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**From:** Heather Webb [REDACTED]  
**Sent:** 24 August 2020 16:08  
**To:** Planning Policy  
**Subject:** Proposed submission consultation (round 2)  
**Attachments:** 200824 NBC draft LPP2 letter.pdf

Attached please find my comments in response to your consultation on the second local plan submission draft. Please don't hesitate to get in touch with any questions.

Regards,  
Heather

Heather Webb MSc MCIEEM  
Principal Project Officer  
Planning Services  
Northamptonshire County Council  
One Angel Square  
4 Angel Street  
Northampton  
NN1 1ED

Tel: [REDACTED]

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## Northamptonshire County Council

Planning Policy  
Northampton Borough Council  
1st Floor, The Guildhall  
St Giles Square  
Northampton  
NN1 1DE

Please ask for: Heather Webb  
Tel: [REDACTED]  
Our ref:  
Your ref:  
Date: 24 August 2020

Dear Sir/Madam:

### **Re: Northampton Borough Council Local Plan Part 2 Proposed Submission Round 2 Consultation**

I'm writing in response to your consultation on the second proposed submission version of the Northampton Borough Local Plan Part 2. My interest in this consultation relates specifically to policies on green infrastructure and biodiversity.

I was pleased to see a number of improvements over the previous version of the plan. I do however still have a number of concerns about the proposed policies:

#### ***Policy 29 Supporting and enhancing biodiversity***

**Section 1:** The proposed wording is not consistent with the wording or principle of paragraph 175 of the NPPF. Paragraph 175 establishes the mitigation hierarchy which requires development to 'avoid, adequately mitigate, or, as a last resort, compensate' biodiversity impacts. Policy 29 1) would require development to 'offset the loss', which presupposes biodiversity impacts and skips the 'avoid' and 'mitigate' stages of the mitigation hierarchy.

Section 1 goes on to state that biodiversity loss and gain should be measured using a recognised calculator. This is a welcome addition to the policy, however there are a number of 'recognised calculators', and this already causes confusion with some applicants. When passed the Environment Bill will mandate the Defra metric: I would suggest that the policy wording is changed to require that the most up-to-date Defra metric be used instead.

**Section 2:** I was pleased to note that the policy describes a hierarchy of sites and biodiversity assets. However the list does not include Potential Wildlife Sites (PWS) or

Planning Services  
One Angel Square, 4 Angel Street  
Northampton  
NN1 1ED

w. [www.northamptonshire.gov.uk](http://www.northamptonshire.gov.uk)

t. [REDACTED]

e. [REDACTED]



Local Geological Sites. Some PWS are former Local Wildlife Sites (LWS) which have deteriorated and at last survey date no longer qualified. Others are sites which are suspected to have some biodiversity value but have not been surveyed. PWS are not usually of the same ecological quality as LWS but occasionally surveys have revealed them to be of as much as SSSI quality. Applicants need to know PWS exist and may have significant value so should be included in Policy 29.

The term 'undesigned sites' is not particularly meaningful in biodiversity terms (unlike undesignated heritage assets). I would suggest the term 'other biodiversity assets', which would reflect terminology used in the Biodiversity SPD.

**Section 3:** This section refers to cumulative impacts, which must be considered in development subject to Environmental Impact Assessment (EIA) and the Habitats Regulations. I question whether the council has the authority to require consideration of cumulative impacts for development which is not subject to the EIA or Habitats Regulations. Similarly, this section also refers to impacts on functionally linked land, which is specific to the Special Protection Area and should not be included in a general biodiversity policy.

The remainder of this section is confusing, and I would reiterate my comments on the previous draft local plan: applicants are not all expected to conduct ecological surveys as the wording implies. Applicants are expected to consult the Biodiversity SPD to find out whether and what surveys might be necessary. This requirement could be included in the policy as has been done in the North Northamptonshire Joint Core Strategy (Policy 4), which states that 'development proposals will need to take account of the Northamptonshire Biodiversity Supplementary Planning Document...' If this section is intended to refer to development affecting the SPA then this should clearly be indicated in the policy wording. As currently worded section 3 appears to apply to all development.

### ***Policy 30 Upper Nene Valley Gravel Pits Special Protection Area***

The commitment to prepare a mitigation strategy for the SPA is included in the supporting text only (paragraph 10.17): this should be included in the actual policy text.

I question the inclusion of pet predation in the second paragraph of this policy. As stated in the updated HRA report, pet predation is a separate issue from the off-lead dogs which are thought to be the primary source of disturbance to the site's birds. Pet predation is more likely a problem for nesting birds than it is for overwintering birds. As the SPA was classified for overwintering birds I am not convinced that references to pet predation belong in this policy. However I will of course defer to Natural England's judgement on this matter.

The list of possible significant effects in the third paragraph is not policy and in my view does not belong here; I would suggest moving it to the supporting text.

### ***Policy 38 Development allocations***

I note that Site 0657 (Fraser Road) is in the list of proposed allocations. In the 2017 Sites Consultation Paper, this site was indicated as 'not being taken forward for further investigation'. It then appeared as a residential allocation on the policies map for the previous local plan draft submission version consultation. I have no record of either a public or direct consultation from the council regarding changes to the site assessments. For many sites this would not be an issue but in this case the assessment for site LAA0657 states that the site 'is not in proximity to any designated biodiversity or geodiversity site'. In fact the site is adjacent to Talavera East Potential Wildlife Site and within 1km of other local PWS, and Billing Arbours Local Wildlife Site. These could face increased visitor pressure – and its associated ecological impacts – as a result of residential development. While this might not have rendered site LAA0657 inappropriate for development it does suggest that other sites might have been incorrectly represented in the changes to the site assessments.

### ***Policy 41 The Green, Great Houghton (LAA1098)***

The second item in the bulleted list, regarding the opportunity to create woodland and other habitats, is not a criterion but an observation and in my view does not belong in the policy wording. It would be more appropriate in the supporting text.

The seventh bullet refers to a buffer but does not indicate what is to be buffered, only where the buffer is to be located. I think some clarification on this point would help make the policy easier for case officers to deliver on the ground.

Overall while I believe the biodiversity policies have been improved they do appear to have been developed with limited ecological/natural environment input; they read as if they were written by non-specialists. It is crucial that these policies – and all policies in the local plan – are able to be used and delivered by officers. The wording must be clear and precise, and in my view Policies 29 and 30 in particular are not quite there yet.

Thank you for the opportunity to comment on this latest version of the part 2 local plan. Please don't hesitate to get in touch if you have any questions. I can be reached at [REDACTED] or on [REDACTED]

Yours sincerely,

[REDACTED]

Heather Webb MSc MCIEEM  
Principal Project Officer, Planning Services