

Appendices: 2



**NORTHAMPTON**  
BOROUGH COUNCIL

## CABINET REPORT

**Report Title**

**Adoption of the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document**

**AGENDA STATUS:**

**PUBLIC**

<b>Cabinet Meeting Date:</b>	13 September 2017
<b>Key Decision:</b>	No
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	Yes
<b>Directorate:</b>	Regeneration, Enterprise and Planning
<b>Accountable Cabinet Member:</b>	Cllr Tim Hadland
<b>Ward(s)</b>	Rushmills

### 1. Purpose

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- 1.1 The purpose of this report is to recommend the adoption of the Upper Nene Valley Gravel Pits Special Protection Area (SPA) Supplementary Planning Document (SPD) (Appendix 1)
- 1.2 The Upper Nene Valley Gravel Pits Special Protection Area/Ramsar site was formally classified by the UK Government in 2011. It covers 1,358 hectares across four local authority areas namely; Northampton, South Northamptonshire, East Northamptonshire and Wellingborough. It is a composite site comprising 20 separate blocks of land and water fragmented by roads and other features, and located adjacent and / or close to urban areas.
- 1.3 It is legally protected by the Conservation of Habitats and Species Regulations 2010 (Habitat Regulations) for a number of reasons. Specifically it is a wetland of International Importance used regularly by more than 20,000 water birds and by 2.3% of the UK Golden Plover population.

## **2. Recommendations**

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- 2.1 It is recommended that Cabinet adopt the Upper Nene Valley Gravel Pits SPA SPD as a statutory Supplementary Planning Document

## **3. Issues and Choices**

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### **3.1 Report Background**

- 3.1.1 SPAs are the most important sites for wildlife in Europe. It is a European designation, classified under the 'Birds Directive' (Council Directive 79/409/EEC) to provide increased protection and management for areas which are important for breeding, feeding, wintering or migration of rare and vulnerable species of birds.
- 3.1.2 A Ramsar site is a wetland of international importance designated under the Convention of Wetlands of International Importance especially as Waterfowl Habitat. It is known as the 'Ramsar Convention' after the Iranian city where it was drawn up and adopted in 1971. While the SPA and Ramsar site boundaries for the Upper Nene Valley Gravel Pits are identical, the qualifying features are slightly different. However, references to the SPA should be interpreted as including the Ramsar site.
- 3.1.3 The area qualifies as a Special Protection Area as it is used regularly by 1% or more of the country's rare or migrating bird populations. Figure 1 of the document shows a detailed location plan of the SPA, which contains various designated sites along the Nene Valley between Northampton/Billing and Thorpe Waterville.
- 3.1.4 Key threats to the SPA are recreational disturbance to waterbirds, and poorly designed or located development. It was determined that a robust and consistent approach to planning applications was required to safeguard the site's nature conservation interest while bringing through new sustainable development. Therefore a guidance document was proposed to enable this approach.
- 3.1.5 Working closely with Northamptonshire County Council and the partner authorities the SPD has been jointly prepared by Natural England and the Royal Society for the Protection of Birds (RSPB). It supports the respective partner authorities, developers and others ensure that development has no significant effect on the SPA in accordance with the legal requirements of the Habitats Regulations.

### **3.2 Issues**

- 3.2.1 Natural England is to be consulted on applications that may affect the SPA. The SPD outlines a consistent approach on how to consult with them and for identifying potential significant effects on the SPA's qualifying features.
- 3.2.2 The consultation zones (Appendix 4 and Table 2) clarify when Development Management teams need to take action on individual planning applications. Table 2 specifies which types of plans and development applications require

consultation with Natural England thus allowing potential impacts to be identified at an early stage. This means survey works can be undertaken at an appropriate time and mitigation agreed where necessary. Appendix 4 of the SPD provides a map showing the consultation zones for different types of development.

- 3.2.3 The SPD outlines what Appropriate Assessments need to consider when assessing a proposal's impact on the SPA for example; distribution of birds, seasonality, screening, species tolerance of disturbance and the potential for surveys. These should all be considered in relation to future development proposals, depending on location.
- 3.2.4 Recreational disturbance is identified as the most significant threat to the SPA. The SPD includes detail on when mitigation could be appropriate and types of mitigation that could be used in the SPA. Mitigation will be considered on a case by case basis and may contain a number of mitigation measures.

### **3.3 Choices (Options)**

#### **3.3.1 Option 1 [recommended]: Adopt the Upper Nene Valley Gravel Pits SPA SPD as a statutory Supplementary Planning Document**

3.3.2 The SPA SPD has been produced to help the local authorities of Northampton, South Northamptonshire, East Northamptonshire and Wellingborough work with developers and other stakeholders to ensure that future development has no significant effect on the Upper Nene Valley Gravel Pits SPA. This is in accordance with the legal requirements of the Habitats Regulations.

3.3.3 The SPD will be used by the Council and developers to aid decision making and ensure the SPA is appropriately considered as part of new development proposals

#### **3.3.4 Option 2: Not approving the adoption of the Biodiversity SPD as a statutory Supplementary Planning Document**

3.3.5 This will mean a reliance on strategic and national policy which is broad in nature. Not utilising a locally developed tool and information source as part of the development management process could mean ecological assessments are not specific enough with regard to the needs of the SPA. This could leave the council in breach of its statutory duty to have regard to the purpose of conserving biodiversity

3.3.6 Not using this widely adopted tool will result in an inconsistent approach towards the protection and / or conservation of biodiversity across Northamptonshire.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

- 4.1.1 The SPD supplements the following WNJCS Policies: S10: Sustainable Development Principles; BN1: Green Infrastructure Connections; BN2: Biodiversity; BN4: Upper Nene Valley Gravel Pits SPA; and BN8: River Nene Strategic River Corridor.
- 4.1.2 The SPD will be a material consideration in the determination of planning applications

## **4.2 Resources and Risk**

- 4.2.1 There are no direct financial implications arising from the proposals as compliance with the Habitat Regulations is a statutory obligation

## **4.3 Legal**

- 4.3.1 Supplementary Planning Documents are prepared under the 2004 Planning and Compulsory Purchase Act and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (Statutory Instrument 2012 No. 767)
- 4.3.2 The Upper Nene Valley Gravel Pits Special Protection Area (SPA)/ Ramsar site is legally protected by the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').
- 4.3.3 The Habitats Regulations incorporate Article 6(3) of the European Habitats Directive (1992) into English law. This requires that any plan (or project), which is not directly connected with or necessary to the management of a European site [also known as a "Natura 2000" site], but would be likely to have a significant effect on such a site, either individually or in combination with other plans or projects, shall be subject to an 'appropriate assessment' of its implications for the European site in view of the site's conservation objectives.

## **4.4 Equality and Health**

- 4.4.1 There are no equality and / or diversity implications arising from the proposed recommendation of this report. A Community Impact Assessment has been carried out.

## **4.5 Consultees (Internal and External)**

- 4.5.1 A full, public consultation took place for six weeks on the on the draft SPD from 9 February and 23 March 2015. All responses were received and analysed by Northamptonshire County Council who coordinated the process. A total of 12 organisations and individuals responded.
- 4.5.2 Most of the comments related to specific language and terms used; this was not unexpected as the SPD relates to implementation of the Habitats Regulations so precision is extremely important. A few respondents expressed concern that the document could place an added procedural burden on developers.

4.5.3 The comments resulted in a number of minor amendments to the document: largely, these were changes in the terminology and language used, to improve precision and clarify specific points. A full schedule of responses and comments is included as Appendix 2 to this Report.

#### **4.6 How the Proposals deliver Priority Outcomes**

4.6.1 Now that the document has been subject to statutory consultation and finalised, the document can be adopted by the Council. Once adopted, this SPD will set out our procedures and methods for engagement in plan making and on planning applications.

4.6.2 It contributes to our Priorities with particular reference to Business Development priorities regarding Partnership Working

#### **4.7 Other Implications**

4.7.1 NA

### **5. Background Papers**

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5.1 Appendix 1: Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document

5.2 Appendix 2: Schedule of responses to the public consultation

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