

West Northamptonshire Council

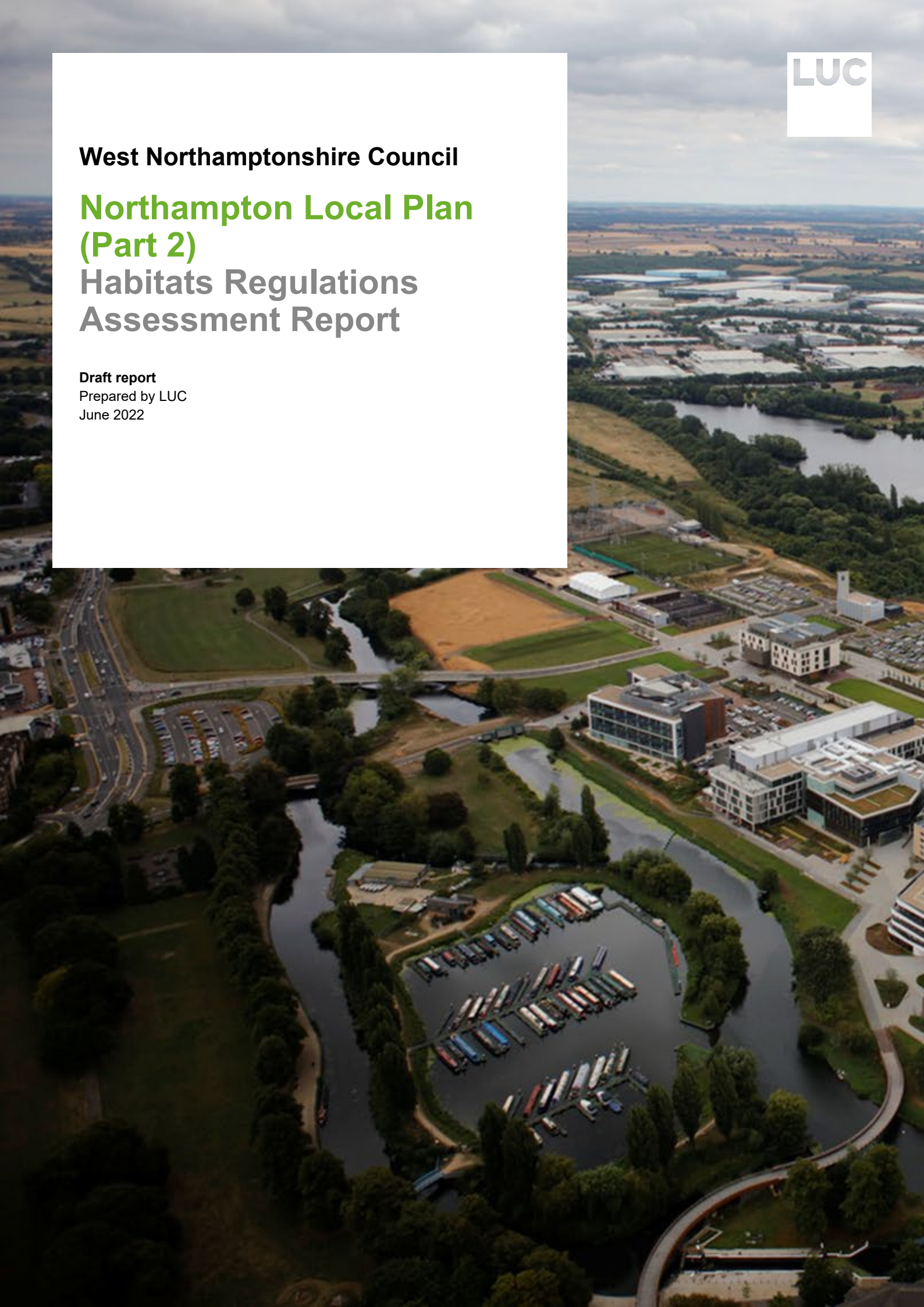
**Northampton Local Plan
(Part 2)**

**Habitats Regulations
Assessment Report**

Draft report

Prepared by LUC

June 2022



West Northamptonshire Council

Northampton Local Plan (Part 2) Habitats Regulations Assessment Report

Project Number
5823

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Chapter 1

Introduction

An introduction to the Habitats Regulations Assessment process and work done to date in relation to the Northampton Local Plan Part 2

1.1 LUC has been commissioned by West Northamptonshire Council (formerly Northampton Borough Council) to carry out a Habitats Regulations Assessment (HRA) of its Local Plan. This report presents the methodology and findings of the HRA of the Northampton Local Plan Part 2, Main Modifications version.

Background to the preparation of the Local Plan Part 2

1.2 West Northamptonshire Council (WNC) is producing a new Local Plan for Northampton. Once adopted, the Local Plan will set out policies and guidance for development of Northampton over the next ten years to 2029. The Local Plan Part 2 will replace the saved policies from the Northampton Local Plan adopted in 1997 and the Central Area Action Plan (2013).

1.3 The West Northamptonshire Core Strategy (Local Plan Part 1) was adopted in December 2014 and covers the administrative areas of Daventry District, Northampton and South Northamptonshire. It sets out the long-term vision and objectives for the whole of the West Northamptonshire Area for the plan period up until 2029. The Joint Core Strategy forms part of the Development Plan for Northampton.

1.4 West Northamptonshire Council's Local Plan Part 2 complements the Joint Core Strategy, by providing detailed planning policies to manage and guide development across the Plan area. It sets out figures to guide the scale of new development in Northampton, identifies locations for growth of new housing and employment, and provides policies to help determine planning applications in the future. As well as identifying where new development will go, it also sets out policies to protect and preserve open space, green infrastructure, historic heritage and environmental assets.

The requirement to undertake Habitats Regulations Assessment of Development Plans

1.5 The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in July 2007 and updated in 2010 and again in 2012. These updates were consolidated into the Conservation of Habitats and Species Regulations 2017¹.

1.6 The UK exited the EU on 31 January 2020. There is now a transition period until the end of 2020 during which EU legislation and policy will be followed. The only exception to this is that while EU case law from before 31 January 2020 will continue to be relevant to the UK position, any modifications to the law as a result of cases after that date will not be relevant to the UK. The 2019 EU Exit amendments will not come into effect until the end of the Implementation Period. The Regulations remain exactly as they were before 31 January 2020. The 2017 Regulations as amended by earlier (non-Brexit) amendments are in effect but are currently unamended by the EU Exit amendments.

1.7 The HRA refers to the assessment of the potential effects of a development plan on one or more European Sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs):

- SPAs are classified under the European Council Directive “on the conservation of wild birds” (79/409/EEC; ‘Birds Directive’) for the protection of wild birds and their habitats (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species);
- SACs are designated under the Habitats Directive and target particular habitats (Annex 1) and/or species (Annex II) identified as being of European importance.

1.8 Currently, the Government also expects potential SPAs (pSPAs), candidate SACs (cSACs) and Ramsar sites to be included within the assessment².

- Ramsar sites support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971).
- Candidate SACs (cSACs) and Sites of Community Importance (SCIs), which are sites that have been adopted by the European Commission but not yet formally designated by the government, must also be considered.

1.9 For ease of reference during HRA, these three designations are collectively referred to as European sites, despite Ramsar designations being at the wider international level.

1.10 The overall purpose of the HRA is to conclude whether or not a proposal or policy, or whole development plan would adversely affect the integrity of the site in question. This is judged in terms of the implications of the plan for a site’s ‘qualifying features’ (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated). Significantly, HRA is based on the precautionary principle. Where uncertainty or doubt remains, an adverse effect should be assumed.

Stages of Habitats Regulations Assessment

1.11 Table 1.1 summarises the stages involved in carrying out a full HRA based on various guidance documents.^{3,4} This HRA presents the methodology and findings of Stage 1: Screening and Stage 2: Appropriate Assessment.

Table 1.1: Stages in HRA

Stage	Task	Outcome
Stage 1: Screening (the ‘Significance Test’)	Description of the plan. Identification of potential effects on European Sites. Assessing the effects on European Sites.	Where effects are unlikely, prepare a ‘finding of no significant effect report’. Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.
Stage 2: Appropriate Assessment (the ‘Integrity Test’)	Gather information (plan and European Sites).	Appropriate Assessment report describing the plan, European site baseline conditions, the adverse effects of the plan on the

¹ The Conservation of Habitats and Species Regulations 2017 (Statutory Instrument 2017 No. 1012) consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments.

² Department of Communities and Local Government (July 2018) *National Planning Policy Framework* (para 176).

³ *Planning for the Protection of European Sites. Guidance for Regional Spatial Strategies and Local Development Documents.* Department for Communities and Local Government (DCLG), August 2006.

⁴ The HRA Handbook. David Tyllesley & Associates, a subscription based online guidance document: <https://www.dtapublications.co.uk/handbook/>

Stage	Task	Outcome
	<p>Impact prediction.</p> <p>Evaluation of impacts in view of conservation objectives.</p> <p>Where impacts considered to affect qualifying features, identify alternative options.</p> <p>Assess alternative options.</p> <p>If no alternatives exist, define and evaluate mitigation measures where necessary.</p>	<p>European site, how these effects will be avoided through, firstly, avoidance, and secondly, mitigation including the mechanisms and timescale for these mitigation measures.</p> <p>If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.</p>
Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation	<p>Identify and demonstrate 'imperative reasons of overriding public interest' (IROPI).</p> <p>Demonstrate no alternatives exist.</p> <p>Identify potential compensatory measures.</p>	<p>This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.</p>

1.12 In assessing the effects of the Local Plan Part 2 in accordance with Regulation 105 of the Conservation of Habitats and Species Regulations 2017⁵, there are potentially two tests to be applied by the competent authority: a 'Significance Test', followed, if necessary, by an Appropriate Assessment which will inform the 'Integrity Test'. The relevant sequence of questions is as follows:

- Step 1: Under Reg. 105(1)(b), consider whether the plan is directly connected with or necessary to the management of the sites. If not –
- Step 2: Under Reg. 105(1)(a) consider whether the plan is likely to have a significant effect on the site, either alone or in combination with other plans or projects (the 'Significance Test'). [These two steps are undertaken as part of Stage 1: Screening shown in **Table 1.1** above.] If Yes –
- Step 3: Under Reg. 105(1), make an Appropriate Assessment of the implications for the site in view of its current conservation objectives (the 'Integrity Test'). In so doing, it is mandatory under Reg. 105(2) to consult Natural England, and optional under Reg. 105(3) to take the opinion of the general public. [This step is undertaken during Stage 2: Appropriate Assessment shown in **Table 1.1**.]
- Step 4: In accordance with Reg.105(4), but subject to Reg.107, give effect to the land use plan only after having ascertained that the plan will not adversely affect the integrity of the European site.

1.13 It is normally anticipated that an emphasis on Stages 1 and 2 of this process will, through a series of iterations, help

ensure that potential adverse effects are identified and eliminated through the avoidance of likely significant effects at Stage 1, and through Appropriate Assessment at Stage 2 by the inclusion of mitigation measures designed to avoid, reduce or abate effects. The need to consider alternatives could imply more onerous changes to a plan document. It is generally understood that so called 'imperative reasons of overriding public interest' (IROPI) are likely to be justified only very occasionally and would involve engagement with the Government (and European Commission during the Brexit transition period).

1.14 The HRA should be undertaken by the 'competent authority' - in this case WNC, and LUC has been commissioned to do this on its behalf. The HRA also requires close working with Natural England as the statutory nature conservation body⁶ in order to obtain the necessary information and agree the process, outcomes and any mitigation proposals.

Recent case law changes

1.15 This HRA has been prepared in accordance with recent case law findings, including most notably the recent 'People over Wind' and 'Holohan' rulings from the Court of Justice for the European Union (CJEU).

1.16 The recent *People over Wind, Peter Sweetman v Coillte Teoranta* (April 2018) judgment ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment and should not be taken into account

⁵ SI No. 2017/2012

⁶ Regulation 5 of *The Conservation of Habitats and Species Regulations 2017* (Statutory Instrument 2017 No. 1012).

at the screening stage. The precise wording of the ruling is as follows:

"Article 6(3) ...must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site."

1.17 In light of the above, the HRA screening stage does not rely upon avoidance or mitigation measures to draw conclusions as to whether the Local Plan Part 2 could result in likely significant effects on European sites, with any such measures being considered at the Appropriate Assessment stage as relevant.

1.18 This HRA also fully considers the recent *Holohan v An Bord Pleanála* (November 2018) judgement which stated that:

Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that an 'appropriate assessment' must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.

Article 6(3) of Directive 92/43 must be interpreted as meaning that the competent authority is permitted to grant to a plan or project consent which leaves the developer free to determine subsequently certain parameters relating to the construction phase, such as the location of the construction compound and haul routes, only if that authority is certain that the development consent granted establishes conditions that are strict enough to guarantee that those parameters will not adversely affect the integrity of the site.

Article 6(3) of Directive 92/43 must be interpreted as meaning that, where the competent authority rejects the findings in a scientific expert opinion recommending that additional information be obtained, the 'appropriate assessment' must include an explicit and detailed statement of reasons capable of dispelling all reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.

1.19 In undertaking this HRA, LUC has fully considered the potential for effects on species and habitats, including those

not listed as qualifying features, to result in secondary effects upon the qualifying features of European sites, including the potential for complex interactions and dependencies. In addition, the potential for offsite impacts, such as through impacts to functionally linked land, and or species and habitats located beyond the boundaries of European site, but which may be important in supporting the ecological processes of the qualifying features, has been fully considered in this HRA.

Previous HRA work

HRA of the Local Plan Part 2 Proposed Submission (Regulation 19) (2019)

1.20 In May 2019, the Local Plan Part 2 Proposed Submission was published for (Regulation 19) consultation, along with LUC's HRA of the plan.

1.21 In response to the consultation, the Local Plan Part 2 has been updated (see Chapter 2) and the current HRA (2020) reflects those changes and consultation with Natural England (see Appendix E).

Review of Local Plan Part 2 site options (2017)

1.22 LUC undertook some initial work reviewing the Local Plan Part 2 site allocation options, with reference to the requirements of the Habitats Regulations. HRA screening was not carried out as the preferred sites had not been identified at that stage; however, the report considered the types of effects that could arise as a result of the Local Plan Part 2 and whether it was possible to rule any out.

1.23 That work provides background information for this HRA report, but this HRA has been fully assessed in line with the case law that has been determined since 2017.

HRA of the West Northamptonshire Joint Core Strategy (2007-2013)

1.24 In 2007 an HRA screening report was prepared for the West Northamptonshire Joint Core Strategy. This identified likely significant effects at Rutland Water SPA and Ramsar site and the Upper Nene Valley Gravel Pits SPA and Ramsar site. These sites were therefore investigated further through Appropriate Assessment which took place between 2009 and 2013, as the Appropriate Assessment was continually updated alongside the emerging Joint Core Strategy. A final HRA addendum was submitted in 2013 for the Proposed Main Modifications Joint Core Strategy. The Joint Core Strategy was adopted on 15th December 2014.

1.25 Some of the evidence gathered during the HRA work for the Joint Core Strategy⁷ has been referenced within this report.

Structure of the HRA report

1.26 This chapter (Chapter 1) has introduced the requirement to undertake HRA of the Local Plan Part 2. The remainder of the report is structured as follows:

- Chapter 2: The Local Plan Part 2 summarises the content of the Main Modifications version of the Northampton Local Plan Part 2, which is the subject of this report.
- Chapter 3: HRA methodology sets out the approach used and the specific tasks undertaken during the screening stage of the HRA.
- Chapter 4: HRA screening describes the findings of the screening stage of the HRA.
- Chapter 5: Appropriate Assessment sets out the methodology and findings of the Appropriate Assessment stage of the HRA.
- Chapter 6: Conclusions summarises the HRA findings and conclusions.

⁷ <http://www.westnorthamptonshirejpu.org/connect.ti/website/view?objectId=2757328#2757328>

Chapter 2

The Local Plan

The Local Plan Part 2 contains the development management policies and site allocations that will guide development within Northampton for the period to 2029

2.1 The Local Plan Part 2 forms part of the Development Plan for Northampton, against which planning applications will be determined (unless there are material considerations that indicate otherwise), alongside:

- The West Northamptonshire Joint Core Strategy (JCS) (Local Plan Part 1); and
- Any 'made' Neighbourhood Plans (currently Great Houghton, Duston, Spring Boroughs, and 'Growing Together').

2.2 Preparation of the Local Plan Part 2 has involved the following stages:

- Issues consultation, May-June 2016;
- Options consultation, September-November 2016;
- Sites consultation, September-October 2017;
- Proposed Submission (Regulation 19) consultation round 1, May-June 2019;
- Proposed Submission (Regulation 19) consultation round 2, July-September 2020;
- Local Plan Hearings, November 2021.

2.3 The Local Plan Part 2 has been updated following the Hearings and subsequent agreement of Main Modifications. This HRA assesses the (Main Modifications version of the Local Plan Part 2.

2.4 The Local Plan Part 2 presents an overall vision for Northampton and 13 overarching objectives that define Northampton's policy priorities. It then sets out 36 development management policies and an additional eight policies that provide site-specific design principles for eight of the larger allocated sites. Each of the development management policies identifies one or more corresponding

policies from the JCS that will be implemented through the Local Plan Part 2 policy. For example, *Policy 30: Upper Nene Valley Gravel Pits Special Protection Area* delivers JCS Policy BN4 Upper Nene Valley Gravel Pits Special Protection Area. Although policies from both plans are related in this way, both apply to development in Northampton.

2.5 Each of the policies within the Local Plan Part 2 is listed in the scoping matrix in Appendix C.

2.6 In total, 64 sites are allocated for development, as shown in **Figure 2.1**, comprising:

- 49 sites for residential (only) development;
- 10 sites for employment (only) development;
- Two sites for mixed residential / employment development; and
- Three burial sites.

2.7 Full titles and site references for sites shown on **Figure 2.1** are provided in **Appendix D**.

2.8 The sites allocated for residential development are intended to provide 3,838 new homes over the plan period. The Local Plan Part states that:

The West Northamptonshire Joint Core Strategy (JCS) established an objectively assessed need of 25,758 dwellings for Northampton between 2011 and 2029. JCS Policy S3 sets the housing requirement for Northampton from 2011 to 2029 at about 18,870 dwellings.

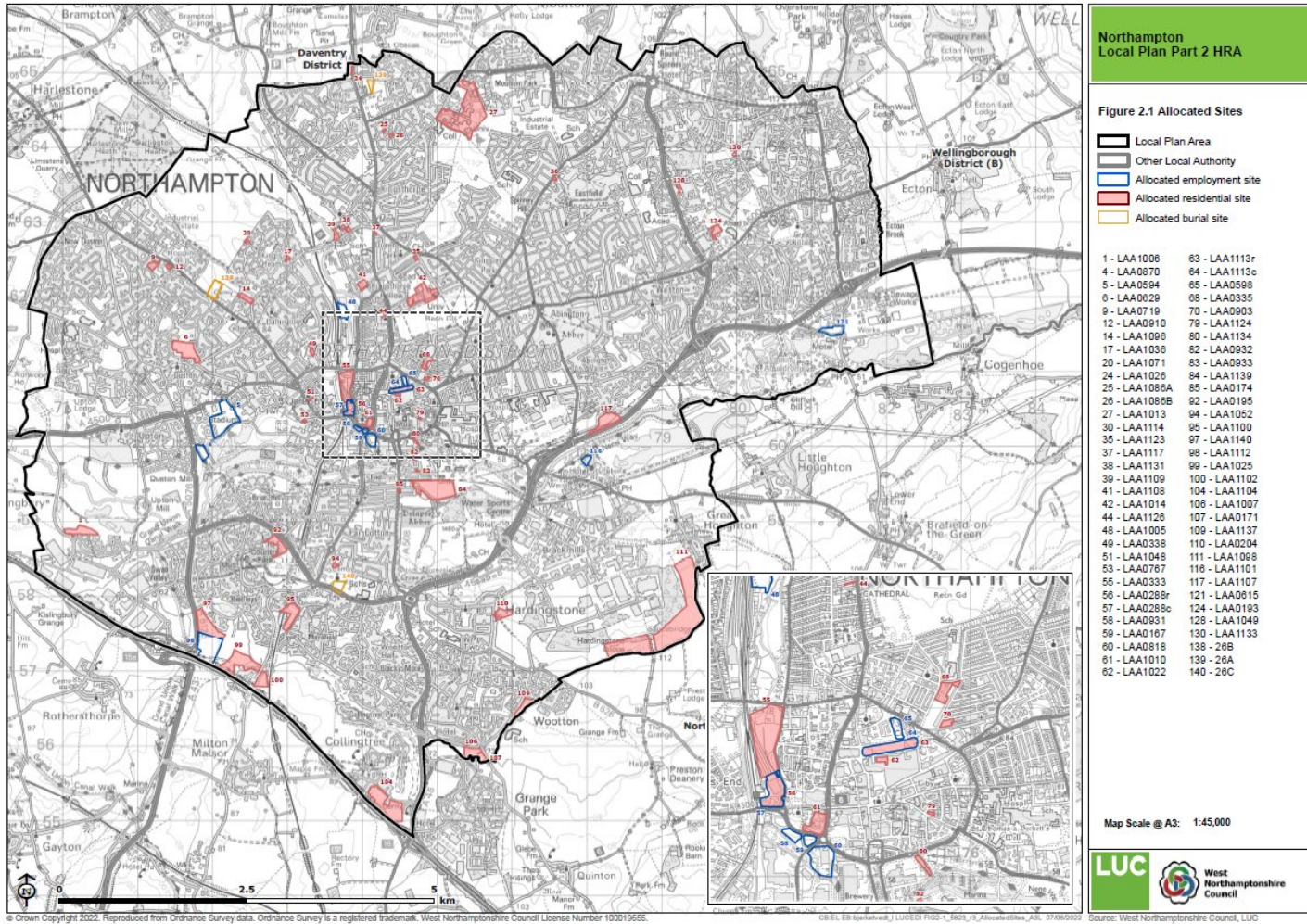
7,073 of these dwellings (37%) are to be provided in the Sustainable Urban Extensions (SUEs) allocated by the JCS.

By 1st April 2021, 6,957 dwellings had been delivered, against a JCS requirement to allocate sufficient sites (allowing for windfall) to accommodate 11,236 new dwellings in Northampton by that time.

The number of dwellings delivered by 1st April 2021 falls some 4,279 units short of the delivery trajectory set out in the JCS.

2.9 The c.18,870 homes planned in the JCS have already been subject to HRA. The additional number of homes provided by the Local Plan Part 2 is 3,838. These allocations will contribute towards the delivery of the quantum of housing required by the JCS.

Figure 2.1: Allocated sites



Chapter 3

HRA methodology

An explanation of the approach taken in this assessment

Screening

3.1 HRA Screening of the Local Plan Part 2 has been undertaken in line with current available guidance and seeks to meet the requirements of the Habitats Regulations. The Habitats Regulations require screening to involve the stages outlined in **Table 3.1**.

3.2 Local Plans fall within the scope of the Habitats Regulations (screening stage 1; see paragraph 1.5) and West Northamptonshire Council is the competent authority with regards to screening the Local Plan Part 2 (screening stage 8). The information required to determine whether the Local Plan Part 2 is likely to have a significant effect (screening stage 7) is set out below and in Chapter 4.

3.3 The methodology for the remainder of the stages is described below; Chapter 4 HRA Screening Assessment provides the responses to each stage with reference to the Local Plan Part 2.

Table 3.1: Stages of HRA screening⁸

Regulation	Stage required by Regulation
Reg. 63(1)	1) Determine whether the plan or project is within the scope of the Habitats Regulations
	2) Determine whether the plan or project is of a type that could possibly have any (positive or negative) effect on a European site
	3) Determine whether the plan or project is directly connect with or necessary to the management of the European sites potentially affected
	4) Identify the European sites potentially adversely affected and their conservation objectives
	5) Determine whether the plan or project is likely to have a significant adverse effect on any European site alone
	6) Determine whether the plan or project is likely to have a significant adverse effect on any European site in combination with other plans or projects
Reg. 63(2)	7) Requires the information necessary to decide whether the plan or project would be likely to have a significant adverse effect on a European site either alone or in combination with other plans or projects
Reg. 67	8) Coordination where more than one competent authority is involved in screening the plans or projects

Identifying types of potential impact from the Local Plan Part 2

3.4 Table 3.2 sets out the range of potential impacts that development of the type included in the Local Plan Part 2 and related activities may have on European sites. This table has

been prepared by LUC for use in informing HRA judgements, drawing on our experience of HRA and comments previously provided by Natural England relating to the potential impacts and activities that could affect European sites.

Table 3.2: Potential impacts and activities arising from implementation of the Local Plan Part 2 that could adversely affect European sites

Broad categories and examples of potential impacts on European sites	Examples of activities responsible for impacts
Physical loss <ul style="list-style-type: none"> ■ Removal (including offsite effects, e.g. foraging habitat) ■ Smothering ■ Habitat degradation 	Development (e.g. housing, employment, infrastructure, tourism) Structural alterations to buildings (bat roosts) Afforestation Tipping Cessation of or inappropriate management for nature conservation
Physical damage <ul style="list-style-type: none"> ■ Direct mortality ■ Sedimentation / silting ■ Prevention of natural processes ■ Habitat degradation 	Flood defences Dredging Recreation (e.g. motor cycling, cycling, walking, horse riding, water sports, caving) Development (e.g. infrastructure, tourism, adjacent housing etc.)

⁸ Adapted from the HRA Handbook David Tyldesley & Associates: <https://www.dtapublications.co.uk/handbook/>

Broad categories and examples of potential impacts on European sites	Examples of activities responsible for impacts
<ul style="list-style-type: none"> ■ Erosion ■ Trampling ■ Fragmentation ■ Severance / barrier effect ■ Edge effects ■ Fire 	<p>Vandalism</p> <p>Arson</p> <p>Cessation of or inappropriate management for nature conservation</p>
<p>Non-physical disturbance</p> <ul style="list-style-type: none"> ■ Noise ■ Vibration ■ Visual presence ■ Human presence ■ Light pollution 	<p>Development (e.g. housing, industrial)</p> <p>Recreation (e.g. dog walking, water sports)</p> <p>Industrial activity</p> <p>Vehicular traffic</p> <p>Artificial lighting (e.g. street lighting)</p>
<p>Water table/availability</p> <ul style="list-style-type: none"> ■ Drying ■ Flooding / stormwater increase ■ Water level and stability ■ Water flow (e.g. reduction in velocity of surface water) ■ Barrier effect (on migratory species) 	<p>Water abstraction</p> <p>Drainage interception (e.g. reservoir, dam, infrastructure and other development)</p> <p>Increased discharge (e.g. drainage, runoff)</p>
<p>Toxic contamination</p> <ul style="list-style-type: none"> ■ Water pollution ■ Soil contamination ■ Air pollution 	<p>Oil / chemical spills</p> <p>Tipping</p> <p>Vehicular traffic</p> <p>Industrial waste / emissions</p>
<p>Non-toxic contamination</p> <ul style="list-style-type: none"> ■ Nutrient enrichment (e.g. of soils and water) ■ Algal blooms ■ Changes in salinity ■ Changes in thermal regime ■ Changes in turbidity ■ Air pollution (dust) 	<p>Sewage discharge</p> <p>Water abstraction</p> <p>Industrial activity</p> <p>Flood defences</p> <p>Construction</p>
<p>Biological disturbance</p> <ul style="list-style-type: none"> ■ Direct mortality ■ Out-competition by non-native species ■ Selective extraction of species ■ Introduction of disease ■ Rapid population fluctuations ■ Natural succession 	<p>Development (e.g. housing areas with domestic and public gardens)</p> <p>Predation by domestic pets</p> <p>Introduction of non-native species (e.g. from gardens)</p> <p>Fishing</p> <p>Hunting</p> <p>Changes in management practices (e.g. grazing regimes, access controls, cutting / clearing)</p>

Identifying European sites that may be affected

3.5 Geographical Information Systems (GIS) data have been used to map the locations and boundaries of European sites using publicly available data from Natural England. All European sites lying partially or wholly within 15 km of the Local Plan Part 2 boundary have been included, to reflect the fact that policies in the Local Plan Part 2 may affect European sites that are located outside of the administrative boundary of the Plan. The 15 km distance has been agreed with Natural England for HRAs elsewhere and is considered a precautionary method of identifying European sites that could potentially be affected by development. Nevertheless, a check has been made to identify any further-distant European sites that could be significantly affected by development within Northampton due to pathways or links (e.g. hydrological or ecological) with the Plan area.

Assessment of 'likely significant effects' of the Local Plan Part 2

3.6 Regulation 105 of the Conservation of Habitats and Species Regulations 2017⁹ (the 'Habitats Regulations'), requires an assessment of the 'likely significant effects' of a land use plan. Relevant case law helps to interpret when effects should be considered as a likely significant effect, when carrying out HRA of a land use plan.

3.7 In the Waddenzee case¹⁰, the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Regulation 102 in the Habitats Regulations), including that:

- An effect should be considered 'likely', "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site" (para 44).
- An effect should be considered 'significant', "if it undermines the conservation objectives" (para 48).
- Where a plan or project has an effect on a site "but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned" (para 47).

3.8 A relevant opinion delivered to the Court of Justice of the European Union¹¹ commented that:

"The requirement that an effect in question be 'significant' exists in order to lay down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the

site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill."

3.9 This opinion (the 'Sweetman' case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered 'trivial' or de minimis; referring to such cases as those "that have no appreciable effect on the site". In practice such effects could be screened out as having no likely significant effect – they would be 'insignificant'.

3.10 The HRA screening assessment therefore considers whether the Local Plan Part 2 policies could have likely significant effects either alone or in combination.

In-combination effects

3.11 Regulation 105 of the Habitats Regulations 2017 requires an Appropriate Assessment where "a land use plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site". Therefore, where likely significant effects are identified for the Local Plan Part 2 it is necessary to consider whether there may also be significant effects in combination with other plans or projects.

3.12 The first stage in identifying 'in-combination' effects involves identifying which other plans and projects in addition to the Northampton Local Plan Part 2 may affect the European sites that are the focus of this assessment. There are a large number of potentially relevant plans and projects which could be considered. The review focuses largely on planned spatial growth within the authorities adjacent to or near Northampton, because these are the plans most likely to give rise to in-combination effects, for example in relation to water use or recreation pressure. Water Resource Management Plans have also been considered as these plans directly affect the region's reservoirs and the rivers that feed them, including Rutland Water and the River Nene.

3.13 The following plans have been considered:

- Joint Core Strategies (Local Plan Part 1) for West Northamptonshire and North Northamptonshire;
- Local Plans (Part 2) for local authorities bordering Northampton;
- Northamptonshire County Council's Transportation Plan and Minerals & Waste Plan;
- Neighbourhood plans within Northampton; and

⁹ SI No. 2017/2012

¹⁰ ECJ Case C-127/02 "Waddenzee" Jan 2004.

¹¹ Advocate General's Opinion to CJEU in Case C-258/11 Sweetman and others v An Bord Pleanala 22nd Nov 2012.

- Anglian Water's Water Resources Management Plan.

3.14 Appendix B outlines the components of each plan that could have an impact on nearby European sites. The potential for the effects of these plans to combine with the effects of the Local Plan Part 2 has been considered in the HRA screening and subsequent Appropriate Assessment.

Appropriate Assessment

3.15 Following the screening stage, if likely significant effects on European sites are unable to be ruled out, the plan-making authority is required under Regulation 105 of the Habitats Regulations 2017 to make an 'Appropriate Assessment' of the implications of the plan for European sites, in view of their conservation objectives. EC Guidance¹² states that the Appropriate Assessment should consider the impacts of the plan (either alone or in combination with other projects or plans) on the integrity of European sites with respect to their conservation objectives and to their structure and function.

Assessment scope

3.16 The scope of the Appropriate Assessment has been narrowed down by identifying the specific aspects of the Local Plan Part 2 that contribute to its potential for significant effects. Each Local Plan Part 2 policy and site allocation has been considered, alone and in-combination with other policies, site allocations and/or plans from neighbouring authorities.

3.17 A risk-based approach involving the application of the precautionary principle has been adopted in the assessment, such that a conclusion of 'no significant effect' has only been reached where it is considered unlikely, based on current knowledge and the information available, that a Local Plan Part 2 policy or site allocation would have a significant effect on the integrity of a European site.

3.18 For some types of impacts, the potential for likely significant effects has been determined on a proximity basis, using GIS data to determine the proximity of potential development locations to the European sites that are the subject of the assessment. However, there are many uncertainties associated with using set distances as there are very few standards available as a guide to how far impacts will travel. Therefore, where assumptions have been made, these are set out in Chapter 5.

3.19 A 'traffic light' approach has been used in the scoping matrix to record the likely impacts of each policy and site allocation on European sites and their qualifying habitats and species, using the colour categories shown below.

Table 3.3: Scoping of effects

Red	There are likely to be significant effects (scoped in to Appropriate Assessment).
Amber	There may be significant effects, but this is currently uncertain (scoped in to Appropriate Assessment).
Green	There are unlikely to be significant effects (scoped out of Appropriate Assessment).

3.20 The Appropriate Assessment then focuses on those policies and site allocations that have been scoped in.

Assessing the effects on site integrity

3.21 A site's integrity depends on it being able to sustain its 'qualifying features' (i.e. those Annex 1 habitats, Annex II species, and Annex 1 bird populations for which it has been designated) and to ensure their continued viability. A high degree of integrity is considered to exist where the potential to meet a site's conservation objectives is realised and where the site is capable of self-repair and renewal with a minimum of external management support.

3.22 A conclusion needs to be reached as to whether or not the Local Plan Part 2 would adversely affect the integrity of a European site. As stated in the EC Guidance, assessing the effects on the site(s) integrity involves considering whether the predicted impacts of the Local Plan Part 2 policies (either alone or in combination) have the potential to:

- Cause delays to the achievement of conservation objectives for the site;
- Interrupt progress towards the achievement of conservation objectives for the site;
- Disrupt those factors that help to maintain the favourable conditions of the site;
- Interfere with the balance, distribution and density of key species that are the indicators of the favourable condition of the site;
- Cause changes to the vital defining aspects (e.g. nutrient balance) that determine how the site functions as a habitat or ecosystem;
- Change the dynamics of relationships that define the structure or function of the site (e.g. relationships between soil and water, or animals and plants);
- Interfere with anticipated natural changes to the site;

¹² Assessment of plans and projects significantly affecting European sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. European Commission Environment DG, November 2001.

- Reduce the extent of key habitats or the population of key species;
- Reduce the diversity of the site;
- Result in disturbance that could affect the population, density or balance between key species;
- Result in fragmentation; or
- Result in the loss of key features.

3.23 The conservation objectives for each European site (Appendix A) are generally to maintain the qualifying features in favourable condition. The Site Improvement Plans for each European site provide a high level overview of the issues (both current and predicted) affecting the condition of the European features on the site(s) and outline the priority measures required to improve the condition of the features. These have been drawn on to help to understand what is needed to maintain the integrity of the European sites.

3.24 For each European site where an uncertain or likely significant effect has been identified in relation to the Local Plan Part 2, the potential impacts have been set out and judgements made (based on the information available) regarding whether the impact will have an adverse effect on the integrity of the site. Consideration has been given to the potential for mitigation measures to be implemented that could reduce the likelihood or severity of the potential impacts such that there would not be an adverse effect on the integrity of the site.

Chapter 4

HRA screening

The findings of the screening stage

4.1 The HRA screening of the Local Plan Part 2 has determined that Appropriate Assessment is required, as likely significant effects from the plan's policies and site allocations cannot be ruled out through screening. The reasoning for this is presented below, in response to each screening stage (**Table 3.1**).

4.2 In accordance with the People over Wind case, mitigation measures have not be taken into account in the screening assessment.

Is the Local Plan Part 2 of a type that could possibly have any (positive or negative) effect on a European site?

4.3 The Local Plan Part 2 will result in several of the types of activity that could have impacts on European sites (**Table 3.2**). The Local Plan Part 2 will result in new development (e.g. housing, employment and infrastructure), which will have associated impacts (e.g. changes to traffic distribution, types or distribution of recreation, water abstraction and discharge, light or noise).

Is the Local Plan Part 2 directly connected with or necessary to the management of any European sites?

4.4 No; the Local Plan Part 2 is not connected with or necessary to the management of any European sites.

Which European sites could be potentially adversely affected?

4.5 Only one European site is located within 15 km of the Northampton Local Plan Part 2 boundary: the Upper Nene Valley Gravel Pits SPA and Ramsar site. Although not within the 15 km buffer zone, Rutland Water SPA and Ramsar site, located 41 km from the edge of the Local Plan Part 2 boundary, has also been included in the screening assessment. This is because the reservoir is a primary source of urban water supply for Northamptonshire and could be affected by changes in water demand, for example as a result of new homes. **Figure 4.1** shows the location of the two sites.

4.6 The attributes of the Upper Nene Valley Gravel Pits SPA and Ramsar site and Rutland Water SPA and Ramsar site are

set out in Appendix A. These have been identified with reference to Standard Data Forms for the SPAs, Ramsar Information Sheets¹³ for the Ramsar sites, and Natural England's Site Improvement Plans¹⁴.

4.7 Natural England's conservation objectives¹⁵ for the SPAs have also been reviewed. These state that site integrity must be maintained or restored by maintaining or restoring the habitats of qualifying features, the supporting processes on which they rely, and populations of qualifying species.

4.8 In accordance with the Holohan judgment, the potential for effects on species and habitats, including those not listed as qualifying features, to result in secondary effects upon the qualifying features of European sites, including the potential for complex interactions and dependencies has been considered in relation to the achievement of the conservation objectives. The potential for offsite impacts, such as through impacts to functionally linked land, and or species and habitats located beyond the boundaries of European site, but which may be important in supporting the ecological processes of the qualifying features, has been fully considered in this HRA (see final column of Appendix A for each European site).

Is the Local Plan Part 2 likely to have a significant adverse effect on any European site alone?

4.9 Likely significant effects from the Local Plan Part 2 cannot be ruled out at the screening stage: the Local Plan Part 2 allocates development across Northampton, and both Rutland Water SPA and Ramsar site and the Upper Nene Valley Gravel Pits SPA and Ramsar site have been identified as being sensitive to the types of activities that result from development.

Is the Local Plan Part 2 likely to have a significant adverse effect on any European site in combination with other plans or projects?

4.10 Likely significant effects from the Local Plan Part 2 in combination with other plans and projects cannot be ruled out at the screening stage. Neighbouring authorities have also allocated development that could affect Rutland Water SPA and Ramsar site or the Upper Nene Valley Gravel Pits SPA and Ramsar site.

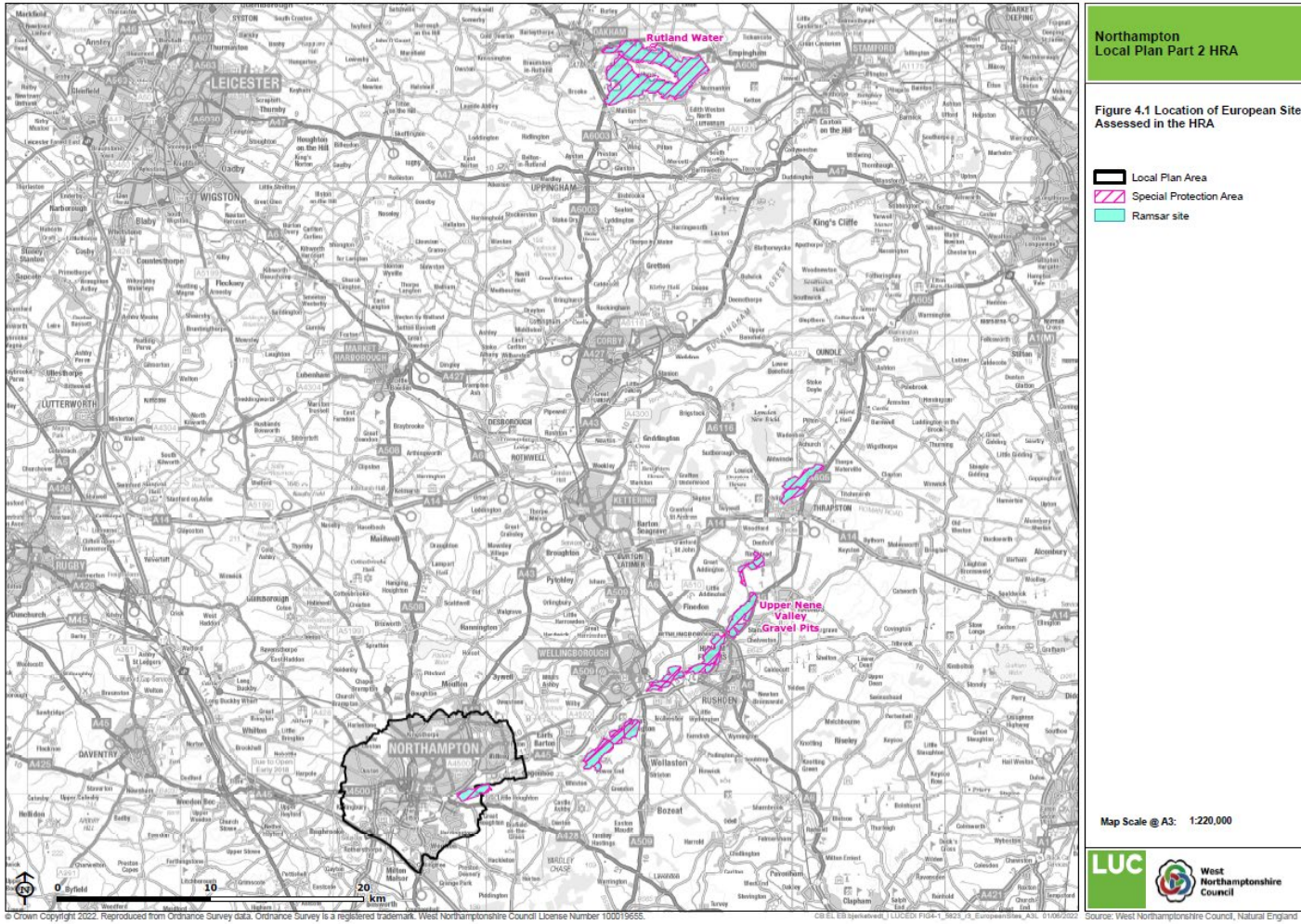
¹³ Obtained from the Joint Nature conservation Committee website (www.jncc.gov.uk)

¹⁴ Obtained from the Natural England website (www.naturalengland.org.uk)

¹⁵ Obtained from Natural England website

<http://publications.naturalengland.org.uk/category/6490068894089216>

Figure 4.1: Location of European sites



Chapter 5

Appropriate Assessment

The findings of the Appropriate Assessment stage

5.1 The HRA screening has identified the need for Appropriate Assessment, as likely significant effects from the Local Plan Part 2 (alone or in combination with other projects or plans) cannot be ruled out without further assessment.

5.2 The scope of the Appropriate Assessment has been narrowed down by considering each Local Plan Part 2 policy in turn, to determine whether they would result in the type of development that could have an effect on a European site; this is set out in **Appendix C**. For each type of impact that has been identified, the assessment considers the effects on each of the two European sites, the elements of the Local Plan Part 2 (and other plans or projects, where relevant) that would have those effects, and any mitigation or safeguards in place that would reduce the effects. The Appropriate Assessment then considers whether there would be an adverse effect on the integrity of a European site.

Physical habitat loss or damage

5.3 Physical habitat loss or damage at a European site can occur when a new development physically encroaches on the boundary of that European site.

5.4 Although the qualifying features of the SPA/Ramsar sites are birds, they rely on the supporting habitat within the site boundaries (and functionally-linked land (FLL) beyond the site boundaries, which is assessed separately below), and could be affected by physical habitat loss or damage.

Rutland Water SPA and Ramsar site

5.5 Rutland Water SPA and Ramsar site is not located within the boundary of the Local Plan Part 2 area, and therefore it will not be subject to any physical habitat loss or damage from any Northampton site allocations or other development and does not need to be considered further.

5.6 **There will be no adverse effects on the integrity of Rutland Water SPA and Ramsar site as a result of physical habitat loss or damage, either alone or in combination with other plans or projects.**

Upper Nene Valley Gravel Pits SPA and Ramsar site

5.7 The southern end of the Upper Nene Valley Gravel Pits SPA and Ramsar site falls partly within the Plan area and therefore potential habitat loss or damage has been considered in relation to the Local Plan Part 2.

5.8 None of the allocated sites fall within the borders of this European site; however, some of the Local Plan Part 2's policies permit new development outside of the site allocations. In most cases development permitted by those policies is limited to identifiable areas such as the University campus, existing employment areas, the town centre or wider central area.

5.9 The following policies permit new development outside of identifiable areas:

- *Policy 12: Development of main town centre uses* permits the regeneration of unallocated sites beyond the town centre and central area, for housing and mixed use development;
- *Policy 19: New retail developments and retail impact assessment* permits retail development at edge-of-centre and some out-of-centre sites; and
- *Policy 24: Community services and facilities* permits new or extended community facilities.

5.10 Although these policies could in theory permit development within the SPA and Ramsar site, safeguards provided by other policies within the Local Plan Part 2 would make this unlikely to occur:

- *Policy 29B: Nature conservation* states that:

"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." and

"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:

i. 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."

- *Policy 30: Upper Nene Valley Gravel Pits Special Protection Area* requires that:

"Developments that are likely to have significant effects alone or in combination on the Upper Nene Valley Gravel Pits Special Protection Area 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 if the proposal is likely to have a significant effect on the site's conservation objectives, will 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 have regard to the UNVGP SPA Supplementary Planning Document."

5.11 Policy 29A also provides general protection for biodiversity.

5.12 Development within the SPA/Ramsar that would have adverse effects on birds would therefore not be permitted.

5.13 With safeguards provided by policies within the Local Plan Part 2, there will be no adverse effects on the integrity of Upper Nene Valley Gravel Pits SPA and Ramsar site, as a result of physical habitat loss or damage, either alone or in combination with other plans or projects.

Loss of functionally-linked land

5.14 Habitat loss (including fragmentation) could affect the integrity of a European site if it occurs in an area that supports a qualifying species population of a European site, for example the loss of an area used for offsite foraging or roosting by a site's qualifying bird species. Habitats outside the SPA/Ramsar that support its qualifying features are referred to as functionally-linked land (FLL).

5.15 The potential effect of air pollution on FLL is discussed under 'Air pollution' (paragraph 5.136).

Rutland Water SPA and Ramsar site

5.16 The site's qualifying species are birds so it could therefore be affected by the loss of FLL. Supporting habitat for the site's qualifying species are: open water; neutral grassland; fen / marsh swamp; and broadleaved, mixed and

yew woodland¹⁶. However, due to the distance (41km) of the site from the Plan area, it is not considered that significant FLL will lie within the Local Plan Part 2 area. The Local Plan Part 2 area is relatively urban and any potential areas of habitat for waterbirds (for example grassland) are more likely to be associated with the nearby Upper Nene Valley Gravel Pits SPA and Ramsar site than Rutland Water, which has suitable FLL much closer to it.

5.17 There will be no adverse effects on the integrity of Rutland Water SPA and Ramsar site, as a result of loss of functionally-linked land, either alone or in combination with other plans or projects.

Upper Nene Valley Gravel Pits SPA and Ramsar site

5.18 Natural England's Supplementary Advice on Conserving and Restoring Site Features for the SPA¹⁷ identifies the following species for which FLL is important:

- Great Bittern: feed within and outside the SPA boundary, mainly around Titchmarsh, Grendon and Stanwick. These locations are all outside the Local Plan Part 2 area, therefore FLL for Great Bittern are not considered likely to be affected by the Local Plan Part 2;
- Golden Plover: Feed in agricultural land surrounding their main roost locations at Stanwick, Earls Barton (Summer Leys) and Northamptonshire Washlands, and often fly many kilometres to feed. Northamptonshire Washlands is within the Local Plan Part 2 area, therefore FLL for Golden Plover could be affected by the Local Plan Part 2; and
- Lapwing: have a similar distribution to Golden Plover, therefore FLL for Golden Plover that could be affected by the Local Plan Part 2 are also relevant to Lapwing.

5.19 Wigeon feed at similar habitat as Golden Plover but do not travel as far to feed, so are not considered to make significant use of offsite habitat.

5.20 Agricultural land, particularly where close to 'Northampton Washlands' (the portion of the SPA that falls within the Local Plan Part 2 area) could therefore be considered to be FLL for Golden Plover and Lapwing from Upper Nene Valley Gravel Pits SPA and Ramsar site.

5.21 As part of the West Northamptonshire Joint Core Strategy (WNJCS) HRA¹⁸ and in consultation with Natural England, survey work¹⁹ was carried out in order to understand the potential effects of the Joint Core Strategy on FLL used by

Golden Plover and Lapwing. The findings of this work provided the basis for further discussion between the West Northamptonshire Joint Planning Unit and Natural England to identify areas that could potentially be developed and whether the adverse effects on the SPA/Ramsar qualifying bird species could be avoided and/or mitigated. One outcome of this work was a map, produced to show the quality of FLL for Golden Plover and Lapwing to the south east of Northampton. The FLL identified in this map has been digitised by LUC and overlaid with the Local Plan Part 2's allocated sites, as shown in **Figure 5.1**. Note that, as habitats can change, this only provides an indication of areas more or less likely to be FLL.

5.22 One allocated site includes areas that were identified as optimal or sub-optimal habitat for Golden Plover and/or Lapwing and could therefore be functionally linked to the SPA/Ramsar:

- *LAA1098: The Green, Great Houghton*
Allocates c.800 homes on habitat that has been identified as mostly optimal habitat with small areas of sub-optimal/unsuitable habitat.

5.23 The original site boundary of LAA0204: *The Farm, Hardingstone* incorporated a small area of habitat that had previously been identified as optimal habitat, but the site boundary has been revised following discussions with Natural England (see **Appendix E**).

5.24 This site is allocated for development under the following policies:

- *Policy 13: Residential and other residential led allocation*
Allocates the sites and defines the quantum of housing development; and
- *Policy 41: The Green, Great Houghton*
Sets principles for development at site LAA1098.

5.25 None of the other allocated sites have habitat that was identified in the WNJCS study as being potentially used by Golden Plover / Lapwing. However, given the range and mobility of the species, and the potential for habitat change, it is assumed that FLL could occur in areas not previously identified as suitable habitat. Policies that allocate sites (Policies 13, 17A and 26) as well as unallocated smaller scale development could therefore result in the loss or fragmentation of areas providing optimal or sub-optimal FLL for Golden Plover and/or Lapwing:

- *Policy 12: Development of main town centre uses*
Permits the regeneration of unallocated sites beyond the

¹⁶ Rutland Water SPA Conservation Objectives supplementary advice (2018): <http://publications.naturalengland.org.uk/publication/4978639963684864>

¹⁷ Upper Nene Valley Gravel Pits SPA Conservation Objectives supplementary advice (2017) <http://publications.naturalengland.org.uk/publication/5495529882517504>

¹⁸ West Northamptonshire Joint Core Strategy Pre-Submission Appropriate Assessment, Environ UK Ltd, 2011.

¹⁹ Survey Work to Support the Appropriate Assessment for the West Northamptonshire Joint Core Strategy, Environ UK Ltd, 2010.

town centre and central area, for housing and mixed use development;

- *Policy 18: Supporting new employment developments and schemes within and outside safeguarded areas*
Permits employment development at sites where employment activities would not cause harm to adjoining land uses and occupiers;
- *Policy 19: New retail developments and retail impact assessment*
Permits retail development at edge-of-centre and some out-of-centre sites; and
- *Policy 24: Community facilities*
Permits new or extended community facilities

5.26 The loss of FLL is susceptible to cumulative effects as the loss of multiple areas of habitat fragments the habitat available. Other plans that could also result in the loss of FLL include:

- West Northamptonshire Joint Core Strategy: Northampton South of Brackmills SUE lies in an area identified as optimal / suboptimal for Golden Plover and/or Lapwing (adjacent to LAA1098). The plan also permits development outside allocated sites e.g. transport improvements;
- South Northamptonshire Local Plan Part 2: the Plan area includes habitat identified as optimal / suboptimal for Golden Plover and/or Lapwing that could be affected, should development be permitted there; and
- Northamptonshire Transport Plan: the Plan area includes habitat identified as optimal / suboptimal for Golden Plover and/or Lapwing that could be affected, should development be permitted there.

5.27 These plans have themselves been subject to HRA.

5.28 Protection against loss of FLL, where the potential has not been ruled out (i.e. within site LAA1098 or other un-allocated sites) is provided by several policies in the Local Plan Part 2:

- *Policy 29A Supporting and enhancing biodiversity* states that:

"Development that does not achieve biodiversity net gain, and fragments habitats and links will be refused."

- *Policy 29B Nature conservation* states that:

"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." and

"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:

- i. 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."

- *Policy 30 Upper Nene Valley Gravel Pits Special Protection Area* states that:

"Developments that are likely to have significant effects alone or in combination on the Upper Nene Valley Gravel Pits Special Protection Area 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 if the proposal is likely to have a significant effect on the site's conservation objectives, will include the need for an Appropriate Assessment." and

"Sites that could potentially be functionally linked land associated with the SPA will need to undertake overwintering bird surveys early in the planning process ahead of submitting an application." "

- *Policy 41 The Green, Great Houghton*, which set principles for site LAA1098, requires that:

"Winter surveys are undertaken to identify whether the site is used by over-wintering Golden Plover / Lapwing and whether it acts as functionally linked land to the Upper Nene Valley Gravel Pits Special Protection Area. If the site is found to be functionally linked land, appropriate mitigation will be required for the loss of habitat."

"Development must adhere to Policy 30 of this Plan, in particular with reference to recreational disturbance and functionally linked land associated with the Upper Nene Valley Gravel Pits Special Protection Area." and

"Proposals must be informed by a masterplan for the whole allocation which will be expected to: ...e. Provide a SANG within the area identified in Figure 20 [northern part of sites] which provides the following: i. Protection,

enhancement and / or creation of habitats in line with other policies of this plan..."

5.29 Policy 29A also provides general protection for biodiversity. Policies within the West Northamptonshire Joint Core Strategy also provide protection against the loss of FLL and therefore the potential for in-combination effects (BN4 specifically and BN2 and BN8 generally):

- *Policy BN4 Upper Nene Valley Gravel Pits Special Protection Area* provides more comprehensive protection from the potential loss of or damage to SPA/Ramsar habitat:

"New development will need to demonstrate through the development management process that there will be no significant adverse effects upon the integrity of the Special Protection Area and Ramsar site and the species for which the land is designated...either as a direct result of the development alone or in combination."

- *Policy BN2 Biodiversity* safeguards designated sites and encourages a net gain in biodiversity; and
- *Policy BN8 The River Nene Strategic River Corridor* provides general protection for the biodiversity of the River Nene corridor.

5.30 The Joint Core Strategy policies apply to development in both Northampton and South Northamptonshire and the same wording as JCS policy BN4 is included in Policy NE1 of the South Northamptonshire Local Plan.

5.31 It is considered that the requirements set out in the Local Plan Part 2 Policies 29B and 30, to consider effects on FLL and undertake surveys, provide sufficient mitigation for potential effects on FLL.

5.32 At LAA1098, where the location and scale of development mean that the design principles for the site will affect the scale of effects on FLL, Policy 41 reiterates the need for bird surveys and ensures that the masterplan for the site takes into account FLL (and recreation pressure; see below). Mitigation for loss of FLL, if required, could involve the enhancement of another area of habitat, a similar distance from the SPA/Ramsar and of the same area or greater, such that sub-optimal/unsuitable habitat becomes optimal for Golden Plover or Lapwing, to ensure that the overall quality and availability of feeding resources for these species is maintained.

5.33 At some sites, habitat may not currently be suitable habitat for SPA bird species, but could become suitable in the

future. For example, there is a small area of land adjacent to site LAA0204 The Farm, Hardingstone which was previously identified as 'optimal' habitat but which, in its current state, does not provide suitable habitat for Golden Plover or Lapwing as habitat succession has started to take place. However, it does not negate the potential for this area of land to be restored to a condition where it could function as supporting habitat for the SPA. However, if the situation changed, the safeguards within the policies provide assurance that AEOI could be avoided or mitigated, if necessary.

5.34 Where surveys identify other sites that contain habitat that is optimal / suboptimal for Golden Plover and/or Lapwing, development will require project-level Appropriate Assessment, with the objective of ensuring that such development proposals do not give rise to adverse effects on integrity either alone or in-combination with other plans or projects.

5.35 With mitigation provided by policies within the Joint Core Strategy and the Local Plan Part 2, there will be no adverse effects on the integrity of Upper Nene Valley Gravel Pits SPA and Ramsar site as a result of loss of FLL, either alone or in combination with other plans or projects.

Changes to bird sightlines

5.36 Many birds rely on good sightlines to detect predators and during take-off. Tall buildings or structures in close proximity to European sites designated for bird species could affect the integrity of the site by reducing bird sightlines and therefore the suitability of the site's habitat.

Rutland Water SPA and Ramsar site

5.37 As Rutland Water SPA and Ramsar site is not located within the Plan area, it will not be affected by changes to bird sightlines resulting from the Local Plan Part 2.

5.38 There will be no adverse effects on the integrity of Rutland Water SPA and Ramsar site, as a result of changes to bird sightlines, either alone or in combination with other plans or projects.

Upper Nene Valley Gravel Pits SPA and Ramsar site

5.39 Work undertaken for the HRA of the West Northamptonshire Joint Core Strategy considered the sensitivity of the Upper Nene Valley Gravel Pits SPA and Ramsar bird species to changes to sightlines²⁰. This work concluded that maintenance of unobstructed lines of sight is particularly important for Golden Plover and Lapwing. The

²⁰ Environ, 2010, Survey work to support the Appropriate Assessment for the West Northamptonshire Joint Core Strategy, Report of elements 3 and 4.

following allocated sites are within 250m of the Upper Nene Valley Gravel Pits SPA and Ramsar site (**Figure 5.2**) and would therefore need to mitigate any potential effects on bird sightlines, in accordance with Joint Core Strategy Policy BN4:

- **LAA1101: Land at Waterside Way**
An employment site 45m away that would advance the urban edge towards the European site; and
- **LAA1107: Former Abington Mill Farm, land off Rushmere Road**
A residential site 150m away that would advance the urban edge towards the European site.

5.40 However, taking their immediate surroundings into consideration, both sites are afforded a degree of screening; by existing buildings (LAA1101), the A45 road (LAA1107), and the trees at the edges of these (both). It is likely that sensitive design of these sites would enable development to occur without adversely affecting bird sightlines.

5.41 These sites are allocated for development by:

- **Policy 13: Residential and other residential-led allocation**
Defines the quantum of development at LAA1107;
- **Policy 17A: Employment allocation**
Identifies site LAA1101 for (employment) development; and
- **Policy 46: Abington Mill Farm**
The site-specific policy for LAA11017.

5.42 Other policies (or plans) that permit development outside of allocated sites could also result in development within 250m of the SPA/Ramsar.

5.43 The Local Plan Part 2 provides mitigation within the following policies:

- **Policy 29B: Nature conservation**

"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." and

"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:

- i. 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."

- **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 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 if the proposal is likely to have a significant effect on the site's conservation objectives, will 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 have regard to the UNVGP SPA Supplementary Planning Document." and

"In order to protect sightlines for birds included within the Upper Nene Gravel Pits Special Protection Area, new development within a 250m zone of the Special Protection Area shown on the proposals 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."

5.44 Policy BN4 Upper Nene Valley Gravel Pits Special Protection Area, within the West Northamptonshire Joint Core Strategy also provides similar wording regarding sightlines as that set out in Policy 30.

5.45 In addition, any unallocated development proposals coming forward (i.e. Policies 12 or 19) within 250m of the Upper Nene Valley Gravel Pits SPA and Ramsar site would require project-level Appropriate Assessment, with the objective of ensuring that such development proposals do not give rise to adverse effects on integrity either alone or in combination with other plans or projects.

5.46 With mitigation required by policies within the Local Plan Part 2, there will be no adverse effects on the integrity of Upper Nene Valley SPA and Ramsar site, as a result of changes to bird sightlines, either alone or in combination with other plans or projects.

Figure 5.1: Supporting habitat: allocated sites in relation to Golden Plover and Lapwing habitat

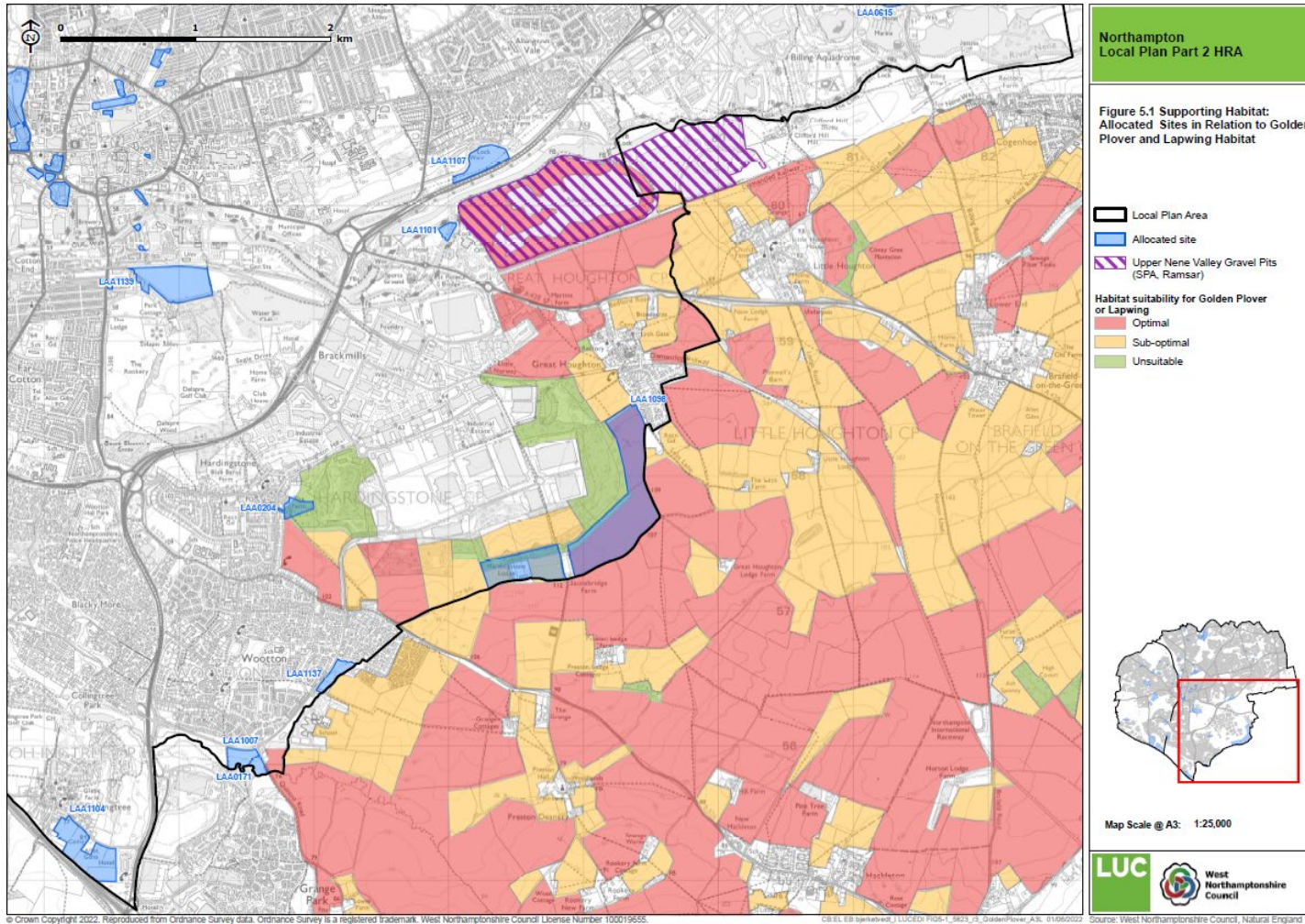
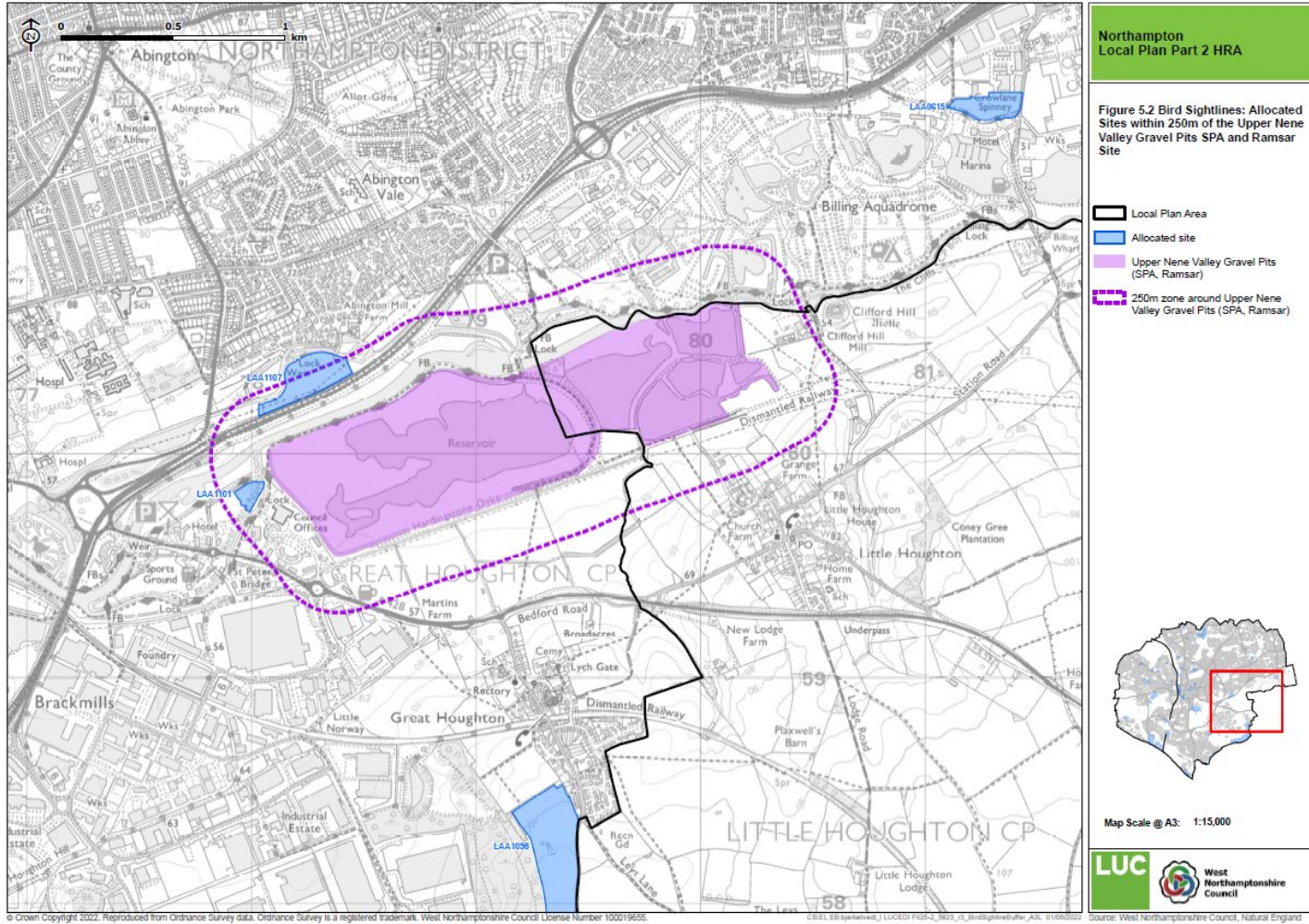


Figure 5.2: Bird sightlines: allocated sites within 250m of the Upper Nene Valley Gravel Pits SPA and Ramsar site



Fragmentation

5.47 Fragmentation could occur where development splits up physically- or functionally-continuous tracts of habitat (within the SPA/Ramsar sites or offsite) into smaller, remnant patches with adverse effects on their functionality and the integrity of the species populations they support.

Rutland Water SPA and Ramsar site

5.48 As Rutland Water SPA and Ramsar site is not located within the Plan area, it will not be affected by fragmentation as a result of the Local Plan Part 2.

5.49 There will be no adverse effects on the integrity of Rutland Water SPA and Ramsar site, as a result of fragmentation, either alone or in combination with other plans or projects.

Upper Nene Valley Gravel Pits SPA and Ramsar site

5.50 Fragmentation of habitats within the SPA and Ramsar site will not occur as this would require the loss or damage of habitats within the European site (see paragraphs 5.6 to 5.12).

5.51 Development within areas of FLL (i.e. that used by Golden Plover or Lapwing in the south east of the Local Plan Part 2 area; see **Figure 5.1**) could cause fragmentation by reducing the size of habitat area or by physically splitting up habitats.

5.52 Policy 30 draws attention to the potential for the effects of fragmentation on FLL: "...adverse effects could include the loss or fragmentation of functionally-linked land". These effects have been assessed under 'loss of FLL' (above).

5.53 There will be no adverse effects on the integrity of Upper Nene Valley Gravel Pits SPA and Ramsar site, as a result of fragmentation, either alone or in combination with other plans or projects.

Non-physical disturbance

5.54 Noise, vibration and light effects, for example from construction or new developments, can affect bird and other sensitive species. However, development must be close to the European sites or their FLL, for these effects to be significant.

Rutland Water SPA and Ramsar site

5.55 Water SPA and Ramsar site is too far (41km) from the Local Plan Part 2 area for the plan's development to give rise to noise, vibration or light disturbance that would affect the site.

5.56 There will be no adverse effects on the integrity of Rutland Water SPA and Ramsar site, as a result of non-physical disturbance, either alone or in combination with other plans or projects.

Upper Nene Valley Gravel Pits SPA and Ramsar site

5.57 Sensitivities identified in the citations for the Upper Nene Valley Gravel Pits SPA and Ramsar site include "other urbanisation, industrial and similar activities" (SPA Standard Data Form) and "unspecified development: urban use – activities connected with ongoing urban development cause significant disturbance to wintering birds if unmanaged" (Information Sheet on Ramsar Wetlands). This site is therefore sensitive to non-physical disturbance.

5.58 It is considered that the effects of noise, vibration and light on this European site only have the potential to be significant if the source of disturbance is within 2km of its boundary. This is consistent with the SPA's consultation zone for all proposals likely to generate significant noise and for large commercial / industrial development, as set out in the Upper Nene Valley Gravel Pits Supplementary Planning Document (SPD), 2015²¹. Significant noise in this context is illustrated in the SPD by the example 'clay pigeon shoot'.

5.59 Five allocated sites are within 2km of the SPA/Ramsar (**Figure 5.3**):

- **LAA0615: Crow Lane North**
Employment site, c. 1.3km away;
- **LAA1098: The Green, Great Houghton**
Residential site (c.800 homes), c.1.2km away;
- **LAA1101: Land at Waterside Way**
Employment site, c.45m away;
- **LAA1107: Former Abington Mill Farm, land off Rushmere Road**
Residential site (125 homes), c.150m away; and
- **LAA1139: Ransome Road**
Residential site (500 homes), c.1.9km away.

5.60 When the physical surroundings of each site are taken into consideration, the potential for significant effects is unlikely. LAA1098 and LAA1139 are on the edge of the 2km buffer and separated from the SPA/Ramsar by major roads and some urban development. At LAA1098, most of the area of site that is within the 2km buffer will be used for ecological enhancement and not built upon. These sites are unlikely to result in significant non-physical disturbance.

²¹ Upper Nene Valley Gravel Pits Supplementary Planning Document, August 2015.

5.61 Sites LAA1101 and LAA1107 are closer to the SPA/Ramsar. As identified in relation to bird sightlines, both sites are afforded a degree of screening; by existing buildings (LAA1101), the A45 road (LAA1107), and the trees at the edges of these (both). LAA0615 is separated by some urban development and trees, although much of the area between it and the SPA/Ramsar is open water. These sites could result in non-physical disturbance of the SPA/Ramsar.

5.62 These sites are allocated for development under the following policies:

- *Policy 13: Residential and other residential led allocation*
Allocates the sites and defines the quantum of housing development;
- *Policy 17A: Employment allocations*
Allocates the sites and defines the quantum of employment development; and
- *Policy 46: Abington Mill Farm*
The site-specific policy for LAA1107.

5.63 Policies 12, 18, 19 and 24 also permit development outside of allocated sites.

5.64 Individually, these residential or employment developments may not generate significant noise, vibration or light. However, without mitigation, they could contribute to a general urbanising effect in combination with other policies that permit development outside allocated sites (Policies 12, 19 & 24) and development from other plans:

- West Northamptonshire Joint Core Strategy: permits development outside allocated sites in Northampton e.g. transport improvements;
- South Northamptonshire Part 2 Local Plan: parts of the north of the District are within 2km of the SPA/Ramsar;
- Northamptonshire Transport Plan: identifies transport schemes in Northampton and South Northamptonshire and
- Northamptonshire Minerals & Waste Plan: an area adjacent to the SPA/Ramsar (but outside Northampton) has been identified for gravel extraction.

5.65 These plans have themselves been subject to HRA.

5.66 The Local Plan Part 2 provides mitigation within the following policies:

- *Policy 29B: Nature conservation*

"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." and

"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:

- i. 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."

- Policy 30: Upper Nene Valley Gravel Pits Special Protection Area

"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 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 if the proposal is likely to have a significant effect on the site's conservation objectives, will 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 have regard to the UNVGP SPA Supplementary Planning Document." And

"...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."

5.67 The supporting text for Policy 30 which provides the following guidance:

"...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 (1st October – 31st March inclusive)."

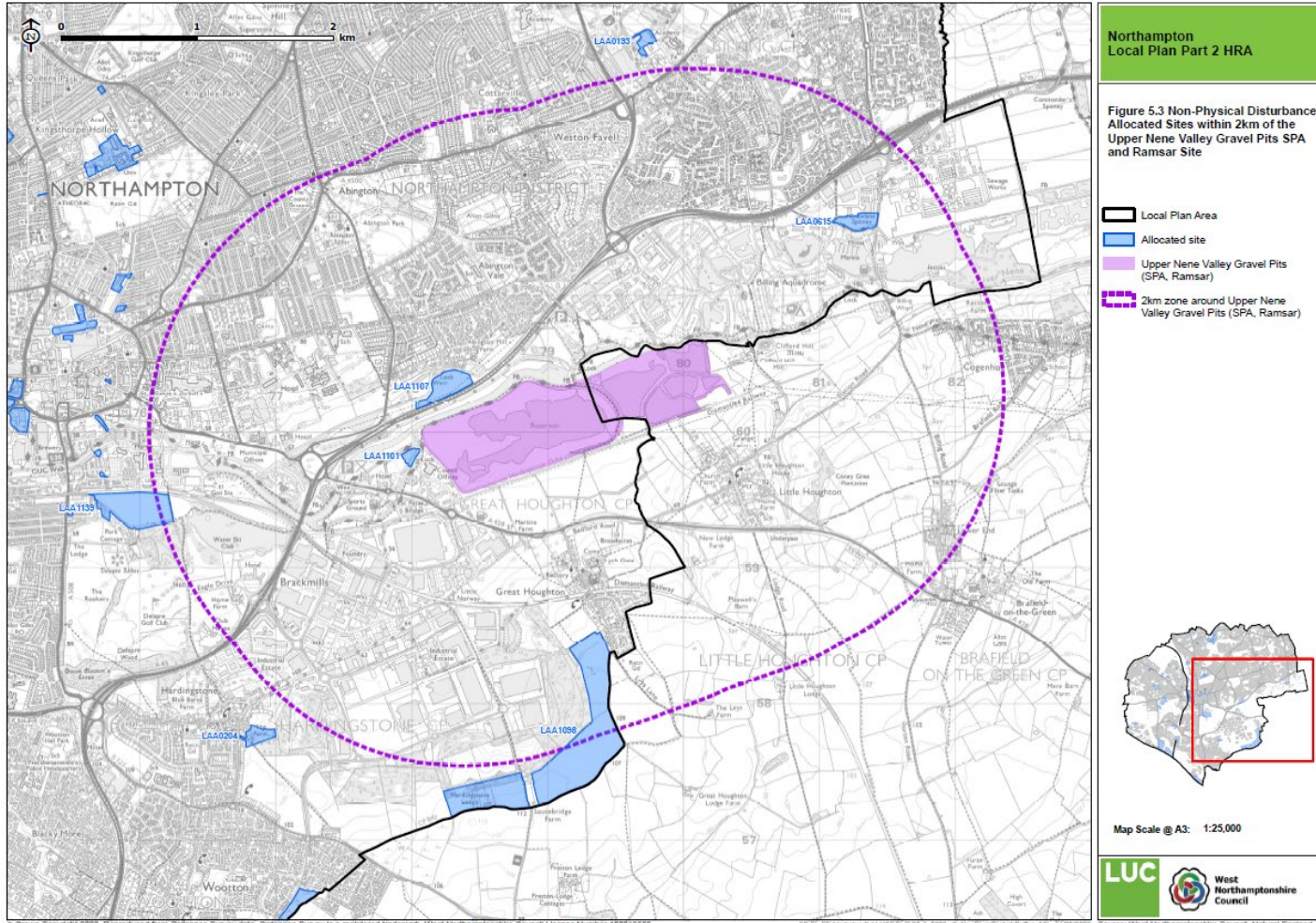
5.68 Policy 29A and policies within the West Northamptonshire Joint Core Strategy (BN2, BN4 & BN8) also provide general protection. In line with the requirements of these policies, development at sites LAA0615, LAA1101 and LAA1107 and any other developments with the potential to

result in non-physical disturbance (for example those in locations with little existing screening from the SPA/Ramsar, or larger sites with the potential to have an urbanising effect) will need to demonstrate that they will not have a significant effect on the European site, for example through sensitive design.

5.69 In addition, any unallocated development proposals coming forward e.g. under Policies 9, 12, 18 or 19 within 2km of the SPA/Ramsar would require project-level Appropriate Assessment, with the objective of ensuring that such development proposals do not give rise to adverse effects on integrity either alone or in-combination with other plans or projects.

5.70 With mitigation required by policies within the Local Plan Part 2 and Joint Core Strategy, there will be no adverse effects on the integrity of Upper Nene Valley Gravel Pits SPA and Ramsar site, as a result of non-physical disturbance, either alone or in combination with other plans or projects.

Figure 5.3: Non-physical disturbance: allocated sites within 2km of the Upper Nene Valley Gravel Pits SPA and Ramsar site



Recreation pressure

5.71 Recreational activities can have an adverse impact on the integrity of a European site, for example from: physical damage, including erosion and trampling of habitat, or fires; and the disturbance of fauna, including from human presence, dog walking or water sports.

5.72 Where the Local Plan Part 2 would be likely to increase the number of people living close to or visiting sensitive European sites, the potential for increased recreation pressure has been assessed. Consideration has been given to factors such as the characteristics and current recreational use of European sites and their accessibility. The nature of development proposed has also been taken into account. For example, employment sites are considered unlikely to result in a significant increase in recreation pressure as employees will be at work for the majority of the time they are there.

Rutland Water SPA and Ramsar site

5.73 Rutland Water is 41km from the Local Plan Part 2 area but is a tourism destination known for its water sports that attracts people from a wide area. Public access and disturbance has been identified as a threat to the SPA (see Appendix A).

5.74 There is some historic visitor data available for Rutland Water²². This data were collected as part of a PhD thesis in 1992; therefore it should be used with a degree of caution. This study found the majority of visitors (c.81%) to be on day trips and that around half of all visitors had visited three or four times in the previous 12 months. The study found that approximately 33% of visitors lived less than 19 miles (approximately 30.5km) away. Some of the visitors to the Rutland Water will therefore be from the Plan area.

5.75 The SPA and Ramsar site at Rutland Water comprises open water, along with terrestrial/wetland habitats at the western edge of the lake. The SPA/Ramsar terrestrial/wetland habitats are managed as a Wildlife Trust nature reserve. Visitor numbers to the whole SPA/Ramsar are managed to minimise impacts on wildlife: access to the nature reserve is only accessible by purchasing a permit, and dogs are excluded from the most sensitive areas of the reserve²³; access to the open water is restricted through the use of permits for water sports or fishing²⁴. The rest of the lake edge (not within the SPA/Ramsar site) is freely accessible to visitors

(e.g. walkers and cyclists). Only a portion of the overall visits to Rutland Water will therefore be to within the SPA and Ramsar boundary.

5.76 It is considered that Rutland Water is too far from the Plan area for the Local Plan Part 2 alone to result in significant increases in visitor numbers to the SPA and Ramsar site. The Local Plan Part 2 could contribute to an increase in visitor numbers in combination with development plans from other authorities close to Rutland Water; however, the permitting system enables visitor numbers to the SPA/Ramsar to be controlled such that significant effects from recreation pressure are not likely.

5.77 There will be no adverse effects on the integrity of Rutland Water SPA and Ramsar site, as a result of recreation pressure, either alone or in combination with other plans or projects.

Upper Nene Valley Gravel Pits SPA and Ramsar site

5.78 The Upper Nene Valley Gravel Pits SPA and Ramsar site lies within the Plan area and therefore receives visitors from the Local Plan Part 2 area.

5.79 The Standard Data Form for the SPA identifies outdoor sports and leisure activities or recreational activities as a threat / pressure. The Ramsar Information Sheet states that access by people and dogs both on and off public rights of way is a significant cause of disturbance in some areas and that the site is also subject to a variety of recreational activities including fishing and water sports. The Site Improvement Plan confirms the existence of a potential threat of recreational disturbance (particularly from walkers and dog owners) to wintering birds by reducing the time available for feeding and increasing energy expenditure when avoiding those sources of disturbance. Research shows that disturbance from human recreational activities in wetlands can cause problems for wildfowl²⁵. Detailed local studies of the effects of visitor behaviour on bird behaviour and numbers have shown that people and dogs can disturb the SPA's birds as they feed and roost²⁶.

5.80 A 2014 visitor access study for the SPA²⁷ found that visitor rates correlate with proximity to residential areas and that they decline rapidly with distance such that a relatively small proportion of people visit from distances beyond 3km of the surveyed access points. Approximately half of visitors surveyed were walking dogs, almost all (98%) were on a short

²² Michael John Pearson (1996) The Management of a National Environmental Problem, "Toxic Cyanobacteria"

²³ <https://www.lnwt.org.uk/nature-reserves/rutland-water/>

²⁴ <https://anglianwaterparks.co.uk/rutland-water>

²⁵ For example, see Kirby J, Davidson N, Giles N, Myrfyn O and Spray C. 2004. Waterbirds and Wetland Recreation Handbook – a Review of Issues and Management Practice. Slimbridge: The Wildfowl and Wetlands Trust.

²⁶ Brayshaw RS. 2010. Survey work to support the Appropriate Assessment for the West Northamptonshire Joint Core Strategy, Element 2: Field surveys (recreational, disturbance and bird behaviour). Report to the West Northamptonshire Joint Planning Unit.

²⁷ Liley, D., Floyd, L., Cruickshanks, K. & Fearnley, H. (2014). Visitor Access Study of the Upper Nene Valley Gravel Pits SPA. Footprint Ecology. Unpublished report for the NIA partnership. NBC intends to publish this as part of its Local Plan evidence base later in 2017.

visit from home, most (77%) arrived by car, and most were frequent visitors (60% visited at least once per week).

5.81 The visitor access study findings are reported in the Upper Nene Valley Gravel Pits SPD, which states that “recreational disturbance is the most significant threat to the Upper Nene Valley Gravel Pits SPA”. The SPD further notes that demand for access and recreational activities in the Nene Valley is increasing along with disturbance to the birds for which the SPA is designated. It goes on to state that since disturbance effects are cumulative, any net increase in the number of residential units near the SPA has the potential, in the absence of mitigation, to increase the significance of the effect by increasing the number of visits to the European site.

5.82 In line with the findings of the visitor access study above and the 3km consultation zone defined by the SPD for all applications involving a net gain in residential units, it is judged that all residential development within 3km of Upper Nene Valley Gravel Pits SPA and Ramsar site would be likely to contribute to an in-combination recreational disturbance effect on the European site. The allocated residential sites within 3km of the Upper Nene Valley Gravel Pits SPA and Ramsar sites are (**Figure 5.4**):

- LAA0174 Ransome Road Gateway - 24 homes, c.2.6km away;
- LAA0193 Former Lings Upper School, Birds Hill Walk – 60 homes, c.2.1km away;
- LAA0204 The Farm, Hardingstone – 55 homes, c.2.2km away;
- LAA0335 Chronicle and Echo North - 42 homes, c.2.4km away;
- LAA0685 Adj. 12 Pennycress Road - 12 homes, c.2.3km away;
- LAA0903 Hawkins Shoe Factory, Overstone Road - 105 homes, c.2.3km away;
- LAA0932: Southbridge Site 1 – 44 homes, c.2.3km away;
- LAA0933: Southbridge Site 2 – 28 homes, c.2.3km away;
- LAA1010 Land at St Peter’s Way / Court Road / Freeschool Street - 5 homes, c.3km away;
- LAA1014 University of Northampton, Avenue Campus - 170 homes, c.3km away;
- LAA1022 Belgrave House - 122 homes, c.2.6km away;
- LAA1049 Land off Arbour Court - 6 homes, c.2.9km away;

- LAA1098: The Green, Great Houghton – c.800 homes, c.1.2km away;
- LAA1107: Former Abington Mill Farm, land off Rushmere Road - 125 homes, c.150m away;
- LAA1113 Greyfriars - 400 homes, c.2.5km away;
- LAA1124 41-43 Derngate Road - 31 homes, c.2.3km away;
- LAA1127 32 Connaught Street - 6 homes, c.2.7km away;
- LAA1134 St John’s Railway Embankment - 12 homes, c.2.3km away; and
- LAA1139: Ransome Road - 500 homes, c.1.9km away.

5.83 These sites are allocated for development under the following policy, which would therefore have a potentially significant effect due to recreation pressure:

- **Policy 13: Residential and other residential led allocation**
Allocates up to 2,547 new homes on 19 sites within 3km of the SPA/Ramsar.

5.84 Policy 41: The Green, Great Houghton, Policy 40: Greyfriars, and Policy 46: Abington Mill Farm set specific principles for development at sites LAA1098, LAA1113, and LAA1107, respectively, but the number of homes has been assessed in relation to Policy 13.

5.85 At LAA1098, however, the large scale of development and its proximity to the SPA/Ramsar mean that the design principles set out in Policy 41 also influence how easy or attractive it will be for residents to visit the SPA/Ramsar versus other greenspaces, and the provision of space for recreation within the site itself. Policy 41 encourages connections to the nearby Brackmills Country Park, which could help to prevent a significant increase in visitors at the SPA/Ramsar, and requires that Suitable Alternative Natural Greenspace (SANG) is incorporated into site LAA1098. The SANG must be designed such that (potentially functionally linked) habitats are protected or enhanced. Policy 41 also states that “If any part of the SANG is proposed off-site, the SANG will need to be adjoining the site”.

5.86 In addition to the allocated sites, the following policies permit an increase in the number of homes in locations other than allocated sites:

- **Policy 9: Regeneration opportunities in the Central Area**
Promotes mixed use (including residential) development in the town centre and central area;
- **Policy 12: Development of main town centre uses**
Permits regeneration of sites outside the central area;

- **Policy 15: Delivering houses in multiple occupation**
Enables an increase in the number of households within a house;
- **Policy 17: Safeguarding existing employment sites**
Permits changes of use from employment to non-employment uses; and
- **Policy 21: Residential development on upper floors**
Allows changes of use above shops, to residential.

5.87 Policy 4 Amenity and Layout also requires that new developments ensure “adequate access to both high quality recreational and semi-natural green spaces for all residents”, which could in theory encourage development close to existing sites such as the SPA.

5.88 The recreation pressure effect of the Local Plan Part 2 would act in combination with any recreation pressure from other residential development within 3km of the European site. The Upper Nene Valley Gravel Pits SPA and Ramsar site is a composite site made up of several sites along the River Nene valley. Only the Northampton Washlands portion of the SPA/Ramsar is within 3km of the Plan area; therefore only development plans with the potential to contribute to recreation pressure at that part of the site could have in-combination effects with the Local Plan Part 2. These are:

- West Northamptonshire Joint Core Strategy: the Northampton South of Brackmills SUE allocates 1,300 homes c.650m to the west of LAA1098 and c.2.2km from the SPA/Ramsar, plus any unallocated residential development permitted by this plan; and
- South Northamptonshire Local Plan: if there is development within 3km of the SPA / Ramsar.

5.89 In particular, the ‘Northampton South of Brackmills SUE’ allocated in the JCS in combination with LAA1098 will result in a large volume of residential development at two sites that are close to each other and will therefore put pressure on the same local greenspaces for recreation.

5.90 The proposed approach to mitigating recreational pressure at Northampton Washlands (Unit 1 of the SPA/Ramsar) and the wording of policies in the Local Plan Part 2 have been discussed and agreed with Natural England; see Appendix E.

5.91 To mitigate potential effects on the Upper Nene Valley Gravel Pits SPA and Ramsar site, due to recreation pressure, the Local Plan Part 2 contains the following:

- **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 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 if the proposal is likely to have a significant effect on the site's conservation objectives, will 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 have regard to the UNVGP SPA Supplementary Planning Document. Applications comprising a new gain in residential units within 3km of the Upper Nene Valley Gravel Pits SPA will, in combination, have an adverse effect on the integrity of the SPA if not mitigated.

The Local Planning Authority has adopted a mitigation strategy for Unit 1 of the Upper Nene Valley Gravel Pits SPA which must be referred to when preparing an application that is located within 3km of Unit 1 of the SPA. Residential development will be required to pay a Strategic Access Management and Monitoring (SAMM) contribution and / or provide bespoke mitigation such as a Suitable Alternative Natural Greenspace (SANG) in order to mitigate recreational impact. ”

5.92 The Upper Nene Valley Gravel Pits Special Protection Area SPD (2015) sets out the type of mitigation options that would be appropriate to mitigate the disturbance of birds at the SPA, based on a study by Footprint Ecology. These include alternative natural greenspace, habitat management, enhancement of other waterside sites, management of visitor flows / access, education and enforcement.

5.93 The recreation mitigation strategy, which forms an addendum to the SPD²⁸ requires residential development within 3km of the SPA/Ramsar to contribute to funds for Strategic Access, Management and Monitoring (SAMM). The strategy also states that: “Developments of 10 dwellings or more will be required to pay the SAMM and / or provide other suitable mitigation and the advice of Natural England should be sought at the outset of the planning process.” And “Other large scale developments may need project level HRAs and/or bespoke mitigation such as SANGs. Proposed schemes of 10+ dwellings are required to liaise with Natural England at the outset to discuss SPA mitigation.” This is the case for site LAA1098, where the mitigation agreed is set out in Policy 41.

²⁸ <https://www.northampton.gov.uk/downloads/file/12918/unvgp-spa-spd-addendum-mitigation-strategy-march-2022>

5.94 The recreation mitigation strategy has been developed in conjunction with South Northamptonshire District, the other local authority whose Local Plan would impact upon the Northampton Washlands part of the SPA/Ramsar. A small corner of Wellingborough borough also lies within 2.5km of Northampton Washlands, although there are no housing allocations or settlements within 3km of Northampton Washland. Any residential development in Wellingborough within 3km of the SPA/Ramsar is required to contribute to mitigation in line with the recreation strategy²⁹ agreed by Wellingborough and East Northamptonshire councils.

5.95 South Northamptonshire Local Plan Draft Submission (Regulation 19) version was completed in September 2018 and contains the following, which aligns with the overarching Policy BN4 Upper Nene Valley Gravel Pits Special Protection Area, within the Joint Core Strategy:

- South Northamptonshire Local Plan Draft Submission Policy NE1: Upper Nene Gravel Pits Special Protection Area

“New development will need to demonstrate that the impact of any increased recreational activity (indirect or direct) on the Special Protection Area will not have a detrimental impact. Any development that will lead to an increase in recreational activity on the Special Protection Area will be required to include necessary mitigation including providing or contributing towards a combination of the following measures:

- a) development of and implementation of habitat and access management plans within the SPA;
- b) improvement of existing greenspace and recreational routes;
- c) provision of alternative natural greenspace and recreational routes; and
- d) monitoring of the impacts of new development on European designated sites to inform the necessary mitigation requirements and future refinement of any mitigation measures.”

And:

“The Local Planning Authority or successor authority will prepare a Mitigation Strategy document concerning the Upper Nene Valley Gravel Pits Special Protection Area with a view to its subsequent adoption as an Addendum to the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document within 12 months of the adoption of the Part 2 Plan.”

5.96 Further mitigation is provided in the Local Plan Part 2 by the following policies:

- *Policy 27: Sustaining and enhancing existing, and supporting the creation of, Northampton’s green infrastructure*

Requires all major housing and commercial developments to deliver and/or contribute to a net gain in green and blue infrastructure, which could divert some recreation trips away from the SPA/Ramsar;

- *Policy 28: Providing open spaces*

Sets standards for greenspace provision in major developments, including 1.57ha of natural and semi-natural green space per 1,000 population, within a 720m walk. States that SANG can contribute to open space provision to draw residents away from designated sites. This provides green infrastructure that could divert some recreation trips away from the SPA/Ramsar; and

- *Policy 29: Supporting and enhancing biodiversity* states that :

“The Council will require all development proposals to provide a net gain in biodiversity through the creation or enhancement of habitats by: i. Incorporating and enhancing existing biodiversity features on and/or off site; ii. Consolidating, developing and enhancing functionality of ecological networks including those beyond the Local Plan’s boundary; and iii. Managing, monitoring and maintaining biodiversity within a development.

B. 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. .”

- *Policy 41: The Green, Great Houghton (LAA1098)* requires that:

“Winter surveys are undertaken to identify whether the site is used by over-wintering Golden Plover / Lapwing and whether it acts as functionally linked land to the Upper Nene Valley Gravel Pits Special Protection Area. If the site is found to be functionally linked land, appropriate mitigation will be required for the loss of habitat.”

“Development must adhere to Policy 30 of this Plan, in particular with reference to recreational disturbance and

²⁹ http://www.wellingborough.gov.uk/downloads/file/7562/mitigation_strategy

functionally linked land associated with the Upper Nene Valley Gravel Pits Special Protection Area.”

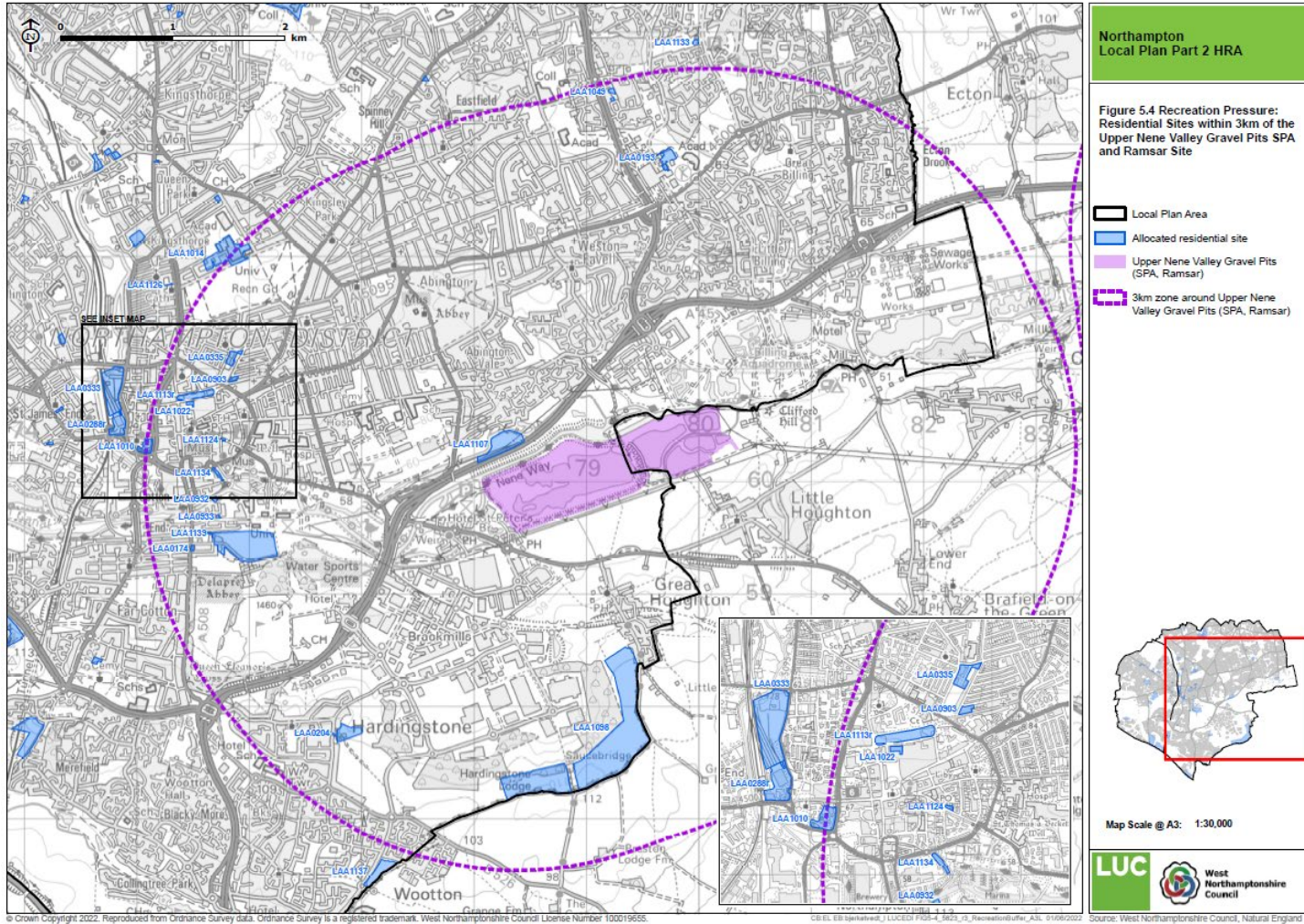
and

“Proposals must be informed by a masterplan for the whole allocation which will be expected to:... e. Provide a SANG within the area identified in Figure 20 [northern part of site] which provides the following: i. Protection, enhancement and / or creation of habitats in line with other policies of this plan. ii. Accessibility for residents’ recreation including an off-lead dog walking area. iii. A circular walking route around the SANG and eastern development area. iv. A clear separation between the developed site and the village of Great Houghton in order to protect its setting and the heritage assets of the village. v. Formal and informal open space. vi. A SANG car park, vii. If any part of the SANG is proposed off-site, the SANG will need to be adjoining the site.”

5.97 It is therefore considered that development management policies within the Local Plan Part 2 and the mitigation strategy that forms an appendix to the Upper Nene Valley Gravel Pits SPD provide sufficient mitigation to prevent residential development from having a significant effect on the SPA/Ramsar, either alone or in combination with other plans and projects.

5.98 With mitigation required by policies and described in supporting text within the Local Plan Part 2 (which includes the mitigation strategy appended to the SPD), and in combination with policies set out in the Joint Core Strategy and in the Draft Submission South Northamptonshire Local Plan, there will be no adverse effects on the integrity of Upper Nene Valley Gravel Pits SPA and Ramsar site as a result of recreation pressure, either alone or in combination with other plans or projects.

Figure 5.4: Recreation pressure: residential sites within 3km of the Upper Nene Valley Gravel Pits SPA and Ramsar site



Pet predation

5.99 Pet predation, notably hunting by domestic cats from nearby residential developments, can be a concern where development is proposed close to a European site, particularly where the qualifying species is bird or mammal. Evidence shows that pet cats can roam up to 1.5 km at night^{30 31}.

5.100 As well as pets, research has shown that habitats close to urban areas can have higher densities of mammalian predators such as foxes³² and that there is an increase in the numbers of crows and magpies on sites with greater human activity³³.

Rutland Water SPA and Ramsar site

5.101 Rutland Water is located 41km outside Local Plan Part 2 area and therefore will not be subject to any potential pet predation arising from the Local Plan Part 2 policies or sites.

5.102 **There will be no adverse effects on the integrity of Rutland Water SPA and Ramsar site, as a result of pet predation either alone or in combination with other plans or projects.**

Upper Nene Valley Gravel Pits SPA and Ramsar site

5.103 The Standard Data Form for this SPA site highlights the effects of 'other urbanisation' as a main threat and pressure that is impacting the site. The Information Sheet for the Ramsar site also highlights 'Unspecified development: urban use' as having an adverse effect on the site stating that "*activities connected with ongoing urban development cause significant disturbance to wintering birds if unmanaged*".

5.104 Although pet predation is not specifically mentioned, it is assumed on a precautionary basis that pet predation could result in likely significant effects when residential site allocations are located within 1.5 km of a European site.

5.105 Two sites are allocated for residential development within 1.5km of the SPA and Ramsar site (**Figure 5.5**):

- **LAA1107 Former Abington Mills Farm, land off Rushmere Road**
125 new homes, c.150m away. Policy 46 sets out the development principles at the site; and

- **LAA1098 The Green, Great Houghton**
800 new homes, c.1.2km away. Policy 41 sets out the development principles at the site.

5.106 However, when physical barriers are taken into account it is considered that the potential effects of site LAA1107 will be significantly reduced due to the barriers formed by the River Nene and the A45 (a wide dual carriageway road). It is concluded therefore that this site will not result in significant effects on the Upper Nene Valley SPA and Ramsar site as a result of pet predation.

5.107 At site LAA1098, it is only the northernmost part of the site that is within 1.5km of the SPA. Policy 41 safeguards the northern part of the site as an ecological buffer; therefore none of the residential development will lie within 1.5km of the SPA / Ramsar. The area earmarked for SANG is potentially on FLL used by Golden Plover / Lapwing, in which case pet predation (as well as recreation pressure from this site) could affect birds from the SPA / Ramsar. Policy 41 therefore requires that:

"Winter surveys are undertaken to identify whether the site is used by over-wintering Golden Plover / Lapwing and whether it acts as functionally linked land to the Upper Nene Valley Gravel Pits Special Protection Area. If the site is found to be functionally linked land, appropriate mitigation will be required for the loss of habitat."

and

"Proposals must be informed by a masterplan for the whole allocation which will be expected to:...e. Provide a SANG within the area identified in Figure 20 [northern part of sites] which provides the following: i. Protection, enhancement and / or creation of habitats in line with other policies of this plan."

5.108 This requirement has been agreed with Natural England (see Appendix E) and is considered sufficient to prevent significant effects associated with the development of this site from pet predation.

5.109 Other policies (or plans) that permit development outside of allocated sites could also result in development within 1.5km of the SPA/Ramsar.

5.110 The following policies safeguard the SPA/Ramsar from pet predation:

³⁰ Predation of wildlife by domestic cats in Great Britain. Woods, M. McDonald, R.A. and Harris, S. 2003, Mammal Review, Vol. 33, pp. 174-188.

³¹ Avian assemblage structure and domestic cat densities in urban environments. Sims, V., et al., et al. 2008, Diversity and Distributions, Vol. 14, pp. 387-399.

³² Taylor, E. Predation risk in woodlark Lullula arborea habitat: the influence of recreational disturbance, predator abundance, nest site characteristics and temporal factors. s.l. : School of Biological Sciences, UEA, 2002.

³³ Corvid responses to human settlements and campgrounds: causes, consequences and challenges for conservation. Marzluff, J.M. and Netherlin, E. 2006, Biological Conservation, Vol. 130, pp. 301-314.

- *Policy 29B: Nature conservation* states that:

"A. 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.

B. Proposals should have regard to 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. "

5.111 This provides specific protection for the SPA/Ramsar.

- *Policy 30: Upper Nene Valley Gravel Pits Special Protection Area* states that:

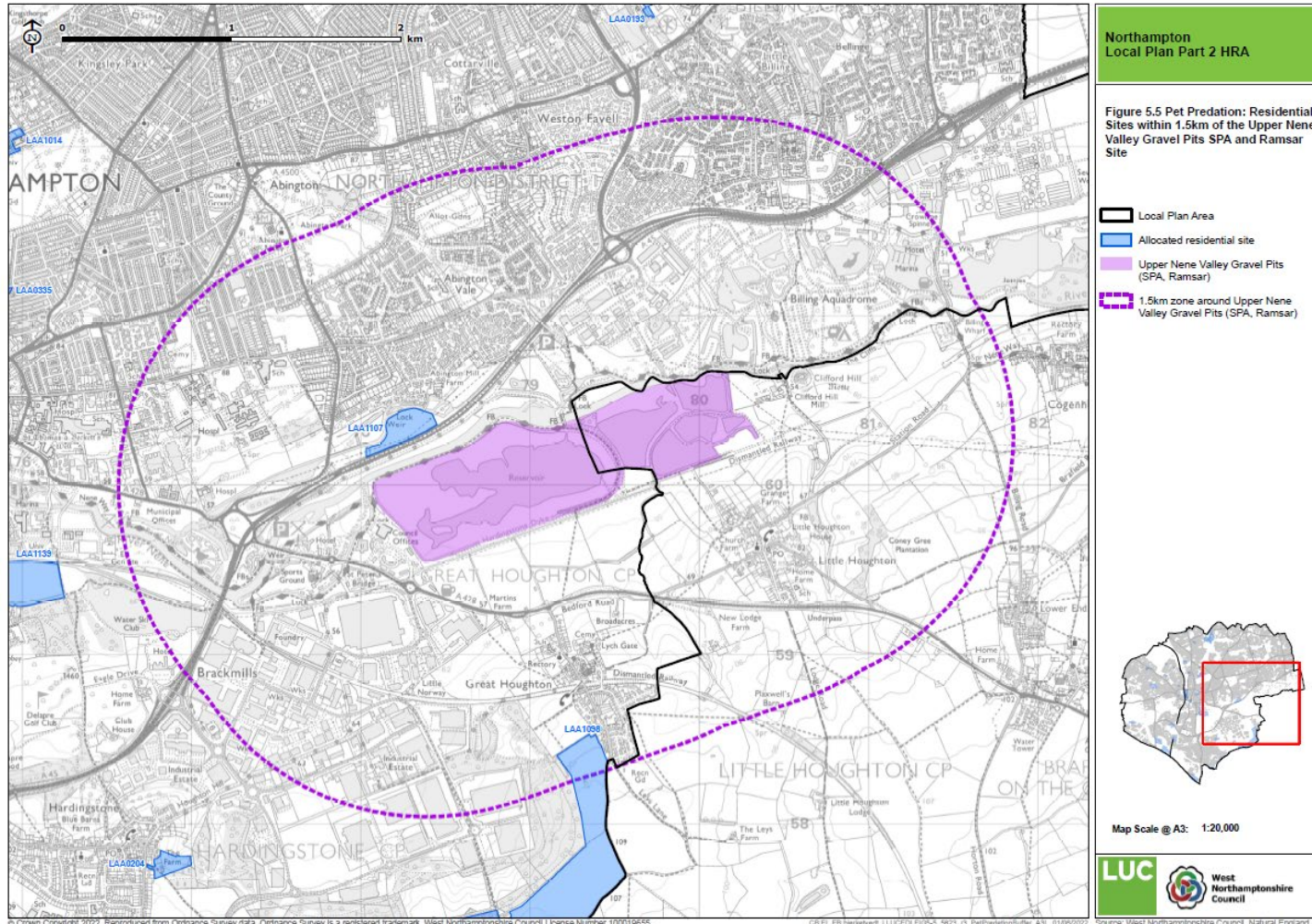
"Developments that are likely to have significant effects alone or in combination on the Upper Nene Valley Gravel Pits Special Protection Area must satisfy the requirements of the Habitats Regulations, determining site specific impacts and avoid or mitigate where impacts are identified.

Where development is likely to have significant effects on the UNVGP SPA, a Habitats Regulations Assessment will be required, which if the proposal is likely to have a significant effect on the site's conservation objectives, will 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 have regard to the UNVGP SPA Supplementary Planning Document. Applications comprising a new gain in residential units within 3km of the Upper Nene Valley Gravel Pits SPA will, in combination, have an adverse effect on the integrity of the SPA if not mitigated."

5.112 In addition, any unallocated development proposals coming forward (e.g. Policies 9, 12, 18 or 19) within 1.5km of the Upper Nene Valley Gravel Pits SPA and Ramsar site would require project-level Appropriate Assessment, with the objective of ensuring that such development proposals do not give rise to adverse effects on integrity either alone or in combination with other plans or projects.

5.113 **With mitigation required by policies within the Local Plan Part 2, there will be no adverse effects on the integrity of Upper Nene Valley Gravel Pits SPA and Ramsar site, as a result of pet predation either alone or in combination with other plans or projects.**

Figure 5.5: Pet predation: residential sites within 1.5km of the Upper Nene Valley Gravel Pits SPA and Ramsar site



Direct mortality

5.114 Policy 5 states that:

"All development proposals should:...

Actively promote energy efficiency and use of renewable energy sources where there is opportunity to do so"

5.115 The blades of wind turbines, if installed, could strike birds, causing direct mortality.

Rutland Water SPA and Ramsar site

5.116 Although it is possible that birds visiting Rutland Water could be killed by wind turbines in Northampton, the SPA/Ramsar is 41km away and a significant effect is very unlikely.

5.117 There will be no adverse effects on the integrity of Rutland Water SPA and Ramsar site, as a result of direct mortality from wind turbines either alone or in combination with other plans or projects.

Upper Nene Valley Gravel Pits SPA and Ramsar site

5.118 It is possible that birds from the SPA/Ramsar could be affected by direct mortality from new wind turbines, it is considered that the protection provided by other policies within the Local Plan Part 2 (Policies 29 and 30) is sufficient to prevent significant effects.

5.119 There will be no adverse effects on the integrity of Upper Nene Valley Gravel Pits SPA and Ramsar site, as a result of direct mortality from wind turbines either alone or in combination with other plans or projects.

Changes to water supply and water level management

5.120 An increase in demand for water abstraction resulting from the growth proposed in the Local Plan Part 2 could result in changes to water levels or flows at hydrologically connected European sites. Depending on the qualifying features and particular vulnerabilities of the European sites, this can result in likely significant effects on site integrity.

Rutland Water SPA and Ramsar site

5.121 The potential exists for effects on Rutland Water as it is a primary source of urban water supply for Northamptonshire³⁴ and therefore the population increases associated with development within the Local Plan Part 2 area are likely to affect water levels at the site. Human induced changes in hydrology are listed as a key vulnerability for this European site.

5.122 The assessment of effects in relation to water supply and water level management has been informed by studies undertaken as part of the West Northamptonshire Joint Core Strategy work. The West Northamptonshire Water Cycle Strategy was published in 2011, alongside the Joint Core Strategy. It concluded that:

"...water resource availability should not be considered a constraint to the Core Strategy Implementation, subject to the implementation of the Code for Sustainable Homes Standards through Building Regulations or through Local Policy'. It also concluded that 'Anglian water services strategic infrastructure and resource strategic planning within the Ruthamford Water Resource Zone will support the proposed growth within the study area until 2035".

5.123 However, the Water Cycle Study was published in 2011 and is therefore out of date. Notable changes since its publication include the fact that the Code for Sustainable Homes has been withdrawn and that the Anglian Water supply area has been classified by the Environment Agency as an area of 'serious water stress', both currently and under future climate change and abstraction demand scenarios³⁵.

5.124 More recent evidence is available from Anglian Water's 'Water Resources Management Plan 2019'³⁶ (WRMP), which sets out a 25-year plan to maintain the water supply demand balance in the supply region and measures to minimise the environmental impact of abstractions.

5.125 The WRMP plans for the period from 2020 to 2045 and therefore extends beyond the Local Plan Part 2 period, but it predicts that at the end of the WRMP period (2020-2045), without mitigation, North Ruthamford would have a water deficit (demand exceeding supply) of 37.4Ml/day, due to population growth and climate change. The WRMP sets out the strategy for mitigating these effects and ensuring that supply exceeds demand without causing environmental harm. In Ruthamford North, this will be principally achieved through

³⁴ Anglian Water, Water Resources Management Plan 2015: https://www.anglianwater.co.uk/_assets/media/WRMP_2015.pdf

³⁵ Environment Agency and Natural Resources Wales, 2013, Water stressed areas – final classification.

³⁶ Anglian Water 'Water Resources Management Plan 2019' <https://www.anglianwater.co.uk/siteassets/household/about-us/wrmp-report-2019.pdf>

transfer between resource zones. The recent HRA³⁷ of the draft 2019 WRMP concludes that the works required to enable the WRMP would not result in likely significant effects on either Rutland Water SPA and Ramsar or the Upper Nene Valley Gravel Pits SPA and Ramsar.

5.126 Within the WRMP, Anglian Water state that they work closely with the Environment Agency and Natural England to ensure that their abstractions do not have a detrimental impact on the environment, and that many of their abstraction licences include conditions requiring them to monitor environmental impact which are reported on annually and if any deterioration is identified then they remain committed to addressing the issue. Anglian Water is also subject to the Environment Agency's licensing regime which regulates the amount of water that can be abstracted in order to protect the environment. These controls are set out in The Nene Catchment Abstraction Management Strategy and they add another level of protection regarding the amount of water taken from the environment.

5.127 The WRMP takes into account the development targets of authorities within each resource zone, and therefore plans for the growth targets set for Northampton (within the Joint Core Strategy). As described in **Chapter 2**, homes allocated within the Local Plan Part 2 are in addition to those allocated in the Joint Core Strategy.

5.128 Local Plan Part 2 policies that result in an increase in the number of households are:

- **Policy 13: Residential and other residential -led allocation**
Defines the overall supply of new housing in the Local Plan Part 2, at allocated residential sites;
- **Policy 9: Regeneration opportunities in the Central Area**
Promotes mixed use (including residential) development in the town centre and central area;
- **Policy 12: Development of main town centre uses**
Permits regeneration of sites outside the central area;
- **Policy 15: Delivering houses in multiple occupation**
Enables an increase in the number of households within a house;
- **Policy 17: Safeguarding existing employment sites**
Permits changes of use from employment to non-employment uses; and
- **Policy 21: Residential development on upper floors**
Allows changes of use above shops, to residential.

5.129 Large non-residential development could also contribute to an increase in water demand; for example from health facilities (Policy 6), or employment (Policy 17A)

5.130 Some mitigation for these effects is provided in policy wording within the Local Part 2, as follows:

- **Policy 5: Carbon reduction, community energy networks, sustainable design and construction, and water use**
Requires new residential developments to achieve a high water efficiency standard of 110l per person per day

5.131 To ensure that the Local Plan Part 2's additional housing supply will not have an adverse effect on water demand (i.e. in combination with the Joint Core Strategy and other plans), Anglian Water has reviewed the Local Plan Part 2 allocated sites (based on the Local Plan site options consultation, 2017) and confirmed³⁸ that no significant water supply issues are anticipated over the plan period.

5.132 Anglian Water later raised a concern in their response³⁹ to consultation on the Proposed Submission Local Plan Part 2 (first round Regulation 19 consultation) that policy wording should contain a commitment to water efficiency standards. This has been incorporated into Policy 5; no other concerns were raised.

5.133 The sites allocated in the Local Plan Part 2 (Main Modifications) is slightly different to the list proposed in the first round of Regulation 19 consultation, with four new development sites but the overall quantum of development is similar to that which Anglian Water had previously been consulted on (4,538 in the first round consultation; 3,804 in the second round; now 3,838).

5.134 With the requirement for water efficiency in place, which addresses the concerns raised by Anglian Water in response to the first round of Regulation 19 consultation, it is not considered that there will be significant effects on water supply.

5.135 **There will be no adverse effects on the integrity of Rutland Water SPA and Ramsar site, as a result of changes to water supply and water level management either alone or in combination with other plans or projects.**

Upper Nene Valley Gravel Pits SPA and Ramsar site

5.136 The potential exists for likely significant effects because the River Nene, which supplies water to the Upper Nene Valley Gravel Pits, is also an important source of water to fill both Pitsford and Rutland Water reservoirs for public

³⁷ Anglian Water – Water Resources Management Plan 2019, Habitats Regulations Assessment - Task I: Screening and Task II: Appropriate Assessment (March 2018).

³⁸ Personal communication with N Banks, Northampton Borough Council (now West Northamptonshire Council), 7 January 2019

³⁹ <https://www.northampton.gov.uk/downloads/file/11401/ps1-053-anglian-water-001-redacted>

water supply⁴⁰. Significant strategic abstraction occurs at Duston Mill, upstream of the Upper Nene Valley Gravel Pits, in addition to other abstraction points⁴¹. As previously described, Rutland Water is the primary water source for Northampton but an increasing demand for water could have a knock-on effect on the River Nene and subsequently the Upper Nene Valley Gravel Pits.

5.137 As with Rutland Water, the 2019 WRMP provides mitigation to enable supply within the Ruthamford North resource zone to exceed demand, without environmental harm.

5.138 Policies resulting in an increase in numbers of households or large non-residential development (as above) could increase the demand for water; however mitigation is provided by the following policy, in line with Anglian Water's response to the first round of Regulation 19 consultation on the Local Plan Part 2:

- *Policy 5: Carbon reduction, community energy networks, sustainable design and construction, and water use*
Requires new residential developments to achieve a high water-efficiency standard of 110l per person per day. Water reuse and recycling, rainwater and stormwater harvesting, and other suitable measures should be incorporated wherever feasible to reduce demand on mains water supply.

5.139 The following policy also provides protection for the SPA/Ramsar from changes in water supply and water level management:

- *Policy 30: Upper Nene Valley Gravel Pits Special Protection Area* states that:

"Developments that are likely to have significant effects alone or in combination on the Upper Nene Valley Gravel Pits Special Protection Area 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 if the proposal is likely to have a significant effect on the site's conservation objectives, will 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 have regard to the UNVGP SPA Supplementary Planning Document. Applications comprising a new gain in residential units within 3km of the Upper Nene Valley

Gravel Pits SPA will, in combination, have an adverse effect on the integrity of the SPA if not mitigated." and

"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. "

5.140 **There will be no adverse effects on the integrity of Upper Nene Valley Gravel Pits SPA and Ramsar site, as a result of changes to water supply and water level management either alone or in combination with other plans or projects.**

⁴⁰ 2011, West Northamptonshire water cycle study: Pre-submission Joint Core Strategy final detailed WCS report.

⁴¹ Environment Agency, 2013, The Nene Catchment Abstraction Management Strategy.

Changes to water quality

5.141 An increase in demand for wastewater treatment resulting from the growth proposed in the Local Plan Part 2 could result in a decrease in water quality as a result of increased amounts of treated sewage being discharged to hydrologically linked watercourses or increased amounts of contaminated water running off roads and other urban surfaces. Depending on the qualifying features and particular vulnerabilities of the European sites, there could be a likely significant effect on site integrity.

Rutland Water SPA and Ramsar site

5.142 Due to the distance between the plan area and Rutland Water SPA and Ramsar site and the absence of hydrological connections with wastewater discharge points from Northampton's Wastewater Treatment Works (WwTWs), it is highly unlikely that surface run-off, foul sewage or other potential water pollution from increased development in Northampton will affect this European site.

5.143 **There will be no adverse effects on the integrity of Rutland Water SPA and Ramsar site, as a result of changes to water quality either alone or in combination with other plans or projects.**

Upper Nene Valley Gravel Pits SPA and Ramsar site

5.144 The River Nene flows west to east through Northampton and therefore flows through the city before passing the SPA/Ramsar.

5.145 Population growth in Northampton has the capacity to have an adverse effect on the water quality of this site relating to both increased amounts of treated sewage entering the River Nene or the expansion of the built-up area resulting in increased amounts of polluted water running off roads and other urban surfaces.

5.146 The Upper Nene Valley Gravel Pits Special Protection Area SPD requires that applications for discharge to surface water or the ground, within 10km of the SPA/Ramsar, consult with Natural England.

5.147 Wastewater from Northampton is discharged into the River Nene at Great Billing wastewater treatment works (WwTW) which serves Northampton⁴². It is located just to the east of Northampton next to the River Nene, between two sections of the SPA and Ramsar site, the flood storage reservoir near Northampton and Grendon lakes, downstream. It discharges into the Nene at this point meaning areas of the

SPA and Ramsar site that are downstream could be adversely affected by increases in discharge.

5.148 The West Northamptonshire Water Cycle Study stated that:

“the current WFD status has been assessed for the waterbody that the WwTW that serves Northampton discharges into. The River Nene is currently failing to meet good ecological status, because the waterbody does not achieve good physiochemical status”

5.149 The study reported that Great Billing WwTW had infrastructure capacity for development forecast in the period 2010-2015, provided that capital maintenance improvements planned and funded in AMP5 were delivered. However, it was stated that in the longer term a new consent will be required and additional infrastructure will be needed to be funded and delivered through Anglian Water's business planning process, although no constraints to providing this infrastructure were identified. The study also concluded that the existing water quality consent will need to be tightened and monitored to ensure no deterioration but that this is achievable within the limits of conventional technology and should not be a constraint to development in Northampton.

5.150 Anglian Water have since reviewed the Local Plan Part 2 allocated sites and confirmed⁴³ that no significant water treatment issues are anticipated (subject to the inclusion of water efficiency standards being incorporated into Policy 5, which have been incorporated).

5.151 In addition to wastewater discharges, the Local Plan Part 2 could also have an adverse effect on the Upper Nene Valley Gravel Pits SPA and Ramsar site due to an increase in polluted surface water run-off relating to an increase in hard standing area from growth in Northampton (and potentially in combination with the West Northamptonshire Joint Core Strategy SUEs and development in South Northamptonshire).

5.152 Policies that permit new development, changes in use or occupation could alter wastewater treatment loads and therefore affect the water quality of the River Nene, as could development sites with surface water drainage pathways to the River Nene. The following policies therefore have the potential to alter water quality at the Upper Nene Valley Gravel Pits SPA and Ramsar site:

- **Policy 6: Health and wellbeing**
Permits new health facilities;

⁴² Halcrow, 2011, West Northamptonshire Water Cycle Study for the Pre-Submission Joint Core Strategy, Detailed WCS Final Report.

⁴³ Personal communication with N Banks, Northampton Borough Council (now West Northamptonshire Council), 7 January 2019.

- **Policy 8: Supporting Northampton town centre**
Permits (small-scale) development in the town centre;
- **Policy 9: Regeneration opportunities in the Central Area**
Encourages regeneration (housing & mixed use) within town centre and central area, particularly at named sites (some of which have site-specific policies);
- **Policy 12: Development of main town centre uses**
Permits regeneration of sites outside the central area;
- **Policy 13: Residential and other residential -led allocation**
Allocates 3,838 new homes (in addition to those required by the Joint Core Strategy) on 51 sites;
- **Policy 15: Delivering houses in multiple occupation**
Allows increases in the numbers of households;
- **Policy 17: Safeguarding existing employment sites**
Permits changes of use to non-employment uses;
- **Policy 18: Supporting new employment developments and schemes within and outside safeguarded sites**
Permits development at sites where employment activities would not cause harm to adjoining land uses and occupiers;
- **Policy 21: Residential development on upper floors**
Allows changes of use to residential; and
- **Policy 17A: Employment allocations**
Allocates the sites and defines the quantum of employment development.

5.153 Safeguarding is provided by the following:

- **Policy 7: Flood risk and water management**
Supports proposals that comply with standards for surface water (as set by the Lead Local Flood Authority and Anglian Water). All major developments must incorporate sustainable drainage systems.
- **Policy 30: Upper Nene Valley Gravel Pits Special Protection Area** states that:

"Developments that are likely to have significant effects alone or in combination on the Upper Nene Valley Gravel Pits Special Protection Area 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 if the proposal is likely to have a significant effect on the site's conservation objectives, will 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 have regard to the UNVGP SPA Supplementary Planning Document. Applications comprising a new gain in residential units within 3km of the Upper Nene Valley Gravel Pits SPA will, in combination, have an adverse effect on the integrity of the SPA if not mitigated." and

5.154 "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. General protection for the SPA/Ramsar is also embedded into the Local Plan Part 2, in Policies 29A and 29B.

5.155 There are also a number of policies in the West Northamptonshire Joint Core Strategy that provide additional safeguards for in-combination effects:

- **Policy BN9 Planning for pollution control**
States that "Proposals for new development which are likely to cause pollution or likely to result in exposure to sources of pollution or risks to safety will need to demonstrate that they provide opportunities to minimise and where possible reduce pollution issue that are a barrier to achieving sustainable development and healthy communities." In regards to water quality this is through "Protecting and improving surface and groundwater water quality".
- **Policy BN7a Water supply, quality and wastewater infrastructure**
Includes the requirement for adequate wastewater treatment capacity to address environmental constraints, as well as the use of sustainable drainage systems, where practicable, to improve water quality, reduce flood risk and provide environmental and adaptation benefits.
- **Policy BN4 Upper Nene Valley Gravel Pits Special Protection Area**
Sets out the need for new developments to demonstrate, through the development management process, that there will be no significant adverse effects on the integrity of the Upper Nene Valley SPA / Ramsar site due to (among others things) "water runoff, water abstraction or discharges from the foul drainage system".
- **Policy BN8 The River Nene strategic river corridor**
Proposals for new development must demonstrate an understanding of the importance of the River Nene for biodiversity within and beyond the plan area.
- **Policy S10 Sustainable development principles**
Sets out a requirement to maximise water efficiency and sustainable drainage and minimise pollution from run-off.

5.156 Further protection safeguards are provided by policies and procedures set out by Anglian Water and the Environment Agency. Water treatment and recycling in Northampton is carried out by Anglian Water and the quality of the water that is discharged to water courses must pass strict standards set by law and enforced by the Environment Agency. The Environment Agency measures the performance of all the water companies in England annually. The Environment Agency's 2016 Environmental Performance Assessment Report found that in 2015 Anglian Water achieved 99% compliance with their discharge licences and permits (all water companies have licences and permits which control the level of impact they are allowed to have on the environment). The Environment Agency also licence and control all discharges and abstractions and have responsibilities to ensure 'no deterioration' of water quality under the Water Framework Directive, which adds an extra layer of protection.

5.157 **With safeguards provided by policies within the Local Plan Part 2 and Joint Core Strategy, there will be no adverse effects on the integrity of Upper Nene Valley Gravel Pits SPA and Ramsar site, as a result of changes to water quality either alone or in combination with other plans or projects.**

Air pollution

5.158 Air pollution is most likely to affect European sites where plant, soil and water habitats are the qualifying features, but some qualifying animal species may also be affected, either directly or indirectly, by any deterioration in habitat as a result of air pollution. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affecting the pH and nitrogen (N) availability that can then affect plant health, productivity and species composition.

5.159 In terms of vehicle traffic (which would be the main source of air pollution associated with the Local Plan Part 2), nitrogen oxides (NO_x, i.e. NO and NO₂) are considered to be the key pollutants. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NO_x can cause eutrophication of soils and water.

5.160 Changes in traffic distribution / volume could occur as a result of any of the Local Plan Part 2 policies (alone or in combination with other policies or plans) that permit development, particularly:

- *Policy 13 Residential and other residential led allocation; and*

- *Policy 17A: Employment allocations.*

5.161 Policy 34 Transport Schemes and Mitigation also enables transport schemes to come forward but requires them to "demonstrate that they provide opportunities to minimise and where possible reduce pollution issues that are a barrier to achieving sustainable development and healthy communities." and "state how they will contribute to lowering emissions and contribute to the aim of achieving net-zero emissions by 2030."

5.162 Based on the Highways Agency Design for Road and Bridges (DMRB) Manual Volume 11, Section 3, Part 1⁴⁴ (which was produced to provide advice regarding the design, assessment and operation of trunk roads (including motorways)), it is assumed that air pollution from roads is unlikely to be significant beyond 200 m from the road itself. Where increases in traffic volumes are forecast, this 200 m buffer needs to be applied to the relevant roads in order to make a judgement about the likely geographical extent of air pollution impacts.

5.163 The DMRB Guidance for the assessment of local air quality in relation to highways developments provides criteria that should be applied to ascertain whether there are likely to be significant impacts associated with routes or corridors. Based on the DMRB guidance, affected roads which should be assessed are those where:

- Daily traffic flows will change by 1,000 AADT (Annual Average Daily Traffic) or more; or
- Heavy duty vehicle (HDV) flows will change by 200 AADT or more; or
- A change in speed band; or
- Road alignment will change by 5 m or more.

5.164 Recent case law, known as the Wealden judgment⁴⁵, has revised the method by which Natural England expects to see in-combination air pollution effects assessed. The implication of the judgment is that, where the road traffic effects of other plans or projects are known or can be reasonably estimated (including those of adopted plans or consented projects), then these should be included in road traffic modelling by the local authority whose Local Plan or project is being assessed. The screening criteria of 1,000 AADT should then be applied to the traffic flows of the plans in combination.

5.165 It has been assumed that only those roads forming part of the primary road network (motorways and 'A' roads) might be likely to experience any significant increases in

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<http://origin.standardsforhighways.co.uk/ha/standards/DMRB/vol11/section3.htm>

⁴⁵ Wealden District Council v. (1) Secretary of State for Communities and Local Government; (2) Lewes District Council; (3) South Downs National Park Authority and Natural England.

vehicle traffic as a result of development (i.e. greater than 1,000 AADT etc.).

Rutland Water SPA and Ramsar site

5.166 A small part of Rutland Water lies within 200m of both the A606 and A6003; however, these roads are sufficiently distant from Northampton that they are not likely to experience significant increases in traffic due to the Local Plan Part 2. Data on commuting patterns⁴⁶, based on 2011 census data, shows negligible traffic flows to/from Northampton that pass Rutland Water.

5.167 **There will be no adverse effects on the integrity of Rutland Water SPA and Ramsar site, as a result of air pollution either alone or in combination with other plans or projects.**

Upper Nene Valley Gravel Pits SPA and Ramsar site

5.168 The Upper Nene Valley Gravel Pits SPA and Ramsar site is not identified as sensitive to air pollution, or nitrogen more generally, either within the Site Improvement Plan or Standard Data Form (Appendix A). However, the supplementary advice on conservation objectives sets a target to “maintain concentrations and deposition of air pollutants to at or below the site-relevant Critical Load or Level values” for FLL, both within and outside the SPA. The Air Pollution Information System⁴⁷ does not show critical load or level values for the SPA features but does show a generally stable or falling trend for nitrogen (NOx) deposition at the site, over the last ten years.

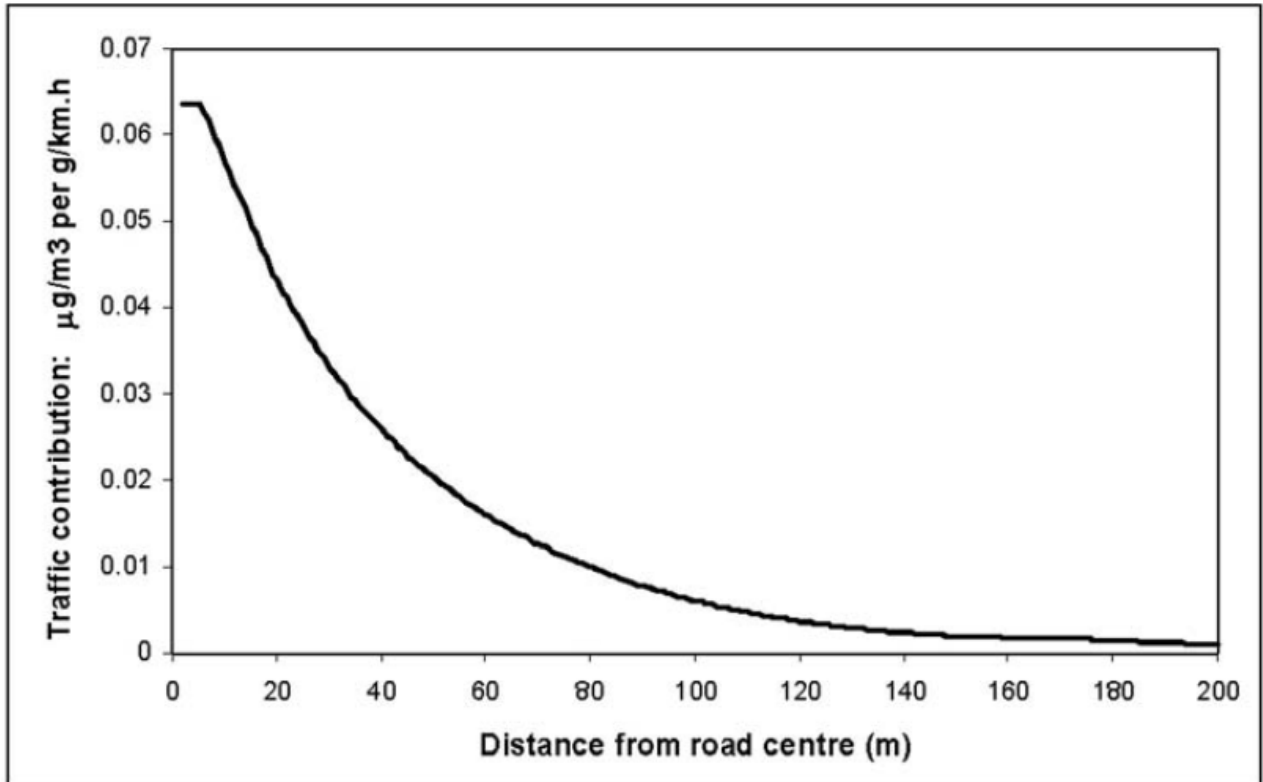
5.169 For the effects of nitrogen deposition to have an adverse effect on the integrity of the SPA or Ramsar, it would need to change habitats to such an extent that the site’s qualifying bird species no longer feed from or use the habitat. While nutrient enrichment could change the floristic composition of the site’s terrestrial habitats, it is unlikely to do so to the extent that birds and the species they depend on stop using the habitat.

5.170 Furthermore, the effects of nitrogen deposition from traffic reduce dramatically with distance (see **Figure 5.6**), and are further reduced if there are ‘buffers’ in between a road and the site; the 200 metre threshold is therefore at the limit of where significant effects might occur.

⁴⁶ DataShine Commute <http://commute.datashine.org.uk>

⁴⁷ Air Pollution Information System www.apis.ac.uk

Figure 5.6: Traffic contribution to pollutant concentration at different distances from the road centre⁴⁸



5.171 Only a very small portion of the Upper Nene Valley Gravel Pits SPA and Ramsar site is within 200m of an A-road. At Northampton Washlands (the portion of the SPA/Ramsar in the Local Plan Part 2 area), the road is located c.120m from the SPA and is separated by another water body and scrub habitat. The only portion of the SPA/Ramsar that is adjacent to an A-road is at Rushden / Stanwick, where the SSSI condition reports confirm that the site is either in favourable condition or unfavourable recovering (due to historic poor management).

5.172 Overall, the Upper Nene Valley Gravel Pits SPA and Ramsar site is not considered to be sensitive to air pollution to a degree that changes in traffic due to the Local Plan Part 2 would result in adverse effects on its integrity.

5.173 There are also areas of FLL within 200m of major roads: either side of the A428 (c.180m from the SPA/Ramsar at its closest point), and adjacent to the M1 (c.6km from the SPA/Ramsar at its closest point). In both cases, it is unlikely that nutrient enrichment would change the floristic composition of these areas of FLL (arable fields and pasture) to the extent that birds and the species they depend on stop using the habitat.

5.174 There will be no adverse effects on the integrity of Upper Nene Valley Gravel Pits SPA and Ramsar site, as a result of air pollution either alone or in combination with other plans or projects.

⁴⁸ Figure C1 from Design Manual for Roads and Bridges (May 2007) Volume 11 Environmental Assessment, Section 3 Environmental Assessment Techniques. Part 1 HA207/7 Air Quality.

Chapter 6

Assessment summary and conclusions

A summary of the Appropriate Assessment findings and overall conclusions of the HRA

Assessment summary

6.1 A summary of the findings of the Appropriate Assessment is provided below. The scoping matrix identifies the policy that each effect type relates to (Appendix C).

Rutland Water SPA and Ramsar site

6.2 For the majority of the types of effect that could arise from the Local Plan Part 2, Rutland Water SPA and Ramsar site is too far from the Local Plan Part 2 area to be significantly affected by development associated with the plan.

6.3 The following effect has the potential for likely significant effects but, following the Appropriate Assessment, it was concluded that no adverse effects on the integrity of the site are anticipated.

Changes to water supply and water level management

6.4 Rutland Water is a primary source of urban water supply for Northampton. New development in the Local Plan Part 2 area, in combination with that from other areas within Anglian Water's region, could increase demand such that demand for water cannot be met sustainably. The 2019 Water Resources Management Plan sets out the measures required to balance water supply and demand without adverse environmental effects. These plan for Northampton's target number of homes set out in the Joint Core Strategy, but not the additional homes provided by the Local Plan Part 2. Anglian Water have reviewed the Local Plan Part 2 allocated sites (based on the Local Plan site options consultation, 2017) and confirmed that there will be no water supply issues.

6.5 Anglian Water later raised a concern in their response⁴⁹ to consultation on the Proposed Submission Local Plan Part 2 (first round Regulation 19 consultation) that policy wording should contain a commitment to water efficiency standards.

⁴⁹ <https://www.northampton.gov.uk/downloads/file/11401/ps1-053-anglian-water-001-redacted>

This has been incorporated into Policy 5; no other concerns were raised.

6.6 The sites allocated in the Local Plan Part 2 (Main Modifications) are slightly different to the list proposed in the first round of Regulation 19 consultation, with four new development sites but the overall quantum of development is similar to that which Anglian Water has previously been consulted on (4,538 in the first round consultation; 3,804 in the second round; now 3,838).

6.7 It is therefore not considered that there will be significant effects on water supply.

Upper Nene Valley Gravel Pits SPA and Ramsar site

6.8 The proximity of the Upper Nene Valley Gravel Pits SPA and Ramsar site to the Local Plan Part 2 area means that there are more types of potentially significant effect.

6.9 The following effects have the potential for likely significant effects but, following the Appropriate Assessment, it was concluded that no adverse effects on the integrity of the site are anticipated.

Physical habitat loss or damage

6.10 No sites are allocated within the SPA/Ramsar and development outside of allocated sites is unlikely to be permitted within the SPA/Ramsar due to protection provided by policies in the Local Plan Part 2.

Loss of functionally-linked land

6.11 The Local Plan Part 2 could permit development within areas of habitat used by Golden Plover or Lapwing from the SPA/Ramsar. One allocated site contains habitat identified as potentially suitable for use by Golden Plover or Lapwing, and development of unallocated sites could also be situated on FLL.

6.12 Mitigation for the potential loss or fragmentation of FLL is provided by Policy 29 which requires applicants to undertake ecological surveys and assess the effects of development on FLL, and Policy 30 which requires developments to demonstrate that there will be no adverse effects on the integrity of the SPA/Ramsar, for example from loss or fragmentation of supporting habitat. This mitigation is sufficient to prevent adverse effects on integrity due to development at unallocated sites.

6.13 At LAA1098 (The Green, Great Houghton), where the location and scale of development mean that the design principles for the site will affect the scale of effects on FLL, Policy 41 provides additional mitigation. This policy, which sets design principles for the site, reiterates the need for bird surveys, requires appropriate mitigation if significant numbers

of Golden Plover or Lapwing are identified, and ensures that the design of the SANG at the site takes into account FLL. The wording of this policy has been agreed with Natural England and no effects on the integrity of the SPA/Ramsar are anticipated.

6.14 At some sites, habitat may not currently be suitable habitat for SPA bird species, but could become suitable in the future. For example, there is a small area of land adjacent to site LAA0204 The Farm, Hardingstone which was previously identified as 'optimal' habitat but which, in its current state, does not provide suitable habitat for Golden Plover or Lapwing as habitat succession has started to take place. However, it does not negate the potential for this area of land to be restored to a condition where it could function as supporting habitat for the SPA. However, if the situation changed, the safeguards within the policies provide assurance that AEOI could be avoided or mitigated, if necessary.

Changes to bird sightlines

6.15 Development within 250m of the SPA/Ramsar could affect bird sightlines. Two allocated sites (LAA1101 and LAA1107) are within 250m and the Local Plan Part 2 could permit other development within the same zone.

6.16 Policies within the Local Plan Part 2 provides sufficient safeguards against this potential effect. Policy 29B provides general protection for the SPA/Ramsar and Policy 30 specifically requires new development within 250m of the SPA/Ramsar to demonstrate that it will not have a significant effect on birds.

Non-physical disturbance

6.17 Development within 2km of the SPA/Ramsar has the potential for significant effects due to noise, vibration or light, particularly in combination with other development as multiple developments could have a general urbanising effect. Six of the allocated sites are within 2km of the SPA/Ramsar and the Local Plan Part 2 also permits some development outside of allocated sites.

6.18 Policy 29B provides general protection for the SPA/Ramsar, and Policy 30: Upper Nene Valley Gravel Pits Special Protection Area provides specific mitigation for non-physical disturbance effects, requiring major developments to demonstrate that they will have no adverse effects on the integrity of the SPA/Ramsar.

6.19 This mitigation is considered sufficient to ensure no significant effects on integrity occur from non-physical disturbance.

Recreation pressure

6.20 The SPA/Ramsar is sensitive to visitor pressure and it is considered that any residential development within 3km of the site has the potential to contribute to visitor pressure, alone or in combination with other development.

6.21 *Policy 13: Residential and other residential led allocation* allocates up to 2,547 new homes on 19 sites within 3km of the SPA/Ramsar, and other policies permit development outside of the allocated sites. The portion of the SPA/Ramsar that is within 3km of the Local Plan Part 2 area – Northampton Washlands – is also within 3km of development within South Northamptonshire, therefore in-combination effects are likely.

6.22 The Local Plan Part 2 sets out mitigation in Policy 30: Upper Nene Valley Gravel Pits Special Protection Area, which requires that

"Developments that are likely to have significant effects alone or in combination on the Upper Nene Valley Gravel Pits Special Protection Area 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 if the proposal is likely to have a significant effect on the site's conservation objectives, will 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 have regard to the UNVGP SPA Supplementary Planning Document. Applications comprising a new gain in residential units within 3km of the Upper Nene Valley Gravel Pits SPA will, in combination, have an adverse effect on the integrity of the SPA if not mitigated.

The Local Planning Authority has adopted a mitigation strategy for Unit 1 of the Upper Nene Valley Gravel Pits SPA which must be referred to when preparing an application that is located within 3km of Unit 1 of the SPA. Residential development will be required to pay a Strategic Access Management and Monitoring (SAMM) contribution and / or provide bespoke mitigation such as a Suitable Alternative Natural Greenspace (SANG) in order to mitigate recreational impact. "

6.23 The recreation mitigation strategy, which forms an addendum to the SPD⁵⁰ requires residential development within 3km of the SPA/Ramsar to contribute to funds for Strategic Access, Management and Monitoring (SAMM). The

strategy also states that: "Developments of 10 dwellings or more will be required to pay the SAMM and / or provide other suitable mitigation and the advice of Natural England should be sought at the outset of the planning process." And "Other large scale developments may need project level HRAs and/or bespoke mitigation such as SANGs. Proposed schemes of 10+ dwellings are required to liaise with Natural England at the outset to discuss SPA mitigation." This is the case for site LAA1098, where the mitigation agreed is set out in Policy 41.

6.24 Further mitigation is provided in Policies 27, 28, 29A and 29B which require developments to provide new greenspace and provide general protection for the SPA/Ramsar.

6.25 At LAA1098 (The Green, Great Houghton), the large scale of development and its proximity to the SPA/Ramsar mean that the design principles set out in Policy 41 also influence how easy or attractive it will be for residents to visit the SPA/Ramsar versus other greenspaces. This development in combination with the 'Northampton South of Brackmills SUE' allocated in the JCS will result in a large volume of residential development at two sites that are close to each other and will therefore put pressure on the same local greenspaces for recreation.

6.26 Policy 41: The Green, Great Houghton (LAA1098) requires that:

"Winter surveys are undertaken to identify whether the site is used by over-wintering Golden Plover / Lapwing and whether it acts as functionally linked land to the Upper Nene Valley Gravel Pits Special Protection Area. If the site is found to be functionally linked land, appropriate mitigation will be required for the loss of habitat."

"Development must adhere to Policy 30 of this Plan, in particular with reference to recreational disturbance and functionally linked land associated with the Upper Nene Valley Gravel Pits Special Protection Area."

and

"Proposals must be informed by a masterplan for the whole allocation which will be expected to:... e. Provide a SANG within the area identified in Figure 20 [northern part of site] which provides the following: i. Protection, enhancement and / or creation of habitats in line with other policies of this plan. ii. Accessibility for residents' recreation including an off-lead dog walking area. iii. A circular walking route around the SANG and eastern development area. iv. A clear separation between the developed site and the village of Great Houghton in order to protect its setting and the heritage assets of the village. v. Formal and informal open space. vi. A SANG

⁵⁰ <https://www.northampton.gov.uk/downloads/file/12918/unvgp-spa-spd-addendum-mitigation-strategy-march-2022>

car park, vii. If any part of the SANG is proposed off-site, the SANG will need to be adjoining the site."

6.27 It is therefore considered that development management policies within the Local Plan Part 2 and the mitigation strategy that forms an appendix to the Upper Nene Valley Gravel Pits SPD provide sufficient mitigation to prevent residential development from having a significant effect on the SPA/Ramsar, either alone or in combination with other plans and projects.

Pet predation

6.28 Residential developments within 1.5km of the SPA/Ramsar could contribute to an increase in numbers of domestic cats. Three residential allocated sites are within this zone but road / river barriers at two of the sites mean that adverse effects are unlikely.

6.29 The area marked for SANG is potentially on FLL used by Golden Plover / Lapwing, in which case pet predation (as well as recreation pressure from this site) could affect birds from the SPA / Ramsar. Policy 41 therefore requires that:

"Winter surveys are undertaken to identify whether the site is used by over-wintering Golden Plover / Lapwing and whether it acts as functionally linked land to the Upper Nene Valley Gravel Pits Special Protection Area. If the site is found to be functionally linked land, appropriate mitigation will be required for the loss of habitat."

"Development must adhere to Policy 30 of this Plan, in particular with reference to recreational disturbance and functionally linked land associated with the Upper Nene Valley Gravel Pits Special Protection Area."

and

"Proposals must be informed by a masterplan for the whole allocation which will be expected to:... e. Provide a SANG within the area identified in Figure 20 [northern part of sites] which provides the following: i. Protection, enhancement and / or creation of habitats in line with other policies of this plan. ii. Accessibility for residents' recreation including an off-lead dog walking area. iii. A circular walking route around the SANG and eastern development area. iv. A clear separation between the developed site and the village of Great Houghton in order to protect its setting and the heritage assets of the village. v. Formal and informal open space. vi. A SANG car park, vii. If any part of the SANG is proposed off-site, the SANG will need to be adjoining the site."

6.30 The potential effects of pet predation from development at unallocated sites is mitigated by protection for the SPA/Ramsar set out in Policies 29B and 30.

Direct mortality

6.31 Although it is possible that new wind turbines could be installed and result in bird strike, policies within the Local Plan Part 2 protect the SPA/Ramsar such that significant effects would not arise.

Changes to water supply and water level management

6.32 The River Nene supplies water to both Rutland Water and Pitsford reservoirs. New development in the Local Plan Part 2 area, in combination with that from other areas within Anglian Water's region, could increase demand such that demand for water cannot be met sustainably. The 2019 Water Resources Management Plans sets out the measures required to balance water supply and demand, without adverse environmental effects. These plan for Northampton's target number of homes set out in the Joint Core Strategy, but not the additional homes provided by the Local Plan Part 2. Anglian Water have reviewed the Local Plan Part 2 allocated sites (based on the Local Plan site options consultation, 2017) and confirmed that there will be no water supply issues.

6.33 As described above in relation to Rutland Water, Anglian Water later raised a concern in their response⁵¹ to consultation on the Proposed Submission Local Plan Part 2 (first round Regulation 19 consultation) that policy wording should contain a commitment to water efficiency standards. This has been incorporated into Policy 5; no other concerns were raised.

6.34 The sites allocated in the Local Plan Part 2 (Main Modifications) is slightly different to the list proposed in the first round of Regulation 19 consultation, with four new development sites but the overall quantum of development is similar to that which Anglian Water has previously been consulted on (4,538 in the first round consultation; 3,804 in the second round; now 3,838).

6.35 It is therefore not considered that there will be significant effects on the SPA/Ramsar from water supply.

Changes to water quality

6.36 Policies that permit new development, changes in use or occupation could alter wastewater treatment loads and therefore affect the water quality of the River Nene, as could development sites with surface water drainage pathways to the River Nene. However, Policy 7: Flood risk and water

⁵¹ <https://www.northampton.gov.uk/downloads/file/11401/ps1-053-anglian-water-001-redacted>

management, along with Policy 30 which requires major developments to demonstrate that there will be no adverse effects on the integrity of the SPA/Ramsar due to run-off or discharges from the foul drainage system provide sufficient safeguards.

Air pollution

6.37 The SPA/Ramsar is not considered to be particularly sensitive to air pollution. For the effects of nitrogen deposition to have an adverse effect on the integrity of the SPA or Ramsar, it would need to change habitats to such an extent that the site's qualifying bird species no longer feed from or use the habitat. While nutrient enrichment could change the floristic composition of the site's terrestrial habitats (and associated FLL), it is unlikely to do so to the extent that birds and the species they depend on stop using the habitat.

Conclusions

6.38 The HRA screening assessment (**Chapter 4**) identified the need for Appropriate Assessment of the Northampton Local Plan Part 2, as likely significant effects could not be ruled out. The scope of the Appropriate Assessment (Appendix C) was then defined by considering each policy and site allocation, the type of development they could result in and their potential effects on European sites, alone and in combination.

6.39 The Appropriate Assessment has concluded that the Northampton Local Plan Part 2 (Main Modifications) will not result in adverse effects on the integrity of Rutland Water SPA and Ramsar site or Upper Nene Valley Gravel Pits SPA and Ramsar site.

6.40 Following consultation with Natural England, the wording of several of the policies in the Local Plan Part 2 has been amended to provide mitigation for potential effects identified in the previous version of the HRA report (first and second rounds of Regulation 19 consultation). A mitigation strategy for recreation pressure has also been adopted and forms an appendix to the Upper Nene Valley Gravel Pits SPD. These policies and strategy ensure that any potential effects on the SPA/Ramsar sites can be identified and mitigated through the development management process.

6.41 With this mitigation in place, the Local Plan Part 2 will have no adverse effects on the integrity of any European sites, either alone or in combination with other plans or projects.

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Appendix A

Attributes of the European sites with the potential to be affected by the Local Plan

Table A.1: Attributes of the Upper Nene Valley Gravel Pits SPA and Ramsar Site

Site name (Area, ha)	Qualifying features	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
Upper Nene Valley Gravel Pits SPA (1,357 ha)	<p><i>Natura 2000 Standard Data Form</i></p> <p>Wintering populations of the following bird species:</p> <p><i>Anas clypeata</i> (Shoveler) <i>Anas Penelope</i> (Wigeon) <i>Anas platyrhynchos</i> (Mallard) <i>Anas strepera</i> (Gadwall) <i>Aythya farina</i> (Pochard) <i>Aythya fuligula</i> (Tufted duck) <i>Botaurus stellaris</i> (Great Bittern) <i>Fulica atra</i> (Coot) <i>Phalacrocorax carbo</i> (Great Cormorant) <i>Pluvialis apricaria</i> (European Golden Plover) <i>Podiceps cristatus</i> (Great Crested Grebe) <i>Vanellus vanellus</i> (Lapwing)</p> <p>Waterfowl assemblage (wintering and breeding populations)</p> <p>(N.B. The compartment of the SPA within and directly adjacent to the plan area, known as Clifford Hill Gravel Pits or Northamptonshire Washlands, is used by a significant proportion of the site's Golden Plover, Lapwing and Wigeon populations⁵².)</p>	<p><i>Natura 2000 Standard Data Form</i></p> <ul style="list-style-type: none"> ■ Fishing and harvesting aquatic resources ■ Other urbanisation, industrial and similar activities ■ Modification of cultivation practices ■ Outdoor sports and leisure activities, recreational activities <p><i>Natural England site improvement plan</i></p> <ul style="list-style-type: none"> ■ Public access / disturbance – Disturbance from recreation (particularly walkers and dog owners) affects wintering birds by reducing the time available for feeding, and increasing energy expenditure when avoiding those sources of disturbance. ■ Planning permission general – There continues to be an increase in built and recreational development within and around the SPA leading to loss and fragmentation of habitat, and increased disturbance. Seven local planning authorities are involved with decision making; policies can be inconsistent across the authorities or provide insufficient protection. ■ Fisheries, freshwater – An increasing number of lakes are being utilised as freshwater fisheries; overstocking of certain fish species and issuing of licences to control fish-eating birds can be a problem. ■ Change in land management – Continued habitat management is required to ensure the balance of short grassland, reedbed, fen and open water is maintained. <p><i>Natural England: supplementary advice on conserving and restoring site features</i></p>	<p>In general, wintering populations of waterbirds rely on:</p> <ul style="list-style-type: none"> ■ Maintenance of the populations of species they feed on (see diets, below); ■ The site's ecosystem as a whole (see list of habitats, below); ■ Seasonal variations in water levels that maintain the mix of habitats at the site and that could be affected by climate change, extreme weather and/or land management; ■ Off-site habitats, which provide migratory 'stepping stones' and foraging habitat (rather than off-site breeding habitats; the site is designated for wintering species only) - particularly arable fields and pasture, which Golden Plover and Lapwing rely on; ■ Unobstructed flight lines / routes. <p><i>BTO Bird Facts</i>⁵³</p> <p>The site's qualifying bird species' diets are:</p> <ul style="list-style-type: none"> ■ Shoveler: omnivorous (incl. insects, crustaceans, molluscs, seeds); ■ Wigeon: mostly leaves, shoots, rhizomes, seeds; ■ Mallard: omnivorous; ■ Gadwall: leaves and shoots; ■ Tufted duck: mostly plants, small animals; ■ Bittern: mostly fish, amphibians, insects; ■ Coot: omnivorous but mostly plants;

⁵² West Northamptonshire Joint Core Strategy, para. 10.26

⁵³ <https://www.bto.org/about-birds/birdfacts>

Site name (Area, ha)	Qualifying features	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<p>In addition to the above, the supplementary advice identifies the following vulnerabilities:</p> <ul style="list-style-type: none"> ■ Water quantity/quality –can affect the availability/suitability of feeding and roosting habitats, especially reedbeds and grassland within flood storage areas. ■ Air quality - exceeding 'critical values' for air pollutants may result in changes to the habitat substrate and therefore nesting, feeding or roosting habitats. ■ Changes in vegetation characteristics – the height, cover, variation and composition of vegetation enable successful feeding/concealment/roosting. ■ Human disturbance – particular risk from users entering the private land within the flood storage area. ■ Changes to site topography – may adversely affect supporting habitats ■ Loss of connectivity between feeding/roosting areas– both on-site and at off-site habitats. ■ Changes to water area and associated marginal habitat - can adversely affect the suitability of supporting open water habitat. ■ Loss of open terrain – need for large areas of open terrain, largely free of obstructions, in and around roosting and feeding areas ■ Water depth – bitterns are visual predators and rely on detecting prey in the water, therefore depth of water at critical times of year may be paramount for successful feeding. ■ Food availability – inappropriate management affecting the distribution, abundance and availability of prey may adversely affect the Great Bittern and golden plover populations. 	<ul style="list-style-type: none"> ■ Cormorant: fish; ■ Golden Plover: invertebrates (esp. beetles and earthworms), feeds extensively at night; ■ Great Crested Grebe: mostly fish, some aquatic invertebrates; ■ Lapwing: invertebrates from ground; will feed at night. <p><i>Natura 2000 Standard Data Form</i></p> <p>The mix of habitats⁵⁴ at the site (% cover) is:</p> <ul style="list-style-type: none"> ■ 49% N06: inland water bodies (standing water / running water); ■ 27% N14: improved grassland; ■ 19% N07: bogs, marshes, water fringed vegetation, fens; and ■ 5% N16: broad-leaved deciduous woodland.

⁵⁴ Habitat types: https://bd.eionet.europa.eu/activities/Natura_2000/Folder_Reference_Portal/NATHABS_HABCODE_090416.pdf

Site name (Area, ha)	Qualifying features	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
Upper Nene Valley Gravel Pits Ramsar site (same area as SPA)	<p><i>Information Sheet on Ramsar Wetlands</i></p> <p>The sites regularly supports 20,000 or more waterbirds</p> <p>The site regularly supports 1% of the individuals in the populations of the following species:</p> <p>Cygnus olor (Mute Swan)</p> <p>Anas strepera (Gadwall)</p> <p>Noteworthy Fauna include those listed above for SPA</p>	<p><i>Information Sheet on Ramsar Wetlands</i></p> <p>Unspecified development: urban use – activities connected with ongoing urban development cause significant disturbance to wintering birds if unmanaged.</p> <p>Vegetation succession – Lack of grazing is leading to rank grassland, scrub / woodland. Whilst this is desirable in certain areas, widespread vegetation succession will result in a decrease in the availability of suitable habitat for key species.</p> <p>Introduction / invasion of non-native plant species – <i>Hydrocotyle ranunculoides</i> and <i>Crassula helmsii</i> present in small areas of the site.</p> <p>Recreation / tourism disturbance – access by people and dogs both on and off public rights of way is a significant course of disturbance in some areas. The site is also subject to a variety of recreational activities including fishing and water sports. Demand for access and formal / informal recreational activities within the Nene Valley are increasing; development of facilities / opportunities is often in an uncoordinated manner.</p>	<p>As for the SPA, with additional information on habitats and species at the site:</p> <p><i>Information Sheet on Ramsar Wetlands</i></p> <p>Open water, with associated wetland habitats including reedbeds, fen grassland and woodland which support a number of wetland plant and animal species including internationally important numbers of wintering and breeding wildfowl.</p> <p>This chain of both active and disused sand and gravel pits form an extensive series of shallow and deep open waters which occur in association with a wide range of marginal features, such as sparsely-vegetated islands, gravel bars and shorelines and habitats including reedswamp, marsh, wet ditches, rush pasture, rough grassland and scattered scrub.</p> <p>This range of habitats and the varied topography of the lagoons provide valuable resting and feeding conditions for concentrations of wintering waterbirds, especially ducks and waders. Species such as golden plover <i>Pluvialis apricaria</i> and lapwing <i>Vanellus vanellus</i> also spend time feeding and roosting on surrounding agricultural land outside the Ramsar site.</p> <p>The site provides flood water storage within the hydrological catchment.</p>

Table A.2: Attributes of Rutland Water SPA and Ramsar site

Site name (Area, ha)	Qualifying features	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
Rutland Water SPA (1,555 ha)	<p><i>Natura 2000 Standard Data Form</i></p> <p>Wintering populations of the following bird species:</p> <p><i>Anas clypeata</i> (Northern Shoveler)</p> <p><i>Anas crecca</i> (Teal)</p>	<p><i>Natura 2000 Standard Data Form</i></p> <ul style="list-style-type: none"> ■ Human induced changes in hydraulic conditions ■ Pollution to groundwater ■ Other human intrusions and disturbances ■ Invasive non-native species 	<p>In general, wintering populations of waterbirds rely on:</p> <ul style="list-style-type: none"> ■ Maintenance of the populations of species they feed on (see diets, below); ■ The site's ecosystem as a whole (see list of habitats, below);

Site name (Area, ha)	Qualifying features	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
	<p><i>Anas Penelope</i> (Wigeon) <i>Anas strepera</i> (Gadwall) <i>Aythya fuligula</i> (Tufted Duck) <i>Bucephala clangula</i> (Goldeneye) <i>Cygnus olor</i> (Mute Swan) <i>Fulica atra</i> (Coot) <i>Mergus merganser</i> (Goosander) <i>Podiceps cristatus</i> (Great Crested Grebe) Waterfowl assemblage</p>	<p><i>Natural England Site Improvement Plan</i></p> <ul style="list-style-type: none"> ■ Water abstraction – Increased water abstraction is proposed that will radically alter water levels in the reservoir which may result in a proportion of waterbirds utilising areas provided as compensation but which are currently outside the SPA. ■ Inappropriate water levels – Water levels of the reserve are managed primarily for public water supply and water storage and not specifically for non-breeding water birds using the site at certain times of the year. At the moment, this is not causing any long-term deterioration of the site. However, when the proposed new increased abstraction regime is implemented, appropriate management of the water levels in the compensation and mitigation water bodies will be required to offset the impacts of the abstraction. ■ Direct impact from 3rd party – Cumulative impacts from unregulated third party activities like private firework displays in properties adjacent to the SPA, hot air balloon flights, and private aircraft flights is unknown. Investigation is needed to better understand the frequency of these disturbances and the cumulative impacts of these activities upon the waterbirds using Rutland Water. ■ Invasive species – Rutland Water has been colonised by several non-native species and not all are having a positive impact on the SPA interest features. ■ Water pollution – The inflows into Rutland Water currently receive regulated discharges of treated sewage as well as unregulated treated sewage discharges from septic tanks. Further nutrient inputs come from diffuse sources which maintain the reservoir in a highly eutrophic state and has led in the past to regular algal blooms. 	<ul style="list-style-type: none"> ■ Predictable seasonal variations in water levels, which could be affected by climate change, extreme weather and/or changes in water abstraction or discharge; ■ Off-site habitats, which provide migratory 'stepping stones' and foraging habitat (rather than off-site breeding habitats; the site is designated for wintering species only); and ■ Unobstructed flight lines / routes. <p><i>BTO Bird Facts</i>⁵⁵</p> <p>The site's qualifying bird species' diets are:</p> <ul style="list-style-type: none"> ■ Shoveler: omnivorous (incl. insects, crustaceans, molluscs, seeds); ■ Teal: omnivorous (mostly seeds), feeds at night; ■ Wigeon: mostly leaves, shoots, rhizomes, seeds; ■ Gadwall: leaves and shoots; ■ Tufted duck: mostly plants, small animals; ■ Goldeneye: insects, molluscs and crustaceans; ■ Mute Swan: aquatic vegetation, also grazes on land and occasionally takes insects, molluscs and small amphibians; ■ Coot: omnivorous but mostly plants; ■ Goosander: fish; ■ Great Crested Grebe: mostly fish, some aquatic invertebrates. <p><i>Natura 2000 Standard Data Form</i></p> <p>The mix of habitats⁵⁶ at the site (% cover) is:</p> <ul style="list-style-type: none"> ■ 80% N06: inland water bodies (standing water / running water);

⁵⁵ <https://www.bto.org/about-birds/birdfacts>

⁵⁶ Habitat types: https://bd.eionet.europa.eu/activities/Natura_2000/Folder_Reference_Portal/NATHABS_HABCODE_090416.pdf

Site name (Area, ha)	Qualifying features	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<ul style="list-style-type: none"> ■ Planning permission general – In the wider area surrounding the SPA, wind farm and other development is being proposed and is taking place. However, the impact upon the waterfowl behaviour during nocturnal migration and dispersal to and from the reservoir, and their interaction with the environment in the surrounding countryside is poorly understood. ■ Public access / disturbance – The reservoir and surrounding area is a very important destination for undertaking recreational activities. These include a range of water sports, fishing, cycling, birdwatching and walking. Several large events are also held on the banks of the reservoir each year. Future recreational proposals will need to avoid likely significant effects on the SPA. ■ Fisheries: Rutland Water is currently managed as a put and take trout fishery. Trout have a controlling impact on coarse fish populations and future changes in coarse fish populations could create a shift in the ecological balance of the water body. <p><i>Natural England: supplementary advice on conserving and restoring site features</i></p> <p>In addition to the above, the supplementary advice identifies the following vulnerabilities:</p> <ul style="list-style-type: none"> ■ Water supply - critical for SPA features that are dependent on wetland habitats supported by surface water, especially at certain times of year. ■ Air quality – exceeding 'critical values' for air pollutants may result in changes to the habitat substrate and therefore nesting, feeding or roosting habitats. ■ Loss of connectivity – the ability to move to and from feeding and roosting areas is critical to the breeding success of species present on the site, both on-site and at off-site habitats. ■ Water depth – the SPA requires extensive areas of water for feeding, and water depth at critical times of year is paramount for successful feeding, fitness and survival. 	<ul style="list-style-type: none"> ■ 10% N19: mixed woodland; ■ 9.9% N09: dry grassland /steppes; and ■ 0.1% N07: bogs, marshes, water fringed vegetation, fens.

Appendix A

Attributes of the European sites with the potential to be affected by the Local Plan

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Site name (Area, ha)	Qualifying features	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<ul style="list-style-type: none"> ■ Food availability – inappropriate management might affect the distribution, abundance and availability of food plants may adversely affect the sustainability of the population. 	
<p>Rutland Water Ramsar site (same area as SPA)</p>	<p><i>Information Sheet on Ramsar Wetlands</i></p> <p>Assemblages of international importance, supporting 20,000 or more waterbirds</p> <p>Species / populations occurring at levels of international importance, supporting 1% of the individuals in a population of one species of waterbird</p> <p>Qualifying species / populations:</p> <p><i>Anas strepera strepera</i> (Gadwall)</p> <p><i>Anas clypeata</i> (Northern Shoveler)</p>	<p>No vulnerabilities listed</p>	<p>As for the SPA, with additional information on habitats and species at the site:</p> <p><i>Information Sheet on Ramsar Wetlands</i></p> <p>Rutland Water is a large eutrophic man-made pump storage reservoir created by the damming of the Gwash Valley in 1975. The reservoir is in a lowland setting receiving the majority of its water from the Nene (90%) and Welland (10%). In general the reservoir is drawn down in the summer and filled during the autumn and winter months when river levels are high.</p> <p>The main habitats are open water and a mosaic of lagoons, reedswamp, marsh, old meadows, scrub and woodland.</p> <p>The main habitat is the open water of the main body of the reservoir. This is deep water with some macrophyte growth down to 3 metres (average depth 14 m, maximum depth 34 m).</p> <p>The western end of the reservoir contains three bunded areas with their own water supply. These are managed by manipulating the water level to produce seasonal inundation and conditions for breeding wildfowl. They include several small artificial islands and a 2 ha reedbed. The rest of the site is made up of adjacent woodland and grazed grasslands that are used by wintering wigeon and swans and provide a buffer from activities adjacent to the site.</p> <p>In addition to the site's qualifying species, there are a number of other waterbird species that occur at the site in nationally important numbers.</p>

Appendix B

Plans and projects with the potential for in-combination effects

Table B.1: Part 1 Local Plans

West Northamptonshire Joint Core Strategy (JCS) ⁵⁷
<p>Status</p> <p>Adopted December 2014. Forms Part 1 of the suite of Local Plans in the West Northamptonshire region, which includes Northampton, and is therefore part of the Development Plan for Northampton.</p> <p>Types of development with the potential for in-combination effects</p> <p>Makes provisions for a total of 47,620 net additional dwellings across the plan area. These are distributed between: Daventry District (12,730); Northampton (18,870); South Northamptonshire District (11,020).</p> <p>Reference to European sites</p> <p>Policy BN4 (Upper Nene Valley Gravel Pits Special Protection Area) requires that new development will need to demonstrate that there will be no significant adverse effects on the integrity of the SPA, including loss of supporting habitat and impacts due to water runoff, water abstraction or discharges from the drainage system. New development that will lead to an increase in recreational activity at the SPA will require mitigation. New development within 250m of the SPA must also undertake an assessment to demonstrate no effect on sightlines for birds – if directly adjacent to existing buildings, it should reflect surrounding building heights.</p>
North Northamptonshire Joint Core Strategy (JCS) ⁵⁸
<p>Status</p> <p>Adopted July 2016 and forms the strategic guidance for the Local Plans for Corby, East Northamptonshire, Kettering and Wellingborough. North Northamptonshire borders the West Northamptonshire region to the north.</p> <p>Types of development with the potential for in-combination effects</p> <p>The JCS outlines the need for housing of 34,900 net additional dwellings over the plan period 2011-31. Policy 28 sets out the distribution of these dwellings between districts - with Kettering Borough to absorb 10,400 dwellings and Wellingborough 7,000.</p> <p>One of the most significant proposals is for the sustainable urban extension with around 2,500 homes to the East of Rushden.</p> <p>Reference to European sites</p> <p>The JCS references the Upper Nene Valley Gravel Pits SPA and Ramsar site as a significant and protected environmental asset. The JCS requires that any new residential development proposed within 3km of the designated site where schemes involve a net gain in residential units. If mitigation measures cannot be identified, the development will not be permitted.</p> <p>Policy 4 (Biodiversity and Geodiversity) requires that the plan will protect the designated site from unacceptable levels of access and managing pressures for access to and disturbance of sensitive habitats. It also requires that any developments likely to have an adverse impact, either alone or in combination, on the Upper Nene Valley Gravel Pits SPA and Ramsar site or other designated site must satisfy HRA requirements. Mitigation strategies may involve contributing to: access and visitor management measures within the SPA; improvement of existing greenspace and recreational routes; or the monitoring of impacts of new development on the European sites to inform future measures.</p>

Table B.2: Part 2 Local Plans

South Northamptonshire Part 2 Local Plan ⁵⁹
<p>Status</p> <p>Adopted July 2020 and builds on the policies of the adopted West Northamptonshire JCS and covers the whole of the administrative area of South Northamptonshire. South Northamptonshire falls within the West Northamptonshire region and borders the southern half of Northampton.</p> <p>Types of development with the potential for in-combination effects</p> <p>The Draft Plan provides for 11,020 net additional dwellings over the plan period for 2011-2029, reflecting the provisions in Policy S3 of the West Northamptonshire JCS. However South Northamptonshire carried out their own Housing Needs Assessment in line with the revised NPPF (2018), giving a lower 'housing need' figure of 6,320.</p>

⁵⁷ Northamptonshire County Council (2014), West Northamptonshire Joint Core Strategy, March 2022, <https://www.northampton.gov.uk/download/downloads/id/12080/01-west-northamptonshire-joint-core-strategy-reduced.pdf>

⁵⁸ Northamptonshire County Council (2016), North Northamptonshire Joint Core Strategy, March 2022, <http://www.nnjpu.org.uk/docs/Joint%20Core%20Strategy%202011-2031%20High%20Res%20version%20for%20website.pdf>

⁵⁹ Northamptonshire County Council (2020), South Northamptonshire Part 2 Local Plan, March 2022, <https://www.southnorthants.gov.uk/download/downloads/id/6816/south-northamptonshire-local-plan-part-2-2011-2029.pdf>

South Northamptonshire Part 2 Local Plan ⁵⁹
<p>The distribution of housing provision allocates new dwellings relatively evenly – 2,160 in Brackley; 2,650 in Towcester town; 2,360 in the South Northamptonshire rural area; and 3,850 in the Northampton Related Development Area (NRDA).</p> <p>Reference to European sites</p> <p>In line with the overarching JCS Policy BN4, Policy NE1 (Upper Nene Gravel Pits Special Protection Area) requires that any new development within a 3km zone of the SPA must undertake an assessment regarding adverse effects on the integrity of the SPA.</p> <p>The LPA will also prepare a Mitigation Strategy Document concerning the Upper Nene Valley Gravel Pits SPA and Ramsar site within 12 months of the adoption of the plan.</p> <p>The local authority has adopted the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (SPD).</p>
Daventry District Settlements and Countryside (Part 2) Local Plan ⁶⁰
<p>Status</p> <p>Adopted February 2020 and forms part of the Development Plan. Daventry District falls within the West Northamptonshire region and borders the northern half of Northampton.</p> <p>Types of development with the potential for in-combination effects</p> <p>Policy S3 of the West Northamptonshire JCS sets out that over 2011-2029, 12,730 net additional dwellings will be delivered in Daventry District, with Daventry town accounting for 4,620 dwellings. As of April 2018, 2,581 dwellings had been delivered against this requirement, with the majority in rural areas.</p> <p>Reference to European sites</p> <p>Policy ENV4 (Green Infrastructure) does not directly reference the SPA. However, it requires that proposals will be supported that would contribute to the aims and objectives of the Nene Valley Nature Improvement Area project on habitat restoration, creation and connectivity.</p>
The Plan for the Borough of Wellingborough (PBW) ⁶¹
<p>Status</p> <p>Adopted February 2019. The Plan is now formally part of the Development Plan, forming Part 2 of the Local Plan for the borough. This Part 2 Plan fully supersedes the policies in the Town Centre Area Action Plan (2009) and saved policies from Borough of Wellingborough Local Plan (1999-2004). Wellingborough falls within the North Northamptonshire region and borders the west of Northampton Borough.</p> <p>Types of development with the potential for in-combination effects</p> <p>Policy 28 the North Northamptonshire Joint Core Strategy (JCS) allocates 7,000 net additional dwellings to Wellingborough over the plan period of 2011-31. The Draft Plan for Wellingborough reaffirms that, detailing that the majority of these will be provided in the Growth Town of Wellingborough (5,750), with the remainder distributed across villages.</p> <p>Reference to European sites</p> <p>The Plan recognises that the Upper Nene Valley Gravel Pits SPA and Ramsar site lies in close proximity to several sites allocated in the Plan, and requires that mitigation measures are carried out in respect of potential recreation pressures, in accordance with Policy 4 of the North Northamptonshire JCS. In particular Policy Site 1 (Wellingborough East) requires that proposals must ensure that there is no adverse impact either alone or in combination on the Upper Nene Valley Gravel Pits SPA and Ramsar site, which may involve providing alternative accessible greenspace within the development, or access and visitor management measures within the SPA.</p> <p>The local authority has adopted the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (SPD).</p>

Table B.3: Neighbourhood Plans

Duston Neighbourhood Plan ⁶²
<p>The Duston Neighbourhood Plan was 'made' in December 2015, following examination in May 2015 and a successful referendum in November 2015. The plan covers the area corresponding to Duston Parish, a north-west suburb of Northampton with a population of around 15,000 (2011). The plan's housing provision is in line with the Joint Core Strategy.</p>

⁶⁰ Daventry District Council (2020), Settlements and Countryside Local Plan, March 2022, <https://www.daventrydc.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=51031>

⁶¹ Borough Council of Wellingborough (2019), The Plan for the Borough of Wellingborough, March 2022, https://wellingborough-consult.objective.co.uk/events/34092/5075788_accessible.pdf

⁶² Northamptonshire County Council (2015), Duston Neighbourhood Plan, March 2022, <https://www.northampton.gov.uk/download/downloads/id/8670/duston-neighbourhood-plan---made-version-december-2015.pdf>

Duston Neighbourhood Plan ⁶²
Spring Boroughs Neighbourhood Plan ⁶³
The Spring Boroughs Neighbourhood Plan was 'made' in April 2016, following examination in September 2015 and a successful referendum in March 2016. The plan covers an area within central Northampton adjacent to the town centre and within the Castle Walls. The plan's housing provision is in line with the Joint Core Strategy.
Growing Together Neighbourhood Plan ⁶⁴
The Growing Together Neighbourhood Plan was 'made' in April 2017, following examination in November 2016 and a successful referendum in February 2017. The plan covers the communities of Blackthorn, Cherry Lodge, Goldings, Lings, Lingswood Park, Lumbertubs and Overstone Lodge – which lies to the north-east of Northampton town centre. The plan permits small scale residential development (1-9 dwellings).
Great Houghton Neighbourhood Plan ⁶⁵
The Great Houghton Neighbourhood Plan was 'made' in May 2022, following examination in February 2022 and a successful referendum in March 2022. The plan covers Great Houghton and the eastern edge of Brackmills. Its policies set out principles for development including the protection of heritage, landscape and biodiversity; but the plan does not allocate any development that would be in addition to the Local Plan.

Table B.4: Other Plans

Anglian Water - Water Resource Management Plan 2019 ⁶⁶ / Water Resources Management Plan Draft (2025-2050)
<p>Status</p> <p>The WRMP was adopted in December 2019 and sets out how Anglia Water plan to maintain the water supply-demand balance from 2020-2045.</p> <p>The 2025-2050 WRMP is currently in draft version, following public consultation in November 2022. It presents the Preferred Plan of Anglia Water and the final plan will be published in August 2023.</p> <p>Types of development with the potential for in-combination effects</p> <p>The 2019 plan develops a number of feasible options for maintaining the supply-demand balance in the region. Key features include: demand management in all Water Resource Zones (WRZs), a river augmentation scheme, the transfer of resources from areas of surplus to areas of deficit, the selection of a trading option, and the deferral of resource development to the end of the forecast period (including water reuse schemes and the recommissioning of a reservoir).</p> <p>The priority of the 2025-2050 plan is demand management, supported by targeted supply-side investment. It also promotes transfers across the region from areas of surplus to areas of deficit. It plans to deliver environmental benefits by reducing abstraction from the environment and ensuring no deterioration in the ecological status of water bodies.</p> <p>Reference to European sites</p> <p>The plans recognise that the region is home to a significant proportion of wetland sites or conservation interest. Rutland Water is an Anglian Water reservoir, and the River Nene is one of the watercourses that feeds Rutland Water and Pitsford reservoir.</p>
Water Resources East - The Emerging Water Resources Regional Plan for Eastern England (2022) ⁶⁷
<p>Status</p> <p>The Emerging Plan was published for consultation in January 2022, and will inform individual water companies' Water Resources Management Plans.</p> <p>Types of development with the potential for in-combination effects</p>

⁶³ Northamptonshire County Council (2016) Spring Boroughs Neighbourhood Plan, March 2022, <https://www.northampton.gov.uk/download/downloads/id/8958/spring-boroughs-neighbourhood-plan-made-version.pdf>

⁶⁴ Northamptonshire County Council (2017), Growing Together Neighbourhood Plan, March 2022, <https://www.northampton.gov.uk/download/downloads/id/10249/20170310-gtnp-made-version-april-formatted.pdf>

⁶⁵ Northamptonshire County Council (2022), Great Houghton Neighbourhood Plan, May 2022, <https://www.northampton.gov.uk/info/200205/planning-for-the-future/2534/great-houghton-neighbourhood-plan>

⁶⁶ Anglian Water (2019) Water Resource Management Plan, March 2022, <https://www.anglianwater.co.uk/siteassets/household/about-us/wrmp-report-2019.pdf>

⁶⁷ Water Resources East (2022) The Emerging Water Resources Regional Plan for Eastern England, January 2022, <https://wre.org.uk/wp-content/uploads/2022/01/WRE-Emerging-Plan.pdf>

<p>Sets out strategic options for balancing water demand and supply within the region, across multiple water companies' areas of responsibility. The emerging strategy includes principles for no net export of water from the region, and a portfolio of water management options including desalination, reservoirs, effluent re-use and aquifer storage and recovery.</p> <p>Reference to European sites</p> <p>None</p>
<p>Northamptonshire Transportation Plan (2012)⁶⁸</p>
<p>Status</p> <p>The Northamptonshire Transportation Plan was adopted in March 2012 and sets out the transport policies, objectives and vision for the longer term.</p> <p>Types of development with the potential for in-combination effects</p> <p>The plan aligns with the statutory West and North Northamptonshire Joint Core Strategies. It is the overarching transport plan that sets out strategic aims and goals for the region, and is accompanied by a number of daughter documents on specific modes and areas, including Northampton Town Transport Strategy (2013); and thematic strategies for bus, rail, cycling, walking, major roads, highway development, parking, and road freight.</p> <p>The Joint Core Strategy and Transportation Plan between them define the transport schemes for Northampton.</p> <p>Reference to European sites</p> <p>Strategic Policy 25 states that 'we will avoid or minimise harmful effects on the natural and historic environment when planning and designing new transport infrastructure schemes'. Strategic Policy 22 (on reducing the impact of motor vehicles) further states that any proposals that would significantly harm a European site would not be supported by the strategy.</p>
<p>Northamptonshire Minerals and Waste Local Plan (2017)⁶⁹</p>
<p>Status</p> <p>The Northamptonshire Minerals and Waste Local Plan was adopted in July 2017 as an updated version of the previously adopted 2014 plan. It sets out the land use planning strategy for minerals and waste related development in the county.</p> <p>Types of development with the potential for in-combination effects</p> <p>The plan provides the basis for determining planning applications for waste and minerals-related development in Northamptonshire, and allocates specific sites for waste and minerals development.</p> <p>Minerals development can include the extraction of primary aggregates and the use of secondary (e.g. recycled) aggregates.</p> <p>Waste development can include the collection, processing and disposal of waste, including hazardous waste.</p> <p>Reference to European sites</p> <p>The plan states:</p> <p><i>"As the former gravel pits in the Nene Valley are now designated as a site of European importance in relation to birds (Upper Nene Valley Gravel Pits SPA), it is important that further extraction from allocated sites in this valley will not lead to adverse effects on the integrity of this designation. Potential sites were subject to HRA through the plan-making process. The planning application for mineral extraction at the Earls Barton West extension (M4) site will be required to undergo further HRA to ensure that development would not adversely affect the integrity of the SPA sites."</i></p> <p>and</p> <p><i>"Waste management facilities involving advanced treatment often include some form of emission stack (chimney) and increasingly feature the use of lighting for the joint purpose of security and visual interest, and may include the use of reflective surfaces as a design feature. This is particularly important in Northamptonshire given the presence of military flight paths and large numbers of migratory birds. The presence of tall structures (particularly where involving atmospheric emissions) or reflective surfaces under flight paths may present air safety risks. Proposals for development surrounding areas known to be of importance for migratory bird species (e.g. the Upper Nene Valley Gravel Pits SPA and associated habitats) should also consider the potential for building bird strike resulting from tall structures and reflective surfaces. It is therefore important to highlight the need for consideration of such matters during the formative stages of proposal research and design."</i></p>

⁶⁸ Northamptonshire County Council (2012) Northamptonshire Transportation Plan, March 2022, <https://www.northamptonshire.gov.uk/councilservices/northamptonshire-highways/transport-plans-and-policies/Documents/Northamptonshire%20Transportation%20Plan%20-%20Fit%20for%20Purpose.pdf>

⁶⁹ Northamptonshire County Council (2017), Northamptonshire Minerals and Waste Local Plan, March 2022, <https://www.northamptonshire.gov.uk/councilservices/environment-and-planning/planning/planning-policy/minerals-and-waste-planning-policy/PublishingImages/Pages/update-of-the-adopted-minerals-and-waste-local-plan/MWLP%20for%20adoption%20final%20REDUCED%20wCOVER.pdf>

Appendix C

Scoping matrix

The matrix below shows which types of impacts on European sites could potentially result from each of the policies and sites allocated in the Local Plan Part 2. Where a site is not expected to have a particular type of impact, the relevant cell is shaded **green**. Where a site could potentially have a certain type of impact, this is shown in **orange**. The final column sets out the nature of potential significant effects if they were to arise. Where uncertain or likely significant effects are identified, these are considered further in **Chapter 5** Appropriate Assessment.

Table C.1: Scoping matrix

Policy	Activities likely to result as a consequence of the policy	Potential effects if policy implemented	Does the policy need to be scoped into the Appropriate Assessment?
Policy 1: Presumption in favour of sustainable development	None – this policy describes the overall strategy for development within Northampton but will not itself result in new development.	None	No
Policy 2: Place making and design	None – this policy sets out design principles for development but will not itself result in new development.	None	No This policy states that development should contribute to good place making by <i>“Sustaining, protecting and enhancing heritage and natural environment assets, including prospective non-designated assets and setting and those included on Local Lists as well as those already statutorily protected. Additionally future development must not leave these assets vulnerable to risk and, wherever possible, should promote the use, understanding and enjoyment of the historic and natural environments as an integral part of good placemaking.”</i> This could provide some mitigation for impacts on European sites.
[Policy 3 deleted in Main Modifications]			
Policy 4: Amenity and layout	None – this policy sets out design principles for development but will not itself result in new development.	Recreational pressure	Yes This policy requires that new developments ensure "adequate access to both high quality recreational and semi-natural green spaces for all residents", which could in theory encourage development close to existing sites such as the SPA.
Policy 5: Carbon reduction, community energy networks, sustainable design and construction, and water use	Renewable energy installations (e.g. wind turbines)	Direct mortality Non-physical disturbance	Yes This policy encourages the installation of renewable energy technologies, which could affect SPA bird populations. This policy also requires residential development to achieve a water efficiency standard of 110l per person per day (Building Regulations Part G2). This could provide mitigation for effects due to changes in water level e.g. abstraction to meet demand for water).
Policy 6: Health and wellbeing	Health facility development Changes in vehicle traffic	Air pollution Changes to water levels and/or quality	Yes

Policy	Activities likely to result as a consequence of the policy	Potential effects if policy implemented	Does the policy need to be scoped into the Appropriate Assessment?
	Changes to water demand and discharge		This policy permits the development of new health facilities. Although likely to be small-scale, development could contribute to a change in the number of vehicle trips (and therefore air pollution) and water demand / discharge.
Policy 7: Flood risk and water management	None – this policy will not result in new development.	None	No Supports proposals that comply with standards for surface water and SuDS must be incorporated into the design of major development and could therefore provide mitigation for water quality effects. Water quality standards are set locally in Northamptonshire County Council's Local Standards and Guidance for Surface Water Drainage in Northamptonshire.
Policy 8: Supporting Northampton Town Centre's role	Retail, leisure and employment development Changes in vehicle traffic Changes to water demand and discharge	Air pollution Changes to water levels and/or quality	Yes This policy permits development within the town centre (i.e. changes of use, redevelopment, or brownfield development). Although likely to be small-scale, development could contribute to a change in the number of vehicle trips to the town centre (and therefore air pollution) and water demand / discharge.
Policy 9: Regeneration opportunities in the Central Area	Residential and mixed use development Changes in population Changes in vehicle traffic Changes to water demand and discharge	Recreation pressure Pet predation Air pollution Changes to water levels and/or quality Non-physical disturbance Loss of functionally-linked land Fragmentation Loss of bird sightlines	Yes This policy encourages the regeneration of sites within the town centre and wider central area, for housing and economic development. Residential development could increase the demand for greenspace for recreation, traffic (and air pollution), and water demand / discharge. Depending on the location of the sites, there is also the potential for the loss of functionally-linked land or fragmentation (if on or near greenspace/waterbodies); or non-physical disturbance (noise / light), pet predation or loss of bird sightlines if the sites are close to a European site (i.e.in the southeast corner of the Central Area). The policy refers to some named sites, but also enables development on other, as yet unidentified sites. The quantum of housing provided by allocated sites named in this policy has been assessed under Policy 13, and employment under Policy 17A. The potential for regeneration development outside of these allocated sites is assessed under this policy.
Policy 10: Supporting and safeguarding the University of Northampton Waterside Campus	Education development Potential changes in population Changes in vehicle traffic Changes to water demand and discharge	Recreation pressure Air pollution Changes to water levels and/or quality	Yes This policy permits the enhancement of University facilities and improvements in connectivity to the town. If the development accommodates an increase in student / staff numbers or significantly alters the mix of uses at the site, it could increase traffic (air pollution), water demand / discharge and trips to local greenspace.

Policy	Activities likely to result as a consequence of the policy	Potential effects if policy implemented	Does the policy need to be scoped into the Appropriate Assessment?
Policy 11: Managing hotel growth	<p>Hotel development</p> <p>Changes in visiting population</p> <p>Changes in vehicle traffic</p> <p>Changes to water demand and discharge</p>	<p>Recreation pressure</p> <p>Air pollution</p> <p>Changes to water levels and/or quality</p>	<p>Yes</p> <p>This policy permits new hotels within the town centre and Enterprise Zone. New hotels could increase traffic (air pollution), water demand / discharge, and trips to local greenspace.</p>
Policy 12: Development of main town centre uses	<p>Residential and mixed use development</p> <p>Changes in population</p> <p>Changes in vehicle traffic</p> <p>Changes to water demand and discharge</p>	<p>Recreation pressure</p> <p>Pet predation</p> <p>Air pollution</p> <p>Changes to water levels and/or quality</p> <p>Physical habitat loss / damage</p> <p>Non-physical disturbance</p> <p>Loss of functionally-linked land</p> <p>Fragmentation</p> <p>Loss of bird sightlines</p>	<p>Yes</p> <p>This policy is similar to Policy 9 but permits the regeneration of sites beyond the town centre and central area, for housing and mixed use development. Residential development could increase the demand for greenspace for recreation, traffic (air pollution), and water demand / discharge. Depending on the location of the sites, there is also the potential for physical habitat loss / damage; the loss of functionally-linked land or fragmentation (if on or near greenspace/waterbodies); or non-physical disturbance (noise / light), pet predation or loss of bird sightlines if the sites are close to a European site.</p>
<p>Policy 13: Residential and other residential-led allocation</p> <p>(3,838 new homes at 51 allocated sites – see Appendix D)</p>	<p>Residential and mixed-use development</p> <p>Changes in population</p> <p>Changes in vehicle traffic</p> <p>Changes to water demand and discharge</p>	<p>Recreation pressure</p> <p>Pet predation</p> <p>Air pollution</p> <p>Changes to water levels and/or quality</p> <p>Physical habitat loss / damage</p> <p>Non-physical disturbance</p> <p>Loss of functionally-linked land</p> <p>Fragmentation</p> <p>Loss of bird sightlines</p>	<p>Yes</p> <p>This policy permits housing and associated mixed use development at 51 allocated sites. Some of those sites also have site-specific development policies (Policies 39-46); however the number of homes they are allocated for is assessed under this policy.</p> <p>Residential development could increase the demand for greenspace for recreation, traffic (air pollution), and water demand / discharge. Depending on the location of the sites, there is also the potential for physical habitat loss / damage; the loss of functionally-linked land or fragmentation (if on or near greenspace/waterbodies); or non-physical disturbance (noise / light), pet predation or loss of bird sightlines if the sites are close to a European site.</p>

Appendix C
Scoping matrix

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Policy	Activities likely to result as a consequence of the policy	Potential effects if policy implemented	Does the policy need to be scoped into the Appropriate Assessment?
Policy 14: Type and mix of housing	None – this policy sets out the preferred housing mix but will not itself result in new development.	None	No
Policy 15: Delivering houses in multiple occupation	Changes in population Changes in vehicle traffic Changes to water demand and discharge	Recreation pressure Pet predation Air pollution Changes to water levels and/or quality	Yes This policy permits dwellings to be converted into houses of multiple occupancy and therefore increases the occupation density of residences in the town. Although likely to be small-scale, the increase in population could contribute to an increase in the demand for greenspace for recreation, traffic (air pollution), and water demand / discharge. Depending on the location of the properties, there is also the potential for increase in pet predation, if close to a European site.
[Policy 16 deleted in Main Modifications]			
Policy 17: Safeguarding existing employment sites	Non-employment development Changes in vehicle traffic Changes to water demand and discharge	Air pollution Changes to water levels and/or quality Non-physical disturbance Loss of functionally-linked land Fragmentation	Yes This policy safeguards existing employment sites but permits changes of use to non-employment uses if employment use is no longer viable. If the development significantly alters the number of vehicle trips to the site or the mix of uses at the site, it could increase traffic (air pollution) and water demand / discharge. Depending on the location of the sites, there is also the potential for the loss of functionally-linked land or fragmentation (if on or near greenspace/waterbodies); or non-physical disturbance (noise / light) if the sites are close to a European site
Policy 17A: Employment Allocations	Employment development Changes in population Changes in vehicle traffic Changes to water demand and discharge	Air pollution Changes to water levels and/or quality Physical habitat loss / damage Non-physical disturbance Loss of functionally-linked land Fragmentation Loss of bird sightlines	Yes This policy permits employment development at 10 allocated sites. Some of those sites also have site-specific development policies (e.g. Policy 44); however the quantum of employment development they are allocated for is assessed under this policy. Employment development could increase traffic (air pollution), and water demand / discharge. Depending on the location of the sites, there is also the potential for physical habitat loss / damage; the loss of functionally-linked land or fragmentation (if on or near greenspace/waterbodies); or non-physical disturbance (noise / light), or loss of bird sightlines if the sites are close to a European site.
Policy 18: Supporting new employment developments and	Employment development	Air pollution	Yes

Policy	Activities likely to result as a consequence of the policy	Potential effects if policy implemented	Does the policy need to be scoped into the Appropriate Assessment?
schemes within and outside safeguarded sites	Changes in vehicle traffic Changes to water demand and discharge	Changes to water levels and/or quality Non-physical disturbance Loss of functionally-linked land Fragmentation Loss of bird sightlines	This policy permits development at sites where employment activities would not cause harm to adjoining land uses and occupiers. If the development significantly alters the number of vehicle trips to the site or the mix of uses at the site, it could increase traffic (air pollution) and water demand / discharge. Depending on the location of the sites, there is also the potential for the loss of functionally-linked land or fragmentation (if on or near greenspace/waterbodies); or non-physical disturbance (noise / light) or loss of bird sightlines if the sites are close to a European site.
Policy 19: New retail developments and retail impact assessment [c.8,900 sqm convenience retail and c.7,300 sqm convenience]	Retail development Changes in vehicle traffic Changes to water demand and discharge	Air pollution Changes to water levels and/or quality Physical habitat loss / damage Non-physical disturbance Loss of functionally-linked land Fragmentation Loss of bird sightlines	Yes This policy permits retail development in the Primary Shopping Area, town centre, edge-of-centre sites and some out-of-centre sites. These could change the number of vehicle trips (air pollution) and alter water demand / discharge. Depending on the location of the sites, there is also the potential for physical habitat loss / damage; the loss of functionally-linked land or fragmentation (if on or near greenspace/waterbodies); or non-physical disturbance (noise / light) or loss of bird sightlines if the sites are close to a European site.
[Policy 20 deleted in Main Modifications]			
Policy 21: Residential development on upper floors	Changes in population Changes in vehicle traffic Changes to water demand and discharge	Recreation pressure Air pollution Changes to water levels and/or quality	Yes This policy permits the upper floors of shops to be converted into dwellings and therefore increases the resident population in the town centre. Although likely to be small-scale, the increase in population could contribute to an increase in the demand for greenspace for recreation, traffic (air pollution), and water demand / discharge.
Policy 22: Neighbourhood centres	None – this policy sets principles for development in proximity to neighbourhood retail, but will not itself result in new development.	None	No
Policy 23: Sports facilities and playing pitches	None – this policy safeguards existing facilities and requires contributions towards new	None	No

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Policy	Activities likely to result as a consequence of the policy	Potential effects if policy implemented	Does the policy need to be scoped into the Appropriate Assessment?
	facilities, but will not itself result in new development.		
Policy 24: Community facilities	Community development Changes in vehicle traffic Changes to water demand and discharge	Air pollution Changes to water levels and/or quality Physical habitat loss / damage Non-physical disturbance Loss of functionally-linked land Fragmentation Loss of bird sightlines	Yes This policy permits new or extended community facilities. Although likely to be small-scale, development could contribute to a change in the number of vehicle trips (air pollution) and water demand / discharge. Depending on the location of the sites, there is also the potential for physical habitat loss / damage; the loss of functionally-linked land or fragmentation (if on or near greenspace/waterbodies); or non-physical disturbance (noise / light) or loss of bird sightlines if the sites are close to a European site.
Policy 25: Childcare provision	None – this policy will not result in new development.	None	No
Policy 26: Sites for burial space	Extension of existing burial sites	Loss of functionally-linked land	Yes The three allocated burial sites are adjacent to existing burial sites. If any of this land is used by species from a SPA/Ramsar, then their extension could result in the loss of functionally-linked land or fragmentation. None of the three allocated sites are in areas already identified as potential FLL. The policy recognises that burial spaces can provide greenspace or ecological enhancement, which could contribute to mitigation for recreation impacts on European sites.
Policy 27: Sustaining and enhancing existing, and supporting the creation of, Northampton's green infrastructure	None – this policy will not result in new development.	None	No <i>This policy states that "All major housing and commercial developments will be expected deliver and / or contribute to green and blue infrastructure projects . Applications must be accompanied by a site-specific green and blue infrastructure strategy and / or plan to illustrate how green infrastructure is integrated within the development proposal and how it seeks to improve connectivity to the Local Level Green Infrastructure networks beyond the site boundary. In accordance with the Best Practice Principles, Aims and Objectives set out in the Northampton Green Infrastructure Plan (or subsequent updated documents), development proposals will demonstrate how they make a positive contribution to the projects identified within the nine Green Infrastructure Components and associated projects contained in the Northampton Green Infrastructure Plan."</i> This could provide mitigation for recreation impacts on European sites.

Policy	Activities likely to result as a consequence of the policy	Potential effects if policy implemented	Does the policy need to be scoped into the Appropriate Assessment?
Policy 28: Providing open spaces	None – this policy will not result in new development.	None	<p>No</p> <p>This policy sets standards for greenspace provision, including 1.57ha of natural and semi-natural green space per 1,000 population, within a 720m walk. It also states that all major developments will be required to contribute to open space provision as per the standards.</p> <p>The policy also states that: "Suitable Alternative Natural Greenspaces (SANGS) are existing areas of open land which are improved to attract residents of new developments away from designated sites such as Special Protection Areas and Special Areas of Conservation. SANGS need to be suitably designed for recreation, accessible and usually provide circular footpaths. As set out in Policy 28, the provision of a SANG may meet or contribute to the provision of other types of open space."</p> <p>This could provide mitigation for recreation impacts on European sites.</p>
Policy 29A: Supporting and enhancing biodiversity	None – this policy will not result in new development.	None	<p>No</p> <p>This policy states that: "A. The Council will require all development proposals to provide a net gain in biodiversity through the creation or enhancement of habitats by: i. Incorporating and enhancing existing biodiversity features on and/or off site; ii. Consolidating, developing and enhancing functionality of ecological networks including those beyond the Local Plan's boundary; and iii. Managing, monitoring and maintaining biodiversity within a development.</p> <p>B. 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.</p> <p>C. All applicants are expected to assess the impacts of their proposals on biodiversity, including indirect impacts such as recreational activities. Applicants should have regard 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.</p> <p>D. Development that does not achieve biodiversity net gain, and fragments habitats and links will be refused."</p> <p>This provides general protection for biodiversity.</p>
Policy 29B: Nature conservation	None – this policy will not result in new development.	None	<p>No</p> <p>This policy states that: "A. 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.</p>

Policy	Activities likely to result as a consequence of the policy	Potential effects if policy implemented	Does the policy need to be scoped into the Appropriate Assessment?
			<p><i>B. Proposals should have regard to 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.</i></p> <p><i>C. 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:</i></p> <p><i>I. 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.</i></p> <p><i>II. 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.</i></p> <p><i>III. 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 Northampton's wider biodiversity network."</i></p> <p>This policy provides general protection of the SPA/Ramsar sites.</p>
Policy 30: Upper Nene Valley Gravel Pits Special Protection Area	None – this policy will not result in new development	None	<p>No</p> <p>This policy states that <i>"Developments that are likely to have significant effects alone or in combination on the Upper Nene Valley Gravel Pits Special Protection Area must satisfy the requirements of the Habitats Regulations, determining site specific impacts and avoid or mitigate where impacts are identified.</i></p> <p><i>Where development is likely to have significant effects on the UNVGP SPA, a Habitats Regulations Assessment will be required, which if the proposal is likely to have a significant effect on the site's conservation objectives, will 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 have regard to the UNVGP SPA Supplementary Planning Document. Applications comprising a new gain in residential units within 3km of the Upper Nene Valley Gravel Pits SPA will, in combination, have an adverse effect on the integrity of the SPA if not mitigated.</i></p> <p><i>The Local Planning Authority has adopted a mitigation strategy for Unit 1 of the Upper Nene Valley Gravel Pits SPA which must be referred to when preparing an application that is located within 3km of Unit 1 of the SPA. Residential development will be required to pay a Strategic Access Management and Monitoring (SAMM) contribution and / or provide bespoke mitigation such as a Suitable Alternative Natural Greenspace (SANG) in order to mitigate recreational impact.</i></p> <p><i>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</i></p>

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			<p><i>functionally linked land associated with the SPA will need to undertake overwintering bird surveys early in the planning process ahead of submitting an application.</i></p> <p><i>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.</i></p> <p><i>In order to protect sightlines for birds included within the Upper Nene Gravel Pits Special Protection Area, new development within a 250m zone of the Special Protection Area shown on the proposals 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."</i></p> <p>This provides specific protection of the Upper Nene Valley Gravel Pits SPA and ensures avoidance / mitigation of effects relating to recreation pressure, pet predation, physical habitat loss or damage, loss/fragmentation of functionally linked land, non-physical disturbance, changes to water supply/quality, and changes to bird sightlines.</p>
Policy 31: Protection and enhancements of designated and non-designated heritage assets	None – this policy will not result in new development.	None	No
Policy 32: Designing sustainable transport and travel	Sustainable transport infrastructure	None	<p>No</p> <p>This policy sets out the requirement for developments to reduce the requirement for car use by providing infrastructure and high quality design that encourages public transport use, walking and cycling.</p> <p>This could provide mitigation for air pollution impacts on European sites.</p>
Policy 33: Highway network and safety	None – this policy will not result in new development.	None	<p>No</p> <p>This policy requires developments to have no adverse impacts on the local and/or strategic transport network that cannot be mitigated; and requires major developments applications to be accompanied by a Transport Assessment.</p> <p>This could contribute to mitigation for air pollution impacts on European sites.</p>
Policy 34: Transport schemes and mitigation	None – this policy sets out the requirement for developer contributions to transport schemes and council safeguarding of land	None	<p>No</p> <p>This policy states that "Proposals for schemes which are likely to cause pollution or likely to result in exposure to sources of pollution or risks to safety will need to demonstrate that they provide opportunities</p>

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	for transport, but will not itself result in new development.		to minimise and where possible reduce pollution issues that are a barrier to achieving sustainable development and healthy communities", which could contribute to mitigation for air pollution impacts.
Policy 35: Parking standards	None – this policy will not result in new development.	None	No
Policy 36: Electronic communication networks	Electronic communications development	None	No
Policy 37: Infrastructure delivery and contributions	None – this policy sets out the requirement for developer contributions to new infrastructure, but will not itself result in new development.	None	No
[Policy 38 deleted in Main Modifications]			
Policy 39: Northampton Railway Station (LAA0288), Railfreight and adjoining sites (LAA0333) (468 homes, see Policy 13; mixed uses, see Policy 17A)	None – this policy sets design principles for the development of the site but will not itself result in new development (beyond that allocated in Policies 13 and 9).	n/a	No The quantum of development brought forward at this mixed use development is assessed under Policy 13 (new homes) and Policy 17A (employment). The policy also requires proposals to "provide details of how the accessible natural greenspace is to be provided at the northern end of the site. New development will also need to provide a contribution towards providing a woodland stepping stone (a connected habitat) to the north of the site." which could contribute towards mitigating recreation pressure at the SPA/Ramsar, although the site is beyond the 3km radius in which mitigation needs to be provided.
Policy 40: Martin's Yard Extension (LAA1005)	None – this policy sets design principles for the development of the site but will not itself result in new development (beyond that allocated in Policy 17A).	n/a	No The quantum of development brought forward at this employment development is assessed under Policy 17A.
Policy 41: The Green, Great Houghton (LAA1098)	Residential development	Loss of functionally-linked land Recreation pressure	Yes The quantum of development brought forward at this site and the location of the allocated site LAA1098 are assessed under Policy 13 (ie including its associated effects on recreation pressure, loss of FLL, air pollution, water supply, pet predation and non-physical disturbance). However, this large residential site is

Policy	Activities likely to result as a consequence of the policy	Potential effects if policy implemented	Does the policy need to be scoped into the Appropriate Assessment?
(c.800 homes, of which a minimum of 225 will be provided during the Plan period, see Policy 13)			<p>close to the SPA/Ramsar and the design principles set out in this policy will affect the scale of any effects on FLL or recreation pressure.</p> <p>The policy includes the following criteria that need to be met, that could contribute to mitigation for the effects of development at the site: "Winter surveys are undertaken to identify whether the site is used by over-wintering Golden Plover or Lapwing and whether it acts as functionally linked land to the Upper Nene Valley Gravel Pits Special Protection Area. If the site is found to be functionally linked land, appropriate mitigation will be required for the loss of habitat.", "Development must adhere to Policy 30 of this Plan, in particular with reference to recreational disturbance and functionally linked land associated with the Upper Nene Valley Gravel Pits Special Protection Area.", "A Suitable Alternative Natural Greenspace (SANG) will be secured.",</p> <p>Proposals must be informed by a masterplan for the whole allocation which will be expected to: "d. Connect the site to nearby Brackmills Country Park and surrounding areas including pedestrian and cycling provision to secure connectivity and permeability within the site, to the employment area to the north, the proposed residential areas to the west along The Green and to Great Houghton"; and</p> <p>"e. Provide a SANG within the area identified in Figure 20 [northern part of sites] which provides the following: i. Protection, enhancement and / or creation of habitats in line with other policies of this plan. ii. Accessibility for residents' recreation including an off-lead dog walking area. iii. A circular walking route around the SANG and eastern development area. iv. A clear separation between the developed site and the village of Great Houghton in order to protect its setting and the heritage assets of the village. v. Formal and informal open space. vi. A SANG car park, vii. If any part of the SANG is proposed off-site, the SANG will need to be adjoining the site."</p>
<p>Policy 42: Greyfriars (LAA113)</p> <p>(400 homes, see Policy 13; mixed uses, see Policy 17A)</p>	<p>None – this policy sets design principles for the development of the site but will not itself result in new development (beyond that allocated in Policies 13 and permitted by Policy 17A).</p>	<p>n/a</p>	<p>No</p> <p>The quantum of development brought forward at this housing-led development is assessed under Policy 13 (new homes) and Policy 17A (employment).</p>
<p>Policy 43: Ransome Road (LAA1139)</p> <p>(c.500 homes, assessed under Policy 13)</p>	<p>None – this policy sets design principles for the development of the site but will not itself result in new development (beyond that allocated in Policy 13).</p>	<p>n/a</p>	<p>No</p> <p>The quantum of development brought forward at this housing-led development is assessed under Policy 13.</p>

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Policy	Activities likely to result as a consequence of the policy	Potential effects if policy implemented	Does the policy need to be scoped into the Appropriate Assessment?
<p>Policy 44: Sites in Tanner Street, Green Street, St Peter's Way and Freeschool Street (LAA0167 / 0818 / 0931 / 1010)</p> <p>(c.5 homes, see Policy 13)</p>	<p>None – this policy defines principles for the protection of heritage assets at these sites but will not itself result in new development (beyond that allocated in Policy 17A).</p>	n/a	<p>No</p> <p>The quantum of development brought forward at these employment sites (Sites 0818, 0167 and 0931) is assessed under Policy 17A This policy does not permit development at Site 1010.</p>
<p>Policy 45: Hunsbury Farm Rise, Hunsbury Hill (LAA1100)</p> <p>(c.80 homes, assessed under Policy 13)</p>	<p>None – this policy sets design principles for the development of the site but will not itself result in new development (beyond that allocated in Policy 13).</p>	n/a	<p>No</p> <p>The quantum of development brought forward at this housing-led development is assessed under Policy 13.</p>
<p>Policy 46: Abington Mill (LAA1107)</p> <p>(c.125 homes, assessed under Policy 13)</p>	<p>None – this policy sets design principles for the development of the site but will not itself result in new development (beyond that allocated in Policy 13).</p>	n/a	<p>No</p> <p>The quantum of development brought forward at this housing-led development is assessed under Policy 13.</p>

Appendix D

Allocated sites assessed in the HRA

Table D.1: Allocated sites assessed in the HRA

Site reference	Site name	Residential	Employment	Burial
LAA0167	Tanner Street		•	
LAA0171	Quinton Road	•		
LAA0174	Ransome Road Gateway	•		
LAA0193	Former Lings Upper School, Birds Hill Walk	•		
LAA0204	The Farm, Hardingstone	•		
LAA0288	Northampton Railway Station car park	•	•	
LAA0333	Northampton Railway Station (Railfreight)	•		
LAA0335	Chronicle & Echo North	•		
LAA0338	Countess Road	•		
LAA0594	Sixfields East		•	
LAA0598	Car park, Victoria Street		•	
LAA0615	Crow Lane North		•	
LAA0629	British Timken	•		
LAA0685	Adj. 12 Pennycress Road	•		
LAA0719	Car garage workshops, 409 Harlestone Road	•		
LAA0767	46 Spencer Street	•		
LAA0818	St Peter's Way		•	
LAA0870	Sixfields, Upton Way		•	
LAA0903	Hawkins Shoe Factory, Overstone Road	•		
LAA0910	379 Harlestone Road	•		
LAA0931	Sites in Green Street		•	
LAA0932	Southbridge Site 1	•		
LAA0933	Southbridge Site 2	•		
LAA1005	Land north of Martins Yard, Spencer Bridge Road		•	
LAA1006	Pineham	•		
LAA1007	Land south of Wooldale Road, east of Wootton Road	•		
LAA1010	Land at St Peter's Way/ Court Road/ Freeschool Street	•		
LAA1013	University of Northampton, Park Campus	•		
LAA1014	University of Northampton, Avenue Campus	•		
LAA1022	Belgrave House	•		

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Site reference	Site name	Residential	Employment	Burial
LAA1025	Land to the west of Towester Road	•		
LAA1026	Eastern Land parcel, Buckton Fields	•		
LAA1036	Derwent Drive garage site, Kings Heath	•		
LAA1048	Stenson Street	•		
LAA1049	Land off Arbour Court	•		
LAA1052	Land rear of garages in Coverack Close	•		
LAA1071	Medway Drive (rear of Medway Close)	•		
LAA1086a	Two parcels of land in Sunnyside Estate (Cosgrove Road)	•		
LAA1086b	Two parcels of land in Sunnyside Estate (Chalcombe Avenue)	•		
LAA1096	Land off Mill Lane	•		
LAA1098	The Green, Great Houghton	•		
LAA1100	Hill Farm Rise	•		
LAA1101	Land at Waterside Way		•	
LAA1102	Site east of Towcester Road	•		
LAA1104	Watering Lane	•		
LAA1107	Former Abington Mill Farm, land off Rushmere Road	•		
LAA1108	Former Dairy Crest Depot, Horsley Road	•		
LAA1109	Mill Lane	•		
LAA1112	Milton Ham		•	
LAA1113	Greyfriars	•	•	
LAA1114	Cedarwood Nursing Home, 492 Kettering Road	•		
LAA1117	133 Queens Park Terrace	•		
LAA1123	83 - 103 Trinity Avenue	•		
LAA1124	41-43 Dergate]	•		
LAA1126	5 Primrose Hill	•		
LAA1131	The Leys Close, 39 Mill Lane	•		
LAA1133	Eastern District Social Club, Crestwood Road	•		
LAA1134	St John's Railway Embankment	•		
LAA1137	Land at Wootton Fields	•		
LAA1139	Ransome Road	•		
LAA1140	Land north of Milton Ham	•		

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Site reference	Site name	Residential	Employment	Burial
26A	Kingsthorpe Cemetery			•
26B	Harlestone Road, Dallington			•
26C	Towcester Road Cemetery			•

Appendix E

Record of consultation

A record of Regulation 19 consultation responses and subsequent discussions, and how those have been addressed.

Reg.19 (round 1) consultation responses

Table E.1: Record of consultation (Reg19 round 1)

Consultee	Consultation	Comments	Response
Natural England ⁷⁰	Regulation 19 consultation(round 1) 11 June 2019 (commenting on April 2019 version of HRA)	NE welcomes the submission of a HRA further to the draft NE reviewed on 18 August 2017 (our reference 221246). Overall, the Appropriate Assessment concludes that the Northampton Local Plan Part 2 will not result in adverse effects on the integrity of Rutland Water SPA and Ramsar site or Upper Nene Valley Gravel Pits SPA and Ramsar site. However, in some cases, further mitigation or safeguards are required to enable this conclusion to be reached. NE's principle concern is the potential for developments that could adversely affect the integrity of Unit 1 of the Nene Valley Gravel Pits via impacts of recreational disturbance and loss of Functionality Linked Land. We note that the plan puts forward up to 2,315 new homes on 24 sites within 3km of the SPA/ Ramsar. Therefore, until suitable protection has been afforded to Unit 1, and a suitable mitigation strategy has been agreed between Natural England and your Council to help protect Unit 1 from recreational pressure, we cannot support the HRA conclusions.	A meeting was held with Natural England (NE) and Northampton Borough Council (NBC; now West Northamptonshire Council) on 17 October 2019 – see below – to agree suitable revisions to the wording of policies within the Local Plan Part 2. Policy 29 (previously 25) and Policy 30 (previously 26) were updated to strengthen the overarching protection for the Upper Nene Valley SPA/Ramsar, and make specific reference to recreational pressure and FLL: Policy 29: <i>"The Upper Nene Valley Gravel Pits is designated a Special Protection Area, a Ramsar site and a Site of Special Scientific Interest. Development, whether individually or in combination, having an adverse effect on the integrity of the Upper Nene Valley Gravel Pits will be refused. All proposals must comply with Policy 30";</i> and <i>"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. "</i> Policy 30: <i>"Proposals must ensure that there is no adverse impact either alone or cumulatively on the Upper Nene Valley Gravel Pits SPA and Ramsar site.</i> <i>Applications comprising a net gain in residential units within 3 km of the Upper Nene Valley Gravel Pits SPA will need to demonstrate that the impact of any increased recreational activity or pet predation (indirect or direct) on the SPA will not have a detrimental impact.</i>

⁷⁰ Natural England's Regulation 19 responses are comment reference 170: <https://www.northampton.gov.uk/downloads/file/11393/ps1-170-natural-england-001-redacted>

Consultee	Consultation	Comments	Response
			<p><i>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." ."</i></p> <p>The commitment to develop a recreation mitigation strategy was embedded in the supporting text for Policy 30:</p> <p><i>"A mitigation strategy will be prepared for the Upper Nene Valley Gravel Pits SPA with a view to its subsequent adoption as an addendum to the SPD. It will advise applicants and ensure that development (standalone and cumulative) does not impact negatively on this biodiversity asset. This document will be produced within 12 months of the adoption of the Northampton Local Plan Part 2. However, the broad principles and a draft of the mitigation strategy agreed with Natural England will be prepared prior to the adoption of the local plan."</i></p> <p>The HRA report has been updated to reflect these changes.</p>
		<p>Within our previous comments (our reference 221246), we note that the two proposed allocations sites at/ near Great Houghton Independent School (LAA1024 and LAA1011) were of concern to NE. We are pleased to see that these sites do not appear to be included in Appendix A of the draft Plan Trajectory for sites allocated in the Local Plan Part 2.</p>	<p>No response required.</p>
		<p>We would like to provide clarification on the difference between FLL and supporting habitat. FLL is habitat outside of the SPA boundary that supports its designated features; whereas supporting habitat by definition is situated within an SPA boundary, and the SPA designated features rely on its presence. FLL may be argued a type of supporting habitat.</p> <p>We are pleased that 1.19 of the HRA states that the potential for offsite impacts, such as through impacts to functionally linked land...has also been fully considered in this HRA. From this point in the HRA we understand that FLL is described as supporting habitat.</p>	<p>The updated report made the distinction clearer and uses FLL to refer to habitat outside the SPA/Ramsar boundary</p>
		<p>We noted within our 18 August 2017 response that if sites are located on optimal supporting habitat, then there should be a policy requirement for winter bird surveys to be undertaken before any allocation progresses. If birds associated with the Upper Nene Valley SPA are found to be using these sites in significant numbers then</p>	<p>The full quote from the April 2019 HRA (para 5.26) is:</p>

Consultee	Consultation	Comments	Response
		<p>the allocations should be located elsewhere, or appropriate mitigation will be required, and secured within the plan policy and Part 2 plan HRA. We would like to reiterate this advice. Neither the HRA or the draft Plan offers requirements to safeguard wintering birds associated with the SPA and this is clearly acknowledged in the HRA within section 5.26: "None of the policies within the Local Plan provide specific mitigation for the loss of supporting habitat". Consequently, we would like to reiterate our previous advice that specific policy safeguards for loss of FLL is required.</p>	<p><i>"None of the policies within the Local Plan provide specific mitigation for the loss of supporting habitat. However, Policy BN4 Upper Nene Valley Gravel Pits Special Protection Area, within the West Northamptonshire Joint Core Strategy, provides specific protection from the loss of supporting habitat:</i></p> <p><i>New development will need to demonstrate through the development management process that there will be no significant adverse effects upon the integrity of the Special Protection Area and Ramsar site and the species for which the land is designated including the loss of supporting habitat...either as a direct result of the development alone or in combination."</i></p> <p>Following the meeting with NE and NBC, Policy 29 (previously 25) was updated to include a requirement to consider FLL and undertake surveys:</p> <p><i>"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."</i></p> <p>Policy 41 (previously 36) was also updated to include the requirement that:</p> <p><i>"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, off site mitigation will be required for the loss of habitat ie functionally linked land." and</i></p> <p><i>"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. Appropriate types of habitat and accessibility are to be determined following surveys for Special Protection Area birds."</i></p> <p>The HRA report was updated to reflect these changes.</p>

Consultee	Consultation	Comments	Response
		<p>The Green, Great Houghton</p> <p>The HRA states that it is unlikely that the site provides unique features that cannot be found at other areas of habitat nearby, and more suitable habitat (eg surrounded by other fields, or pasture) may be found elsewhere. Although more suitable FLL may be found elsewhere, we expect appropriate overwintering birds surveys to demonstrate its significance, and therefore uniqueness with respect to the HRA. We agree that the requirements for these surveys need to be written into Policy 36</p> <p>It is also stated that Appropriate mitigation would involve the enhancement of another area of habitat, a similar distance from the SPA/ Ramsar and of the same area of greater, such that sub-optimal/ unsuitable habitat becomes optimal for Golden Plover or lapwing, to ensure that the overall quality and availability of feeding resources for these species is maintained. The vast proportion of FLL suitable for Golden Plover or lapwing is situated within arable farmland, which is already in situ. For information, the golden plover foraging range is 15 – 20 km, but with a reduced sensitivity beyond 10km from the SPA. We agree that requirements for mitigation should be written into Policy 36.</p>	<p>Following the meeting with NE, NE clarified that "<i>The key point within NE Reg. 19 comments is that securing suitable mitigation for loss of FLL is not straightforward. The foraging range for plover is large. The 2010 Environ study for the WNJCS, shows a heat map for plover, this is the type of information which could be updated.</i>"</p> <p>NE subsequently agreed the revised wording of Policies 29 (previously 25) and 41 (previously 36), as above, which set out the requirement to consider FLL at all development sites and carry out surveys, and specific requirements for survey and mitigation at The Green, Great Houghton.</p> <p>The HRA report was updated to reflect these changes, both in relation to The Green, Great Houghton and other development sites in locations that have not already been identified as having optimum habitat for Golden Plover / Lapwing.</p>
		<p>The most important point, and one which is missed from the HRA entirely, is the impact from the proposed 800 dwellings on the Northampton Washlands through recreational pressure.</p>	<p>The quantum of housing provided by allocated residential sites was assessed in relation to Policy 13, including the c.800 homes allocated at The Green, Great Houghton.</p> <p>This HRA report has been updated to acknowledge that recreational pressure (and FLL) is a key issue relating to Policy 41 (previously 36), given its scale and proximity to the SPA/Ramsar.</p>
		<p>The outlines for The Green at Great Houghton shows an area of ecological enhancement; it is unclear whether this space would constitute biodiversity net ecological enhancement, a SANG, or whether it is used by golden plover or lapwing. This distinction is important. At this stage, it is clear that the impact of this site would need to be considered in conjunction with plans for the potential SUE adjacent and west of this development.</p>	<p>LUC acknowledges that the specific use of the area of ecological enhancement will make a difference to the degree of recreational pressure arising in relation to this site, and that the potential for in-combination effects with the potential SUE need to be drawn out in the assessment.</p> <p>As above, the following text was added to Policy 41 (previously 36):</p> <p>"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. Appropriate type of habitats and accessibility are to be determined following surveys for SPA birds "</p> <p>The HRA report was updated to reflect these changes.</p>

Consultee	Consultation	Comments	Response
		<p>Fragmentation is a separate but related issue to loss of functionally linked land (see the SPA SPD) and it requires its own policy protection.</p>	<p>Agreed, although fragmentation within the SPA/Ramsar has been scoped out of the HRA as development within the SPA/Ramsar would not be permitted. It is therefore only fragmentation of FLL that could occur.</p> <p>Following the meeting with NE and NBC, Policy 30 (previously 26) was re-written to include:</p> <p><i>"Proposals must ensure that there is no adverse impact either alone or cumulatively on the Upper Nene Valley Gravel Pits SPA and Ramsar site." and "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." . "</i></p> <p>Policy 29 was also updated to improve the protection of the SPA/Ramsar:</p> <p><i>"The Upper Nene Valley Gravel Pits is designated a Special Protection Area, a Ramsar site and a Site of Special Scientific Interest. Development, whether individually or in combination, having an adverse effect on the integrity of the Upper Nene Valley Gravel Pits will be refused. All proposals must comply with Policy 30" and "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."</i></p> <p>The HRA report was updated to reflect these changes.</p>
		<p>Although the disturbance from noise, vibration and lighting from allocation sites on the SPA seems to be scoped out, the impacts of unallocated development on the SPA have unknown impacts. To remove this uncertainty please refer to our comment from 18 August 2017, where we state that for sites in close proximity to the SPA, such as LAA1107 Land off Rushmere Road, consideration should be given to phasing the construction period, whereby the most intensive/ noisy part of development avoids the sensitive winter season (1st October – 31st March inclusive). NE advise that the SPA is protected from such disturbances within the winter season through Plan policy.</p>	<p>Construction timing/phasing is standard avoidance mitigation that needs to be triggered at the project level.</p> <p>Following a meeting with NE and NBC, Policy 30 (previously 26) was updated to include:</p> <p><i>"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."</i></p> <p>The supporting text for Policy 30 was also updated to include the following:</p>

Consultee	Consultation	Comments	Response
			<p>"...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 (1st October – 31st March inclusive)."</p> <p>The HRA report was updated to reflect these changes.</p>
		<p>Our previous advice on Water Supply & Water Quality stated that We advise that policy wording is included in the part 2 plan, whereby if RAG assessments show an issue, a project level HRA of these allocations would be required. This is not stated within the draft plan or HRA.</p>	<p>The RAG (red amber green) assessments were Anglian Water's review of sites allocated in the Local Plan Part 2, to determine whether further water cycle work would be required. Paragraph 5.129 of the April 2019 HRA confirms that Anglian Water reviewed the allocated sites (as proposed in the Local Plan sites consultation) and confirmed that no significant water treatment issues were anticipated.</p> <p>In response to consultation on the Proposed Submission Local Plan Part 2 (first round Regulation 19 consultation), Anglian Water raised concerns about the soundness of the Plan⁷¹, suggesting that a requirement for water efficiency standards should be incorporated into policy wording; no further concerns were raised.</p> <p>Policy 5 was then updated to include a requirement for efficiency standards of 110l per person per day in new residential development. The HRA was updated to reflect that change.</p>
		<p>Within 5.160 of the HRA it is stated that Policies within the Local Plan and Joint Core Strategy provide sufficient safeguards against this potential effect. NE would like to advise amendments to Policy 26 of the draft plan, strengthening the protection for bird sightlines to act in addition to BN4 in the WNJCS.</p>	<p>The conclusions of the April 2019 HRA recommended that Policy 26 (now 30) is updated to broaden its coverage to include other types of effect than solely 'disturbance'.</p> <p>Following a meeting with NE and NBC, Policy 30 (previously 26) was re-written to specifically refer to bird sightlines:</p> <p>"UPPER NENE VALLEY GRAVEL PITS SPECIAL PROTECTION AREA</p> <p><i>Proposals must ensure that there is no adverse impact either alone or cumulatively on the Upper Nene Valley Gravel Pits SPA and Ramsar site.</i></p> <p><i>Applications comprising a net gain in residential units within 3 km of the Upper Nene Valley Gravel Pits SPA will need to demonstrate that the impact of any increased recreational activity or pet predation (indirect or direct) on the SPA will not have a detrimental impact.</i></p> <p><i>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.</i></p>

⁷¹ <https://www.northampton.gov.uk/downloads/file/11401/ps1-053-anglian-water-001-redacted>

Consultee	Consultation	Comments	Response
			<p><i>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.</i></p> <p><i>In order to protect sightlines for birds included within the Upper Nene Valley Gravel Pits Special Protection Area, new development within a 250m zone of the Special Protection Area 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."</i></p> <p>The HRA report was updated to reflect these changes.</p>
		<p>Recreational disturbance is the key threat to Unit 1 of the UNVGP SPA. We note that the HRA outlines the need for a mitigation strategy, and in line with our Regulation 18 advice (10 June 2016, our reference 184406) we advise this is made prior to adoption of the Plan.</p> <p>The HRA states that Plans policies provide sufficient mitigation to prevent individual developments from having a significant effect on the SPA/Ramsar, but do not necessarily address the potential combined effects of the Local Plan's total housing provision (within 3km of the SPA/ Ramsar) or the in-combination effects with other development plans. Further, 5.85 goes on to say that a more strategic approach – for example, a mitigation strategy that can be applied to all residential developments within 3 km of the SPA/ Ramsar –would provide sufficient certainty that the effects of recreational disturbance can be mitigated, rather than placing the onus solely on individual developments to identify appropriate mitigation. NE agree that adopting a more strategic approach to mitigation is essential to protecting the SPA from additional development that could come forward through the Plan, and will work with your authority to establish this prior to adoption of this Plan.</p> <p>Specifically, a strategic approach is essential to mitigate for recreational pressure at Unit 1 of the SPA. Within our response dated 18 August 2017 we state that the Local Plan and its HRA will need to set out the approach to mitigation and include a policy commitment to the prompt development of a full mitigation strategy. NE would welcome early discussions with your authority on the scope of the strategy, and would like to arrange a meeting with you in the near future. NE again welcome a meeting to discuss the development of a new mitigation strategy for the Northampton</p>	<p>Following the meeting with NE and NBC, the wording of Policy 30 (previously 26) was updated to include the following:</p> <p><i>"Proposals must ensure that there is no adverse impact either alone or cumulatively on the Upper Nene Valley Gravel Pits SPA and Ramsar site.</i></p> <p><i>Applications comprising a net gain in residential units within 3 km of the Upper Nene Valley Gravel Pits SPA will need to demonstrate that the impact of any increased recreational activity or pet predation (indirect or direct) on the SPA will not have a detrimental impact."</i></p> <p>A commitment to preparing a mitigation strategy was also embedded within the supporting text for Policy 30:</p> <p><i>"A mitigation strategy will be prepared for the Upper Nene Valley Gravel Pits SPA with a view to its subsequent adoption as an addendum to the SPD. It will advise applicants and ensure that development (standalone and cumulative) does not impact negatively on this biodiversity asset. This document will be produced within 12 months of the adoption of the Northampton Local Plan Part 2. However, the broad principles and a draft of the mitigation strategy agreed with Natural England will be prepared prior to the adoption of the local plan.</i></p> <p><i>Since the adoption of the WNJCS, Natural England has continued to monitor visitor pressure on the SPA. Evidence shows that new housing within 3km of the SPA has increased recreational pressure, contributing to disturbance and decline in bird species which form the SPA qualifying features. As such, there is a need to ensure that increased recreational pressure on the SPA resulting from housing growth is addressed. With the amount of potential development being progressed within the vicinity, Northampton Borough Council will prepare an appropriate mitigation strategy to prevent additional pressure and disturbance to the birds. 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 near the SPA has the potential to increase the significance of the effect by increasing the number of visits to the designated site.</i></p> <p><i>Mitigation may involve:</i></p>

Consultee	Consultation	Comments	Response
		Washlands, and agree that the wording of similar text for Local Plan Policy 26 (or a separate policy) and a mitigation strategy will need to be agreed with NE. As stated above, this should be done prior to the adoption of the local plan.	<ul style="list-style-type: none"> ■ <i>Development of and implementation of habitat and access management plans within the SPA</i> ■ <i>Improvement of existing greenspace and recreational routes</i> ■ <i>Provision of suitable alternative natural greenspace and recreational routes</i> ■ <i>Monitoring of the impacts of new development on the SPA to inform the necessary mitigation requirements and future refinement of any mitigation measures"</i> <p>The HRA report was updated to reflect these changes.</p>
		NE are unsure how pet predation is prevented by the local plan policies. However, we would like your Council to be aware that dogs (on or off leads) or people, that stray off the embankment are the outstanding threat to SPA species at Unit 1, and any mechanisms to enforce this would be the single most effective way of protecting this section of the SPA.	<p>Disturbance by dogs and pet predation are similar but separate issues. Pet predation is more often by cats; disturbance by dogs has been considered in relation to recreation pressure (ie dog walking).</p> <p>Policy 30 (previously 26) was updated to include the following:</p> <p><i>"Applications comprising a net gain in residential units within 3 km of the Upper Nene Valley Gravel Pits SPA will need to demonstrate that the impact of any increased recreational activity or pet predation (indirect or direct) on the SPA will not have a detrimental impact."</i></p> <p>The HRA report was updated to reflect these changes.</p>
The Wildlife Trust for Bedfordshire, Cambridgeshire & Northamptonshire ⁷²	Regulation 19 consultation(round 1) 13 June 2019 (commenting on April 2019 version of HRA)	The Upper Nene Valley Gravel Pits SPA and Ramsar Site has been internationally recognised for its importance to non-breeding waterbirds. Pressure from recreation is one of the biggest threats to the SPA as it can disturb the birds reducing their feeding efficiency. Northampton includes part of the Clifford Hill Gravel Pits/Northampton Washlands section of the SPA along with land functionally linked to it. Due to their location, the Northampton Washlands are already suffering from a high level of recreational disturbance; a point raised in the West Northamptonshire Joint Core Strategy Local Plan (Part 1) in paragraphs 10.26 and 10.27 and within the Habitats Regulations Assessment (HRA) which accompanies this Local Plan (Part 2). It is, therefore, of great concern to us that Policy 26 is weak and not consistent with the HRA or the requirements of the international designation. In our view it would be ineffective in providing protection for the SPA, particularly when the cumulative impacts of developments are considered. The HRA provided additional text for inclusion within the policy which included greater clarity regarding mitigation measures and the need to create a strategic mitigation strategy for the Northampton	<p>The April 2019 HRA report was based on the Regulation 19 submission version of the Local Plan (rather than the other way around); therefore, recommendations made in the April 2019 HRA report have been reflected in subsequent amendments to policy wording.</p> <p>As stated above, policies protection for the SPA/Ramsar was strengthened in Policies 29 and 30 (previously 25 & 26), both generally and with specific reference to recreation pressures, FLL and the need for surveys. A commitment to preparing a recreation strategy was also incorporated into the supporting text for Policy 30. Policy 41 (The Green, Great Houghton) also required detailed bird surveys and a design response that mitigates any potential effects on FLL or from recreation pressure.</p> <p>The HRA report was updated to reflect these changes.</p>

⁷² The Wildlife Trust's Regulation 19 responses are comment reference 185: <https://www.northampton.gov.uk/downloads/file/11357/ps1-185-wildlife-trust-bcn-001-redacted>

Consultee	Consultation	Comments	Response
		<p>Washlands, agreed with Natural England, prior to the adoption of the Local Plan. The HRA clearly states that without these measures the Local Plan (Part 2) could have adverse effects on the integrity of the SPA. These findings from the HRA have not been incorporated into the Local Plan (Part 2) which shows a disregard for the SPA and results in the Plan being not sound or legally compliant.</p> <p>The mitigation hierarchy contained within the National Planning Policy Framework (NPPF) paragraph 175 has avoidance as the first step. It should not be assumed that mitigation for all schemes will be possible. Any proposal within the SPA, or on land functionally linked to it, should be avoided as a first step. Mitigation measures should only be used as a second step and then only when designed using up-to-date survey information and in accordance with the Mitigation Strategy for the Northampton Washlands which has not been prepared. We would advise that these deficiencies need to be resolved before the Plan is adopted, otherwise the Plan will not be compliant with European legislation, and the domestic legislation derived from it.</p>	
		<p>This allocation [Site 1098 The Green, Great Houghton] is specifically mentioned in the Habitat Regulations Assessment (HRA). The HRA clearly states that the allocation has the potential to cause harm to the Upper Nene Valley Gravel Pits Special Protected Area (SPA) through increased recreational pressure on the Northampton Washlands and through the development of land functionally linked to the SPA. The Northampton Washlands are already being degraded by excessive recreational pressure, particularly from dogs disturbing the birds for which the SPA was identified. There is no mitigation plan in place to tackle the existing problems and therefore allocating further housing development in the area is not appropriate. The HRA requested that over-wintering bird surveys should be conducted to investigate the importance of the allocation to the SPA and, using the results of these surveys, to suggest suitable mitigation measures; if it is possible to do so. Given how clearly this is stated in the HRA is it very surprising that Policy 36 does not mention the SPA or the need for additional survey work. It is also not included in the entry for this site in the Site Allocation Methodology and Land Availability Assessment. The area suggested for ecological enhancement within the proposal seems to have been chosen for landscape rather than biodiversity reasons and is likely to be used for recreation and therefore to be highly disturbed. This</p>	<p>As stated above, a commitment to preparing a recreation strategy was incorporated into the supporting text for Policy 30. Policy 41 (The Green, Great Houghton) also required detailed bird surveys and a design response. (including appropriate design of the ecological buffer) that mitigates any potential effects on FLL or from recreation pressure.</p> <p>The HRA report was updated to reflect these changes.</p>

Consultee	Consultation	Comments	Response
		would make it unsuitable for SPA mitigation. The importance and reasons for the designation of the SPA have not been reflected by this policy. It is not in line with the HRA, and therefore inconsistent with European legislation and the domestic legislation derived from it, nor with Policy 26 of this Local Plan (Part 2). We object to this allocation and recommend that it is removed from the document.	
Natural England	Meeting with LUC, NE and NBC 17 October 2019	<p>A meeting was held to discuss LUC's suggested amendments to policy wording (identified in the April 2019 to provide mitigation for potential effects) and NE's consultation response to the first round of Regulation 19 consultation.</p> <p>Attendees discussed and agreed changes to the wording of policies 25, 26, and 36 (now 29, 30 and 41) and their supporting text.</p> <p>In relation to the recreation mitigation strategy, it was agreed that agreement and adoption of the mitigation strategy within 12 months of the adoption of the Local Plan Part 2 would be acceptable providing that the broad principles and a draft of the strategy were agreed with NE prior to the adoption of the Local Plan Part 2.</p> <p>It was agreed that it would be sensible for NBC and South Northamptonshire Council to work together to produce the mitigation strategy, using North Northamptonshire Council's strategy as an example.</p>	Policies 29, 30 and 41 were re-written, as above. The HRA was updated to reflect these changes.

Reg.19 (round 2) consultation responses

Table E.2: Record of consultation (Reg19 round 2)

Consultee	Consultation	Comments	NBC officer response	Responses
Northamptonshire County Council Ecologist (North	Regulation 19 consultation (round 2)	"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	<p>It is agreed that a minor modification, removing the reference to ped predation, will clarify the policy.</p> <p>Amend Policy 30 to remove wording in []:</p> <p>Applications comprising a net gain in residential units within 3 km of the Upper Nene Valley Gravel Pits SPA</p>	The Upper Nene Valley supports Golden Plover, which relies of open arable and pasture for foraging habitat. This is typically very open to avoid risk of predation. Gadwall and Bittern rely on lakes, marshes, reedbeds, estuarine habitats, which are types of habitat where cat predation is less likely. The approach taken in the HRA is precautionary.

Consultee	Consultation	Comments	NBC officer response	Responses
Northants & West Northants Councils)	July-September 2020 (referring to the June 2020 HRA)	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."	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.	It would therefore be useful if Natural England could clarify their position as to whether they think that domestic cats are a threat to the over-wintering bird population at the Upper Nene Valley Gravel Pits SPA. If they feel that there is no significant threat, we would need to revise the HRA. However, if NE consider that there is a significant threat, and they have said (in the SoCG) that there is no way to mitigate cat predation, then the only way of avoiding adverse effects on integrity would be to refuse planning permission (for residential developments within 1.5km, where there is no physical barrier such as a main road or watercourse between the site and the SPA/Ramsar). Policy 29 enables residential developments within 3km to be refused planning permission if they would have adverse effects on the integrity of the SPA/Ramsar. Either way, the inclusion of 'pet predation' in Policy 30 is not required.
Anglian Water	Regulation 19 consultation (round 2) July-September 2020 (referring to the June 2020 HRA)	"There is a robust regulatory framework in place to ensure that abstractions are effectively managed. New development, or rather population change, is one of many drivers for water resource management. The Council's HRA report also concludes that there will be no adverse effects on the integrity of Upper Nene Valley Gravel Pits SPA and Ramsar site, as a result of changes to water supply and water level management either alone or in combination with other plans or projects (para 5.137 of the report).	It is agreed that the proposed modification will clarify the policy. It is recommended that Policy 30 be modified as follows - remove wording in brackets [] and include wording in <>. '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. <Major developments will also be required to demonstrate	Agreed that this would provide clearer mitigation, without altering the findings of the HRA. We have assumed that in the following paragraph in Anglian Water's comments, the word 'requiring' is a typo that should not be there: "We also have concerns about <i>requiring</i> major development proposals located within close proximity to Upper Nene Valley SPA in relation to foul drainage."

Appendix E
Record of consultation
Northampton Local Plan Part 2 HRA Report
June 2022

Consultee	Consultation	Comments	NBC officer response	Responses
		<p>We also have concerns about requiring major development proposals located within close proximity to Upper Nene Valley SPA in relation to foul drainage.</p> <p>All new development proposals in Northampton would be expected to be drained to Northampton (Great Billing) Water Recycling Centre and the related discharge point for this site is managed by Anglian Water in accordance with the permit issued by the Environment Agency.</p> <p>Policy BN7A of the adopted West Northamptonshire Core Strategy states 'that new development proposals will ensure that adequate and appropriate...wastewater infrastructure is available to meet the additional requirements placed upon it and ensure that water quality is protected, and as far as practicable, improved.' As the Development Plan will be read as a whole there is an existing local plan policy that requires developers to demonstrate that there is adequate capacity available to ensure water quality is protected."</p>	<p>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.> 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.</p>	
Natural England		The policy states "...major development within close proximity of the SPA..." All projects and plans within close proximity	Agreed. Suggested addition to Policy 30 in brackets() and removal of wording in brackets []:	Agreed that the proposed changes to Policy 30 would clarify the requirements of the Habitats Regulations.

Consultee	Consultation	Comments	NBC officer response	Responses
	Regulation 19 consultation (round 2) July-September 2020 (referring to the June 2020 HRA)	of the SPA, are required to demonstrate no significant effect on the SPA, in accordance with the legal requirements of the Habitats Regulations. The policy does not reference the Habitat Regulations or the HRA process. There is also no reference to Upper Nene Valley Gravel Pits SPD.	Proposals for (all) [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 (in accordance with the Habitats Regulations and the Upper Nene Valley Gravel Pits Supplementary Planning Document).	
		The policy wording quoted within the HRA is not reiterated within the Northampton Borough Council 2011-2029 Proposed Submission – Round 2, June 2020 document. The HRA concludes no adverse effects on the integrity of the Upper Nene Valley Gravel Pits SPA, however Natural England does not support this conclusion at this stage.	To mitigate potential effects on the Upper Nene Valley Gravel Pits SPA and Ramsar site, the policy wording within the HRA at para 5.88 is contained within Policy 30 of the LPP2. No modification required.	No response required
		The Green, Great Houghton requires a detailed project level Habitats Regulations Assessment to address impacts to the Upper Nene Valley Gravel Pits SPA. The Policy wording currently does not reference the Habitats Regulations which is an omission. Policy 30 in its current state does not refer to the HRA process.	Natural England's response to the LPP2 Draft Submission Round 1 consultation dated 11.06.19 stated: Our previous advice on Water Supply & Water Quality stated that We advise that policy wording is included in the part 2 plan, whereby if RAG assessments show an issue, a project level HRA of these allocations would be required. This is not stated within the draft plan or HRA.	It is recommended that similar wording is added to Policy 41 (The Green, Great Houghton), including the requirement for project level HRA, as suggested by Natural England. It appears from the NBC officer response that this is not currently proposed as a modification. The officer response refers to a previous suggestion by Natural England that any allocated sites that Anglian Water identify potential water supply/treatment issues with be subject to project level HRA; the requirement for this was resolved as Anglian Water identified no issues with the allocated sites. Natural England is requesting that development at The Green requires project level HRA due to its scale and

Consultee	Consultation	Comments	NBC officer response	Responses
			<p>The HRA accompanying the LPP2 Proposed Submission Round 2 states: The RAG (red amber green) assessments were Anglian Water's review of sites allocated in the Local Plan Part 2, to determine whether further water cycle work would be required. Paragraph 5.129 of the April 2019 HRA confirms that Anglian Water reviewed the allocated sites (as proposed in the Local Plan sites consultation) and confirmed that no significant water treatment issues were anticipated. In response to consultation on the Proposed Submission Local Plan Part 2 (first round Regulation 19 consultation), Anglian Water raised concerns about the soundness of the Plan, suggesting that a requirement for water efficiency standards should be incorporated into policy wording; no further concerns were raised. Policy 5 has since been updated to include a requirement for efficiency standards of 110l per person per day in new residential development. The HRA has been updated to reflect that change.</p> <p>No change</p>	<p>proximity to the SPA. As the details of the proposed ecological buffer will make a difference to the effects of the development on the SPA, it is appropriate that project level HRA is undertaken.</p> <p>We assume that Natural England does not support the conclusion of no adverse effects on the integrity of the Upper Nene Valley Gravel Pits SPA until a mitigation strategy has been agreed, as per their round 1 comments ("Therefore, until suitable protection has been afforded to Unit 1, and a suitable mitigation strategy has been agreed between Natural England and your Council to help protect Unit 1 from recreational pressure, we cannot support the HRA conclusions."). We note that the mitigation strategy is in preparation with Natural England.</p>

Statements of Common Ground (SoCGs)

SoCGs that have been agreed through discussion with Natural England, following the Reg.19 (Round 2) consultation responses. Note that Northampton is now part of West Northamptonshire Council, which is progressing the Northampton Local Plan preparation. Deleted text is shown ~~struck through~~; additional text is shown underlined.

Table E.3: Record of consultation (SoCGs)

Consultee	Consultation	Comment that SoCG responds to	Changes to policy wording agreed in the SoCG	Responses
Statement of Common Ground between: West Northamptonshire Council, Homes England and Natural England				
Relating to: Policy 41 and Natural Environment Matters				
Natural England	Policy 41 SoCG August 2021	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.	Agreed
		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."	Agreed
		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).	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. 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.	Agreed – see below

Consultee	Consultation	Comment that SoCG responds to	Changes to policy wording agreed in the SoCG	Responses
		<p>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.</p>	<p>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:</p> <p>"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."</p> <p>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.</p>	<p>It is important that Natural England are providing advice on SANG specifications, to avoid disturbance at the SPA or functionally linked land.</p>
Homes England	Policy 41 SoCG	HE stated that in advance of detailed technical assessment, the location and extent of ecological	The following changes to Policy 41 and it's supporting text are proposed as Main Modifications:	Agreed

Consultee	Consultation	Comment that SoCG responds to	Changes to policy wording agreed in the SoCG	Responses
	August 2021	<p>enhancement and the exact location of built development cannot be determined – specification of location and extent restricts flexibility in taking the site forward. As such Policy 41 is currently too prescriptive and suggest changes including the following:</p> <p>Housing development of up to <u>approximately</u> 800 dwellings, <u>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</u> offsite mitigation 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. - The built development should only take place outside of the <u>indicative</u> area shaded green in the diagram <u>subject to the confirmation of this area's</u> 	<p>Bullet point 1:</p> <p>If significant numbers of Golden Plover or Lapwing are identified at the site, offsite <u>appropriate</u> mitigation will be required for the loss of habitat i.e. functionally linked land</p> <p>Bullet point 7:</p> <p>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 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></p>	

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Consultee	Consultation	Comment that SoCG responds to	Changes to policy wording agreed in the SoCG	Responses
		<u>suitability for ecological enhancement to act as a buffer</u>		
		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.	It is not clear from the text whether the ecological buffer is in addition to the SANG or not (should be in addition, subject to advice from Natural England).
		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.	Noted
Northamptonshire County Council Ecologist	Policy 41 SoCG August 2021	Second bullet point in policy could be moved to supporting text. Seventh bullet point needs to clarify what is to be buffered	The 2nd bullet point of Policy 41 has been moved to the supporting text. The 7th bullet point of Policy 41 has been amended to clarify the buffers role.	Noted
Statement of Common Ground between: West Northamptonshire Council and Natural England Relating to: Policies 27, 28 29, 30 and 34				
Natural England	Policies 27, 28 29, 30 and 34 SoCG August 2021	Policy 29: Recommend a separate point within Policy 29 to address biodiversity net gain. Include reference to DEFRA biodiversity metric.	POLICY 29 – Supporting and Enhancing Biodiversity 4. 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	LUC agrees with the principles of the changes. However, the revised wording of Policy 30 seems to put emphasis on developers contacting Natural England to find out if their development is likely to

Consultee	Consultation	Comment that SoCG responds to	Changes to policy wording agreed in the SoCG	Responses
		<p>The policy clearly needs to distinguish between the mitigation hierarchy and the biodiversity net gain requirements.</p> <p>Recommend the mitigation hierarchy is detailed within Policy 29</p> <p>Recommend Policy 29 directs developers to the Northamptonshire Biodiversity SPD</p> <p>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 (UNVGP) will be refused". NE would welcome this wording within Policy 29 and Policy 30</p> <p>Policy 30:</p> <p>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.</p> <p>Policy 30 states <i>major</i> development within close proximity of the SPA. It should state <i>all</i> development in close proximity of the SPA.</p> <p>Policy 30 does not reference the Habitats Regulations or the HRA process.</p> <p>There is no reference in Policy 30 to the Upper Nene Valley Gravel Pits SPA SPD.</p>	<p>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.</p> <p>2. In particular, the Council will seek the protection or enhancement of ecological network in line with their status as set out below:</p> <ul style="list-style-type: none"> • 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. 	<p>have an impact on the SPA. Could be re-worded to put emphasis on the SPD in the first instance.</p>

Consultee	Consultation	Comment that SoCG responds to	Changes to policy wording agreed in the SoCG	Responses
		<p>Policy 30 should refer to alone or in combination terminology to avoid confusion with EIA terminology (cumulative).</p> <p>Policy 30 refers to 'detrimental impact on the integrity of the UNVGP SPA'. It should avoid subjective wording and use instead: 'adverse impact on the integrity of the UNVGP SPA'.</p> <p>Policy 30 contains unnecessary wording: and species for which the land is designated'.</p> <p>Policy 30 references 'close proximity of the SPA'. NE assume that 'close proximity' means '3km'.</p> <p>Policy 30 uses the terminology 'supporting habitat' but the terminology 'functionally linked land' is more appropriate.</p> <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>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>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.</p> <p>POLICY 29a – Supporting and Enhancing Biodiversity</p> <p>1. The Council will require all major development proposals to provide a net gain in biodiversity through the creation or enhancement of habitats by:</p> <ul style="list-style-type: none"> • 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. <p>2. Proposals should enhance natural capital and be designed around the existing components of the ecological network including sites of national or</p>	

Consultee	Consultation	Comment that SoCG responds to	Changes to policy wording agreed in the SoCG	Responses
Northamptonshire County Council Ecologist	Policies 27, 28, 29, 30 and 34 SoCG August 2021	<p>Policy 29: Wording is not consistent with paragraph 175 of NPPF in relation to mitigation hierarchy. Include reference to DEFRA biodiversity metric. Policy 29 should include reference to Potential Wildlife Sites and Local Geological Sites. The term 'undesigned sites' should be altered to 'other biodiversity assets.' Policy 29 refers to cumulative impacts which can only be considered when development is subject to Environmental Impact Assessment (EIA). Policy 29 refers to functionally linked land which is specific to the Upper Nene Valley Gravel Pits and not general biodiversity. 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.</p> <p>Policy 30: Policy 30 should include a commitment to preparing a Mitigation Strategy for the SPA. Unlike recreational disturbance from off-lead dogs, pet predation cannot be controlled. Therefore, inclusion in Policy 30 is questioned.</p>	<p>international importance, sites of local importance and other biodiversity assets.</p> <p>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.</p> <p>4. Development that does not achieve biodiversity net gain, and fragments habitats and links will be refused.</p> <p>Policy 29b – Nature Conservation</p> <p>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.</p> <p>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.</p>	

Consultee	Consultation	Comment that SoCG responds to	Changes to policy wording agreed in the SoCG	Responses
		<p>The significant effects listed in the third paragraph of Policy 30 should be moved to supporting text.</p> <p>Policy 38:</p> <p>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 Potential Wildlife Site (PWS) and within 1km of another PWS and a Local Wildlife Site.</p>	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>SUPPORTING TEXT:</p> <p>a. Paragraph 10.17 is proposed to be changed via a Main Modification (green text): - This document will be <u>adopted</u></p>	

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			<p>by produced within 12 months of the adoption of the time of the adoption of the Northampton Local Plan Part 2.</p> <p>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 <u>within 3km of the SPA will have an adverse effect on the integrity of the Upper Nene Valley Gravel Pits SPA</u>. near the SPA has the potential to increase the significance of the effect by increasing the number of visits to the designated site.</p> <p>c. The following bullet point within Paragraph 10.19 is proposed to be removed via an Additional Modification: - <u>Monitoring of the impacts of new development on the SPA to inform the necessary mitigation requirements and future refinement of any mitigation measures</u></p> <p>d. Paragraph 10.20 is proposed to be changed via a Main Modification: - Other significant adverse effects such as loss or fragmentation of habitats and change to water quality can also arise from development. <u>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.</u> 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</p>	

Consultee	Consultation	Comment that SoCG responds to	Changes to policy wording agreed in the SoCG	Responses
			<p>phasing the construction period, whereby the most intensive/ noisy part of development avoids the sensitive winter season (1st October – 31st March inclusive).</p> <p>POLICY 30 UPPER NENE VALLEY GRAVEL PITS SPECIAL PROTECTION AREA</p> <p>Proposals must ensure that there is no adverse impact either alone or cumulatively on the Upper Nene Valley Gravel Pits SPA and Ramsar site.</p> <p>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.</p> <p>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.</p>	

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Consultee	Consultation	Comment that SoCG responds to	Changes to policy wording agreed in the SoCG	Responses
			<p>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.</p> <p>POLICY 30 – Upper Nene Valley Gravel Pits Special Protection Area</p> <p>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.</p> <p>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.</p> <p>Applications comprising a net gain in residential units within 3 km of the Upper Nene Valley Gravel Pits SPA</p>	

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Consultee	Consultation	Comment that SoCG responds to	Changes to policy wording agreed in the SoCG	Responses
			<p>and Ramsar site will, in combination, have an adverse effect on the integrity of the SPA if not mitigated.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	

Examination and main modifications

Issues raised at Examination and other discussions that have led to the main modifications.

Table E.4: Record of consultation (Examination and main modifications)

Consultee	Consultation	Comment	Response
Planning Inspectors ⁷³ & Natural England	Post-hearings letter summarising issues outstanding from the Examination; 24 January 2022	<p>Planning Inspectors:</p> <p>2. Overall, we consider that, subject to the satisfactory resolution of matters relating to the Habitats Regulations discussed below, and MMs, the Plan is likely to be capable of being found legally compliant and sound. We will set out our reasoning for this in our final report.</p> <p>...</p> <p>6. In our letter dated 17 March 2021 (EXAM-1), we posed a number of initial questions and highlighted our concerns regarding the approach of the Plan in respect of the Upper Nene Valley Gravel Pits SPA (the SPA), and the findings of the Habitats Regulations Assessment (HRA). Our concerns echo those of Natural England as set out in their representations to the Plan.</p> <p>7. Whilst we appreciate the ongoing efforts that have been made since we issued our initial letter, at this point in time, we are not able to agree with the conclusions of the HRA as submitted, namely that there would be no adverse effects on the integrity of the SPA. As set out in our letter and as discussed in the hearings, there are two dimensions to these concerns; recreational disturbance, and the effects on any functionally linked land (FLL).</p> <p>Recreational disturbance</p> <p>8. The HRA acknowledges that access by people and dogs, both on and off public rights of way, is a significant cause of disturbance in some areas of the SPA, and evidence that visitor pressure arises principally from people living within 3 kilometres of the surveyed access points. The evidence before us includes that there has been a 76% decline in Golden</p>	<p>Recreational disturbance</p> <p>The mitigation strategy⁷⁴ for recreation pressure, which forms an addendum to the Upper Nene Valley Gravel Pits Special Protection Area (SPA) Supplementary Planning Document (SPD), was adopted⁷⁵ on 16 March 2022, following consultation.</p> <p>The consultation responses⁷⁶ confirm that Natural England was broadly supportive of the mitigation strategy, but they requested revisions to the strategy. In response, the following revisions were incorporated by the Council:</p> <ul style="list-style-type: none"> ■ Paragraph 11 (now 12) to include: "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." ■ Removed reference to 'exceptional circumstances' ■ Paragraph 13 (now 15) to be amended to include the following wording: "Other large scale developments may need project level HRAs and/or bespoke mitigation such as SANGs" ■ Amend paragraph 26 and merge with paragraph 29 (now 30): "Making the SAMM contribution will remove the need for developments to mitigate against recreational pressure, and speed up the process of approval from Natural England. This would in turn, speed up the determination of these applications. However, some housing schemes, when accounting for their scale, relationship to the SPA or their potential effects (for example changes to bird sightlines, nonphysical disturbance or pet predation) may need to provide bespoke mitigation

⁷³ Post Hearings letter: <https://www.northampton.gov.uk/downloads/file/12963/exam-40-inspectors-post-hearings-letter-24012022>

⁷⁴ Recreation mitigation strategy: <https://www.northampton.gov.uk/downloads/file/12918/unvgp-spa-spd-addendum-mitigation-strategy-march-2022>

⁷⁵ Adoption statement: <https://www.northampton.gov.uk/downloads/file/12977/unvgp-spa-spd-addendum-adoption-statement>

⁷⁶ Consultation responses for mitigation strategy: <https://www.northampton.gov.uk/downloads/file/12978/unvgp-spa-spd-addendum-summary-of-responses-and-actions>

Consultee	Consultation	Comment	Response
		<p>Plover (one of the sites qualifying species) since baseline, a trend which does not match that for the region, or Britain.</p> <p>9. Policy 13 of the submitted Plan allocates land for around 2,310 new dwellings on 22 sites within 3 kilometres of Unit 1 of the SPA. In addition, there is the potential for in-combination effects with other development in the area. The Appropriate Assessment concludes that mitigation measures are required to address the issue of recreational disturbance. This has not been disputed.</p> <p>10. It is common ground between the Council and Natural England that a mitigation strategy is required to avoid adverse effects arising from the Plan on the SPA from recreational disturbance. However, it remains at this time that there is no mitigation strategy to protect the integrity of the SPA in place.</p> <p>11. The Planning Practice Guidance (PPG) states that 'Any measures used to inform the decision about the effects on the integrity need to be sufficiently secured and likely to work in practice'. The Council explained at the hearings 3 that it is preparing a mitigation strategy, in consultation with Natural England, and that it would be adopted as a Supplementary Planning Document (SPD). The draft Mitigation Strategy is presently subject to consultation, undertaken as a separate process to our examination of the Plan.</p> <p>12. It would appear that in principle, the SPD would ensure that the mitigation measures would be sufficiently secured and likely to work in practice. However, we reserve our position on this until the consultation has been concluded. We are of the view that it is necessary to have the adopted SPD in place prior to the MMs being finalised and consulted upon, as it is likely to have a bearing on the wording necessary to make the relevant parts of the Plan legally compliant and sound. Please obtain from Natural England their written confirmation as to their views on the proposed SPD and whether it changes their stated position on the Plan. Once the SPD is complete and adopted by the Council, please publish it on the Examination Website.</p> <p>Functionally linked land</p> <p>13. As discussed at the hearings there are two proposed sites for allocation for development which may provide either optimal, or sub-optimal habitat for Golden Plover and/or Lapwing and could therefore be</p>	<p>measures in addition to making the financial contribution in order to ensure effective avoidance / mitigation of impacts on the SPA. In particular, where 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 £395.34 per dwelling (index linked with a base date of 2021)</p> <p>Functionally linked land</p> <p>LAA0204: Following ecological assessment by BSG Ecology (on behalf of the site developer), LUC agrees with the survey conclusions that the site does not have the potential to be functionally linked to the SPA / Ramsar due to its proximity to housing and a footpath, which will limit its attractiveness to Golden Plover and Lapwing. Natural England's views on this are still awaited.</p> <p>LAA1098: The conclusion from the initial surveys at The Green, Great Houghton (carried out on behalf of the site developer) showed that there was no evidence that the site had a strong functional link to the SPA. Only two observations of golden plovers using the site were made, with the peak flock size (43 birds) representing a small proportion of the original SPA cited population stated at notification (0.74%) [5,790 birds at notification]. No lapwings were recorded using the site with only two observed in an adjacent off-site field, seen at the beginning of the survey period.</p> <p>Via their Discretionary Advice Service Natural England responded to the initial findings stating: Natural England's view is that the presence of over 1% Golden Plover SPA Population and presence of 300 golden plover within the close proximity of the site, indicated within the survey of 2016, demonstrates that this area can be considered as functionally linked land to the SPA. Only one year's survey is presented, therefore, there is no evidence that the area is not regularly used by golden plovers.</p> <p>The Council is awaiting the formal results of the 2nd surveys of the site but the recorded flocks in the 2nd survey are lower than that recorded in the first surveys. The survey results, and whether the site can be considered functionally linked will inform the required mitigation.</p>

Consultee	Consultation	Comment	Response
		<p>functionally linked to the SPA. These are LAA0204 The Farm, Hardingstone and LAA1098 The Green, Great Houghton.</p> <p>14. Through statements and discussions at the hearings, it has been confirmed that further work is being undertaken in respect of these sites, and wintering bird surveys are being undertaken in respect of The Green, Great Houghton.</p> <p>15. LAA0204 The Farm, Hardingstone. At the hearing we heard evidence that supported the view that this site was unlikely to involve FLL. We note that the views of Natural England on this matter are awaited. Please forward them to us in due course to assist us in determining whether/how the Plan should be amended in this regard through the preparation of MMs.</p> <p>16. LAA1098 The Green, Great Houghton. The outcome of the current wintering bird surveys is expected to be known around April 2022. If it cannot be established that the scheme would not involve FLL, we would wish to see evidence that the Mitigation Hierarchy has been applied, and how any necessary mitigation measures may be secured so that we can consider how the Plan may be modified to make it sound and legally compliant in this regard.</p> <p>Habitats Regulations conclusions</p> <p>17. We are of the view that the issues we raise concerning the HRA are capable of resolution in a timely manner, to enable us to conclude on legal compliance and soundness. Additionally, given that the work necessary to resolve these matters is well under way, this should not cause undue delay to the progress of the Plan. The outstanding matters however need to be resolved to our satisfaction prior to the completion of, and consultation on the MMs. The HRA requires to be updated and consulted upon alongside the MMs. Please confirm the likely adoption date for the SPD and when the comments from Natural England on the SPD, FLL, and the outcome of the Wintering Bird Surveys can be provided.</p>	<p>The wording of Policy 41 has also been updated as part of the main modifications.</p> <p>Policy 41 now states:</p> <p><i>“i. Winter Surveys are undertaken to identify whether the site is used by over-wintering Golden Plover / and whether it acts as functionally linked land to the Upper Nene Valley Gravel Pits Special Protection Area. If the site is found to be functionally linked land, appropriate mitigation will be required for the loss of habitat..</i></p> <p>...</p> <p>Development on this site must adhere to Policy 30 of this Plan, in particular with reference to recreational disturbance and functionally linked land associated with the Upper Nene Valley Gravel Pits Special Protection Area.</p> <p>...</p> <p>Proposals must be informed by a masterplan for the whole allocation which will be expected to:... e. Provide a SANG within the area identified in Figure 20 [northern part of site] which provides the following: i. Protection, enhancement and / or creation of habitats in line with other policies of this plan. ii. Accessibility for residents' recreation including an off-lead dog walking area. iii. A circular walking route around the SANG and eastern development area. iv. A clear separation between the developed site and the village of Great Houghton in order to protect its setting and the heritage assets of the village. v. Formal and informal open space. vi. A SANG car park, vii. If any part of the SANG is proposed off-site, the SANG will need to be adjoining the site.”</p> <p>In line with the mitigation hierarchy, Policy 29B states that: “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.”; and Policy 30 states that: “Developments that are likely to have significant effects alone or in combination on the Upper Nene Valley Gravel Pits Special Protection Area must satisfy the requirements of the Habitats Regulations, determining site specific impacts and avoid or mitigate where impacts are identified.</p>

Appendix E
Record of consultation
Northampton Local Plan Part 2 HRA Report
June 2022

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			Where development is likely to have significant effects on the UNVGP SPA, a Habitats Regulations Assessment will be required, which if the proposal is likely to have a significant effect on the site's conservation objectives, will 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 have regard to the UNVGP SPA Supplementary Planning Document.”
Planning Inspectors and Anglian Water ⁷⁷	Post-hearings letter summarising issues outstanding from the Examination; January 2022 Communication between LUC, the Council and Anglian Water; March 2022	Planning Inspectors: 57. Policy 5 seeks to apply the optional water efficiency standard of 110 litres/person/day, rather than that set out in the Building Regulations of 125 litres/person/day. However, whilst there is evidence that the wider Anglian Water area is an area of serious water stress, there is not evidence to demonstrate that the plan area is experiencing serious water stress, nor that the Plan would cause that to occur . In our view there is not sufficient justification to impose the requirement on this basis. 58. We note the findings of the HRA that there will be no adverse effects on the SPA and Ramsar site as a result of changes to water supply and water level management. However, these are made on the assumption that the optional water efficiency standard is imposed. We would welcome your views on whether reverting to the Building Regulations 125 litres/person/day would lead to a different conclusion in the HRA, potentially requiring mitigation.	Following correspondence with Anglian Water, in which they confirmed that the area is under water stress, the higher water efficiency standard was retained within Policy 5.
Natural England	Post-hearings letter relating to main modifications and functionally linked land, June 2022 (confidential)	Natural England were broadly happy with the proposed main modifications relating to functionally linked land (FLL) at sites LAA0204 and LAA1098, but commented that habitat suitability can change. The also said that piecemeal loss of FLL is a concern.	In response to Natural England’s comments on FLL, West Northamptonshire Council has chosen to amend the boundary of allocated site LAA0204. The main modification removes the small area within the field previously identified as 'optimal' habitat for Golden Plover and/or Lapwing, from the allocation. LAA0204 no longer falls within an area previously identified as potential functionally linked land and the HRA has been updated to reflect this. Natural England were happy with the main modifications relating to LAA1098 and no further changes were made.

⁷⁷ Record of consultation with Anglian Water: <https://www.northampton.gov.uk/download/downloads/id/12985/exam-42-email-correspondence-between-wnc-and-anglian-water-re-water-stress-areas.pdf>