

HABITATS REGULATIONS SCREENING ASSESSMENT

Northamptonshire Minerals and Waste Development Framework Partial Review

Draft Minerals and Waste Local Plan for consultation

Title: MWDF Partial Review - Draft Minerals and Waste Local Plan for consultation

Location: Northamptonshire

International Nature Conservation Site: Upper Nene Valley Gravel Pits SPA

Date: January 2013

Description:

Northamptonshire County Council is undertaking a partial review of the recently adopted Minerals and Waste Development Framework (MWDF) in order to ensure that it is up-to-date and in-line with current national policy and guidance. As part of the partial review the MWDF Development Plan Documents (DPDs) will be combined into one document, called the 'Local Plan'. The Northamptonshire Minerals and Waste Local Plan will provide the strategic spatial planning framework for Northamptonshire's minerals and waste development. The spatial strategies and allocated sites for minerals and waste-related development are not included in the scope of the partial review.

This is a record of the Habitats Regulations Screening Assessment, required by the Conservation of Habitats and Species Regulations 2010 (and 2012 Amendment), undertaken by Northamptonshire County Council, in respect of the above partial review in accordance with the Habitats Directive (Council Directive 92 / 43 / EEC).

Habitats Regulations Assessment (HRA) is the assessment of the impacts of implementing a plan or policy on a Natura 2000 site. Its purpose is to consider the impacts of a land-use plan against conservation objectives of the site and to ascertain whether it would adversely affect the integrity of the site. Where significant negative effects are identified, alternative options should be examined to avoid any potential damaging effects.

This HRA screening matrix applies only to the elements of the MWDF which are being reviewed. The MWDF underwent thorough HRA screening and assessment prior to its adoption. It is not considered necessary to screen all components again due to the short time period since the assessment and because there have been no changes to local circumstance or policy that would warrant a full re-assessment. In addition no changes are proposed to either the spatial strategies or the site allocations for minerals and waste development as part of the partial review.

The partial review focuses on:

- provision figures for waste capacity and aggregates apportionment and taking these through to 2031,
- any new or amended policies that will be necessary to reflect changed national guidance, in particular the NPPF, and
- development of policy for matters not fully covered in the current MWDF.

The following matters are not included in the scope of the partial review:

- amendments to the spatial strategy for waste and minerals, and
- minerals and waste allocations and designations as set out in the Locations for Waste and Minerals Development DPD.

Table 1 shows which documents are undergoing partial review and which are not. The table also shows the required outcomes of the partial review i.e. the Local Plan document.

Table 1: The partial review outcomes

MWDF Adopted planning documents	Partial Review What is being reviewed	Sustainability Appraisal What is being assessed	Partial review The outcomes
Partial Review Process			
Core Strategy	✓	✓	Local Plan
Locations for Minerals Development DPD	✗	✗	
Locations for Waste Development DPD	✗	✗	
Control and Management for Development DPD	✓	✓	
Proposals Map	N/A	N/A	
Development and Implementation Principles Supplementary Planning Document	✓	✓	Development and Implementation Principles Supplementary Planning Document
Statement of Community Involvement	N/A	N/A	Statement of Community Involvement
Minerals and Waste Development Scheme	N/A	N/A	Minerals and Waste Development Scheme
Annual Monitoring Report	N/A	N/A	Annual Monitoring Report

Of particular importance to Northamptonshire, the Upper Nene Valley Gravel Pits are designated as a Site of Special Scientific Interest (SSSIs), and are also designated as a European Special Protection Area (SPA). HRA is applicable to both plans and projects. Subsequently HRA is required for relevant components of the plan.

Screening was undertaken to investigate whether the proposals would be likely to have a significant effect (either alone or in combination with other plans or projects), having considered that the plan was not directly connected with, or necessary to, the management of the sites.

As most of the MWDF is simply being carried forward unchanged into the Local Plan, these elements have not been subject to HRA as they have only recently undergone the full rigorous assessment process as part of the MWDF plan-making process to Natural England's (NE) satisfaction. There have been no changes in local circumstance or the policy hierarchy that would warrant a full reassessment. The National Planning Policy Framework (NPPF) does not change the Habitat Regulations or how the assessment process is to be applied to land use plans.

The assessment has concluded that the partial review is not likely to have a significant effect on the internationally important interest features of the site, alone or in combination with other plans and projects; as such no further assessment is required.

Consultation with NE was undertaken alongside the 'Consultation on the way forward' document (June 2012). A summary of the consultation response, how this was incorporated into the Local Plan, and conclusions of the screening assessment are outlined in Appendix 1.

Table 2: Screening matrix

Brief description
<p>The partial review will ensure that Northamptonshire minerals and waste planning policy is up-to-date and in-line with current national policy and guidance. As part of the partial review the MWDF Development Plan Documents (DPDs) will be combined into one document, called the 'Local Plan'. The Northamptonshire Minerals and Waste Local Plan will provide the strategic spatial planning framework for Northamptonshire's minerals and waste development. The partial review focuses on:</p> <ul style="list-style-type: none"> • provision figures for waste capacity and aggregates apportionment and taking these through to 2031, • any new or amended policies that will be necessary to reflect changed national guidance, in particular the NPPF, and • development of policy for matters not fully covered in the current MWDF.
Brief description of the Natura 2000 site
<p>Upper Nene Valley Gravel Pits SPA</p> <p>This chain of both active and exhausted sand and gravel pits extends for approximately 35 kilometres along the alluvial deposits of the River Nene floodplain from Clifford Hill on the southern outskirts of Northampton, downstream to Thorpe Waterville and north to Thrapston and occupies an area of 1,369.88 ha within Northamptonshire (Figure 1). They 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. This range of habitat and the varied topography of the lagoons provide valuable nesting, resting and feeding conditions to sustain nationally important numbers and assemblages of breeding and wintering birds especially ducks and waders. Species such as gold plover <i>Pluvialis apricaria</i> and lapwing <i>Vanellus vanellus</i> also spend time feeding and roosting on surrounding agricultural land outside of the SPA.</p>
Assessment criteria
Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to significant effects on the Natura 2000 site.
<p>Previous assessment of the MWDF indicated that the plan was likely to give rise to significant effects on the Natura 2000 site, this was specifically related to the spatial strategy for minerals and waste and the site specific allocations and designations (set out in the Locations for Waste and Minerals Development DPD). Neither of these elements are included in the partial review. The draft Local Plan policies developed through the partial review process are not likely to give rise to significant effects (either alone or in combination with other plans and projects) on the Natura 2000 site.</p>
Describe any likely direct, indirect or secondary effects of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of size and scale, landtake, distance from Natura 2000 site or key features of the site, resource requirements (e.g. water abstraction, etc), emissions (disposal to land/water/air), excavation requirements, transportation requirements, duration of construction, operation, decommissioning, etc and other.
<p>Plan area: The partial review applies specifically to minerals and waste related development within Northamptonshire.</p> <p>Plan implementation period: 2011 to 2031</p> <p>Size, scale, land-take: Not applicable as the partial review does not allocate land.</p> <p>Distance from Natura 2000 site: Not applicable as the partial review does not allocate land.</p> <p>Physical changes resulting from the plan: The partial review will not result in any physical changes that will impact on the SPA.</p> <p>Resource requirements: The partial review will not result in resource requirements that will impact on the SPA, rather it encourages site specific environmental management, sustainable development techniques, the protection and enhancement of natural resources and restoration; all of which encourage the prudent use of resources.</p>

Emissions and waste: The policies developed through the partial review process support site specific environmental management and sustainable development techniques which will assist in reducing emissions and waste as well as reducing potential environmental harm associated with wastes.

Excavation requirements: The partial review does not require excavation work.

Transportation requirements: The policies developed through the partial review process support sustainable transport including minimising and controlling transport movements.

Duration of construction, operation, decommissioning: Not applicable as the partial review does not allocate land for development.

Impacts resulting from the plans objectives: The partial review and resulting policies will not result in any impacts upon the Natura 2000 site.

Assessment criteria

Describe any likely significant effects on the site arising as a result of reduction of habitat area, disturbance to key species, habitat or species fragmentation, reduction in species density, changes in key indicators of conservation value (e.g. water quality, etc) and climate change.

Reduction of habitat area: There will be no physical reduction of habitat area of the SPA resulting from the partial review.

Disturbance to key species: There will be no disturbance to key species resulting from the partial review.

Habitat or species fragmentation: The partial review will not result in habitat or species fragmentation. The policies developed through the partial review process support restoration and habitat connectivity.

Reduction in species density: The partial review will not result in a reduction in species density.

Changes in key indicators of conservation value (e.g. water quality, etc): No changes are expected in key indicators of conservation value as a result of implementation of the partial review.

Climate change: No impacts are expected in relation to climate change as a result of the partial review. The policies developed through the partial review process support sustainable development techniques and the transition to a low carbon future.

Describe any likely significant effects on the Natura 2000 site as a whole in terms of interference with the key relationships that define the structure and function of the site.

No significant impacts on the SPA site (as a whole in terms of interference with the key relationships that define the function or structure of the site) have been identified resulting from the partial review.

Provide indicators of significance as a result of the identification of effects set out above in terms of loss, fragmentation, disruption, disturbance and change to key elements of the site (e.g. water quality, etc).

Not applicable.

Describe from the above those elements of the plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts are not known.

Not applicable as the partial review will not impact on the SPA.



Figure 1: Upper Nene Valley Gravel Pits SPA within Northamptonshire

Appendix 1: Consultation with Natural England

Consultation was undertaken with Natural England (NE), as the appropriate nature conservation body, regarding the HRA Screening Assessment and the assessment outcomes alongside the 'Consultation on the way forward' document (June 2012).

The majority of NE's feedback related to parts of the MWDF that were simply being rolled forward unchanged into the Local Plan and therefore do not form part of the scope for the partial review or the HRA Screening Assessment.

The County Council has had due regard to representations made by NE. Responses that NE put forward on specific policy areas are detailed below along with Councils comments. Where considered appropriate the Council has amended the Local Plan policies – these amendments will be carried through to the Final Plan. (Note that amendments made as part of the partial review process and published in the draft Local Plan for consultation are in red whilst those made as a result of consultation with NE are highlighted in yellow).

The County Council maintains that the existing conclusion of the HRA Screening Assessment is correct (i.e. that no further assessment is required).

Draft Local Plan policy Strategic issue and identified option (<i>'Way Forward' consultation paper</i>)	NE response	Councils comments
<p>Policy 28 (CS13 & CMD13): Restoration and after-use</p> <p><i>Issue 8: Ensuring high standards for restoration and after-use</i></p> <p><i>As the Partial Review will roll the existing DPDs into one document it may be better to combine existing Policies CS13 and CMD13. In addition the policy could be strengthened to ensure that local policy thoroughly covers the restoration requirements and clearly set out what is to be covered in the restoration plan. This is particularly important due to the reduced detail contained within the NPPF.</i></p>	<p>Merging of MWDF policies CS13 and CMD13 may result in likely significant effects on the SPA being potential impacts on water quality, habitat and disturbance to birds.</p> <p>These are all dependent on whether the policy change is likely to result in restoration that included the need for significant imports of inert material such as are required for predominantly agricultural after-uses (or other restoration in a manner that promotes economic opportunities) which in some circumstances could be in conflict with the conservation objectives of the SPA.</p>	<p>The 'Way Forward' consultation paper makes it clear that the partial reviews effect on this policy is to merge the two policies and possibly pick up on developer requirements for the restoration scheme/plan. NE's comments relate to sections that have not been amended through the partial review process – these sections have been carried directly across from the MWDF which was subject to the full rigorous HRA process to NE's satisfaction.</p> <p>No policy changes have been made as a result of merging the MWDF restoration policies CS13 and CMD13.</p> <p>In order to provide clarity regarding the existing policy which states that 'sites for mineral extraction in river valleys should not be restored to a predominantly water based form' the word 'open' has been inserted (to read: 'open water based form') in reference to open lakes. This has not changed the policy intent and directly reflects the existing supporting text. This minor amendment in itself is not considered to have an effect on the SPA and so would not require further assessment.</p>

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		The likely significant effects broadly outlined in NE’s response were investigated as part of the MWDF HRA process to NE’s satisfaction.
<p>Policy 22 (Policy CS14): Addressing the impact of proposed minerals and waste development</p> <p>Issue 9: Minimising impacts of minerals and waste development</p> <p><i>Policy CS14 is a useful general policy on which to assess development proposals because of its wide general scope. The Partial Review presents the potential to extend this policy’s scope to pick up on any key elements of previous national guidance on minerals and waste that are no longer specifically covered in the NPPF.</i></p>	<p>Minimising environmental impact and protecting Northamptonshire’s key environmental designations, is not considered sufficient to protect the SPA.</p> <p>The use of the word “or” in the next bullet without reference to maintaining the integrity of the SPA does not adequately protect the SPA “protecting natural resources or ensuring that any unavoidable loss or reduction is mitigated”.</p>	<p>The ‘Way Forward’ consultation paper makes it clear that the partial reviews effect on this policy is to extend its scope to pick up on impacts associated with minerals and waste development that are no longer addressed through the NPPF. NE’s comments relate to sections that have not been amended through the partial review process – these sections have been carried directly across from the MWDF which was subject to the full rigorous HRA process to NE’s satisfaction.</p> <p>In the interest of increasing clarity regarding the policy intent the following amendments (highlighted in yellow) will be taken forward into the Final Plan:</p> <ul style="list-style-type: none"> – the first two points are related and can be combined into one succinct criterion – the later half of the second point reflects the intent of the third bullet point and so can be deleted – the third bullet point should state ‘avoiding and/or minimising’ to reflect the plan intent and policy context. <p>Policy 22 (Policy CS14): Addressing the impact of proposed minerals and waste development</p> <p>Proposals for minerals and waste development must demonstrate that the following matters have been <u>considered and</u> addressed:</p> <ul style="list-style-type: none"> • protecting Northamptonshire’s natural resources and key environmental designations (including heritage assets), minimising environmental impact and • protecting natural resources, or ensuring that any unavoidable loss or reduction is mitigated, • avoiding and/or minimising potentially adverse impacts to an acceptable level, specifically

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		<p><u>addressing air emissions (including dust), odour, bioaerosols, noise and vibration, slope stability, vermin and pests, birdstrike, litter, land use conflict and cumulative impact.</u></p> <ul style="list-style-type: none"> • <u>minimise impacts on flood risk as well as the flow and quantity of surface and groundwater,</u> • ensuring built development is of a design and layout that has regard to its visual appearance in the context of the defining characteristics of the local area, • ensuring access is sustainable, safe and environmentally acceptable, and • <u>ensuring that local amenity is protected.</u> <p><u>Where applicable a site-specific management plan should be developed to ensure the implementation and maintenance of mitigation measures throughout construction, operation, decommissioning and restoration works.</u></p>
<p>Policy 24 (CMD7): Natural assets and resources</p> <p><i>This policy was not identified in the ‘Way Forward’ consultation paper.</i></p>	<p>Previously, reliance for the continued protection and enhancement of the SPA could be made from PPG9. It is advised that in order to avoid the conflict above, Counter-acting Measures, in the form of additional wording to the proposed new policy to ensure the continued protection and enhancement of the SPA, could satisfy this.</p> <p>Inclusion of the words “where possible” in respect of “protecting and enhancing green infrastructure and strategic biodiversity networks, in particular the River Nene and other sub-regional corridors” is not considered sufficient to protect the SPA.</p> <p>The final sentence in this policy implies that impacts to the SPA are acceptable if mitigation or compensation measures are agreed with no reference to the need to examine alternative and the over-riding need to maintain the integrity of the SPA</p>	<p>In line with NPPF requirements Policy CMD 7 has been amended to specifically identify and protect international and national designations.</p> <p>The words ‘where possible’ were removed as part of the partial review in developing the draft plan. See below.</p> <p>Comments relate to sections that have not been amended through the partial review process – these sections have been carried directly across from the MWDF which was subject to the full rigorous HRA process to NE’s satisfaction. The policy does not state that impacts are acceptable if mitigation or compensation measures are agreed. The wording ‘identify mitigation measures and / or requirement for compensation’ states that proposals should identify which of these measures would be appropriate in order to satisfactorily ‘avoid, reduce and manage potentially adverse impacts’. In the case of the SPA the appropriateness of such measures</p>

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		<p>would be determined in line with the Habitat Regulations. The identification of measures to avoid potentially adverse impacts as well as mitigation measures to nullify such impacts is wholly in line with the Habitat Regulations. The plan and its policies should be viewed as a whole and in context with the policy hierarchy. The plan does not over-ride national level policy or statutory instruments. As the need to examine alternatives and the over-riding need to maintain the integrity of the SPA is clearly set out in the Habitats Regulations there is no need for reiteration through the plan.</p> <p>Policy 24 (Policy CMD7): Natural assets and resources Minerals and waste development should seek to (where possible) achieve a net gain in <u>natural</u> assets and resources, through:</p> <ul style="list-style-type: none"> • <u>protecting and enhancing international and national designated sites,</u> • delivery of wider environmental benefits in the vicinity where development would adversely affect any regional or locally designated sites or other features of local interest, • protecting and enhancing green infrastructure and strategic biodiversity networks, in particular the River Nene and other sub-regional corridors, and • consider opportunities to contribute <u>ing</u> towards Northamptonshire Biodiversity Action Plan targets for habitats and species. <p>Proposals for minerals and waste development will be required to undertake an assessment (where appropriate) in order to:</p> <ul style="list-style-type: none"> • identify and determine the nature, extent, and level of importance of the natural assets and

Draft Local Plan policy Strategic issue and identified option <i>('Way Forward' consultation paper)</i>	NE response	Councils comments
		resources, as well as any potential impacts, and <ul style="list-style-type: none"> • identify mitigation measures and / or requirement for compensation (where necessary) to avoid, reduce and manage potentially adverse impacts.