



# **Upper Nene Valley Gravel Pits Special Protection Area (SPA) Supplementary Planning Document (SPD)**

## **Addendum to the Upper Nene Valley Gravel Pits SPA SPD: Mitigation Strategy**

**Consultation Statement  
March 2022**

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## Introduction

1. The Upper Nene Valley Gravel Pits (UNVGP) Special Protection Area (SPA) was designated in April 2011 under the Conservation of Habitats and Species Regulations 2017 (as amended) due to the number and types of bird species present.
2. Development proposals must not give rise to adverse effects on the integrity of the SPA, either alone or in combination with other plans and project, and if they are likely to, measures must be secured to avoid or mitigate this impact, otherwise the competent authority (the Local Planning Authority) is obliged to refuse permission in the absence of satisfying exacting derogation tests (the work cannot go ahead or the plan cannot be adopted unless it can pass 3 legal tests and be granted an exception, known as 'derogation'<sup>1</sup>).
3. The UNVGP SPA Mitigation Strategy sets out how recreational impact on the SPA, as a result of residential development, can be mitigated either through bespoke on-site mitigation or through a Strategic Assessment Management and Monitoring (SAMM) contribution to strategic mitigation.
4. The mitigation strategy has been prepared to provide guidance to planning applicants and those involved in the delivery of residential development within 3km of the UNVGP SPA. It expands upon the policies set out in the West Northamptonshire Joint Core Strategy (WNJCS) and the emerging Local Plan Part 2.
5. In accordance with Regulations 12 and 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the draft Mitigation Strategy SPD was subject to an 8-week public consultation period between 13 December 2021 and 7 February 2022.
6. This Consultation Statement provides a summary of representations received and the Council's responses to these representations.

## Consultation Exercise

7. The formal 8-week consultation on the mitigation strategy took place between 13 December 2021 and 7 February 2022. Letters and emails were sent to 653 stakeholders on the West Northamptonshire Planning Policy database, including statutory consultees, councillors, neighbouring authorities and developers.
8. The draft mitigation strategy was available to view in the following locations:
  - a. The Council's website <https://westnorthants.citizenspace.com/>
  - b. Northampton Guildhall and The Forum, Towcester
  - c. The following libraries:

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<sup>1</sup> <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

- i. Northampton Central Library
      - ii. Hunsbury Library
      - iii. Weston Favell Library
      - iv. Abington Community Library
      - v. Wootton Community Library
      - vi. Towcester Library
    - d. Parish Councils and other local venues within 3km of Unit 1 of the UNVGP SPA
      - i. White Hart PH, Great Houghton
      - ii. Hardingstone Parish Council
      - iii. Cogenhoe and Whiston Parish Council
      - iv. Little Houghton Parish Council
9. Details of the consultation were promoted via a press release, the dedicated Citizen Space consultation pages on the West Northamptonshire website and on the Northampton area planning policy pages. Additionally, details of the consultation were published on West Northamptonshire Council's social media.
10. The draft mitigation strategy included 5 questions to help focus responses to the consultation. These were:
- 1) Do you agree with the identified mitigation measures within the draft SPD? If not, please provide details of other mitigation measures that you consider would be appropriate to include.
  - 2) Do you know of any existing, publicly accessible open spaces that could be considered as alternative recreational areas to the SPA?
  - 3) Is the impact of development on the SPA the same across the 3km buffer, and if not, should there be any difference in the level of mitigation required? If you are suggesting there is a difference in impact closer / further away from the SPA, please provide evidence in the form of surveys and / or studies to demonstrate the buffer should be altered.
  - 4) Do you consider the SAMM contribution to be adequate? If not, please state why.
  - 5) Do you have any comments on any other aspect of the SPD not covered by questions 1-4?

## **Responses**

11. In total seven (7) responses were received via completed online questionnaires, response forms or letters.
12. The consultation responses to the UNVGP SPA Mitigation Strategy raised the following issues:
- a. Changes to the Strategic Access Management and Monitoring (SAMM) fee;

- b. Reference to the historic landscape in which the SPA sits;
- c. Updates to strengthen when project level HRAs and / or bespoke mitigation may be required to reflect emerging policy within the Northampton LPP2;
- d. Reference to the Mitigation Hierarchy set out in National Planning Policy Framework;
- e. Definitions of thresholds used within the mitigation strategy; and
- f. Providing more explicit guidance on when the advice of Natural England should be sought.

13. A summary of responses to the UNVGP SPA Mitigation Strategy consultation, with the Council's response and agreed actions, can be found at Appendix 1.

## Appendix 1: Summary of comments, responses and actions

Reference	Name & Organisation	Summary of comments	Response	Action
MS01	Hackleton Parish Council (HPC)	HPC note that Hackleton Parish just about touches the 3km buffer zone near to Wootton and is supportive of the purpose and conclusions of the document.	Noted.	None required.
MS02	Historic England (HE)	<p>HE provided details of designated heritage assets within 3km of Unit 1 of the SPA including: the motte castle of Clifford Hill (east of the SPA) and the conservation areas of Great Houghton and Little Houghton.</p> <p>HE noted that the SPA Mitigation Strategy makes no reference to the historic environment and relates only to mitigation against habitat loss in line with the Conservation of Habitats and Species Regulations 2017.</p> <p>Proposed works as part of the mitigation measures, such as the provision of information panels, should be informed by an understanding of the character of the historic landscape in which the SPA sits to enhance and enrich the visitor experience.</p> <p>To avoid any unnecessary heritage impacts, any mitigation schemes should seek the views of the Senior Planning Archaeologist, HER Officer and Conservation Officer for West Northamptonshire.</p> <p>HE note that any future development related to mitigation measures for the SPA at The Green, Great Houghton (a</p>	<p>Noted.</p> <p>Noted.</p> <p>Agree - A new paragraph will be included within Appendix 6 of the mitigation strategy so that any measures that do come forward, must be informed by an understanding of the historic landscape within which the SPA sits.</p> <p>Noted.</p> <p>The emerging Northampton LPP2 sets out within policy that development of</p>	<p>None required.</p> <p>None required.</p> <p>Include new paragraph relating to the historic landscape within Appendix 6 of the MS: <u>Any measures that come forward to mitigate recreational impact on Unit 1 of the SPA must be informed by an understanding of the character of the historic landscape in which the SPA sits to enhance and enrich the visitor experience.</u></p> <p>The statutory contacts identified by HE will be consulted when mitigation measures are progressed.</p> <p>None.</p>

Reference	Name & Organisation	Summary of comments	Response	Action
		proposed allocation within the emerging Northampton Local Plan Part 2 (LPP2) ref: LAA1098) should be informed by an understanding of the significance of heritage assets affected including any contribution made by their setting.	The Green, Great Houghton needs to take account of and understand heritage assets and their settings.	
MS03	National Highways (NH)	NH note that West Northamptonshire Council is partnering with North Northamptonshire Council to prepare a combined Northamptonshire Mitigation Strategy for the SPA.  NH do not have any traffic related concerns at this stage. However, due to the SPA's proximity to the A45, any construction traffic during the implementation of mitigation measures may need to be assessed to ensure the safe operation of the strategic road network is maintained.	Noted.	None required.
MS04	Chadwick Town Planning (CTP) for Bastion	CTP noted an arithmetical error in the recommended mitigation measures in Table 2 of Appendix 6 of the draft mitigation strategy. The cost calculated for the provision of a monitoring / funding officer was half of that of the full time cost (£115,500.00) when it should have been a quarter of the full time cost (£64,512.33).  Alongside this identified error, the total cost of mitigation measures was incorrect resulting in an incorrect cost per dwelling SAMP cost.  CTP requested clarity on whether the funding for a monitoring / funding officer <i>could be resourced in whole or in part by or within the local planning authorities</i> (para 13 Appendix 6)	Agree - The Council confirms that incorrect mitigation measure costs and SAMP figures were included in the mitigation strategy.  SAMP contributions will be required to fund the .25fte monitoring / funding officer. It is expected that the new requirement of an UNVGP SPA monitoring and funding officer will form part of a new role as a part of Council reorganisation.	Make changes to Table 2 within Appendix 6 of the mitigation strategy to reflect revised SAMP calculations. Make changes throughout the document to reflect the revised SAMP fee of <del>£428.58</del> <u>£395.34</u> per dwelling  Cost of 0.25fte Monitoring / Funding Officer <del>£115,500.00</del> <u>£64,512.33</u>  TOTAL for Unit 1 <del>£657,445.51</del> <u>£606,457.83</u>  None required.

Reference	Name & Organisation	Summary of comments	Response	Action
MS05	Natural England (NE)	<p>NE notes that this mitigation strategy will complement the existing mitigation strategy for units 2-8 and welcomes the commitment of both West and North Northamptonshire Council in progressing a joint mitigation strategy. NE also the current survey work that is being undertaken to inform the joint mitigation strategy.</p> <p>NE set out their position in that a long-term strategic approach to the management of recreational and development pressure is required to protect the SPA. They state that this is best achieved through a single mitigation strategy that covers the SPA in its entirety.</p> <p>NE note that development surrounding the SPA also has impacts for functionally linked land.</p> <p>NE notes that the mitigation measures, and consequently the SAMM contribution, may need to be revised when new and updated evidence becomes available.</p> <p><b>Specific mitigation strategy (MS) comments</b> The mitigation hierarchy must apply and should be referenced. Additionally, the MS should state that if the impact of a proposal were significantly damaging to the SPA, planning permission should be refused (para 11).</p>	<p>The Council welcomes NE's opinion that the MS for Unit 1 will complement the existing North Northamptonshire MS.</p> <p>The Council welcomes NE's opinion that a single mitigation strategy is the best approach to protect the Upper Nene Valley Gravel Pits SPA. The Council is working with North Northamptonshire, and evidence is currently being gathered to inform the joint mitigation strategy.</p> <p>Evidence in the form of bird and visitor surveys is currently being collated which will help inform this strategy.</p> <p>The Council agrees that revised SAMM contributions and / or bespoke measures may form part of any new mitigation.</p> <p>Agree, reference will be made to the mitigation hierarchy.</p>	<p>None.</p> <p>None.</p> <p>None.</p> <p>None.</p> <p>Paragraph 11 (now 12) to include: <u>In line with the National Planning Policy Framework, if harm to the SPA cannot be avoided or adequately mitigated then planning permission will be refused.</u></p>



Reference	Name & Organisation	Summary of comments	Response	Action
		<p>The MS should clarify, or for the avoidance of doubt, remove reference to further mitigation being required in <i>exceptional circumstances</i> (paragraph 12).</p> <p>The MS should be consistent with policies within the emerging Northampton Local Plan Part 2 (LPP2) and any Statements of Common Ground associated with the LPP2, especially in relation to the requirement for a Suitable Alternative Natural Greenspace (SANG) at the proposed allocation at The Green, Great Houghton (LAA1098). Additionally, the MS should be consistent with policies (as proposed to be amended) within the LPP2 that set out that large developments may need project level HRA and/or bespoke mitigation such as SANGs.</p> <p>NE note that the proposed measures within the draft MS are appropriate to mitigate recreational pressure but flag that new evidence is being collected which may highlight the need for other, more appropriate and suitable measures in the future.</p> <p>NE highlighted that areas of green and/or blue infrastructure could be suitable alternative areas for recreation. New development that comes through strategic plans should incorporate high quality green and blue infrastructure.</p> <p>NE note that new evidence would inform any change in approach to the buffer zone around the SPA and the mitigation required.</p>	<p>Agree - Paragraph 12 (now 14) of the MS will be reworded to provide clarity. Likewise, paragraph 29 (now 31) will be amended to remove reference to 'exceptional circumstances'.</p> <p>Paragraph 13 (now 15) sets out that a SANG is required to mitigate the proposed allocation at The Green, Great Houghton. It also sets out that other large-scale developments, that have the scope to deliver bespoke mitigation, will require a project level HRA. The Council will strengthen this paragraph to ensure consistency with Statements of Common Ground and emerging policy within the Northampton LPP2.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>	<p>Paragraph 12 (now 14) to remove the final sentence: <del>Further mitigation will be in exceptional circumstances and where Natural England Advise.</del></p> <p>Paragraph 13 (now 15) to be amended to include the following wording: <u>Other large scale developments may need project level HRAs and/or bespoke mitigation such as SANGs. that have the scope to deliver bespoke mitigation, will require a project level HRA and the mitigation identified in that assessment will need to be delivered.</u></p> <p>None required.</p> <p>None required.</p> <p>None required.</p>

Reference	Name & Organisation	Summary of comments	Response	Action
		<p>Paragraph 26 of the draft MS states that by <i>making this contribution [SAMM] will remove the need for developments to mitigate against recreational pressure, undertake project level Appropriate Assessment and speed up the process of approval from Natural England. This would in turn, speed up the determination of these applications.</i> NE note that the SAMM contribution covers recreational pressure only but there maybe other 'urban edge' effects on the SPA (such as lighting, noise etc..). Therefore, legal advice should be sought to ensure this approach is compliant with the Habitats Regulations.</p>	<p>It is agreed that paragraph 26 needs clarification on when SAMM and/ or bespoke mitigation is needed to avoid contradicting paragraph 29. Legal advice has been sought and it is suggested to amend paragraph 26 and merge with paragraph 29.</p> <p>It is also necessary to ensure the MS is clear that it deals with recreational pressure only and not any other potential impacts of development on the SPA.</p>	<p>Amend paragraph 26 and merge with paragraph 29 (now 30).</p> <p>Making the SAMM this contribution will remove the need for developments to mitigate against recreational pressure, <del>undertake project level Appropriate Assessment and</del> speed up the process of approval from Natural England. This would in turn, speed up the determination of these applications. <u>However,</u></p> <p><del>S</del> some housing schemes, when accounting for their scale, <del>or</del> relationship to the SPA <del>or</del> their potential effects (for example <u>changes to bird sightlines, non-physical disturbance or pet predation</u>) may need to provide bespoke mitigation measures in addition to making the financial contribution in order to ensure effective avoidance / mitigation of impacts on the SPA. <u>In particular, <del>W</del> where</u> a development will create 10 or more net additional dwellings it is advised that early dialogue with Natural England take place. Natural England will then advise the Local Planning Authority if mitigation may be dealt with through a fixed SAMM contribution of <b>£395.34</b> <del>428.58</del> per dwelling (index linked with a base date of 2021)</p>

Reference	Name & Organisation	Summary of comments	Response	Action
		<p>Paragraph 29 appears to contradict paragraph 26 and NE recommend paragraph 26 be removed.</p> <p>The SAMM figure needs to reflect that mitigation measures need to be '<i>sufficiently secured and likely to work in practice</i>'.</p> <p>The process flow chart on p12 of the draft MS should include a box noting the Mitigation Hierarchy (relating to above comment).</p> <p>The process flow chart also makes a distinction between 9 or fewer and developments of 10+ residential units. NE would like text within the document clarifying why this distinction is made.</p>	<p>It is agreed that paragraph 26 needs clarification on when SAMM and/ or bespoke mitigation is needed to avoid contradicting paragraph 29. It is suggested to amend paragraph 26.</p> <p>The SAMM figure reflects the cost of measures and monitoring required to mitigate against recreational pressure. These measures have been discussed through the Unit 1 MS steering group, which NE was a part of.</p> <p>The process flow chart will be amended to include reference to the Hierarchy.</p> <p>A footnote will be included to clarify the distinction.</p>	<p>and / or bespoke mitigation. Further mitigation will be in exceptional circumstances and where Natural England advise. If a bespoke process is required because of the potential effects of a development then a project level Appropriate Assessment will be required.</p> <p>Ensure the mitigation strategy is clear throughout, that it deals with recreational pressure only.</p> <p>See above proposed modification.</p> <p>None required.</p> <p>The process flow chart will include a box referencing the Mitigation Hierarchy.</p> <p>A footnote is added at the bottom of the flow chart on page 12: <u>The thresholds of '9 or less' and '10 or more' reflect the</u></p>

Reference	Name & Organisation	Summary of comments	Response	Action
		NE state that, given new evidence is currently being collated, the MS for Unit 1 is better left as a standalone document.	Noted.	<u>NPPF definition of major development.</u>  None required.
MS06	David Lock Associates (DLA) on behalf of Homes England	<p>DLA note that paragraph 9 describes the HRA's undertaken for the respective and separate Northampton and South Northamptonshire LPP2s. They suggest that this paragraph is split to ensure that the conclusions of those HRAs is clear to the reader.</p> <p>DLA support the stance of the mitigation strategy with reference to The Green, Great Houghton being exempt from the SAMM provisions set out due to the site providing a SANG as part of its delivery.</p> <p>DLA consider that paragraph 13 should be amended to reflect the provisions of paragraph 22 and suggest the following wording is added: <u>The form of the SANG and any necessary contributions will be negotiated on a case by case basis in dialogue with Natural England and the Local Authority.</u></p>	<p>Paragraph 9 will be split to provide clarity on the conclusions of the Northampton and South Northamptonshire LPP2s' respective HRAs. The paragraphs will also make it clear that there are no proposed allocations within the South Northamptonshire LPP2 that are within the 3km boundary of Unit 1 of the SPA but any windfall development is still subject to the requirements of the mitigation strategy.</p> <p>Noted</p> <p>It is agreed to amend Paragraph 13 (now 15) to highlight that the form of the SANG will need to be negotiated with Natural England and the Local Authority. However, wording on negotiating contributions are not proposed to be included as the SAMM figure has been calculated based on measures required to mitigate recreational impact. That figure is not negotiable. Site by site negotiations on matters not related to the UNVGP SPA are not relevant to this strategy.</p>	<p>Paragraph 9 of the draft mitigation strategy to be split into 3 paragraphs to provide clarity on Northampton and South Northamptonshire LPP2 HRA conclusions.</p> <p>None required.</p> <p>Paragraph 13 (now 15) to be amended to add the following text: <u>The form of the SANG will be negotiated with Natural England and the Local Authority.</u></p>

Reference	Name & Organisation	Summary of comments	Response	Action
MS07	Environment Agency (EA)	<p>EA highlight that the area of the SPA is a Flood Storage Reservoir and that any works such as fencing or similar would require a Flood Risk Activity Permit</p> <p>Environmental Permitting Requirement for an Environmental permit Under the Environmental Permitting (England and Wales) Regulations 2016, permission must be obtained from the Environment Agency for any proposed activities which will take place:</p> <ul style="list-style-type: none"> <li>• in, over, under or within 8 metres of a main river (16 metres if tidal)</li> <li>• on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)</li> <li>• on or within 16 metres of a sea defence</li> <li>• within 16 metres of any main river, flood defence (including a remote defence) or culvert for quarrying or excavation</li> <li>• in a flood plain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if tidal) if planning permission has not already been granted for the works</li> </ul> <p>The EA provided details of where to obtain further guidance and advice on their website: <a href="https://www.gov.uk/guidance/flood-risk-activities-environmental-permits">https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</a> including on whether an environmental permit or exemption registration is required and the fee applicable.</p>	Noted.	None.