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SOUTH NORTHAMPTONSHIRE LOCAL PLAN PART 2 HABITATS REGULATIONS ASSESSMENT REPORT

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1. INTRODUCTION

- 1.1.1 The information provided within this Habitats Regulations Assessment (HRA) report has been prepared by Ramboll Environment and Health UK Limited (Ramboll), on behalf of South Northamptonshire Council, to provide information regarding any potential Likely Significant Effects (LSEs) on European Sites designated for nature conservation from The South Northamptonshire Local Plan Part 2 to allow the competent authority to undertake Appropriate Assessment (AA).

2. APPROACH AND METHODOLOGY

2.1 The Need for HRA

- 2.1.1 HRA is required under the EU Habitats Directive (92/43/EEC) and the Conservation of Habitats and Species Regulations 2017 for any proposed plan or project which may have a LSE on one or more European designated sites.
- 2.1.2 The Conservation of Habitats and Species Regulations 2017 transposes into English Law the requirement to carry out HRA and AA for land use plans. Regulation 105 of the Conservation of Habitats and Species Regulations 2017 sets out that “the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives”.
- 2.1.3 Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires AA of plans and projects likely to have a significant effect on a European site. This means that the effects of such plans/projects on European sites designated for their nature conservation value (Natura 2000 sites (Special Protection Areas (SPAs), Special Areas of Conservation (SACs)), Ramsar sites) need to be assessed to ensure that the integrity of these sites is maintained.
- 2.1.4 The preparation of The South Northamptonshire Local Plan Part 2 needs to be subject to HRA to ascertain if there is potential for likely significant effects on any European site as a result of the plan.

2.2 Approach to HRA

- 2.2.1 The approach to this HRA report, which informs the competent authority’s AA, is as follows:
- i. A description of the proposed plan;
 - ii. Characterisation of potential sources of effects;
 - iii. Identification of European Sites to undergo screening;
 - iv. Assessment of LSEs to European Sites; and
 - v. Assessment to ascertain whether the Local Plan will adversely affect the integrity of any European Sites where significant effects are likely.
- 2.2.2 The HRA report identifies European sites that have the potential to be affected (alone or in combination with other plans or projects) by the plan. This HRA report has been provided in anticipation of the formal AA process to be undertaken by the competent authority, or may be adopted by the competent authority. The designated sites have been screened in or out of further assessment based on connectivity between the predicted effects of the proposed works (or policy) and the qualifying interest features of the designated site.

2.2.3 Qualifying features of European sites have the potential to be affected by the proposed development where:

- i. There is spatial and temporal overlap between the predicted effects of the plan (alone or in-combination with other plans or projects) and in the case of Annex I habitats, with the qualifying feature itself; or
- ii. In the case of Annex II species or other qualifying species, the predicted effects of the plan (alone or in-combination with other plans or projects) overlap spatially and temporally with vital habitats or food resources within their normal foraging range.

2.2.4 This HRA report provides an effect assessment to consider the effects of the Local Plan (alone or in-combination) on the integrity of European sites, with respect to their conservation objectives and designated interest features. A determination is made as to whether adverse effects on the integrity of a site can be ruled out. An AA is the result of the HRA process and can only be concluded by the competent authority, therefore, the role of this report is to provide the information to inform the resulting AA.

2.3 Implications of People over Wind, Peter Sweetman v Coillte Teoranta

2.3.1 People over Wind, Peter Sweetman v Coillte Teoranta (C-323/17) is a judgement by the Court of Justice of the European Union (CJEU). The Court held that that Article 6(3) of the Habitats Directive requires that measures which are intended to avoid or reduce the harmful effects of a plan or project on a European Protected Site should *not* be taken into consideration at the screening stage. As such, the Conservation of Habitats and Species Regulations 2017 should be construed and applied accordingly.

3. THE LOCAL PLAN

3.1 The South Northamptonshire Local Plan Part 2

3.1.1 The South Northamptonshire Local Plan Part 2 (hereafter referred to as 'the Local Plan') builds on the West Northamptonshire Joint Core Strategy (WNJCS) by planning further at a local level. The Local Plan covers the entire administrative area of South Northamptonshire.

3.1.2 On adoption, the Local Plan will replace the 1997 South Northamptonshire Local Plan and will make provision for the district up to 2029.

3.1.3 The Local Plan will: allocate land for specific uses (such as employment); provide policies for starter homes, self-build plots and affordable housing; set the settlement hierarchy for the villages; set the limits to development around towns and villages; designate locally protected areas; set out policies for the regeneration or enhancement of the two town centres; and provide planning policies to guide development. The Local Plan contains a separate Policies Map that will display the areas covered by the spatial strategies.

4. HRA SCREENING

4.1.1 HRA screening has been undertaken. The HRA screening only considered the Upper Nene Gravel Pits SPA and Ramsar site. This is because other European sites have been screened out in the AA of the West Northamptonshire Joint Core Strategy (WNJCS) which is the Part 1 plan. This justification was confirmed by Natural England in its letter of 13 March 2013 (see Appendix 1) which stated that the Part 2 Local Plan will need to be in conformity with the WNJCS. For details on the Upper Nene Gravel Pits SPA and Ramsar site refer to chapter 5.

- 4.1.2 The approach to considering only the Upper Nene Gravel Pits SPA and Ramsar site is considered suitable because the area to be covered by the Part 2 Local Plan does not have a spatial or temporal overlap with the qualifying habitats of any other protected European sites or the supporting habitat and food resources of a qualifying species.
- 4.1.3 A HRA screening letter September 2017 (Appendix 2) was prepared for the Local Plan consultation and concluded that full AA was not required. However, Natural England provided consultation comments (Appendix 3) which noted that new housing within 3 km of the SPA is likely to cause increased recreational pressure contributing to disturbance and decline in bird species which form the SPA qualifying features. Natural England consequently identified the following concerns: *“the HRA currently says that if [development] is likely to be more than 2km from the SPA/Ramsar, which means at least some of the site will fall within the 3km zone of influence. These issues will need to be fully assessed through the Habitats Regulations Assessment supporting this allocation when it comes forward, which will need to consider increased recreational pressure at the SPA resulting from housing growth and a plan for mitigation will need to be developed.”*
- 4.1.4 Whilst the comment from Natural England above was in relation to specific policies¹ no longer proposed in the Local Plan, it is considered that the Local Plan could result in limited higher levels of housing within 3 km of a European Site than set out in the WNJCS, for example through extensions to existing settlements. There is potential that this could result in:
- i. increased recreational pressure;
 - ii. loss of supporting habitats; and
 - iii. disturbance to qualifying species.
- 4.1.5 Furthermore, following *People over Wind* (as outlined in Section 2.3), the HRA screening can no longer rely on avoidance or reduction measures, which can now only be considered at the AA stage.
- 4.1.6 It was therefore considered, following Natural England advice, that significant effects of the Local Plan Part 2 on the Upper Nene Gravel Pits SPA and Ramsar site are likely.

5. EUROPEAN SITES

5.1 The Upper Nene Gravel Pits SPA and Ramsar Site

- 5.1.1 A component site of the Upper Nene Valley Gravel Pits SPA and Ramsar Site is situated to the South-east of Northampton within and on the boundary of the Local plan area. The location is shown on Figure 5.1.
- 5.1.2 The SPA site stretches discontinuously from Northampton to Thrapston, and has been designated as an SPA on the strength of the assemblage of overwintering water birds. The total area of the SPA is 1,357.68 ha. The site supports nationally important numbers of two overwintering Annex I species (great bittern *Botaurus stellaris* and golden plover *Pluvialis apricaria*), and a population of overwintering gadwall *Anas strepera* which exceeds the 1% limit for the biogeographical population that is set in Article 4.2 of the Birds Directive (79/409/EEC).
- 5.1.3 The integrity of the SPA site depends on maintenance of extensive reed beds with a wet base and open channels suitable for bittern, a high water table in winter and the maintenance of varied

¹ The Northampton Related Development Area (NRDA) and the Local Objectively Assessed Needs (LOAN)

topography and water levels as well as a continued variety of vegetation and prey species for the various bird species using the site.

- 5.1.4 The Ramsar Site has been designated based on the criteria of supporting an overwintering water bird assemblage and supporting significant populations of mute swan *Cygnus olor* and gadwall.

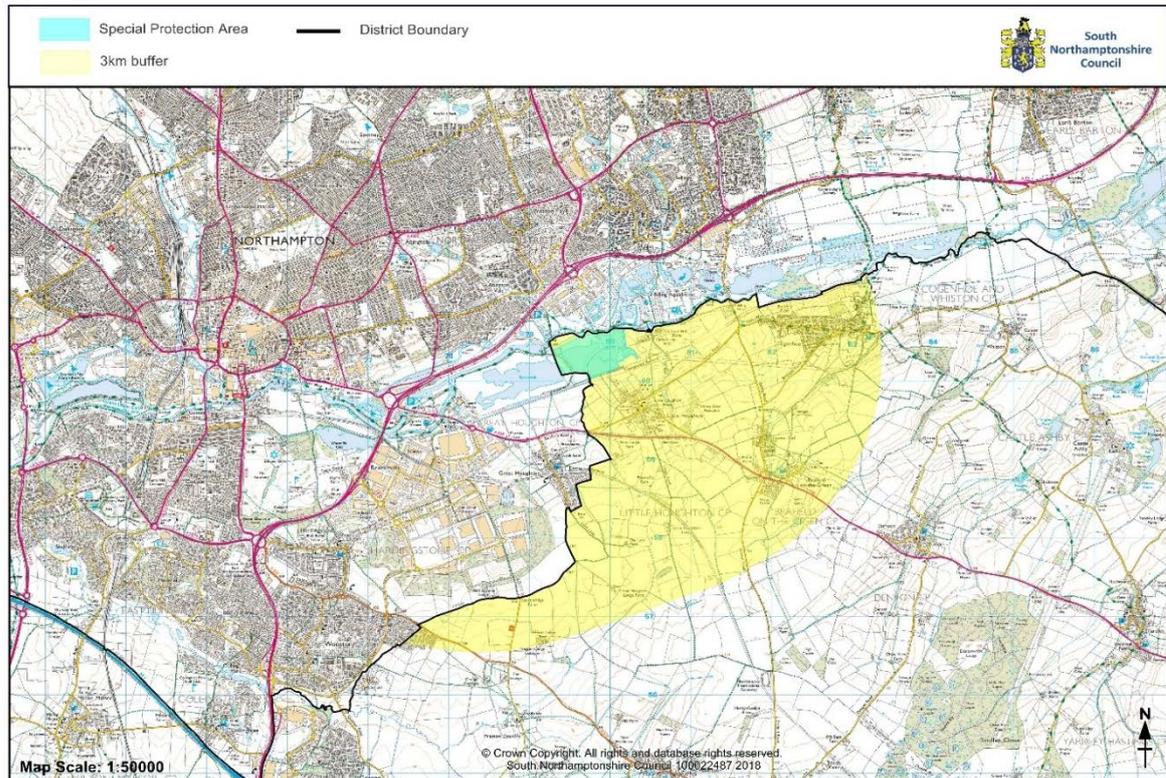


Figure 5.1: SPA Location and 3 km buffer

- 5.1.5 Potential threats and pressures from the Local Plan with potentially adverse impacts on this SPA² and Ramsar³ site are:

- i. Loss of supporting habitat through land take;
- ii. Reduced water quality (through increase in sewage, surface water runoff and pollution);
- iii. Disturbance by light, activity and noise of urbanisation, affecting bird species;
- iv. Increase in visitor pressure leading to erosion and disturbance of bird species; and
- v. Potential in combination effects with projects and development in the central area.

- 5.1.6 The part of the SPA nearest to Northampton is one of the most sensitive areas as it supports circa 40% of the golden plover throughout the SPA. According to Natural England, the golden plover prefers to use the flood storage area at Clifford Hill (Northamptonshire Washlands, see Figure 5.1) that are already subject to significant recreational disturbance, in particular dog walkers. This has been supported by bird disturbance survey work undertaken as a part of the AA of the WNJCS. A summary of the findings of the AA for the WNJCS is provided in Box 1.

² Natura 2000 Standard Data Form for Site UK9020296. Available online at: <http://jncc.defra.gov.uk/pdf/SPA/UK9020296.pdf>

³ Information Sheet on Ramsar Wetlands. Available online at: <http://jncc.defra.gov.uk/pdf/UK11083.pdf>

Box 1

The result of the HRA Screening was that likely significant effects could not be ruled out for the Upper Nene Valley Gravel Pits SPA and Ramsar site in relation to loss of supporting habitat, water supply and water levels, water quality and disturbance. However, more detailed Appropriate Assessment of these effects did not identify any adverse effects on the integrity of either of these European sites. No impact avoidance measures put forward by the preceding HRA work remained outstanding. The overall conclusion of the HRA of the Pre-Submission Joint Core Strategy, as amended by the HRA Addendum for the Proposed Changes to the Joint Core Strategy, therefore remained valid and it was therefore possible to conclude that the Joint Core Strategy, as amended by the Proposed Main Modifications, would not result in adverse effects on the integrity of any European site. Impact avoidance measures, such as policy wording to minimise potable water use in new developments and the inclusion of a 250m zone to Policy BN4 addressing the potential for building height and sightlines to affect the SPA birds, have been added to the WNJCS and the AA concluded that the WNJCS would not result in any adverse effects on European designated sites.

5.1.7 Figure 5.2, produced as part of analysis for the HRA of the WNJCS, shows that approximately half of the land parcels studied provide optimal potential feeding and roosting habitat for Golden Plover (shaded red) and a large proportion of the remainder provides sub-optimal habitat (shaded amber). The land parcels covered by this analysis include part of the Local Plan area. There is therefore a potential for additional development in the Local Plan area to disrupt or remove areas of land currently providing supporting habitat to the Upper Nene Gravel Pits SPA and Ramsar Site.

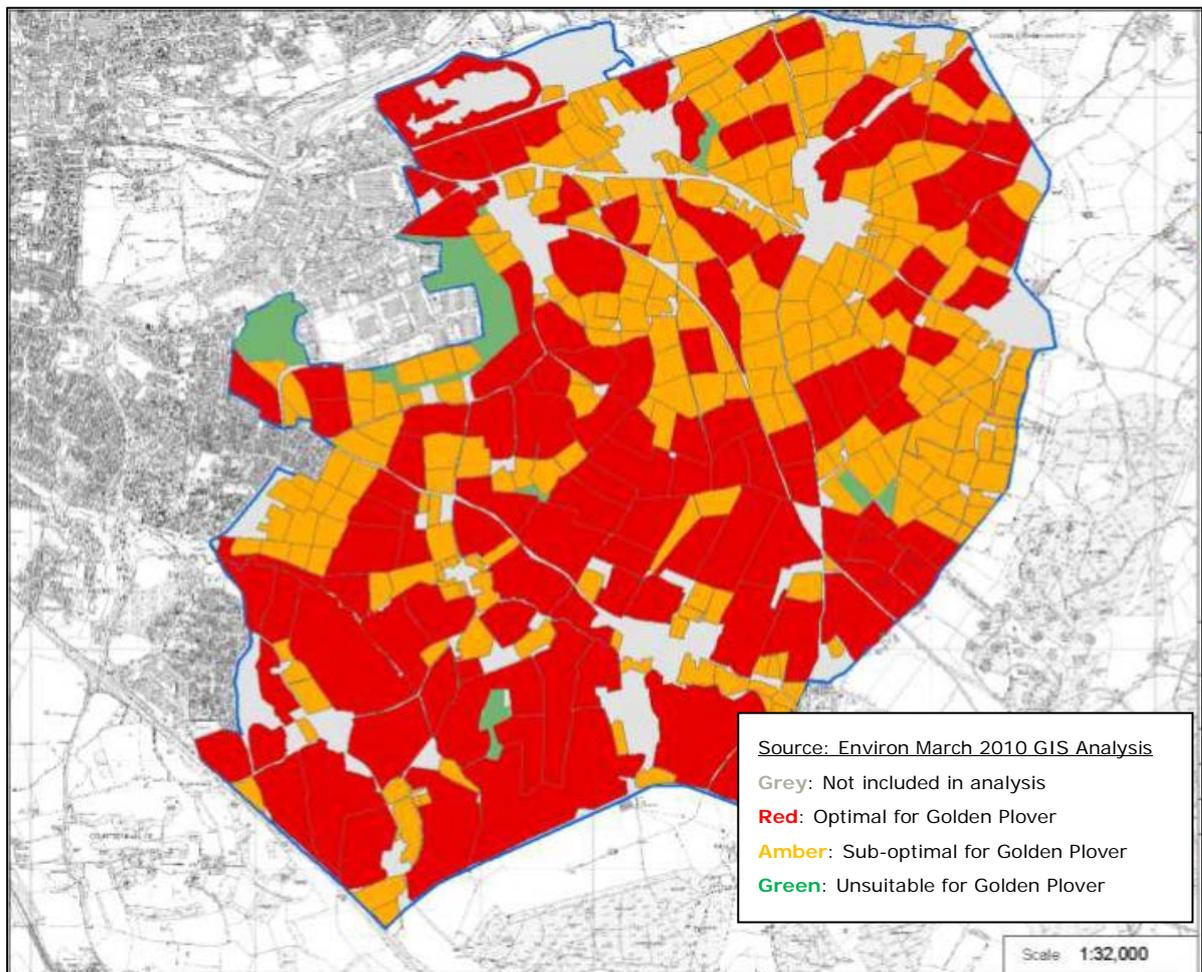


Figure 5.2: Suitability of Land Parcels for Golden Plover based on GIS analysis

6. ASSESSMENT OF POTENTIAL EFFECTS

6.1 Appropriate Assessment on The Upper Nene Gravel Pits SPA and Ramsar Site

6.1.1 The Upper Nene Gravel Pits SPA and Ramsar Site has been screened into full Appropriate Assessment.

Potential Effects from the Local Plan

6.1.2 Paragraph 4.2.5 of the Local Plan states: *Notwithstanding that the housing requirement for the rural areas, as set out within WNJCS Policy S3, has been met, the Council considers that it would not be sustainable or appropriate to resist all new residential development in rural areas. There may be exceptions where such development is considered sustainable, for example that proposed on sites within village confines to allow for infilling or on sites that may be unsuited to their current use. Therefore, the Part 2 Plan considers that, in rural areas development within the village confines is acceptable in principle. Therefore, to enable a more positive approach to sustainable development in the rural areas, proposals located wholly within the village confines and proposals would not, therefore, be will not be required to demonstrate conformity with criteria i-v of WNJCS Policy R1, where such proposals are also is able to demonstrate that it they meets the criteria of POLICY SS2: GENERAL DEVELOPMENT PRINCIPLES and other relevant policies in this Plan. This approach is considered to be sustainable and in accordance with the strategy of the WNJCS and NPPF.*

6.1.3 Paragraph 4.3.1 *'To ensure development is directed to the most sustainable locations and the intrinsic beauty and rural character of the district is protected, housing development in the countryside (ie outside individual settlement boundaries) will be restricted. However, there may be specific circumstances where sustainable development, well related to the village confines will be allowed to meet specific local housing needs. These circumstances are set out in Policies LH2 – LH7 of this Plan.*

6.1.4 Therefore, whilst there are no specific housing allocations within the 3 km buffer of the Upper Nene Gravel Pits SPA and Ramsar Site (shown on Figure 5.1), housing development could be granted here as an exception under policies referred to in Chapter 4 of the Plan, "Delivering Housing". There are no employment land allocations within the 3 km buffer.

6.1.5 Table 6.1 presents an assessment of the potential effects of limited housing development within the 3 km buffer.

Table 6.1: Assessment Table

Potential Effect Pathway	Potential Effects
Land take, Reduction in habitat area and Habitat or species fragmentation	<p>The Local Plan will not result in any direct land take from the Upper Nene Gravel Pits SPA and Ramsar Site, therefore there would be no direct reduction in habitat area as a result of the Local Plan.</p> <p>Loss of supporting habitat through land take. Arable/pasture and modified stream habitats provide potential foraging habitat for golden plover and support the function of the SPA/Ramsar Site (see Figure 5.2). Supporting habitat could be developed, however all development will need to comply with Policy BN4 of the West Northamptonshire Joint Core Strategy and NE1 of the Part 2 Local Plan. These state that new development will need to demonstrate, through the development management process, that there will be no significant adverse effects</p>

	<p>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 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.</p>
<p>Disturbance to key species or Reduction in species density</p>	<p>Increase in recreational pressure leading to erosion and disturbance of bird species: Natural England considers that new housing within 3km of the SPA is likely to cause increased recreational pressure contributing to disturbance and decline in bird species which form the SPA qualifying features. All development will need to comply with Policy BN4 of the West Northamptonshire Joint Core Strategy and Policy NE1 of the Part 2 Local Plan, which state that new development will need to demonstrate that the impact of any increased recreational activity (indirect or direct) on the Special Protection Area and Ramsar site 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 development of and implementation of habitat and access management plans.</p> <hr/> <p>Disturbance by light, activity and noise of urbanisation, affecting bird species: Noise and visual disturbances that may arise from development are unlikely be detectable or distinguishable from existing effects at the SPA/Ramsar Site due to the intervening distance between the existing settlements and industrial/residential estates between the SPA/ Ramsar site. In addition, there are closer sources of disturbance located in close proximity within the neighbouring authority of Northampton Borough.</p>
<p>Changes in key indicators of conservation value (water quality etc.)</p>	<p>Reduced water quality (through increase in sewage, surface water runoff and pollution): All development will need to comply with Policies BN4 (see above), Policy S10, Policy BN7a and Policy BN9 of the WNJCS. Policy S10 requires that all development maximises water efficiency and protects, conserves and enhances natural environment assets. Policy BN7a states that new development proposals will ensure that adequate and appropriate water supply and wastewater infrastructure is available to meet the additional requirements placed upon it and to ensure that water quality is protected, and as far as is practicable, improved. Policy BN9 states that development likely to cause pollution, either individually or cumulatively, will only be permitted if measures can be implemented to minimise pollution to a level which provides a high standard of protection for environmental quality.</p> <p>The Local Plan Part 2 incorporates the higher water efficiency standard of 110 litres per day, which will contribute to the management of water in the river and wash lands.</p>

6.2 In-Combination Assessment

- 6.2.1 The in-combination assessment considers the likely impacts on the integrity of the SPA arising from the South Northamptonshire Part 2 Local Plan. Part of the SPA is located within the adjoining administrative area of Northampton Borough. Northampton Borough is currently in the process of preparing its Local Plan Part 2 which is not currently at a sufficiently advanced stage under which a combination assessment can be made.
- 6.2.2 In respect of the policies and impacts arising from this plan and potential in combination effects with projects and development in the Local Plan area within 3 km of the Upper Nene Gravel Pits

SPA and Ramsar Site, all development will need to comply with Policy BN4 of the West Northamptonshire Joint Core Strategy and NE1 of the Part 2 Local Plan which state that new development will need to demonstrate, through the development management process, that there will be no significant adverse effects upon the integrity of the SPA and Ramsar site, either as a direct result of the development alone or in combination.

6.3 Mitigation Measures Incorporated in the Local Plan

- 6.3.1 An SPA policy is included in the Local Plan. It contains provisions to complement and reinforce the protections afforded to the Upper Nene Gravel Pits SPA and Ramsar Site by policy BN4 in the WNJCS. The SPA Policy NE1 states that:

In order to protect sightlines for birds included within the Upper Nene Gravel Pits Special Protection Area, new development within a 3km zone of the SPA 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.

New development will need to demonstrate through the development management process that there will be no significant adverse effects upon the integrity of the SPA and the species for which the land is designated including the loss of supporting habitat 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.

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;*
- 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.*

- 6.3.2 Appropriate assessment will be required at a project level for developments brought forward within the Local Plan area that are within 3 km of the Upper Nene Gravel Pits SPA and Ramsar Site. The project level AA will be required to consider the potential impacts of a development proposal against the conservation objectives of the SPA and ascertain whether it would affect the integrity of the SPA alone or in combination with other plans or projects, including those that may be outside of the plan area (eg within Northampton Borough). Where the need for mitigation is identified, the necessary mitigation measures (in line with Policy NE1) must then be identified and incorporated into the proposal. If necessary mitigating measures cannot be identified and it cannot be ascertained that the proposal will not adversely affect the integrity of the SPA, the development will not be permitted.

7. CONCLUSIONS

- 7.1.1 This HRA report provides the competent authority with the information required to undertake appropriate assessment to determine if the Part 2 Local Plan will adversely affect the integrity of any European Sites where significant effects are likely. The competent authority's decision will take into account the mitigation measures outlined in policy BN4 in the WNJCS and the SPA Policy NE1 in the Local Plan.
- 7.1.2 It is considered that, as a result of the controls set out by policies BN4 S10, BN7a and Policy BN9 of the WNJCS and the SPA Policy NE1 in the Part 2 Local Plan, there will be no adverse effects of the Local Plan on the integrity of The Upper Nene Gravel Pits SPA and Ramsar Site.
- 7.1.3 The WNJCS may be updated in respect of policies that consider impacts on the Upper Nene Gravel Pits SPA and Ramsar Site. If that occurs, the implications of those changes will need to be considered through a new assessment accompanying that Plan.

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APPENDIX 1

NATURAL ENGLAND LETTER (MARCH 2013)

APPENDIX 2
HRA SCREENING LETTER (SEPTEMBER 2017)

APPENDIX 3
NATURAL ENGLAND CONSULTATION RESPONSE (OCTOBER 2017)