

Appendix A - Northamptonshire County Council memo from Tina Cuss Senior Environmental Planner dated 5 January 2017



Northamptonshire County Council

memo

To: Peter Moor
From: Tina Cuss
Ref: 17/00053/MINFUL
Date: 5 January 2017
cc:

TOWN AND COUNTRY PLANNING ACT 1990

PROPOSED DEVELOPMENT: Extraction of sand and gravel, construction of concrete batching plant, processing plant, including ancillary weighbridge, office, workshop, recycling activities and access, plus importation of inert material and restoration to agriculture and nature conservation

LOCATION: Land to the East of Great Billing WRC, Northampton Northamptonshire, NN3 9BX

The application site covers an area of 132 ha of predominantly open arable fields with small areas broad leaved woodland and former settlement lagoons. The site is to the north of River Nene, approximately 1.7 km to the north and 1.4 km to the west of the Upper Nene Valley Gravel Pits Special Protection Area and Site of Special Scientific Interest. The proposals are for restoration to agriculture and a combination of habitats including hedgerows, reedbeds, wet and neutral grassland totally around 50 hectares. Development is proposed to commence with the extraction and preparation of the plant and operations area and water management area and progress in an anticlockwise. I understand the programme for the process to a restored site is 13-15 years of excavation and reclamation approximately between 18 and 20 years.

I have the following comments to make on the detail of the submitted Environmental Statement, technical appendices and plans and the Planning Statement submitted in support of the above application. There are a number of plans and assessments (eg Tree Survey) which have not been included and some of the details within the technical appendices, particularly the ecological surveys and the submitted Operational Phase Ecological Mitigation Plan and Nature Conservation Landscape Management and Restoration Strategy which need clarification, amendment, potential updating or further development in order to fully assess and determine the planning application. The consideration of cumulative impacts of other development plans and proposals does not appear to be comprehensive or in line with guidance.

Information not currently submitted

In the absence of a Tree Protection Plan or tree survey or a Site Plan providing information on trees and hedgerows and details of boundary treatments on a single plan it is not possible to assess all of the impacts of the development. In order to determine the application an Arboricultural Impact Assessment should be submitted in support of the planning application and it would be helpful if comprehensive Site Plan including Rights of Way, trees and hedges, ditches and boundary treatments.

Habitat Regulations Assessment

Based on the submitted Habitat Regulations Assessment Screening report and information submitted, I would advise that the development is not likely to have a significant effect on the interest features for which The Upper Nene Valley Gravel Pits SPA, and Ramsar site have been classified. It is not necessary for the

Planning Services
Place Directorate
Northamptonshire County Council
One Angel Square, 4 Angel Street
Northampton NN1 1ED

w. www.northamptonshire.gov.uk
t. 01604 366705
e. tcuss@northamptonshire.gov.uk



Northamptonshire
County Council

M&WPA to undertake an Appropriate Assessment to assess the implications of the current development proposals on the site's conservation objectives.

Environmental Statement

The consideration of cumulative impacts within each chapter of the ES and the appendices are not in line with current guidance and the range of developments assessed appears in most cases to be limited to only the permitted and recently implemented adjacent mineral commercial development, Local Plan allocations and Lower Ecton Lane Waste Transfer Station, and Earls Barton Western Extension are not fully assessed in relevant sections including impacts on traffic, noise air quality and potential recreational disturbance. Assessment of "committed developments" should include site allocations (paragraph 4.6.2). The consideration of cumulative impacts and in combination effects may require further assessment to ensure all potential relevant effects and interactions have been taken into account by the applicant and technical consultants.

Landscape and Visual Impact

The Landscape and Visual Impact Assessment provided in section 6.0 of the Environmental Statement and supporting drawings, photographs and plans are generally in line with best practice and the IEMA/LI guidelines.

The "Landscape Planning Constraints and Opportunities" plan 30755-3004-01 includes details of Rights of Way and the Earls Barton Spinney permission, Earls Barton Quarry Western Extension and Lower Ecton Lane Waste Transfer Station and has not been updated since June 2015. The consideration of cumulative landscape impacts in section 6.8 does not take account of development of Lower Ecton Lane Waste Transfer Station or the phasing of the Earls Barton Spinney Quarry or other potential allocations and permission and should be reviewed. Given the proximity of these neighbouring developments, clarification of the statement that the village and A45 users would not experience a higher cumulative effect than the receptors on footpaths is needed.

I would generally agree with the assessment of existing character and visual impacts in years 1 to 9. I would however not fully concur with the conclusions on scale of the long-term visual and landscape beneficial effects as being of Moderate Significance by year 35. The proposed access tracks, woodland and hedgerow planting will only replicate the existing linear very regular field patterns, rather than diversifying or enhancing landscape character and improving visual amenity. Softening the edges of the proposed additional woodland and retaining and re-creating rough grassland margins could create more attractive woodland features and provide better enhancement of local character in line with M&WLP Policy 21.

The Restoration Strategy Plan drawing 30755-3005-01 E1 is not consistent with Restoration Completed shown on Plan No. 0047/PO/4 V. In particular the ditches, access track, the additional footpath and details of the proposed woodland appear to differ. I would not currently recommend approving the detail of the Restoration Strategy Plan. In order to assess impacts and identify mitigation measures to reduce and manage adverse impacts in accordance with M&WLP Policy 20, further detail of mitigation measures and habitat creation should be approved by the M&WPA as part of a revised Restoration Strategy Plan, and the detailed working scheme, an operator's proposals for the detail of the design of the plant and operational area, a final Operational Phase Ecological Mitigation Plan, and revised Nature Conservation and Landscape Management and Restoration Strategy.

The light emitted from the Water Recycling Centre, described in 6.4.61 of the ES and Appendix D of the Lighting Assessment, provides an opportunity to provide mitigation for the impact of night lighting identified by the Landscape Consultant. The review, maintenance, improvement or installation of control mechanisms for any existing floodlighting within the Sewage Treatment Works and operation outside the hours of curfew or not in line with current guidance and best practice, would reduce light spill and negative effects on landscape, visual amenity and wildlife in line with NPPF and M&WLP policies.

Lighting

I suggest that the security lighting proposals might be amended to further avoid and provide mitigation for impacts on the natural environment in line the Ecologist's and Landscape Consultant's recommendations and guidance provided by NPPF, ILE, and Bat Conservation Trust Interim Lighting Guidance. The detail of the height and location of flood lighting in the plant and operations area, and the detail of specification and design of lighting should be revised to reduce wherever possible to the impact of lighting on biodiversity and visual amenity. I would recommend that any additional lighting of the Rights of Way that are proposed should be omitted in order to avoid in particular negative impacts on otter, badger and bat habitat.

Highway Works

It is not clear if the July 2009 Section 278 Agreement or the highways improvement works at Crow Lane and Lower Ecton Lane referred to in section 8.6.5 of the ES took into account potential impacts on ecology. As the current planning application and drawings F191/034 and F191/035 (Site Access Works and Crow Lane Swept Path Analysis) include proposals for the highway works it is necessary for the ecological surveys, assessment and mitigation proposals to take account of these works which are not currently not included in Appendix F or section 7 of the ES.

Noise Assessment

The identified Noise Sensitive Locations detailed in section 9.4 do not include bats and receptors identified by the Ecologists. The detailed approved phasing and working plans are publicly available on the M&WPA website. Therefore it is not clear why the cumulative noise impacts are not further assessed in section 9.8.2. or why the consultant has not accounted for the quarry operations taking place at the same time.

Air Quality and Dust

There is an apparent error made in paragraph 10.6.6 of the ES, as the quarry is not operational there are no "existing mitigation measures currently implemented for the existing sand and gravel works" which "will be in place and will continue to operate during the entirety of the onsite activities". The detail of all noise mitigation measures should therefore be submitted to and approved by the M&WPA in order to avoid and mitigate impacts on protected species, biodiversity and landscape and amenity.

Environmental Statement Ecological Impact Assessment

According to paragraph 7.3 of the ES all the ecology surveys included all the land owned by Anglian Water and are shown on drawing no. F191-033. However, it is not clear from the submitted surveys and plans that the full extent land within the site boundary in particular the area adjacent to Crow Lane which is proposed to be widened as well as adjacent habitats in the zone of influence of the development such as. The impact of the road widening and junction improvements does not currently appear to have been taken into account in the ecological assessments and mitigation proposals.

The Bat surveys for potential tree roosts and foraging habitat/commuting routes in plan 772478-DWG-ENV-014 ENV-015 do not include trees/woodland carr at the junction of Crow Lane which may be affected by the Highway works shown in drawings F191/034 and F191/035.

Ecological Survey Results Appendix F3, F7 & F8

I am concerned about the age of the survey data, the suitability of methodology or that the methodologies are out of date and not in line with best practice guidance. The age of the submitted bat and amphibian surveys in particular are not in line with CIEEM guideline and that the latest desktop record search from 2015 covers a 1km not 2km radius. The Phase 1 Habitat Survey Plan 772478-DWG-ENV-101 Rev A though apparently reviewed in 2106 has not been revised to include development Lower Ecton Lane Waste Transfer Station. While the Ecological Impact Assessment identifies potential the effects on bats, but Bat Group and mammal record search has not been updated since 2011. The amphibian Habitat Suitability Index (HSI) undertaken 2011 should have been updated as part of the current assessment and used 2010 methodology guidance. In accordance with M&WLP Policy 20 in order to determine the application and provide ecological mitigation the Phase 1 Habitat Survey, the bat and amphibian surveys should be

updated in line with current best practice guidance and Natural England and CIEEM guidelines. Where necessary the survey area or zones of influence should also be revised in order to assess the potential cumulative impacts of development on protect species and biodiversity habitats. Sites of Nature Conservation Value identified on the Wellingborough Local Plan Proposals Map are not included on drawing 772478-DWG-ENV-008-Rev1.

The survey extent and zone of influence for amphibians have not included ponds or woodlands to the north of the A45 connected via culvert to the development sites. Amphibian surveys and search of desk top records have not been repeated since 2011 and current condition of the wetland habitats suitable for amphibians must be considered. Given the numbers of amphibians recorded in 2010, the exclusion of Ponds 5a and 5b from the survey and the absence of an amphibian avoidance measure the mitigation plans do not demonstrate that amphibians would be protected in accordance with planning policy and legislation. I am aware that Hanson's Ecologists have recorded Great crested newt in ponds to the south of the development site (albeit to the south of the river).

Loss of arable and grassland feeding and refuge habitat on Wild Birds in cold winter conditions may not have been fully considered by the Ecologist and should be assessed in the mitigation strategies as the overwintering bird surveys were also undertaken only in good weather conditions. These surveys were carried out over 4 non-consecutive months in 2014 and are therefore not consistent with the guidance provided by Natural England in the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document Appendix 2.

It is not currently clear if the proposals for construction of a crossing of the Ecton Brook and construction of the haul road to the west have adequately taken into account. The detail of the bridge construction and design, and mitigation proposal for potential impacts should be included in the Operational Phase Ecological Mitigation Plan.

Operational Phase Ecological Mitigation Plan

In order to recommend approval of the OPEMP it should be revised in line with BS42020:2013 guidance to include detail of:

- Inclusion of all relevant mitigation and avoidance measures in Appendix F9.
- Management of the wetland habitat around 1 to 5b ponds, Crow Lane access improvements, detail of the final restoration destruction/ of the Water Management Areas and unworked land to the north of the extraction area.
- Practical measures to avoid or reduce construction/implementation impacts including reptile and amphibian mitigation methodologies and receptor areas and details of ongoing of bunds and stockpiles etc.
- Detail of timing, avoidance measures, and method of vegetation clearance and construction.
- A plan of Biodiversity Protection Zones based on development proposals and up-to-date whole site Phase 1 Habitat Plan taking in to consideration neighbouring site clearance and development.
- Role, responsibilities and schedule of monitoring of the proposed Ecological Clerk of Works.
- Monitoring and reporting maintenance of records, monitoring implementation success and regular reporting of outcomes to site managers, M&WPA and the Habitat Management Group.
- Details of pre-development checks and surveys for breeding birds, riparian mammals and bats.

Nature Conservation and Landscape Management and Restoration Strategy and Restoration Strategy Plan

The NCLMRS includes inconsistent levels of detail and lacks clarity and vital details regarding management of existing restored reedbed habitats to the south and retained wooded features, to ensure that the development would provide net enhancement for biodiversity. The NCLMRS is not adequately detailed to support the preparation a S106 agreement to ensure the long-term management of retained or restored habitats and enhancement measures proposed in the application.

The details of the management of the all habitats to be retained unworked and previously wetland restored to the south (which should be managed from commencement of development), their survey and monitoring, and details of responsibilities and reporting should to be agreed prior to approval of the application. The details of at least the heads of terms of the management of the worked restoration habitats, must also be provided in order assess to the residual positive and negative impacts for biodiversity and quantify residual impacts and enhancements that are being proposed.

Objectives and proposals for increase in public recreation have not considered existing and proposed access on adjacent land and the potential cumulative impacts on recreational disturbance or the impacts on biodiversity particularly birds. The statements regarding minimizing impacts on habitats with waymarking and fencing are not adequate to mitigate the potential visitors' impacts of, particularly with dogs, on farmlands and wetland birds. Access proposals therefore appear to contradict the objectives for improvement of biodiversity and management of habitat for overwintering and breeding birds.

The formal adoption of the Nene Valley Way permissive route on the southern bank of this section river has been secured as part of the Earls Barton Western Extension planning permission and should be taken into account before further increasing public access. The location and proposals for mineral development don't require an increase in access or recreation provision. I would suggest that hides and boardwalks proposed should only link to the existing Byway and Public Footpath. Any additional permissive paths that are approved should be located further north and screened by hedgerows. I suggest to avoid the impacts of disturbance that a circular route is not included and access by dogs to open water or reedbeds is avoided to. I would therefore recommend that the proposals in section 2.6 to improve access are reconsidered and that the Restoration Strategy Plan is amended.

The NCLMRS and OPEMP currently does not protect the unworked semi-improved grassland margins shown in the Phase 1 Habitat Plan. The proposed enhanced margins around the arable fields referred to in section 2.3 are not shown on Plan No. 0047/PO/4. The proposals for Habitat Creation and Restoration in section 3 appear not to be fully consistent with the detail of the Restoration Strategy and the amount of hedge, reedbeds, wet ditches and woodland planting appears to have been miscalculated and the detail of the amount of semi improved grassland (arable margins) that would be lost is not provided in Appendix F9. The figure of 5268m of net gain in species-rich arable margins proposed in the NCLMRS is not an accurate assessment if the margins lost to extraction and creation of proposed woodland have not been taken into account. I would suggest that all of the calculations of new habitat created listed in section 3.0 and net increases should checked and clarified.

To avoid direct loss of semi improved grassland, I suggest the new woodland belt located to the north of the arable margin and the northern edge might be scalloped to increase biodiversity value and strengthen enhancement of landscape and character. I would advise that hedgerow trees are not planted adjacent to grassland created and managed for wetland, overwintering or breeding farmland birds.

The detail of management of hedgerows and Barton Brook corridor, as well as retained grassland in unworked areas and existing and the proposed new broadleaved woodland should be included in the final approved NCLMRS. The timings in Table 3.1, such as works in wet grassland and methodology of management of rough arable margins, should be revised to avoid impacts to Otter, breeding badgers or amphibians and reptiles.

The shrub and tree mixes and some wildflowers are not locally native or not appropriate to the site. Movement and therefore planting of Ash has been banned since 2012. The planting schedules and seed mixes should be reviewed and revised to ensure use of locally native species and are wherever possible of local provenance tree stock. Appropriate locally native seed mix for arable margins and other grasslands and details of aquatic planting should be approved by the MPA as part of detailed landscape submissions prior to implementation of restoration. Planting and maintenance should be in line with best practice and 'BS 8545:2014: Trees from nursery to independence in the landscape. Recommendations'. I am happy to provide detailed comments on landscaping schedules and maintenance and suggest details which should be reviewed.

Conclusion

While I would not fully support the agree regarding the scale or fine detail of the long-term landscape enhancements proposed, based on the submitted LVIA and plans the impacts and effects on landscape and visual amenity are in accordance with national and local planning policy. There is unlikely to be any significant effect on landscape, landscape character or visual amenity in the long term. Minor amendments to the restoration scheme would provide benefits for biodiversity and in my view better enhancement of the landscape.

If the ecological surveys and assessments are updated and extended to include all of the proposed development and its impacts, and that mitigation and management strategies are revised, the quarry development and restoration have the potential to provide a long-term net benefit for biodiversity and to protect and provide mitigation for protected species in accordance with M&WLP policy and NPPF. I recommend the following documents are therefore completed or revised prior to determination of the application:

- Verification of assessment of cumulative impacts of developments, plans and projects and proposals.
- Provision of Site Plan, including trees to be removed.
- Tree Survey and Tree Protection Plan.
- Up-to-date Phase 1 Habitat Survey Plan including access works adjacent Crow Lane, road widening.
- Update of HIS and amphibian surveys.
- Update of Bat surveys.
- Revised Nature Conservation and Landscape Management and Restoration Strategy
- Revision of Restoration Strategy Plan in line with Ecological Assessment and NCLMRS

Matters that might be dealt with by Planning Condition:

- Arboricultural Method Statement
- Construction Environmental Management Plan
- Revised Operational Phase Ecological Mitigation Plan
- Submission of a copy any Natural England protected species licences
- Nesting birds condition.
- Detailed planting & seeding schedule and landscape plan.
- Lighting Strategy (recommended to include improvement to STW floodlighting to reduce landscape impacts).

I am happy to provide clarification or further details on my and the points raised.

Tina Cuss
Senior Environmental Planner