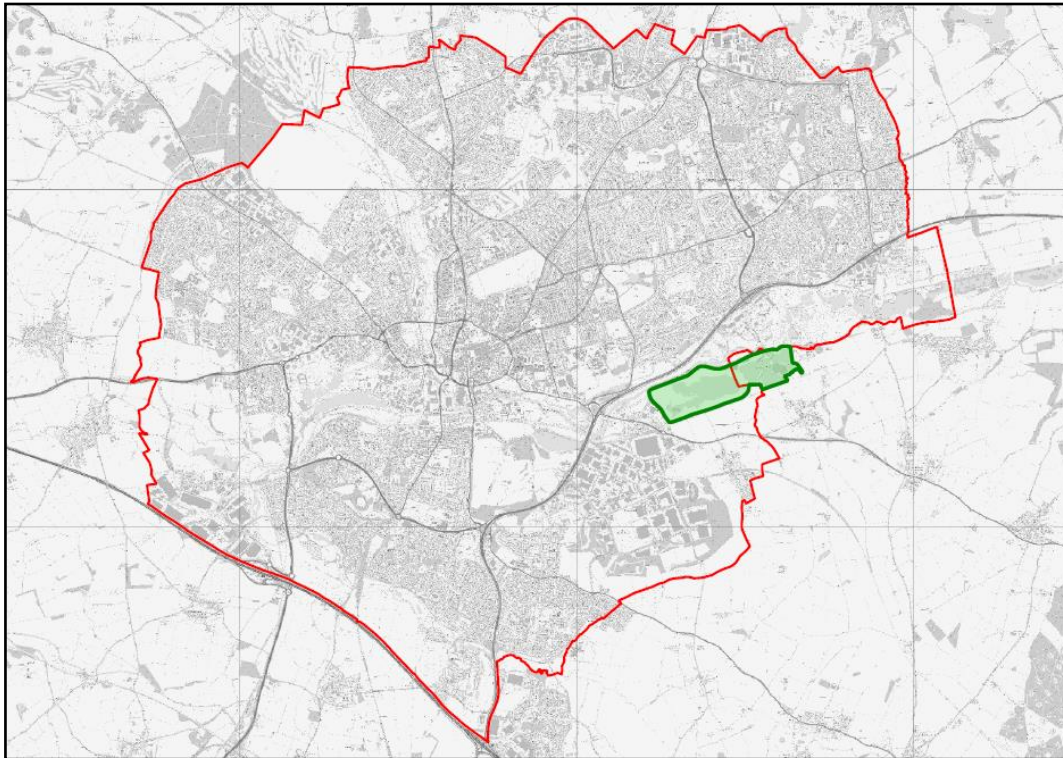


## **Introduction**

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); and
  - b. Natural England (NE)
3. The SoCG outlines the matters on which WNC and NE (“the Parties”) agree in relation to Policies 27, 28, 29, 30 and 34 of the Submitted Northampton Local Plan Part 2 (LPP2). It has been prepared by all parties and demonstrates how issues raised by NE during the plan preparation process have been addressed.
4. The SoCG also includes comments made by Northamptonshire County Council Ecology (NCCE) on the above policies. 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. This SoCG between WNC and NE covers the area of the former Northampton Borough within West Northamptonshire Council and includes consideration of the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar site within the administrative boundary of Northampton. This is shown in Map 1 below.
6. Clifford Hill Gravel Pits (sometimes referred to as Northampton Washlands) forms Unit 1 of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest (SSSI). Unit 1 is located within West Northamptonshire with part of the site located within the former Northampton Borough boundary and the remainder situated within the boundary of the former South Northamptonshire Council.

7. A Habitats Regulations Assessment (HRA) was carried out for the Northampton 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 the borough boundary.

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



## **Objective of this Statement of Common Ground**

8. This SoCG explains how WNC has developed the Northampton LPP2 as a result of consultation exercises and discussions with NE. It informs the Inspectors and other interested third parties about the areas of agreement / disagreement on the soundness of the policies and supporting text within the LPP2 in relation to the natural environment.

## **Policy Context**

9. West Northamptonshire Council (WNC) is preparing its Northampton LPP2 which seeks to deliver the requirements of the West Northamptonshire Joint Core Strategy (WNJCS). The LPP2 will contain locally specific development management policies and site-specific allocations for Northampton.
10. The WNJCS 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.
11. Policies contained in the LPP2 have been prepared in compliance with the National Planning Policy Framework (February 2019).

## **Matters being addressed in this statement**

12. This SoCG addresses the impact of the LPP2 on the natural environment and particularly the Upper Nene Valley Gravel Pits SPA and Ramsar site. Throughout the LPP2 preparation process NE provided comments related to the following policies:
  - a. Policy 27 – Sustaining and enhancing existing, and supporting the creation of, Northampton’s green infrastructure
  - b. Policy 28 – Providing open space
  - c. Policy 29 – Supporting and enhancing biodiversity
  - d. Policy 30 – Upper Nene Valley Gravel Pits Special Protection Area
  - e. Policy 34 – Transport schemes and mitigation

## **Local Plan Consultation Stages**

13. 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) and Northamptonshire County Council Ecology, and the Council's responses to those comments.

**TABLE 1: Issues Consultation – April 2016**

**Natural England:**

- Natural England (NE) considered it would be useful for the LPP2 to include a policy on the protection and enhancement of biodiversity, specifically in relation to the Upper Nene Valley Gravel Pits SPA to ensure that increased recreational pressure resulting from housing growth is addressed.
- NE considered that the Nene Valley Nature Improvement Area (NIA) could have its own policy in terms of provision of green infrastructure.
- NE considered that the LPP2 refers to the National Character Areas which divide England into 159 natural areas as defined by Natural England. Northampton falls into two: 89 – Northamptonshire Vales and 95 Northamptonshire Uplands.
- NE suggested measures to address climate change and energy renewal such as green roofs and walls.
- 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 within a SSSI or European protected site are excluded.

**Local Planning Authority (LPA) Response:**

- 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 10.18 of the LPP2 also commits to the production of a mitigation strategy to ensure recreational disturbance is mitigated.
- Paragraph 10.6 of the LPP2 references the Northamptonshire Vales Character Area.
- There are no sites allocated within the LPP2 that are located wholly or partially within SSSI / European or Ramsar sites.

<ul style="list-style-type: none"> <li>• NE stated that the assessment process should also consider the presence of priority habitats as well as designated local wildlife sites.</li> </ul>	
<p><b>Northamptonshire County Council Ecology:</b></p> <ul style="list-style-type: none"> <li>• Northamptonshire Ecology (NoE) consider there is a need to include a policy specific to biodiversity to protect significant biodiversity assets around Northampton but also largely related to the Upper Nene Valley Gravel Pits Special Protection Area (SPA).</li> <li>• 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.</li> <li>• Consideration should be given to enhancing or extending green infrastructure networks i.e. through Accessible Natural Greenspaces and sustainable transport networks.</li> <li>• NoE considered that allotments should also be addressed through the LPP2.</li> <li>• The LPP2 should also consider a borough-wide ecological network to illustrate the hierarchy of wildlife sites, corridors and areas of activity, providing an overview of biodiversity assets.</li> </ul>	<p><b>LPA Response:</b></p> <ul style="list-style-type: none"> <li>• Policy 27 of the LPP2 requires new development to protect, manage, maintain and connect existing green infrastructure assets to enhance their multi-functionality. Developments of 15 dwellings or more will also be expected to deliver and / or contribute to green infrastructure projects.</li> <li>• Policy 28 of the LPP2 considers open spaces and requires major development to contribute to open space provision, including allotments.</li> <li>• Policy 29 of the LPP2 relates to supporting and enhancing biodiversity. It sets out the hierarchy of sites and the supporting text provides an explanation of the ecological assets within Northampton.</li> <li>• 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.</li> <li>• Paragraph 10.18 of the LPP2 also commits to the production of a mitigation strategy to ensure recreational disturbance is mitigated.</li> </ul>

**TABLE 2: Options Consultation – September 2016**

<p><b>Natural England:</b></p> <ul style="list-style-type: none"><li>• Natural England welcomed the inclusion of an objective focusing on green infrastructure however, the objective should be strengthened to include the protection and enhancement of biodiversity.</li><li>• 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.</li><li>• 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.</li></ul>	<p><b>LPA Response:</b></p> <ul style="list-style-type: none"><li>• Objective 10 of the LPP2 sets out the need to conserve natural habitats and species as well as provide net gains in biodiversity.</li><li>• The HRA undertaken as a part of the LPP2’s preparation has assessed the impact of growth on the SPA. Policy 30 commits to the production of a mitigation strategy to ensure that there is no additional recreational impact from housing growth on the SPA.</li><li>• 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. As such the LPP2 contains updates to policies including Policy 26 (sites for burial space) which requires ecological assessments to be carried out ahead of any applications to ensure there is no harm to biodiversity.</li><li>• Additionally, Policies 27, 29 and 30 set out specific requirements that all development must adhere to in relation to green infrastructure, biodiversity and specifically the Upper Nene Valley Gravel Pits SPA.</li></ul>
<p><b>Northamptonshire County Council Ecology:</b> NoE did not comment on this consultation.</p>	<p><b>LPA Response:</b> None</p>

**TABLE 3: Sites Consultation – October 2017**



<p><b>Natural England:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• NE also referred to comments provided [on 18.08.17] in response to the draft HRA. These are discussed below.</li> </ul>	<p><b>LPA Response:</b></p> <ul style="list-style-type: none"> <li>• When considering potential allocations for employment and residential development, the LPP2 takes into account the potential impact of sites in proximity to the SPA.</li> <li>• Paragraph 10.18 commits to a strategic approach to mitigation of residential development within 3km of the SPA.</li> </ul>
<p><b>Northamptonshire County Council Ecology:</b></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><b>LPA Response:</b></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 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.</p>

<b>TABLE 4: Proposed Submission Round 1 – May 2019</b>	
<b>Natural England:</b>	<b>LPA response:</b>

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| <ul style="list-style-type: none"> <li>• 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.</li> <li>• NE required the removal of wording 'where possible' from Objective 10, in relation to net gain in biodiversity.</li> <li>• NE raised concerns that the LPP2 did not reference Habitat Opportunity Mapping, or the concepts of ecosystem services and natural capital.</li> <li>• 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.</li> <li>• Due to the reopening of the Northampton to Market Harborough railway line, NE would consider this a significant loss of a major recreational and strategic green infrastructure route.</li> <li>• 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.</li> <li>• The SA concluded that <i>Overall, a mixed minor positive and minor negative cumulative effect on SA Objective 9 is likely.</i> NE considered this assessment did not provide confidence that no likely negative effects to biodiversity and geodiversity will result from the Plan.</li> </ul> | <ul style="list-style-type: none"> <li>• 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.</li> <li>• Objective 10 which now sits under paragraph 3.3 has been updated to reflect comments and the updates to the NPPF.</li> <li>• Chapter 10 (Built and Natural Environment) makes reference to Habitat Opportunity Mapping and discusses the concepts of ecosystem services and natural capital. These references strengthen the importance of green and blue infrastructure and the benefits they bring.</li> <li>• The LPP2 commits to the production of a Mitigation Strategy for the UNVGP in Paragraph 10.18.</li> <li>• The supporting text of Policy 34 highlights the importance of the biodiversity network along the route of the former Northampton to Market Harborough railway line. Any re-opening of this line will be led by Network Rail who are expected to undertake studies to inform any proposal.</li> <li>• The SA conclusion comes at the end of six paragraphs that describe in more detail the effects of the various policies and site allocations proposed by the LPP2, as well as how these are likely to interact with the adopted JCS policies. The final sentence brings all of this together into a single effects score and is reasonable provided that additional policy safeguards recommended by the HRA are included before the plan is adopted.</li> </ul> |
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<ul style="list-style-type: none"> <li>• With regards to The Green, Great Houghton (LAA1098), NE note that significant amounts of Grade 2 (very good) agricultural land is present.</li> <li>• NE commented that the extension of Dallington Cemetery (Policy 26) is within a Local Wildlife Site.</li> <li>• NE also raised the issue of avoiding impacts on biodiversity, and if this cannot be achieved then to adequately mitigate or, as a last resort, be compensated for as set out in paragraph 175 of the NPPF.</li> <li>• Policy 27 should be amended to ensure biodiversity net gain.</li> <li>• NE were pleased that allocations close to the UNVGP SPA were removed from the LPP2 (LAA1024 and LAA1011).</li> <li>• 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 be 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.</li> <li>• Fragmentation of habitat also requires policy protection within the LPP2.</li> <li>• 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.</li> <li>• With regards to water supply and water quality, NE advise that policy wording is included in the part 2 plan, whereby if RAG assessments show an issue, a project level HRA of</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed extension of Dallington Cemetery sits outside of the adjacent Local Wildlife Site. However, to ensure consideration of surrounding ecology, Policy 29 includes the requirement to carry out ecological assessments.</li> <li>• Policy 29 had not been amended in the Round 2 Consultation LPP2 to include reference to the avoid – mitigate – compensate hierarchy as set out in paragraph 175 of the NPPF. However, it is proposed to be amended as a Main Modification (see details below).</li> <li>• Policy 27 has been amended and states that '<i>New developments must ensure that existing green infrastructure assets will be protected, managed, maintained and connected to enhance their multi-functionality</i>'. Policy 29 within the LPP2 requires all major development to secure a net gain in biodiversity.</li> <li>• 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 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></li> <li>• Fragmentation of habitat is considered within Policy 30 and its supporting text.</li> <li>• To avoid impacts on the SPA from noise, vibration and light disturbance, the supporting text of Policy 30</li> </ul>
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<p>those allocations would be required. This is not stated within the draft plan or HRA. This is dealt with in a separate Statement of Common Ground between Northampton Borough Council, Natural England, Anglian Water and The Environment Agency.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• NE were unsure how pet predation could be prevented through LPP2 policy</li> </ul> <p>NE also commented specifically on the recreational impact on the SPA as a result of the proposed allocation at The Green, Great Houghton (LAA1098). This is dealt with in a separate SoCG between Natural England, Homes England and the Northamptonshire Ecologist.</p>	<p>requires development to consider phasing to avoid noisy and intensive construction during the sensitive winter months.</p> <ul style="list-style-type: none"> <li>• 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></li> <li>• Reference to pet predation had not been removed in the Round 2 consultation document. However, it is proposed to be removed through a Main Modification (see details below). Recreational pressure from dog walking will be dealt with through a mitigation strategy.</li> </ul> <p>A separate SoCG considers the comments raised by Natural England, Homes England and Northamptonshire Ecology relating to Policy 41 (The Green, Great Houghton - LAA1098).</p>
<p><b>Northamptonshire County Council Ecology:</b></p> <ul style="list-style-type: none"> <li>• NoE were supportive of the inclusion of Policy 27 within the LPP2 but were concerned how reasonable it was to expect all major applications to include a site-specific green infrastructure (GI) plan or strategy.</li> <li>• NoE considered Policy 29 and its supporting text required strengthening to include reference to habitats, species and hierarchy of sites characteristic of Northampton.</li> </ul>	<p><b>LPA response:</b></p> <ul style="list-style-type: none"> <li>• Policy 27 requires developments of 15 dwellings or more to deliver and / or contribute to GI projects and applications must be accompanied by a site-specific GI strategy and / or plan to illustrate how GI is integrated. It is not expected to be overly onerous for applicants to provide either a strategy or a plan indicating how GI will be integrated into a development; a strategy or</li> </ul>

- Policy 29 also needs to state that all development will be required to deliver a net gain in biodiversity.
- NoE also state that applicants should consult the Biodiversity SPD to understand whether and what surveys might be necessary.
- 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, that Natural England requires a mitigation strategy 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 will be required.

NoE also commented on the proposed allocation at The Green, Great Houghton (LAA1098). This is dealt with in a separate SoCG between Natural England, Homes England and the Northamptonshire Ecologist.

a plan is expected to be appropriate to the scale of development.

- The supporting text of Policy 29 has been strengthened to include reference to the biodiversity assets within Northampton with the policy itself making specific reference to the hierarchy of sites within the borough.
- Policy 29 now requires all major development to secure a net gain in biodiversity and the supporting text directs applicants to the Northamptonshire Biodiversity SPD so they can identify whether and what surveys might be necessary.
- 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.
- Furthermore, 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.
- 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 *undertaken to identify whether the site is used by over-wintering Golden Plover / Lapwing...If 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.*

	<p>A separate SoCG considers the comments raised by Natural England, Homes England and Northamptonshire Ecology relating to Policy 41 (The Green, Great Houghton - LAA1098).</p>
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## **Proposed Submission Round 2**

14. Tables 5 and 6 outline the comments made by Natural England (NE) 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. The Modifications discussed in Tables 5 and 6 should be read in conjunction with the remainder of this Statement of Common Ground. Policy 29 is proposed to be split via a Main Modification into Policies 29a and 29b and these are detailed below along with the proposed Main Modifications to Policy 30.

<b>Table 5: Proposed Submission Round 2: Natural England comments</b>			
<b>Policy</b>	<b>Comment</b>	<b>LPA's response / Proposed Changes in Main or Additional Mods</b>	<b>Current Status between parties</b>
29	Recommend a separate point within Policy 29 to address biodiversity net gain	Via a proposed Main Modification Policy 29 has now been split into 2 Policies: 29a and 29b (shown below). Biodiversity net gain is a requirement of Policy 29a.	Agree.
29	Include reference to DEFRA biodiversity metric.	Via a proposed Main Modification the DEFRA metric is now detailed within Policy 29a.	Agree.
29	The policy clearly needs to distinguish between the mitigation hierarchy and the biodiversity net gain requirements.	Policy 29 is proposed to be changed via a Main Modification which splits Policy 29 into 2 Policies: 29a and 29b (shown below). Via proposed Main	Agree.

		Modifications, Biodiversity net gain is a requirement of Policy 29a and the mitigation hierarchy is detailed in Policy 29b.	
29	Recommend the mitigation hierarchy is detailed within Policy 29	Policy 29 is proposed to be changed via a proposed Main Modification which splits Policy 29 into 2 Policies: 29a and 29b (shown below). Via a proposed Main Modification the mitigation hierarchy is detailed in Policy 29b.	Agree.
29	Recommend Policy 29 directs developers to the Northamptonshire Biodiversity SPD	Policy 29 is proposed to be changed via a proposed Main Modification which splits Policy 29 into 2 Policies: 29a and 29b (shown below). Via a proposed Main Modification, the Northamptonshire Biodiversity SPD is referenced in Policy 29b.	Agree.
29	The policy does not reflect the wording referred to within the HRA, June 2020 report: "Development, whether individually or in combination, having an adverse effect on the integrity of the Upper Nene Valley Gravel Pits	Policy 29 does not need to reference 'alone or in combination' as it is only applicable in relation to the UNVGP SPA.	Agree.



	(UNVGP) will be refused". NE would welcome this wording within Policy 29 and Policy 30	As such reference to the cumulative impacts of development is proposed to be removed from Policy 29 via a proposed Main Modification. Policy 30 wording is proposed to be changed from 'cumulative' to 'in combination' via a proposed Main Modification.  Further changes to Policy 30 are detailed below and these will be sent to the Inspectors as proposed Main Modifications.	
30	Policy 30 should commit to a Mitigation Strategy for the Upper Nene Valley Gravel Pits SPA and the strategy must be agreed prior to adoption of the plan.	The LPA proposes to amend Policy 30, via a proposed Main Modification, to commit the LPA to the adoption of a Mitigation Strategy for the UNVGP SPA by the time the Northampton LPP2 is adopted.	Agree
30	Policy 30 states <i>major development within close proximity of the SPA</i> . It should state <i>all development in close proximity of the SPA</i> .	It is proposed make changes to Policy 30 via proposed Main Modifications which are detailed below. Proposed wording states that:	Agree.

		<i>Applications comprising a net gain in residential units within 3 km of the Upper Nene Valley Gravel Pits SPA and Ramsar site will, in combination, have an adverse effect on the integrity of the SPA if not mitigated.</i>	
30	Policy 30 does not reference the Habitats Regulations or the HRA process.	Via proposed Main Modifications, the Habitats Regulations are now referenced in Policy 30 including the requirement for HRA where a likely significant effect is predicted.	Agree.
30	There is no reference in Policy 30 to the Upper Nene Valley Gravel Pits SPA SPD.	Via proposed Main Modifications the UNVGP SPD is proposed to be referenced in Policy 30.	Agree.
30	Policy 30 should refer to <i>alone or in combination</i> terminology to avoid confusion with EIA terminology ( <i>cumulative</i> ).	It is proposed to change the terminology 'cumulative' to 'alone or in combination' in Policy 30 via proposed Main Modifications.	Agree.
30	Policy 30 refers to ' <i>detrimental impact on the integrity of the UNVGP SPA</i> '. It should avoid subjective wording and use instead	It is proposed to alter the wording of Policy 30 from <u>detrimental impact to adverse</u>	Agree.

	<i>`adverse impact on the integrity of the UNVGP SPA`.</i>	<u>impact via a proposed Main Modification.</u>  Further changes to Policy 30 are detailed below and these will be sent to the Inspectors as Main Modifications.	
30	Policy 30 contains unnecessary wording: <i>and species for which the land is designated`.</i>	This wording is proposed to be removed from Policy 30 via a proposed Main Modification.	Agree.
30	Policy 30 references <i>`close proximity of the SPA`.</i> NE assume that <i>`close proximity`</i> means <i>`3km`.</i>	Policy 30 is proposed to be altered via proposed Main Modifications to ensure that where development is likely to have a significant effect on the UNVGP SPA, a Habitats Regulations Assessment will be required. These changes are detailed in the revised Policy 30 below.	Agree.
30	Policy 30 uses the terminology <i>`supporting habitat`</i> but the terminology <i>`functionally linked land`</i> is more appropriate.	Via a proposed Main Modification it is proposed to change the wording in Policy 30 from <u>supporting habitat</u> to	Agree.

		<p><u>functionally linked land.</u></p> <p>Further changes to Policy 30 are detailed below and these will be sent to the Inspectors as Main Modifications.</p>	
30 + site specific policies	<p>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>	<p>Via a proposed Main Modification the LPP2 commits to the adoption of a mitigation strategy for the UNVGP through Policy 30. The Mitigation Strategy will be adopted by the time the Northampton LPP2 is adopted.</p> <p>Via a proposed Main Modification, Policy 41 now proposes that a SANG is required as part of the development at The Green, Great Houghton.</p>	Agree.
30	<p>The policy wording quoted within the HRA is not reiterated within the Northampton Borough Council 2011-2029 Proposed Submission – Round 2, June 2020 document.</p>	<p>Through proposed Main and Additional Modifications Policy 30 has been amended to ensure the findings of the LPP2's HRA are reflected.</p>	Agree.

<b>Policy</b>	<b>Comments made by NCC Ecology</b>	<b>LPA's response / Proposed Changes Main or Additional Mods</b>
29	Wording is not consistent with paragraph 175 of NPPF in relation to mitigation hierarchy.	Via a proposed Main Modification, the mitigation hierarchy is now detailed in Policy 29b.
29	Include reference to DEFRA biodiversity metric.	Via a proposed Main Modification, the DEFRA metric is now detailed within Policy 29a.
29	Policy 29 should include reference to Potential Wildlife Sites and Local Geological Sites.	Via a proposed Main Modification Policy 29a now references Potential Wildlife Sites and Local Geological Sites.
29	The term 'undesigned sites' should be altered to 'other biodiversity assets.'	Via a proposed Main Modification reference to <u>Undesignated sites</u> has been changed to: <u>Other biodiversity assets</u> in Policy 29b
29	Policy 29 refers to cumulative impacts which can only be considered when development is subject to Environmental Impact Assessment (EIA).	Via a proposed Main Modification, Policy 29 now removes reference to cumulative impacts.
29	Policy 29 refers to functionally linked land which is specific to the Upper Nene Valley Gravel Pits and not general biodiversity.	Via a proposed Main Modification, the reference to functionally linked land has now been removed from Policy 29.
29	The Policy should note applicants are expected to consult the Northamptonshire Biodiversity SPD to find out whether and what surveys might need to be undertaken.	Via a proposed Main Modifications Policy 29b now references the Northamptonshire Biodiversity SPD.

30	Policy 30 should include a commitment to preparing a Mitigation Strategy for the SPA.	Via a proposed Main Modification, the wording of Policy 30 now includes commitment to the adoption of a Mitigation Strategy for the UNVGP SPA by the time the LPP2 is adopted.
30	Unlike recreational disturbance from off-lead dogs, pet predation cannot be controlled. Therefore, inclusion in Policy 30 is questioned.	Via a proposed Main Modification, the reference to pet predation has been removed from Policy 30.
30	The significant effects listed in the third paragraph of Policy 30 should be moved to supporting text.	<p>Via proposed Main and Additional Modifications, the significant effects listed in Policy 30 have been moved to paragraph 10.20. It should be noted that the following wording has been removed entirely: <u>and impacts due to water runoff, water abstraction or discharges from the foul drainage system either as a direct result of the development alone or in combination.</u></p> <p>The following wording has been included: <u>Major developments will also be required to demonstrate that there is sufficient capacity at the receiving Water Recycling Centre to ensure water quality is protected consistent with the requirements of the Habitats Directive.</u> Anglian Water required these changes due to the conclusions of the HRA.</p>
38	Concerns were raised over the inclusion of site LAA0657 (Fraser Road) within Policy 38 and the site assessment form which states the site is not in proximity to any designated biodiversity or geodiversity site. NoE highlighted that the site is adjacent to a	The Council has identified sites which are in close proximity to or overlap with Potential Wildlife Sites. Through a proposed Main Modification, Policy 29 has been strengthened to ensure applicants take these sites into consideration. Potential Wildlife Sites will be mapped on the Policies Map

	Potential Wildlife Site (PWS) and within 1km of another PWS and a Local Wildlife Site.	
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## **Further proposed changes to the Local Plan Part 2**

15. Following a meeting with NE on 5 February 2021 to discuss their comments and areas of disagreement the local planning authority proposes further amendments to Policies 29, 30 and 34 through Main and Additional Modifications to the LPP2.

16. It is proposed to split Policy 29 to create two policies 29a and 29b. Policy 29 as submitted is shown in crossed out black text and the proposed new policies 29a and 29b are shown below in green text.

### **~~POLICY 29 – Supporting and Enhancing Biodiversity~~**

- ~~1. The Council will require all major development proposals to offset the loss and secure a net gain in biodiversity through the strengthening, management and / or creation of new habitats. This should be measured through the use of a recognised biodiversity calculator. Proposals will be expected to incorporate measures to enhance biodiversity within or around a development site, and to contribute to the consolidation and development of local ecological networks, including beyond the borough’s boundary. Development should avoid the fragmentation of habitats and links, and address the Northamptonshire Biodiversity Action Plan local priorities for habitats and species.~~
- ~~2. In particular, the Council will seek the protection or enhancement of ecological network in line with their status as set out below:~~
  - ~~• Sites of national or international importance The Upper Nene Valley Gravel Pits is designated a Special Protection Area, a Ramsar site and a Site of Special Scientific Interest. All proposals must comply with Policy 30.~~
  - ~~• Sites of local importance Development affecting the Borough’s Local Nature Reserves and Local Wildlife Sites will be expected to avoid causing adverse effects unless it can be demonstrated that the benefits of development clearly outweigh the harm.~~

- ~~Undesignated sites Development affecting sites that are not formally designated, but which make a positive contribution to biodiversity, will be required to take into account their current or potential role in the Borough's wider biodiversity network.~~
  
- 3. ~~All applicants are expected to assess the impacts of their proposals on biodiversity, including indirect impacts such as recreational activities, the cumulative impact of developments and any potential effects on functionally linked land to the respective site. Applicants will be required to undertake up to date, comprehensive ecological surveys in accordance with industry guidelines and standards. These will be required to support and inform development proposals that would affect sites for nature conservation, protected species, or species and habitats of principal importance demonstrating development will deliver a net gain.~~

**~~Delivering WNJCS:  
Policy BN2 (Biodiversity)~~**

**POLICY 29a – Supporting and Enhancing Biodiversity**

1. The Council will require all major development proposals to provide a net gain in biodiversity through the creation or enhancement of habitats by:
  - Incorporating and enhancing existing biodiversity features on and/or off site;
  - Consolidating, developing and enhancing functionality of ecological networks including those beyond the Local Plan's boundary; and
  - Managing, monitoring and maintaining biodiversity within a development.
  
2. Proposals should enhance natural capital and be designed around the existing components of the ecological network including sites of national or international importance, sites of local importance and other biodiversity assets.



3. All applicants are expected to assess the impacts of their proposals on biodiversity, including indirect impacts such as recreational activities. Applicants should refer to the Northamptonshire Biodiversity Action Plan and the latest guidance on biodiversity net gain when developing proposals. The Council requires applicants to use a recognised biodiversity calculator such as the DEFRA metric.
4. Development that does not achieve biodiversity net gain, and fragments habitats and links will be refused.

**Delivering WNJCS:  
Policy BN2 (Biodiversity)**

**Policy 29b – Nature Conservation**

1. The Council requires development to protect, maintain and enhance biodiversity and geodiversity. All proposals likely to affect biodiversity will be expected to assess their impact through an ecological assessment. If harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, planning permission will be refused.
2. Proposals should comply with principles set out in the Northamptonshire Biodiversity SPD or successor document and where necessary undertake up to date, comprehensive ecological surveys in accordance with industry guidelines and standards to inform development.
3. The Council will seek the protection or enhancement of the ecological network in proportion to the site's designation status, the contribution it makes to the ecological network and take account of considerations set out below:
  - **Sites of national or international importance**  
Special Protection Areas, Ramsar sites and Sites of Special Scientific Interest are of international and/or national importance and development affecting them will be expected to avoid causing adverse effects. All proposals will be expected to avoid causing adverse impacts to the Upper Nene Valley Gravel Pits and must comply with Policy 30.
  - **Sites of local importance**

Development affecting Northampton's Local Nature Reserves, Local Wildlife Sites, Local Geological Sites and Potential Wildlife Sites will be expected to avoid causing adverse effects on these assets unless it can be demonstrated that the benefits of development clearly outweigh the harm.

- **Other biodiversity assets**

Development affecting sites that are not formally designated, but which make a positive contribution to biodiversity, will be required to take into account their current or potential role in the Borough's wider biodiversity network.

**Delivering WJCS:  
Policy BN2 (Biodiversity)**

17. It is also proposed to make changes to Policy 30 and its supporting text. The changes to the supporting text are shown below. It is the intention to make these changes via proposed Main and Additional Modifications:

- Black text is the original text in the Proposed Submission Round 2 version.
  - Green text shows the proposed Main and Additional Modifications
- a.** Paragraph 10.17 is proposed to be changed via a Main Modification (green text): - This document will be **adopted by** ~~produced within 12 months of the adoption of~~ the **time of the adoption of the** Northampton Local Plan Part 2.
- b.** Paragraph 10.18 is proposed to be changed via a Main Modification (green text): - The strategy will draw on evidence of existing recreational impact and forecast additional impact from proposed residential growth, it will then identify suitable mitigation measures such as access management and monitoring to minimise impact on the SPA. Without mitigation, any increase in the number of residential units **within 3km of the SPA will have an adverse effect on the integrity of the Upper Nene Valley Gravel Pits SPA.** ~~near the SPA has the potential. to increase the significance of the effect by increasing the number of visits to the designated site.~~

- c. The following bullet point within Paragraph 10.19 is proposed to be removed via an Additional Modification (green text): - ~~Monitoring of the impacts of new development on the SPA to inform the necessary mitigation requirements and future refinement of any mitigation measures~~
- d. Paragraph 10.20 is proposed to be changed via a Main Modification (green text): - Other significant adverse effects such as loss or fragmentation of habitats and change to water quality can also arise from development. **In addition, there could be impacts on areas of functionally linked land which support the bird species (golden plover and lapwing) for which the Upper Nene Valley Gravel Pits Special Protection Area has been designated.** As such developers should engage early with Natural England regarding their proposals. For example, for sites in close proximity to the SPA, consideration should be given to phasing the construction period, whereby the most intensive/ noisy part of development avoids the sensitive winter season (1<sup>st</sup> October – 31<sup>st</sup> March inclusive).

18. Policy 30 was also discussed at the meeting with NE on 5 February 2021. The main concerns related to text, the commitment to a faster timetable of adoption for the UNVGP Mitigation Strategy (to be adopted by the time of the LPP2 adoption) and the inclusion of wording requiring a Habitats Regulations Assessment where development would have an adverse effect on the UNVGP SPA.

19. Policy 30 as submitted is shown in crossed out black text and the proposed new Policy 30 is shown below in green text.

**POLICY 30**  
**~~UPPER NENE VALLEY GRAVEL PITS SPECIAL PROTECTION AREA~~**

~~Proposals must ensure that there is no adverse impact either alone or cumulatively on the Upper Nene Valley Gravel Pits SPA and Ramsar site.~~

~~Applications comprising a net gain in residential units within 3 km of the Upper Nene Valley Gravel Pits SPA and Ramsar site will need to demonstrate that the impact of any increased recreational activity or pet predation (indirect or direct) on the SPA and Ramsar site will not have a detrimental impact.~~

Proposals for major developments within close proximity of the SPA will need to demonstrate through the development management process that there will be no adverse effects on the integrity of the Special Protection Area and the species for which the land is designated. Significant effects could include the loss or fragmentation of supporting habitat, non-physical disturbance (noise, vibration or light), and impacts due to water runoff, water abstraction or discharges from the foul drainage system either as a direct result of the development alone or in combination. Applicants should refer to Table 2 of the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document for guidance on when to consult with Natural England.

In order to protect sightlines for birds included within the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar site, new development within a 250m zone of the Special Protection Area and Ramsar site shown on the policies map must undertake an assessment to demonstrate that it will not have a significant adverse effect on birds within the area or, if directly adjacent to existing buildings, should reflect surrounding building heights.

**Delivering WNJCS:  
Policy BN4 (Upper Nene Valley Gravel Pits Special Protection Area)**

### **POLICY 30 – Upper Nene Valley Gravel Pits Special Protection Area**

Developments that are likely to have significant effects alone or in combination on the Upper Nene Valley Gravel Pits Special Protection Area (UNVGP SPA) must satisfy the requirements of the Habitats Regulations, determining site specific impacts and avoid or mitigate where impacts are identified.

Where development is likely to have significant effects on the UNVGP SPA, a Habitats Regulations Assessment will be required, which may include the need for an Appropriate Assessment. For developers, early consultation with Natural England is needed regarding proposals that could affect the SPA. Applicants should also refer to the Upper Nene Valley Gravel Pits SPA Supplementary Planning Document.

Applications comprising a net gain in residential units within 3 km of the Upper Nene Valley Gravel Pits SPA and Ramsar site will, in combination, have an adverse effect on the integrity of the SPA if not mitigated.

The Local Planning Authority will prepare a Mitigation Strategy document concerning the Upper Nene Valley Gravel Pits Special Protection Area which is to be adopted as an Addendum to the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document by the time this Local Plan is adopted.

Other adverse effects could include the loss or fragmentation of functionally linked land, non-physical disturbance (noise, vibration or light), and impacts due to water runoff. Sites that could potentially be functionally linked land associated with the SPA will need to undertake overwintering bird surveys early in the planning process.

Major developments will also be required to demonstrate that there is sufficient capacity at the receiving Water Recycling Centre to ensure water quality is protected consistent with the requirements of the Habitats Directive.

In order to protect sightlines for birds included within the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar site, new development within a 250m zone of the Special Protection Area and Ramsar site shown on the policies map must undertake an assessment to demonstrate that it will not have a significant adverse effect on birds within the area or, if directly adjacent to existing buildings, should reflect surrounding building heights.

**Delivering WJCS:  
Policy BN4 (Upper Nene Valley Gravel Pits Special Protection Area)**

20. Natural England also seek changes to **Policy 34** which safeguards land for the reinstatement of the Northampton to Market Harborough railway line. Natural England consider this would result in a significant loss of a recreational and strategic green infrastructure route.

21. Any reinstatement of the line is a project that will be led by Network Rail. The Policy already sets out that transport schemes which provide an element of environmental protection will be prioritised. However, it is proposed to add the following

wording to Policy 34 via a Proposed Main Modification: *The existing route is currently a strategic green infrastructure corridor that is an important part of the biodiversity network and provides recreation opportunities for the local population. Any proposal for the route will need to meet the requirements of Policies 29a and 29b.*

22. Natural England consider that, as part of a strategy to mitigate the adverse impact of development on the Upper Nene Valley Gravel Pits SPA, site **LAA1098 (Policy 41)** should provide a Suitable Alternative Natural Greenspace (SANG) as part of the development. This would provide an alternative area for the population of the development to recreate and avoid further recreational disturbance to the UNVGP.

23. A meeting was held with Natural England and Homes England, who are bringing forward LAA1098, on 25 March 2021. The principle of a SANG associated with this site has been agreed and is discussed in a separate SoCG with the relevant parties.

### **List of signatories**

24. The following organisations are responsible for joint working with regards to addressing this matter:

- West Northamptonshire Council; and
- Natural England

### **Outstanding Matters**

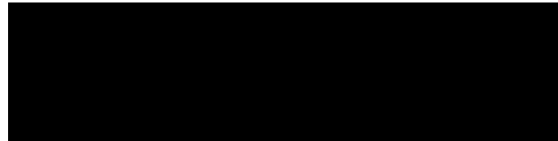
25. Tables 5 and 6 outline the comments made by Natural England and Northamptonshire County Council Ecology at the Proposed Submission Round 2 consultation. West Northamptonshire Council (WNC) have proposed some Main and Additional Modifications that it considers need to be made to overcome the objections of Natural England to ensure the policies related to the natural environment meet the requirements of the Habitats Regulations and National Planning Policy Framework. It is intended that these will be supplied to the Inspectors via proposed Main and Additional Modifications.

26. It is proposed that where areas of disagreement remain these are presented to the Inspector once a conclusion has been reached.

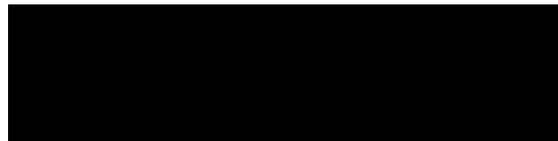
## **Governance arrangements**

27. West Northamptonshire Council (WNC) and Natural England (NE) have engaged and met throughout the drafting of the Northampton Local Plan Part 2. As statutory consultees, NE have made representations to LPP2 consultations including at the Issues, Sites, and Submission Draft (Rounds 1 and 2) stages.

28. The Parties remain in communication and are working towards an agreed approach.



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



**Paul Everard (Planning Policy and Heritage Manager)**  
**WEST NORTHAMPTONSHIRE COUNCIL**  
**Date: 4 August 2021**