

North Northamptonshire Joint Planning Unit

Green Infrastructure Delivery Plan

Habitat Regulations Assessment

Appropriate Assessment Screening

Final  
May 2014

## **1.0 Introduction**

### **1.1 Background**

The North Northamptonshire Joint Planning Unit (NNJPU) brought together a range of key stakeholders with the aim of encapsulating all existing and proposed elements of green infrastructure in the North Northamptonshire area, and producing a comprehensive document to guide and outline how it will be delivered.

The resulting document, The North Northamptonshire Green Infrastructure Delivery Plan (NNGIDP), will provide a robust evidence base for both the current and review of the North Northamptonshire Joint Core Strategy, and will ensure the delivery of appropriate green infrastructure alongside the growth required to achieve economic prosperity.

### **1.2 The Habitats Directive**

The UK is bound by the terms of the EC Birds and Habitats Directives, and the provisions of the directives have been transposed into national law through the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). Under the Regulations, it is a requirement that proposed plans or projects that are not directly linked to the management of a European site, but which may have a likely significant effect upon the site must be subject to an assessment of the impact (Appropriate Assessment). Sites collectively known as European sites include Special Protection Areas (SPA), candidate Special Areas of Conservation (cSAC) and Special Areas of Conservation (SAC). As a matter of policy, the Government has also chosen to apply the above requirements in respect of potential Special Protection Areas (pSPA) and Wetlands of International Importance (Ramsar sites) even though these are not European sites as a matter of law.

### **1.3 Appropriate Assessment**

Through the Habitats Regulations, Appropriate Assessment has become firmly embedded in the planning process as a means of ensuring protection of the integrity of Natura 2000 sites. To fulfill the requirements of both European and national law (The Conservation of Habitats and Species regulations (2010), as well as national planning policy full screening and Appropriate Assessment (as required) has taken place on those sites likely to be affected by the Green Infrastructure Delivery Plan.

The method employed for the Appropriate Assessment is largely that described in the 2006 Department for Communities and Local Government document 'Planning for the Protection of European Sites: Appropriate Assessment'; i.e. the three stage approach as follows:

1. **Likely Significant Effects:** this first element of the assessment is used to identify whether a plan option is, either individually, or in combination with

other plans and projects, likely to have a significant effect on a European site. This stage also determines whether the subsequent steps of the AA will be required.

2. **Appropriate Assessment and ascertaining the effect on site integrity:** subject to likely significant effects being identified through the screening process, the plan or project must be subject to AA of its potential implications upon the European site in view of its conservation objectives.
3. **Mitigation measures and alternative solutions:** where a project or plan has been identified as having an adverse effect on the integrity of a European site, the effects should be mitigated. The aim of any such mitigation should be to cancel out any adverse effects fully. Where this is not possible, there should be a sufficient reduction so that an adverse impact on the integrity of the site can be nullified. Such measures will normally involve the modification of an option.

## 2.0 Appropriate Assessment Screening

### 2.1 Project Screening

As the Competent Authority, the North Northamptonshire Joint Planning Unit on behalf of the Joint Planning Committee is required to assess whether there is likely to be a significant effect on a designated site as a consequence of the proposals contained within the NNGIDP. This process constitutes the 'screening' or 'Stage 1' element of the AA. The outcome of this assessment will then determine whether or not a full Appropriate Assessment is required for the NNGIDP.

An evaluation (appraisal) of the projects put forward for inclusion in the NNGIDP indicated that the only European site that could potentially be exposed to significant effects, is the Upper Nene Valley Gravel Pits Special Protection Area/Ramsar site.

The Upper Nene Valley Gravel Pits Special Protection Area/Ramsar site encompasses some 1,382 hectares and is considered an internationally important site for its wintering waterbird interest. A detailed description of the SPA/Ramsar site can be found in Box 1 and Box 2.

#### Box 1. Detailed SPA/Ramsar site Description

##### General Description:

The disused sand and gravel pits extend 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, north of Thrapston. 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 resting and feeding conditions for major concentrations of wintering waterbirds, especially ducks and waders. Species such as golden plover *Pluvialis apricaria* and lapwing *Vanellus vanellus* also spend time feeding and roosting on surrounding agricultural land outside the SPA/Ramsar site.

Source: Natural England Citation, 2011.

## Box 2. SPA/Ramsar site Qualifications, Objectives and Vulnerabilities

Source: JNCC, 2011; Baker Associates 2007.

### Qualifying Species and Assemblages:

Article 4.1 Qualification (79/409/EEC)

Over winter the area regularly supports:

Bittern (*Botaurus Stellaris*): 2% of the GB population – 5 year peak mean 1999/2000 – 2003/04

Golden plover (*Pluvialis apricaria*): 2.3% of the GB population- 5 year peak mean 1999/2000 – 2003/04

Article 4.2 (79/409/EEC) and Criterion 6 (Ramsar Convention) Qualification

Over winter the area regularly supports:

Gadwall (*Anas strepera*): 2% of the population - 5 year peak mean 1999/2000 – 2003/04.

Criterion 6 (Ramsar Convention) Qualification

Mute Swan (*Cygnus olor*): 1.7% Britain population - 5 year peak mean 1999/2000 – 2003/04.

Article 4.2 (79/409/EEC) and Criterion 5 (Ramsar Convention) Qualification: An Internationally Important Assemblage of Birds

In the non breeding season the area regularly supports:

23,821-24,450 waterbirds – 5 year peak mean 1999/2000 – 2003/04.

### Conservation Objectives:

To maintain in favourable condition the populations of species for which the site has been designated of European importance.

### Vulnerabilities:

- Very reliant on the management of water levels in the main water bodies, and maintaining optimal water depths throughout the year is essential for the continued viability of the SPA. Depending on the species, water depths that are either too great or too shallow can have an impact on the conservation value.
- In the management of these areas it is also important to ensure wave action is limited as this can affect edge species, particularly through control of recreational use.
- It is also likely that this area is dependant on the maintenance of good water quality, as this may impact on retaining suitable habitats.

In May 2012, Natural England updated the Conservation objectives for the Upper Nene Valley Gravel Pits SPA (Site code UK9020296):

‘Avoid the deterioration of the habitats qualifying features, and the significant disturbance of the qualifying feature, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive’.

The site, subject to natural change, should maintain or restore

- The extent and distribution of the habitats of the qualifying features
- The structure and function for the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The populations of the qualifying features
- The disturbance of the qualifying features within the site.

The qualifying features for the Upper Nene Valley Gravel Pits SPA are the great bittern, gadwell and the European golden plover and the waterbird assemblage in the non-breeding season.

The qualifying features in the SPA are vulnerable to disturbances through sound, noise and movement caused by amongst other items recreational activities including bike riding, dog walking, canoeing and a general presence of people and the unintentional disturbances that they can cause. An increase in visitors to sites along the SPA is likely to cause an increase in occurrences of disturbance. By screening the projects that are hoped will come forward in the Upper Nene Valley Gravel Pits area in the GI DP, alongside the proposed mitigation measures, will ensure that any impact will be minimized or eliminated so that the qualifying features are not adversely affected.

Mitigation measures can include a variety of items and in most cases will not prevent people accessing the Nene Valley, however the mitigation will divert people away from the most sensitive areas. GI provision and enhancement on sites away from the SPA will help to direct people from the sensitive sites to other locations. Mitigation within a project such as screening, access management plans, interpretation, requiring dogs on leads will all help with the movement of people within the area and minimizing the impact of this. In addition if works are being carried out to help with the mitigation, eg the digging of ditches or the placement of screening this can happen during the summer months when the qualifying features are not as prevalent.

**Map 1** Upper Nene Valley Gravel Pits SPA and the location of the screened projects

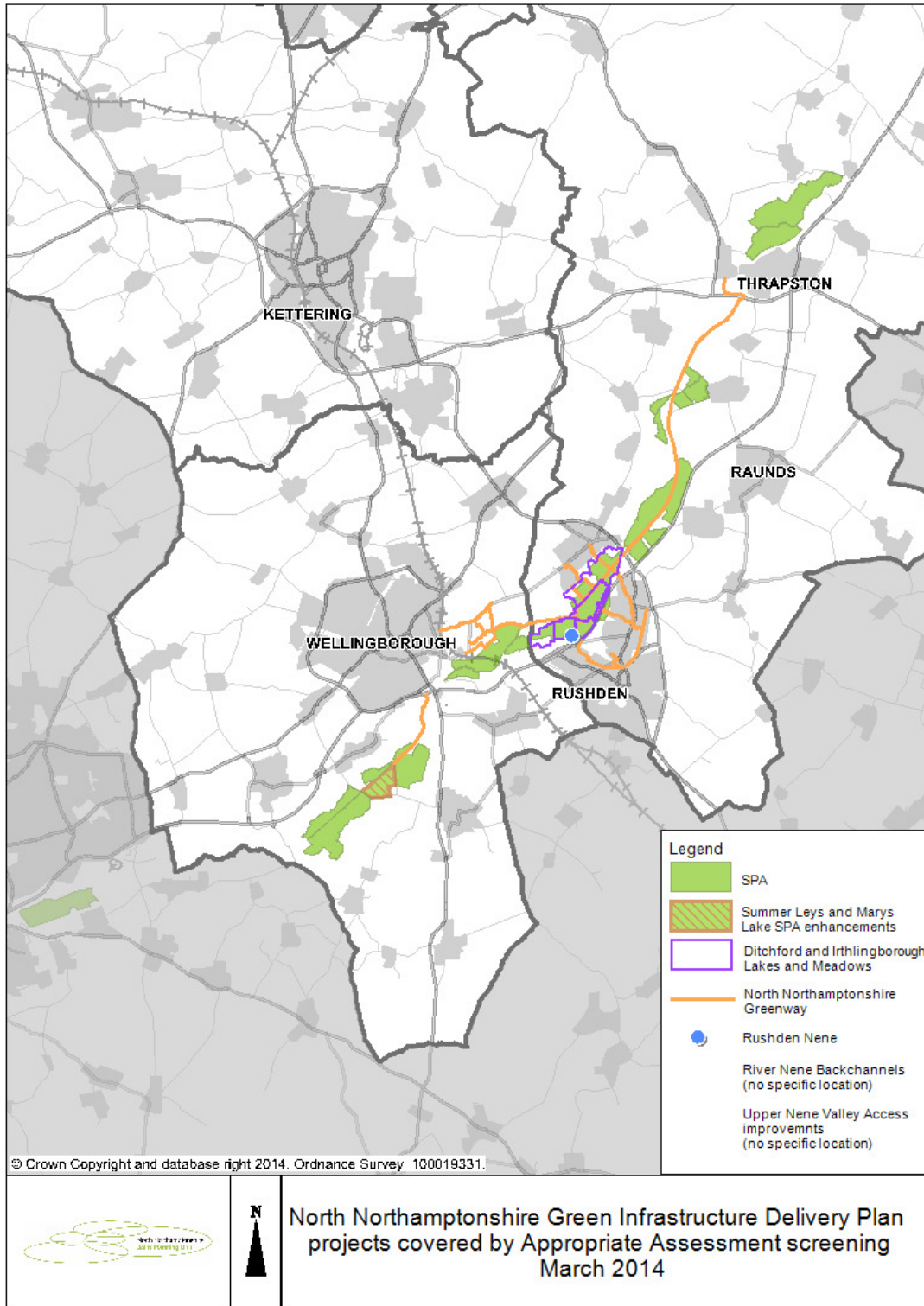


Table 1. Project Screening

Project	Likely <b>Positive</b> Significant Effect	Likely <b>Negative</b> Significant Effect	Mitigation/Alternative Solutions Required to Ensure no Adverse Effect on Site Integrity	Overall Screening Assessment
Ditchford Lakes and Meadows	Habitat management proposals should be beneficial.	Adverse impacts from increased numbers of people using the site.	<p>Additional survey work focusing on existing use of sites by people and response of wintering waterfowl unlikely to be required due to limited number of potential access routes.</p> <p>Mitigation in terms of habitat / visitor management will be required to ensure site can cope with additional people that will be visiting the Valley as part of other proposals.</p> <p>Mitigation measures incorporated into the NNGIDP and future requirements at project level have been identified - appropriate path routing, signage and interpretation improvements, screening of sensitive areas and access restrictions.</p> <p>Works to be undertaken during summer months.</p>	No likely significant effect.
Irthlingborough Lakes and Meadows	Habitat management proposals likely to be beneficial for the qualifying interest	Potential adverse impact from increased numbers of people using the site.	<p>Access management plan and mitigation will be required; much of this work has been done or is in progress as result of the Irthlingborough 'Connect 2 Schools' work.</p> <p>Mitigation measures incorporated into the NNGIDP and future requirements at project level have been identified. Appropriate path routing, diversion away from most sensitive areas, interpretation improvements, preventing access to some areas.</p> <p>Works to be undertaken during summer months.</p>	No likely significant effect.
North Northants Greenway – Nene	Opportunity to divert visitor pressure to less sensitive parts of the SPA	Proposal will lead to increase in people accessing the SPA and will have an adverse impact on the SPA.	<p>Surveys of the proposed corridor routes will be required looking at current usage of the routes and impacts on water birds.</p> <p>Access management plans and mitigation in terms of habitat &amp; visitor management and interpretation will be required. Some corridor routes may not be able to go ahead because of scale of impact. Routes should divert away from sensitive parts of the SPA.</p> <p>Mitigation measures incorporated into the NNGIDP and future requirements at project level have been identified to include route screening where necessary, signage and information boards.</p>	No likely significant effect.



<b>Project</b>	<b>Likely Positive Significant Effect</b>	<b>Likely Negative Significant Effect</b>	<b>Mitigation/Alternative Solutions Required to Ensure no Adverse Effect on Site Integrity</b>	<b>Overall Screening Assessment</b>
River Nene backchannels	Improved aquatic habitat providing an improved food source for qualifying features	Intrusion during works being carried out	Works in the SPA will only take place during months when the qualifying interest species is not present, generally the summer months	No likely significant effect
Rushden Nene	Improved habitat management of over 90ha of the SPA. Reduced anti-social site use Visitor pressure diverted from more sensitive areas of the SPA	Potential increased disturbance due to higher visitor numbers	Improved appropriate management to ensure site remains in a favorable or recovering position  Interpretation signage to increase awareness  Diverting recreational pressure away from sensitive sites  Screening of sites where necessary or management solutions to prevent dog access such as ditches and planting  Works to be carried out on screening during summer months when qualifying features are not as prevalent	No likely significant effect
Summer Leys and Mary's Lake SPA enhancement	Improved habitat management over 100ha of the SPA	Potential increase in disturbance due to higher visitor numbers	Visitor infrastructure to improve resilience of the site to increasing use  Signage and interpretation improvements to guide visitors to ensure sensitive areas are not visited during winter months  Habitat management done at times of the year when the qualifying features are not present.  Works to be undertaken during summer months	No likely significant effect
Upper Nene Valley Access Improvements	Direct visitors away from the most sensitive areas of the SPA Improve habitats to favourable conditions	Potential disturbance during works	Works to only be undertaken at key times when the qualifying features are not present.  The schedule of works is carried out over several years to ensure no significant changes of habitats occur too rapidly or on adjacent sites  Increased interpretation and awareness of the qualifying features	No likely significant effect

## **2.2 In Combination Effects**

### **2.2.1 Cumulative Effects of Projects Within the North Northamptonshire Green Infrastructure Delivery Plan**

Table 1 clearly identifies a number of projects that could potentially result in Likely Significant Effects upon the SPA. It is also apparent that the common likely significant effect is that of disturbance to the bird populations, for which the SPA is classified, through increased visitor access. Cumulatively, without appropriate habitat, access and visitor management plans, it is considered that the likely significant effects would be unacceptable. However, given that the assessment of effects and consideration of mitigation have been included in the plan, in addition to the identification of future requirements at project level, it is possible to conclude 'no likely significant effect'.

### **2.2.2 In Combination Effects of Other Plans and Projects**

In order to fully assess the likely impact of the projects identified within the NNGIDP, their impact upon the European site must be assessed in combination with all adopted or emerging spatial plans being prepared across the entire Northamptonshire area. Plans/emerging plans considered include several local authority led planning policy document:

- Adopted North Northamptonshire Joint Core Spatial Strategy
- Emerging review of the North Northamptonshire Joint Core Strategy
- Adopted Rural North, Oundle and Thrapston Development Plan Document
- Emerging Four Towns Development Plan Document
- Adopted Wellingborough Town Centre Area Action Plan
- Adopted Kettering Town Centre Area Action Plan
- Emerging West Northamptonshire Joint Core Strategy
- North Northamptonshire Biodiversity Supplementary Planning Document
- Northamptonshire Minerals and Waste Local Plan

Whilst the borough of Corby falls within the north Northamptonshire area, the emerging Site Specific Allocations DPD and Area Action Plans contain proposals that are greater than 15km from the SPA, and are therefore considered unlikely to have any impact upon the SPA.

The identified plans above have all been prepared in accordance with European law and national planning policy; Appropriate Assessment has been incorporated into their production as required. It is therefore possible to conclude that since sufficient protective policies and/or identified mitigation measures are included within these plans, provided that these measures are taken forward at the project stage, there will be 'no likely significant effect'.

#### Other documents, plans or projects

- Northamptonshire ARC, published by Northamptonshire County Council
- Destination Nene Valley

To meet with European and UK regulations it is recommended that any other documents that will have an impact on the Upper Nene Valley Gravel Pits will require their own individual Appropriate Assessment with consultation with Natural England.

### 3.0 Future Requirements

Whilst Habitats Regulations Assessment (HRA) has been applied at a strategic level for the NNGIDP, it is also acknowledged that HRA will also be required at the individual project stage for those projects within or affecting the SPA. Lead partners will therefore be encouraged to discuss their proposals directly with Natural England at an early stage in order to evaluate potential impacts, proposed survey work and mitigation.

In addition, since the proposals contained within the NNGIDP include operations listed within the notification package of the Upper Nene Valley Gravel Pits SSSI will require consent from Natural England. As well as projects taking place within the Upper Nene Valley Gravel Pits SPA, or adjacent to the SPA that are likely to affect it, but do not require planning permission, written consent will be required from Natural England before the project can legally go ahead.

Any changes that occur to the projects in the NNGIDP that may impact on the SPA would require an update to this screening report.

## 4.0 Conclusion

Having undertaken initial AA screening, and evaluated the likely cumulative and in combination effects of the proposals, it is considered that subject to the appropriate implementation of policies and mitigation measures, the NNGIDP will not result in any likely significant effect upon the conservation objectives, integrity or qualifying features of the Upper Nene Valley Gravel Pits Special Protection Area. Progression to Stage 2 of the Appropriate Assessment process is therefore deemed unnecessary.

## References

Baker Associates. (2007) Sustainability Appraisal of the Submission Core Spatial Strategy for North Northamptonshire. [S.I.]: North Northamptonshire Joint Planning Unit.

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Joint Nature Conservation Committee (JNCC). (2011) Natura 2000 Standard Data Form – Upper Nene Valley Gravel Pits [online]. [S.I.]: JNCC. Available from: <http://jncc.defra.gov.uk/pdf/SPA/UK9020296.pdf>. [Accessed October 2011].

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