

Date: 04 April 2019  
Our ref: 276124  
Your ref: N/A



**FAO: East Northamptonshire Council and Wellingborough Borough Council**

**BY EMAIL ONLY**

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To whom it may concern,

**RE: Planning applications for less than 10 dwellings within the 3km buffer for the Upper Nene Valley Gravel Pits Special Protection Area (SPA) Mitigation Strategy**

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.

Since the recent European Court of Justice People over Wind ruling, Natural England have been working closely with your Councils to produce a template for Appropriate Assessments for all planning applications for new housing that fall within the 3km buffer zone for the SPA (which defines which projects are likely to have a significant effect to the SPA / Ramsar site). The Upper Nene Valley Gravel Pits Special Protection Area (SPA)/Ramsar site is legally protected by the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'). In accordance with the Habitats Regulations, it is technically required that Natural England are consulted on any Appropriate Assessment your Authority makes. This means that Natural England is being consulted on planning applications for 9 or fewer dwellings, despite the guidance within the Supplementary Planning Document (SPD), which states that the Strategic Access Management and Monitoring (SAMM) payments may act as standalone mitigation for this type of application. Natural England advises that amendments are made to the Appropriate Assessment template, as suggested within email correspondence from our colleague Ross Holdgate to your Councils on 20 September 2018. Please find our suggested amendments to the Appropriate Assessment template attached, which we would still support.

In summary, the Habitats Regulations require Natural England to be consulted on all residential development within the 3km buffer zone. However, Natural England does not wish to be consulted on applications of less than ten homes since our advice is standardised, and therefore our individual input on these applications does not contribute any further to the HRA process.

We would like this formal letter to act as a confirmation that there is no need to consult Natural England on Appropriate Assessments for planning applications within the 3km buffer for less than 10 homes. As stated within our email from our Planning Team dated 20 February 2019, the Appropriate Assessments should still be completed for your own records, as the competent authority.

Alternatively, Natural England is happy to agree a statement of common ground with your Councils on this matter, should you prefer.

Once agreed, Natural England will amend our standard Nene Valley letter (attached) from

*“Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation*

*of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.”*

To:

*“Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make. Natural England and your Authority are in agreement that appropriate assessments for planning applications of less than 10 dwellings within the 3km buffer do not require Natural England consultation. For these applications Natural England’s standard framework advice as detailed within this letter applies.”*

We look forward to hearing your opinion on our proposals within this letter in due course.

Yours sincerely

Anna Bush  
Lead Planning Adviser