

Kettering Town Council
Neighbourhood Planning Committee
Item NH21/05



**North
Northamptonshire
Council**

**South West Kettering
(Headlands Community)
Neighbourhood Plan
2019-2031**

**Strategic Environmental Assessment and
Habitats Regulations Assessment**

Screening Report

??? 2021

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Abbreviations used in this report

SWKNF – South West Kettering (Headlands Community) Neighbourhood Forum

SWKNA - South West Kettering (Headlands Community) Neighbourhood Area

SWKNP – South West Kettering (Headlands Community) Neighbourhood Plan

HRA – Habitats Regulation Assessment

JCS – North Northamptonshire Joint Core Strategy

KTCAAP – Kettering Town Centre Area Action Plan

LSE – Likely Significant Effect

NNC – North Northamptonshire Council

SA – Sustainability Appraisal

SEA – Strategic Environmental Assessment

SPA – Special Protection Area

SPD – Supplementary Planning Document

SSP2 – Site Specific Part 2 Local Plan

1. Introduction

1.1 The 2011 Localism Act provides a local community with the opportunity to prepare a neighbourhood plan to enable it to have a greater say about the use and development of land and buildings in its area. The Headlands Community established the South West Kettering (Headlands Community) Neighbourhood Forum (SWKNF) in 2015 to prepare a neighbourhood plan for the whole of the South West Kettering Neighbourhood Area (SWKNA) (see Figure 1) for the period from 2019 to 2031.

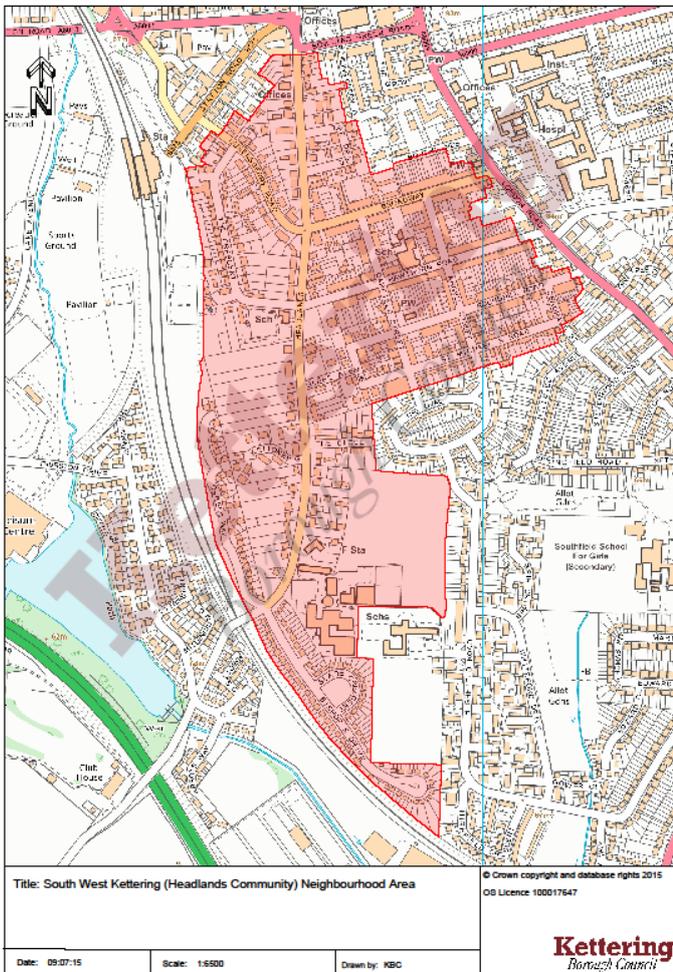


Figure 1: South West Kettering (Headlands Community) Neighbourhood Area

1.2 The South West Kettering (Headlands Community) Neighbourhood Plan (SWKNP) - Pre-submission Draft was released for public consultation on Monday 16th December 2019 until Wednesday 19th February 2020. It covers the period from 2019 to 2031 which corresponds with the plan period end date (2031) for both the North Northamptonshire Joint Core Strategy (adopted 2016) and the emerging Site Specific Part 2 Local Plan for Kettering Borough.

1.3 The Neighbourhood Plan must meet certain 'basic conditions' before it can come into force. To comply with these conditions it must have regard to national planning policy; contribute to the achievement of sustainable development; be in general conformity with strategic local planning policy for the area; and be compatible with EU obligations.

1.4 This Screening Report is being prepared to determine if the SWKNP requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC¹. It will also establish whether a Habitats Regulations Assessment (HRA) is required under the European Directive 92/43/EEC².

¹ Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive) - <http://www.legislation.gov.uk/eudr/2001/42/contents/adopted#>

² Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive) - <http://www.legislation.gov.uk/eudr/1992/43/contents#>

2. The Planning Context

- 2.1 As noted in paragraph 1.3, the SWKNP must meet certain 'basic conditions' including a requirement to be in general conformity with strategic local planning policy for the area. The North Northamptonshire Joint Core Strategy (JCS) (adopted 2016) and the emerging Site Specific Part 2 Local Plan (SSP2) set out local planning policy for the Neighbourhood Plan Area for the period 2011 to 2031. The Kettering Town Centre Area Action Plan (2011) provides local planning policy for the Town Centre between 2011 and 2021.
- 2.2 The JCS forms 'Part 1' of the Development Plan for North Northamptonshire; it deals with strategic issues, such as the level of growth and its distribution, and includes a set of core policies which relate to protecting and enhancing assets (such as the historic environment, landscape and biodiversity) and ensuring high quality development. The SSP2 forms 'Part 2' of the Development Plan; it does not replicate policies in the JCS but sets out further local detail in relevant areas for Kettering Borough, of which the SWKNA is a part. A full Sustainability Appraisal (SA) and Habitat Regulations Assessment (HRA) of both the JCS and SSP2 have been undertaken.
- 2.3 The Kettering Town Centre Area Action Plan (KTCAAP) sets out the vision and objectives for the town centre based on a development framework of eight distinctive quarters. Two of these, the Headlands Quarter and the Station Quarter fall partially within the SWKNA. KTCAAP was subjected to a full SA but as there are no European protected sites in the area an HRA was not required.

3. The South West Kettering (Headlands Community) Neighbourhood Plan

- 3.1 The South West Kettering neighbourhood is located within a built-up area of Kettering situated in the East Midlands about 15 miles north-east of Northampton. The area is predominantly residential with a mixture of dwelling types. There are several companies located here providing professional services as well as three schools, three places of worship, two care homes, sheltered accommodation and some retail provision.
- 3.2 The local community reasoned that the development of a neighbourhood plan would enable it to have a greater say over future development in the area. As the community did not fall within a town or parish council administration in the early days the first stage was to establish a Neighbourhood Forum as a qualifying body and determine a Neighbourhood Area for the purposes of plan making. On 8 July 2015 Kettering Borough Council received joint applications from the community to designate the:
- South West Kettering (Headlands Community) Neighbourhood Forum and the;
 - South West Kettering (Headlands Community) Neighbourhood Area
- 3.3 The SWKNF and SWKNA were designated on 14th October 2015. The Forum was re-designated on 14th October 2020 to retain their Forum status five years on. The boundary of the SWKNA is illustrated above in Figure 1. Work for the development of the SWKNP commenced. Discussion groups were initiated, consultations undertaken, public meetings conducted and a plan drafted.
- 3.4 The SWKNP sets out the historical development of the SWKNA and provides a character assessment. It sets out a profile of the Neighbourhood Area which considers, *inter alia*, issues relating to population, housing, business, community services, etc. The SWKNP Vision and Objectives inform the

development of 6 policies which will be considered through the screening assessment below. The Plan identifies the process that will be followed in order to implement and monitor the effectiveness of the policies.

Changing Administration

- 3.5 During the drafting of the SWKNP there was a two tier system of local government across the county of Northamptonshire – a county council responsible for providing some functions with borough and district councils delivering others. This structure was replaced on 1st April 2021 by two unitary authorities, North Northamptonshire Council and West Northamptonshire Council. The SWKNP falls within the administrative area of North Northamptonshire. In addition to the creation of North Northamptonshire Council, a new Town Council came into being for Kettering, also on 1st April 2021.
- 3.6 Kettering Town Council assumes the role of qualifying body for the continuing preparation of the SWKNP in accordance with the Town and Country Planning Act 1990. This states under ([F2], 61F, (8A)(a)) that a neighbourhood forum designation ceases to have effect if a new parish council is created (including creation of town councils). The Town Council subsequently created a working party to continue the preparation of the plan. In the spirit of the work done to date this group is known as the South West Kettering (Headlands Community) Neighbourhood Planning Forum. Members of the former SWKNF Management Committee, given their knowledge and experience, continue to support the development and delivery of the SWKNP as part of the Town Council.

4. The Vision, Objectives and Policies of the SWK Neighbourhood Plan

- 4.1 The purpose of the SWKNP is to supplement planning policies in the Local Plan to guide development within the SWKNA during the plan period 2019-2031. It sets out the community's vision for the area and includes several objectives and policies.
- 4.2 The vision expressed in the Plan is to ensure that:

‘In 2031 the Headlands area in South West Kettering will continue to maintain a complimentary contrast to the bustling town centre and the vibrant and developing business area; it will be inclusive of the expanded facility of the railway station adjacent to its northern and north west boundary.

It will retain its residential character of attractive streets and buildings in harmony with its mix of services, facilities and businesses. The Headlands will accommodate change to reflect the changing needs of its residents, employers and employees.

It will accommodate redevelopment which compliments the characteristics of the immediate locality and is sympathetic to the practical limitations presented by eager urban expansion through the years.’

- 4.3 To deliver this vision the Plan has the following objectives:
- Maintain the current mix of services and facilities to encourage the neighbourhood to remain vibrant and enable residents to have many of their needs met within the local area.
 - Promote and enhance local business opportunities to support a prosperous local economy.
 - Conserve and enhance local heritage features and buildings, including their settings.
 - Ensure all future development is of a suitable mix and of high quality.

4.4 There are 6 policies in the SWKNP which have been developed to deliver the Plan objectives. Table 1 shows how this will be achieved.

Table 1: Plan policies have been developed to deliver the Plan objectives		
Policy		Objective
1.	Community Services and Facilities	Maintain the current mix of services and facilities
2.	Defined Business Area	Promote and enhance local business opportunities
3.	Development in the Conservation Area	Conserve and enhance local heritage features
4.	Protected Housing Areas	
5.	Design of New Development	Future development
6.	Natural Features and Landscape	

5. Legislative Background

Basic conditions

5.1 A Neighbourhood Plan must meet the basic conditions set out in 8(2) of Schedule 4B of the Town and Country Planning Act 1990. This includes demonstrating that the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations such as:

- **Directive 2001/42/EC** on the assessment of the effects of certain plans and programmes on the environment, transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations (2004) (SEA Regulations)³; and
- **Directive 92/43/EEC** on the conservation of natural habitats and of wild fauna and flora, which was initially transposed into UK law by The Conservation (Natural Habitats, &c.) Regulations 1994 with various amendments consolidated by The Conservation of Habitats and Species Regulations 2017⁴.

Requirement for Strategic Environmental Assessment (SEA)

5.2 The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents 'with the objective of contributing to the achievement of sustainable development'. Sustainability appraisals incorporate the requirements of the SEA regulations ensuring that the requirements of the EU Directive on SEA are met.

5.3 The Planning Act 2008 amended the above requirement so that SAs were only mandatory on Development Plan Documents (DPDs). As a neighbourhood plan (NP) is not a DPD the amendment meant it was no longer a legal requirement for a NP to be subject to a SA. However, the amendment

³ The Environmental Assessment of Plans and Programmes Regulations (2004) (SEA Regulations) -

<http://www.legislation.gov.uk/ukxi/2004/1633/contents/made>

⁴ The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations) -

<http://www.legislation.gov.uk/ukxi/2010/490/contents/made>

did not remove the requirement for NPs to be subject to a Strategic Environmental Assessment (SEA) where they could have significant environmental effects.

- 5.4 The process for deciding whether or not a SEA is necessary is referred to as 'screening'. This Report provides a screening assessment for the SWKNP. It therefore seeks to fulfil the EU obligation by identifying if the SWKNP requires SEA.

Requirement for Habitats Regulation Assessment (HRA)

- 5.5 The European Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora' is often referred to as the 'Habitats' Directive. Under the Directive an assessment referred to as an Appropriate Assessment must be undertaken if the plan in question (including a neighbourhood plan) is likely to have a significant effect on a European protected site (i.e. the Natura 2000 sites: Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)). In addition, it is Government policy for sites designated under the Convention of Wetlands of International Importance (RAMSAR sites) to be given the same level of protection as the Natura 2000 sites. Therefore, Appropriate Assessment should also cover these sites.

6. Strategic Environmental Assessment (SEA) Screening

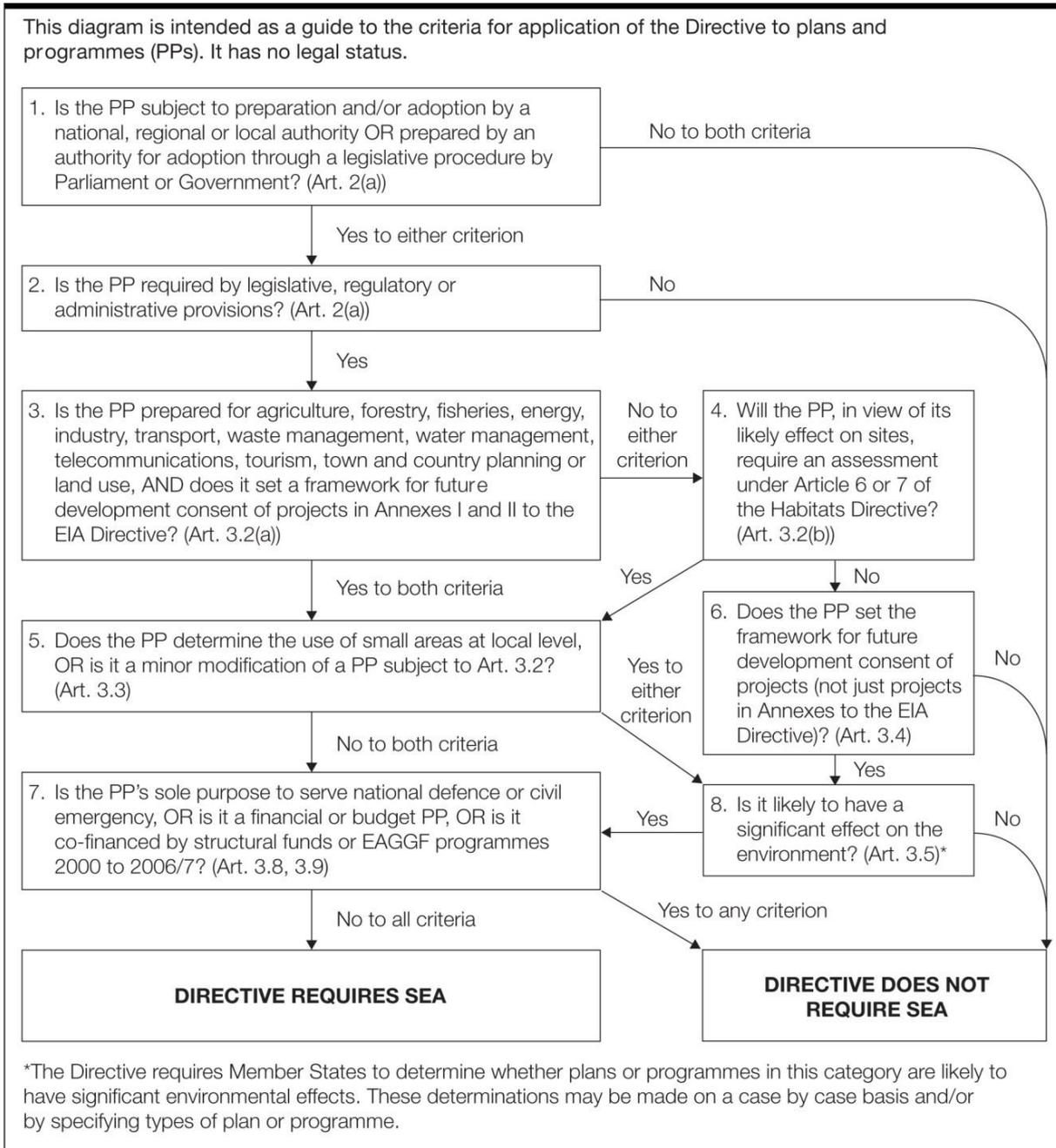
Introduction

- 6.1 The [Neighbourhood Planning \(General\) Regulations 2012](#) (as amended) require the SWKNP, when submitted to North Northamptonshire Council, to be accompanied by either an environmental report or a statement of reasons as to why the neighbourhood plan is unlikely to have significant environmental effects. Receipt of either the 'report' or 'statement' demonstrates to the Council that the SWKNP has been subjected to the SEA process as required. This Screening Report sets out the reasons why, in the case of the SWKNP, an environmental assessment is not required.
- 6.2 As noted in paragraph 1.3 (above), the SWKNP must be in general conformity with the strategic policies of the Development Plan. A sustainability appraisal (SA) was undertaken with respect to both the JCS and the SSP2. This ensured that the Plans will contribute to improvements in environmental, social and economic conditions. The findings were used to identify and mitigate against potential adverse effects. The SA process incorporated the SEA requirements and therefore ensured that any potential environmental effects were given full consideration. The SA process enabled mitigation measures to be introduced to ensure that no likely significant negative effects should arise from the implementation of the Development Plan for the area.

SEA Screening

- 6.3 SEA is a process undertaken to identify likely significant effects of a plan or policy on the environment; it focuses on impacts on the natural environment with some limited consideration of human population needs and material assets
- 6.4 The process for determining whether or not SEA is required is called 'screening'. The Government has produced guidance on the SEA process which is set out in '[A Practical Guide to the Strategic Environmental Assessment Directive](#)' (ODPM 2005). Figure 2 (below) is reproduced from the Practical Guide and illustrates the process for screening the SWKNP to ascertain whether SEA is required.

Figure 2: Application of the SEA Directive to plans and programmes



6.5 Table 2 (below) provides an assessment of the SWKNP using the set of questions in the above diagram:

Table 2: SEA screening Assessment Part 1 - Establishing the need for SEA

Stage	Y/N	Reason
<p>1: Is the Plan subject to preparation and/or adoption by a national, regional or local authority or prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))</p>	Y	<p>The SWKNP was prepared by SWKNF as the qualifying body under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. It will be submitted for examination by Kettering Town Council who supersede the SWKNF as the qualifying body upon their creation (01/04/21). Subject to the outcome of an examination and referendum, it will be 'made' by North Northamptonshire Council as the local planning authority. GO TO STAGE 2</p>
<p>2: Is the Plan required by legislative, regulatory or administrative provisions? (Art. 2(a))</p>	Y?	<p>Neighbourhood plans are not required by legislation. The Localism Act allows these to be undertaken on a voluntary basis. However, once 'made' the SWKNP will form part of the statutory Development Plan for the area. Therefore, strictly speaking the SWKNP is not required by legislative, regulatory or administrative provisions and so would not require a SEA. However, the Practical Guide was prepared prior to the creation of neighbourhood plans, and some neighbourhood plans have been found to require a SEA. Consequently, it is reasonable to conclude that while the neighbourhood plan is not strictly 'required' it is not justified to stop the screening exercise at this point. GO TO STAGE 3</p>
<p>3: Is the Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or and use, AND does it set a framework for future development consent of projects in Annexes I and II (see Appendix 2) to the EIA Directive? (Art 3.2(a))</p>	Y	<p>The SWKNP is prepared for town and country planning and land use purposes. Once made, it will form part of the statutory Development Plan for the determination of planning applications. Neighbourhood plans therefore set specific frameworks for future development consents. GO TO STAGE 5</p>
<p>4: Will the Plan, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))</p>	N/A	<p>This stage is bypassed as the response to stage 3 is 'Yes'. The requirements for HRA is dealt with in section 5 of this Screening Report</p>
<p>5: Does the Plan determine the use of small areas at local level, OR is it a minor modification of a Plan subject to Art. 3.2? (Art. 3.3)</p>	Y	<p>The SWKNP will assist in the determination of planning applications for the use of small sites at a local level. However, the policies are criteria based and do not specifically allocate land for development. GO TO STAGE 8</p>
<p>6: Does the Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)</p>	N/A	<p>This stage is bypassed as the response to stage 5 is 'Yes'. The Local Plan (see section 2 of this report) sets the overall framework for future development and has been the subject of SEA. The SWKNP will contribute towards this framework by establishing criteria based policies specific to the SWKNA. These policies will be in general conformity with the strategic policies of the Local Plan as required by the regulations</p>
<p>7: Is the Plan's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget plan, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)</p>	N/A	<p>The SWKNP is not concerned with such issues. Notwithstanding this, stage 7 is bypassed as the response to stage 5 is 'Yes'.</p>
<p>8: Is it likely to have a significant effect on the environment? (Art. 3.5)</p>	N	<p>None identified. See Table 4 (below) to understand the determination of likely significant effects.</p>

- 6.6 The screening process is about determining whether the SWKNP is required to have a SEA in the likelihood of having a significant effect on the environment. This is in accordance with the advice contained in the Practical Guide, referred to in paragraph 6.4 (above), which explains that while land use and spatial plans should normally be subject to SEA, plans and programmes which determine the use of small areas at a local level or which are minor modifications to existing plans only require SEA if they are judged likely to have 'significant' environmental effects.
- 6.7 In making such a determination the criteria specified in both the SEA Directive (Annex II), and the Environmental Assessment of Plans and Programmes Regulations (Schedule 1) for determining the likely significance of the environmental effects of a plan must be taken into account. The criteria are set out in Table 3 (below) together with a commentary on whether the SWKNP would trigger the need for a full SEA

Table 3: SEA Screening Assessment Part 2 – Likelihood of Significant Environmental Effects (Criteria from Annex II of the SEA Directive and Schedule 1 of Regulations)

1	Characteristics of the plans and programmes, having regard, in particular to:	Is there a significant environmental impact?	Justification
1a	The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	N	The SWKNP would, if made, form part of the statutory Development Plan and, as such, does contribute to the framework for future development consent of projects. However, the SWKNP sits within the wider framework of the National Planning Policy Framework, the adopted JCS, the emerging SSP2 and the KTCAAP. It will supplement policies in these Plans, which have been subject to SA. However, the SWKNP does not propose development in excess of that identified in the Local Plans nor does it allocate sites for development. The projects for which the SWKNP helps to set a framework are therefore localised in nature and will have limited resource implications.
1b	The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	N	The SWKNP forms the lower tier of the hierarchy of land-use plans and as such is influenced by the strategic policies of the adopted Local Plan (i.e. the SWKNP must be in general conformity with the JCS, the SSP2 and the KTCAAP). Accordingly, the SWKNP will not have a significant influence on other plans and programmes
1c	The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	N	The basic conditions require a neighbourhood plan to contribute to the achievement of sustainable development. The SWKNP policies are planned to have a positive impact within the neighbourhood area for example, protecting the integrity of the Conservation Area, supporting business development, enhancing the streetscape. The likelihood of significant effects on the environment is therefore minimised.
1d	Environmental problems relevant to the plan or programme	N	Implementation of the SWKNP policies will not result in any significant environmental problems. Indeed, the SWKNP should have a positive impact through the inclusion, for example, of policies which seek to maintain/enhance the built and natural environment
1e	The relevance of the plan or programme for the implementation of [European] Community legislation on the	N	The SWKNP does not allocate land for development which may have impacted on waste management or water protection. Such issues are dealt with through the JCS, SSP2 and the KTCAAP which have been prepared with regard to European Community legislation on the environment. The SWKNP has to be in conformity with these Plans

	environment (for example, plans and programmes linked to waste management or water protection)		which already have measures in place to minimise and mitigate effects on the environment.
2	Characteristics of the effects and of the area likely to be affected by the SWKNP having particular regard to:	Is there a likely significant environmental impact?	Justification
2a	The probability, duration, frequency and reversibility of the effects	N	Whilst development may take place which is informed by the SWKNP, it does not assist in instigating development directly through the allocation of sites. There are therefore likely to be short term effects resulting from activity associated with the development of small scale, unallocated sites within the SWKNA. There may be longer-term effects relevant to changes in land use which may be positive but on a limited scale may have a negative impact on the environment. However, the SWKNP seeks to establish a local framework to address such issues and relies on higher tier plans and policies (i.e. the Local Plan) to deliver mitigation of negative impacts. Proposals to develop small scale sites in accordance with SWKNP policies will also be subject to national and local policies in regard to environmental protection and mitigation of impacts
2b	The cumulative nature of the effects	N	The SWKNP does not allocate land for development. Whilst the very limited development anticipated over the plan period may have a cumulative effect, this would not be of a magnitude that would lead to effects of such significance that SEA would be required.
2c	The trans-boundary nature of the effects	N	The SWKNP is focused on a small, designated Neighbourhood Area within Kettering Town. It does not allocate land nor contain policies that are likely to generate any trans-boundary effects. There are not expected to be any trans-boundary effects.
2d	The risk to human health or the environment (for example, due to accidents)	N	Given the scale and type of development potentially proposed within the SWKNA no significant risks to human health have been identified and none are anticipated. Indeed, the SWKNP may improve human health through, for example, positive policies to protect sites of recreational value and safeguard trees
2e	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	N	The SWKNA is approximately 48ha and has a population of about 2,000 residents. However, given the lack of allocations and the minor scale of development that may happen in the Neighbourhood Area, the potential for wide-reaching environmental impacts is likely to be limited and minimal.
2f	The value and vulnerability of the area likely to be affected due to: i) Special natural characteristics or cultural heritage; ii) exceeded environmental quality standards or limit values; or	N	(i) There is very little public open space in the plan area, just two small amenity green spaces and a strip of natural and semi natural land separating Ostlers Way from the railway line. Policy 6 (Natural Features and Landscape) protects these assets from development unless alternative space of equal or higher quality is provided within close proximity. The north-east portion of the SWKNA is predominantly located within the Kettering Conservation Area. Policy 3 (Conservation Area) has been developed to protect the integrity of this area. Policy 5 (Design of development) provides further direction where new development is proposed to ensure that any effect is unlikely to have a significant impact on any natural characteristics or cultural heritage.

	iii) intensive land-use		(ii) The SWKNP does not exceed environmental quality standards or limit values. (iii) Future proposals will be assessed against policies within the Development Plan which, in totality, mitigate against the over-development of land within the Plan Area.
2g	The effects on areas or landscapes which have a recognised national, Community or international protection status	N	There are no such areas within the Neighbourhood Plan Area or in close proximity.

SEA screening conclusion

6.8 The above assessment identifies that that SWKNP must be in general conformity with the strategic policies for the area, all of which have been the subject of a robust SA. The SWKNP does not propose more development than is set out within the Local Plans, nor does it allocate sites for development. Having regard to the above assessment it is concluded that it is unlikely that there will be any significant environmental effects arising from implementation of the SWKNP and there is therefore no requirement for a full SEA to be undertaken.

7. Habitat Regulations Assessment (HRA) Screening

Introduction

7.1 Schedule 2 of The Neighbourhood Planning (General) Regulations 2012 (as amended) state that to meet the basic conditions, the making of a neighbourhood plan must not be likely to have a significant effect on a European site, either alone or in combination with other plans or projects.

7.2 There is no formal Government guidance on HRA, although a consultation paper ([‘Planning for the Protection of European Sites: Appropriate Assessment’](#)) was issued in 2006. The consultation paper makes it clear that the HRA process should be undertaken at a level of detail that is appropriate and proportional. The first stage in the process is known as ‘screening’ and is essentially a risk assessment to decide whether the subsequent stage, known as Appropriate Assessment, is required. The essential question is: “Is the plan, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites?”

7.3 The objective of screening is to identify those policies that can, without any detailed appraisal, be said to be unlikely to result in significant adverse effects upon European sites, usually because there is no mechanism for an adverse interaction with such a site. Only if a significant effect is likely would the need for an Appropriate Assessment of the SWKNP be triggered

European sites

7.4 European sites form an EU wide network of nature protection areas designated to assure the long-term survival of Europe’s most valuable and threatened species and habitats. The sites are designated under the EU Birds Directive (79/409/EEC on the Conservation of Wild Birds) and the EU Habitats Directive (92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora). The Birds Directive requires the establishment of Special Protection Areas (SPAs) for birds. The Habitats Directive similarly requires Special Areas of Conservation (SACs) to be designated for other species, and for habitats. Wetlands of International Importance (Ramsar sites) are also part of the Natura 2000 network. This is

because all SPAs and SACs are comprised of Sites of Special Scientific Interest (SSSIs) and all Ramsar sites in England are SSSIs. Together, SPAs, SACs and Ramsar Sites make up the Natura 200 network in England.

The Upper Nene Valley Gravel Pits SPA

7.5 The SWKNA is located approximately 14.5km (from its nearest point) to the Upper Nene Valley Gravel Pits Special Protection Area (SPA). The designated area covers 1,358 ha in total and is located along the River Nene between Northampton and Thorpe Waterville to the east. The SPA consists of separate blocks of land and water fragmented by roads and other features and is located adjacent or close to urban areas. A map illustrating the extent of the SPA can be viewed at:

- <https://enc.maps.arcgis.com/apps/MapJournal/index.html?appid=bb2a20956d4f4eb2a0774f739d481224>

7.6 European sites are designated for specific 'qualifying interest features'. Box 1⁵ (below) summarises the characteristics of the Upper Nene Gravel Pits SPA, including the qualifying interest features; the impacts that the SPA is vulnerable to; and the management aspirations (conservation objectives).

⁵ North Northamptonshire Joint Core Strategy Habitat Regulations Assessment (2015)
http://www.nnjpdu.org.uk/site/assets/files/1204/nnjcs_hra_260115_final.pdf

BOX 1: Upper Nene Valley Gravel Pits SPA

Description: 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, 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 shrub. 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.

Qualifying species and assemblages: The site is designated due to its European ornithological importance, particularly as wintering habitat for wildfowl and wading birds:

- 2% or more of the Great Britain populations of Bittern (*Botaurus stellaris*) and 2.3% Golden plover (*Pluvialis apricaria*);
- used regularly by 2% or more of the biogeographical populations of Gadwell (*Anas strepera*); and
- used regularly by over 20,000 waterbirds in any season of various species including wigeon (*Anas Penelope*), crested grebe (*Podiceps cristatus*) and coot (*Fulica atra*).

Conservation objectives: The European Site conservation objectives for the SPA are to:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features;
- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The population of each of the qualifying features; and
- The distribution of the qualifying features within the site.

Vulnerabilities: The main vulnerabilities of the SPA identified in the North Northamptonshire Joint Core Strategy HRA are as follows:

- Significant disturbance to wintering birds as a result of activities connected with ongoing urban development;
 - Increased disturbance to wintering birds by increasing numbers of visitors with dogs using the public rights of way. Demand for access and formal / informal recreational activities within the Nene Valley are increasing. In addition the area is used for recreational activities such as water sports and fishing;
 - Habitat succession from short grassland to rank grassland, scrub / woodland due to lack of grazing;
 - Invasive non-native species are present within the site such as water pennywort *Hydrocotyle ranunculoides*, Nuttall's Pondweed *Elodea nuttallii* and New Zealand pigmyweed *Crassula helmsii*; and
 - Maintenance of water quality and water quantity.
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Table 4: HRA Screening Assessment– Likelihood of Significant Effects			
Policy	Topic	Comment	Likely Significant Effect
1	Community services and facilities	The policy itself will not lead to development. Its purpose is to maintain the balance of residential development interspersed with social and community facilities	N
2	Defined business development	The policy itself will not lead to new development. It focuses on retaining professional services in the Headlands' recognised business zone	N
3	Development in the Kettering Conservation Area	The policy itself will not lead to development. It protects the integrity of the Conservation Area	N
4	Protected housing areas	The policy itself will not lead to development. It protects the character of the defined housing area	N
5	Design of New Development	The policy itself will not lead to new development. It reinforces the character and appearance of individual townscapes while improving design	N
6	Natural features and landscape	The policy itself will not lead to development. It encourages the provision of new open space while retaining the balance of existing open spaces	N

7.7 As noted in paragraph 1.3, the SWKNP must be in general conformity with the strategic policies of the Local Plan set out in the JCS and SSP2. The HRA undertaken in respect of the JCS⁶ concluded that mechanisms to avoid adverse effects on the integrity of the Upper Nene Valley Gravel Pits SPA had been incorporated into the JCS and the planning application determination process. The JCS Inspector's Report⁷ indicates that the HRA was satisfactory and, taking into account advice from relevant consultees, notably Natural England, the Inspector concluded that the JCS was sound and consistent with Government policy.

7.8 The HRA on the SSP2 Publication Plan (2019)⁸ concluded that all residential site allocations lie beyond the 3km screening distance defined by the JCS HRA meaning that the SSP2 will not result in likely significant effects (LSEs) on the Upper Nene Valley Gravel Pits SPA / Ramsar. In addition, all residential and employment site allocations lie further than 4km from the Upper Nene Valley Gravel Pits SPA / Ramsar, the distance that golden plover from the SPA / Ramsar are considered to travel from the designated site to feed on parcels of agricultural land. It concludes the SSP2 will not result in LSE regarding the loss of functionally linked land.

⁶ <http://www.nnjpu.org.uk/publications/docdetail.asp?docid=1503>

⁷ <http://www.nnjpu.org.uk/publications/docdetail.asp?docid=1565>

⁸ https://www.kettering.gov.uk/downloads/file/18896/habitat_regulations_assessment_-_part_2_local_plan_december_2019

7.9 LSEs are not anticipated with respect to the impact pathway water quality and resources. This is because the growth allocated through the SSP2 will not require an additional abstraction of water from the River Nene; the resource zone is predicted to remain in surplus throughout the Plan period and the Wastewater Treatment Works are being upgraded in line with the delivered development the Report. Finally, the JCS HRA already assessed the potential in-combination effects of growth in the region at a more strategic level finding no adverse effects, which when considered in tandem with the SSP2 HRA it is concluded that there will be no in-combination effects arising from the implementation of the SSP2.

7.10 It should be noted that Natural England advised in their representation on the SSP2, that golden plover can fly up to 15-20km away from the SPA. This is a recognised factor in the wider context of the SSP2 which was considered by the Inspector when the Plan was subject to Examination in Public between 8th October and 16th October 2020. The Inspector's Report⁹ concluded (para 192) that:

"The Habitats Regulations Assessment (May 2020) meets the necessary regulatory requirements and concludes that the Plan will have no likely significant effects on the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar site. Based on additional information provided by the Council (letter dated 30 June 2020) Natural England are satisfied with this conclusion."

7.11 The SWKNA lies in excess of 14km from its closest point of the SPA, it is a built up, urban area and not an environment likely to attract a golden plover's flight. Furthermore, as the SWKNP does not allocate development which would lead to the loss of functionally linked land it is concluded that the SWKNP will not lead to any LSEs.

HRA screening conclusion

7.12 The HRA of the JCS has resulted in policy amendments and mechanisms to avoid likely significant effects upon the Upper Nene Valley Gravel Pits SPA arising from the implementation of its adopted planning policies. The HRA of the SSP2 concluded there will be no significant effects arising from the implementation of its policies. The SWKNP must be in general conformity with the strategic policies of the JCS and the SSP2 and, given the assessment of the SWKNP policies above there are considered to be no in-combination effects. The SWKNP will not lead to the loss of functionally linked land. The Neighbourhood Area is over 14k in distance from the SPA in a locality unlikely to attract the golden plover. It is concluded that the SWKNP will not lead to any likely significant effects and therefore does not require an appropriate assessment.

8. Consulting with Statutory Consultees

8.1 [Regulation 4 of the Environmental Assessment of Plans and Programmes Regulations 2004](#) defines certain organisations with environmental responsibilities as consultation bodies. In England the environmental assessment consultation bodies are Historic England, Natural England and the Environment Agency.

8.2 The responses from these consultation bodies on this Screening Report are found in Appendix 1.

⁹ Report on the Examination of the Kettering Part 2 Site Specific Local Plan (2020) The Planning Inspectorate

Appendix 1: Consultation Responses from the Statutory Consultees

Environment Agency

From: Monger, Keri

Sent: 19 March 2020 12:47

To: Emma Arklay

Subject: RE: SEA Screening Request - South West Kettering (Headlands Community) Neighbourhood Forum

Hi Emma

Thank you for consulting us on the Strategic Environmental Assessment (SEA) screening report for the South West Kettering neighbourhood plan on 20 February 2020.

Based on a review of environmental constraints for which we are a statutory consultee, there are no areas of fluvial flood risk or watercourses within the Plan area. Therefore we do not consider there to be potential significant environmental effects relating to these environmental constraints or other environmental sensitivities of interest to us.

The Lead Local Flood Authority's Surface Water Management Plan will indicate if there are any critical drainage areas from local sources of flood risk (e.g. surface water, groundwater and sewerage) which coincide with the Plan area.

Should you have any further questions please do not hesitate to contact me.

Kind regards

Keri Monger

Sustainable Places – Planning Adviser | Lincolnshire & Northamptonshire

Environment Agency | Nene House, Pytchley Road Industrial Estate, Pytchley Lodge Road, Kettering, NN15 6JQ

keri.monger@environment-agency.gov.uk

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Creating a better place
for people and wildlife





Historic England

Ms Emma Arklay
Kettering Borough Council
Municipal Offices
Bowling Green Road
Kettering, Northamptonshire
NN15 7QX

Direct Dial: 0121 625 6870

clive.fletcher@historicengland.org.uk

Our ref: PL00688432

12 March 2020

Dear Ms Arklay

SOUTH WEST KETTERING (HEADLANDS COMMUNITY) NEIGHBOURHOOD PLAN - SEA SCREENING REQUEST

Thank you for your consultation of 20 February 2020 and the request for a Screening Opinion in respect of the South West Kettering (Headlands Community) Neighbourhood Plan.

For the purposes of consultations on SEA Screening Opinions, Historic England confines its advice to the question, "Is it likely to have a significant effect on the environment?" in respect of our area of concern, cultural heritage. Our comments are based on the information supplied with the screening request.

On the basis of the information supplied and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England is of the view that the preparation of a Strategic Environmental Assessment is not likely to be required.

The views of the other statutory consultation bodies should be taken into account before the overall decision on the need for a SEA is made. If a decision is made to undertake a SEA, please note that Historic England has published guidance on Sustainability Appraisal / Strategic Environmental Assessment and the Historic Environment that is relevant to both local and neighbourhood planning and available at:

[<https://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>](https://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/)

Should it be concluded that, overall, a SEA will be required for the Plan, Historic England would be pleased to discuss the scope of the assessment in relation to the historic environment in due course.

I hope that this information is of use to you at this time. Should you have any queries,

please do not hesitate to contact me.

Yours sincerely,

Clive Fletcher
Principal Adviser, Historic Places



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Telephone 0121 625 6888
HistoricEngland.org.uk



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.

Date: 21 February 2020
Our ref: 309673



Mr Andrew Needham
Kettering Borough Council
AndrewNeedham@kettering.gov.uk

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Mr Needham

**SEA Screening Request – South West Kettering (Headlands Community) Neighbourhood Forum
– SEA Screening Report and HRA Report**

Thank you for your consultation on the above dated 20 February 2020 which was received by Natural England on 20 February 2020.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Screening Request: Strategic Environmental Assessment and HRA Screening Report

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Habitats Regulations Assessment (HRA) Screening

Natural England also concurs with the conclusions of the HRA screening Report.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Clare Foster
Consultations Team

Ecological Advisor

From: Heather Webb <HWebb@northamptonshire.gov.uk>

Sent: 20 July 2020 10:57

To: Emma Arklay <EmmaArklay@kettering.gov.uk>

Subject: RE: SEA Screening Request - South West Kettering (Headlands Community) Neighbourhood Forum (our ref. 309673) - NE Response

Morning Emma!

I don't see anything in these policies that would cause me concern from an ecological perspective: as you say it's already very urban and there's limited public open space let alone natural or semi-natural habitats. Since NE is satisfied that there aren't any implications for their sites I'm happy to go along with that.

Cheers

Heather