



PLANNING COMMITTEE:	30th June 2015
DIRECTORATE:	Regeneration, Enterprise and Planning
DIRECTOR:	Steven Boyes
N/2015/0389:	Pond excavation and two shallow scrapes, linked in sequence by short ditches within the field at wetland habitat site, Duston Mill Lane
WARD:	Delapre and Briar Hill
APPLICANT:	Northampton Borough Council
AGENT:	Northampton Borough Council
REFERRED BY:	Director of Regeneration, Enterprise and Planning
REASON:	Council is the applicant and Council owned land
DEPARTURE:	No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

- 1.1 **APPROVAL IN PRINCIPLE** subject to the conditions as set out below and for the following reason:

The proposed development would lead to a net increase in biodiversity, would off-set ecological impacts associated with the historic construction of the Southern Development Link Road from Upton Way to St James Mill Road and would not increase flood risk in the area. The proposal is in accordance with policies BN1, BN2 BN7, BN8 and S10 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan and the requirements of the NPPF.

- 1.2 As the consultation period will not expire until the 8th of July, it is recommended that delegated authority be given to the Director of Regeneration, Enterprise and Planning to resolve any additional issues raised in comments received not dealt with in the report and issue planning permission after the consultation period has expired.

2. THE PROPOSAL

- 2.1 Planning permission is sought for the excavation of a pond and two shallow scrapes, linked in sequence by short ditches within a site known as Duston wetlands.

- 2.2 The proposal would involve the excavation of a standing water pond and shallow scrapes. Shallow scrapes are depressions in the land with gently sloping edges, which seasonally hold water; they create wetland features that are very attractive to wildlife.
- 2.3 It is proposed to place the excavated spoil on top of the existing flood banks within the application site. The height increase of the flood banks would be nominal; however it would make a small contribution towards reducing the existing discrepancy between the top of the flood bank level and the 1 in 200 year flood level.
- 2.4 The project is an off-site mitigation scheme arising from a planning obligation imposed on the Northampton Southern Development Link Road from Upton Way to St James Mill Road. The obligation required the Homes and Communities Agency (HCA) to contribute funding towards ecological improvements in the river valley, which included 'Off-site mitigation on land South of Duston Flood Reservoir and north of the Northampton Arm of the Grand Union Canal (Duston Wetland).
- 2.5 The wetland will be fed by precipitation, as well as ground water and topped up from the River Nene during very high flows through a new offtake structure (Tilting Weir). The tilting weir would accurately control the flow of water taken from the river, passing water firstly into the pond then into the first shallow scrape followed by the second shallow scrape.

3. SITE DESCRIPTION

- 3.1 The application constitutes an area of unmanaged grassland, with some animal grazing, between the River Nene and the Grand Union Canal. The site is located to the east of the A5076, Upton Way and has an area of approximately 5.5ha.
- 3.2 The site is bounded by the Kislingbury branch of the River Nene to the west, the Duston flood Relief Channel to the north-west, Public Right of Way HW39 to the north east and the Northampton branch of the grand Union Canal to the east and south.

4. PLANNING HISTORY

- 4.1 There has been no recent relevant planning history.

5. PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies, Northampton Central Area Action Plan (2013), and emerging Neighbourhood Development Plans where relevant.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 103: Seeks to ensure that development does not increase flood risk elsewhere.

Paragraph 109: Seeks to conserve and enhance the natural environment through various means including recognising the wider benefits of ecosystems, providing net gains in biodiversity where possible and establishing coherent ecological networks.

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy BN1 – Green Infrastructure Connections – Green Infrastructure Corridors of sub-regional importance will be recognised for their important contribution to sense of place and conserved, managed and enhanced.

Policy BN2 – Biodiversity – Development which will deliver a net gain in biodiversity will be supported.

Policy BN7 – Flood Risk – Development proposals must comply with flood risk assessment and management requirements set out in national and local policy to address current and future flood risks with appropriate climate change allowances.

Policy BN8 – The River Nene Strategic River Corridor – Proposals for new development and habitat enhancement should demonstrate an understanding of the importance of the River Nene for biodiversity within and beyond the plan area.

Policy S10 – Sustainable Development Principles – requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximise water efficiency and promote sustainable drainage, conserving and enhancing the natural environment.

5.4 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

Policy E20 – New development – The policy seeks to secure development which has an acceptable design, layout and achieves acceptable standards of amenity.

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **NBC Environmental Health:** No objections.

Natural England: Have no comments to make regarding this application.

Environment Agency: No objection subject to a condition regarding flood mitigation measure.

Canal & River Trust: Awaiting comments.

The development has been advertised by way of press notice, site notice and neighbour letters, no representations have been received from members of the public at the current time.

7. APPRAISAL

Principle of the development

- 7.1 The purpose of the development is to provide a wetland habitat to off-set the ecological impacts associated with the historic construction of the Southern Development Link Road from Upton Way to James Mill Road, and to enhance the local landscape and biodiversity by creating wetland habitats including wet grassland, pools/scrapes and other features associated with fluvial wetlands. The proposal would promote the biodiversity of the greenspace, in an area of limited biodiversity value.
- 7.2 The site is part of the Sub-Regional Green Infrastructure Corridor the Nene (Newham Northampton Corridor) and is also close to the connecting Local Green Infrastructure Milton Keynes Northampton Grand Union Canal Spur. Policy BN1 of the West Northamptonshire Joint Core Strategy recognises the importance of Sub-Regional Green Infrastructure Connections. The policy states that measures to provide new green infrastructure provision should make prudent use of natural resources; should mitigate and adapt to the effects of climate change including through improved flood risk management; have a high quality design; reflect local character and be supported by a long-term management strategy.
- 7.3 The proposal would make prudent use of the land by enhancing the existing land use and delivering a net gain in biodiversity. In terms of flood risk management the Environment Agency have not objected to the proposal subject to condition. The scheme has been appropriately designed to have minimal impact on the landscape and would be in keeping with the character of the area. The site would be monitored and managed by a site manager. It is considered that the proposal would be acceptable in principle and would accord with the key criteria set out in policy BN1 of the West Northamptonshire Joint Core Strategy.

Flood Risk

- 7.4 A Flood Risk Assessment (FRA) has been submitted in support of the application. The Environment Agency have been consulted and raise no objection to the proposed development as detailed in the FRA subject to a planning condition stating that works are carried out in accordance with the details set out in the submitted FRA and the mitigation measure relating to the tilting weir is implemented.

- 7.5 The development would allow controlled flow of water into the site at times of high flow in the River Nene.
- 7.6 The proposal would result in a net gain in available flood storage volume. This will have a beneficial impact, albeit small, within the overall catchment. It is proposed to use the excavated spoil to raise the existing flood defences by placing it on top of the existing flood banks within the application site. The height increase of the flood banks would be nominal; however it would make a small contribution towards reducing the existing discrepancy between the top of the flood bank level and the 1 in 200 year flood level.
- 7.7 It is considered that the proposed development would be acceptable and would not increase flood risk in the area subject to a condition relating to mitigation measures set out in the FRA in accordance with policies BN7 and BN8 of the West Northamptonshire Joint Core Strategy and the NPPF.

Biodiversity

- 7.8 One of the objectives of the scheme is to reconnect the floodplain to the river through linear features; this application seeks to connect the River Nene to the application site. This would be achieved by the management of water levels through the pond and the shallow scrapes. The aim is to create continuity between the river and the new habitats, with exchange of species between the two at wet times of the year and to maintain the presence of fluvial habitats on the floodplain into drier times of the year.
- 7.9 Natural England have been consulted and have no comments to make on the application. The Wildlife Trust designates the whole site under three separate designations, Potential Wildlife Sites (PWS), these being 1. Duston Mill Fields, 2. Duston Mill Fields South and 3. Swan Valley Meadow. The Council have worked closely with the Wildlife Trust to draft an appropriate proposal.
- 7.10 As the proposal seeks to enhance the biodiversity of the site and particularly encourage wetland nesting areas, following advice from the Wildlife Trust the development will not encourage public access into the area. It is also considered that increasing the boggy nature of the ground will discourage public access.
- 7.11 The proposal would deliver a net gain in biodiversity in accordance with Policies BN1 and BN2 of the West Northamptonshire Joint Core Strategy and the NPPF.

Visual Amenity

- 7.12 It is considered that the proposed development would be in keeping with the character and appearance of the area. The tilting weir, flood gate and maintenance steps would represent minor works to facilitate the development and would not appear unduly obtrusive in relation to the site or the surrounding area. The introduction of the pond and shallow scrapes would have a positive impact on the visual amenity of the landscape.
- 7.13 The proposal is considered to be in accordance with policy BN1 of the West Northamptonshire Joint Core Strategy and policy E20 of the Northampton Local Plan.

Neighbour Amenity

- 7.14 The proposed development would be located approximately 118m from the nearest residential properties and would be separated from the residential area by the Grand Union Canal. It is considered that the proposal would not have any significant detrimental impacts on residential amenity; it has already been established that the proposal would not pose any increased flood risk. The proposal would enhance the biodiversity of the local area to the benefit of the community.
- 7.15 The proposed development is considered to be in accordance with policy E20 of the Northampton Local Plan and the NPPF.

8. CONCLUSION

- 8.1 It is considered that the proposal would be in accordance with planning policies. The development would enhance the local landscape and biodiversity and would make a minor contribution to reducing flood risk in accordance with policies BN1, BN2, BN7, BN8 and S10 of the West Northamptonshire Joint Core Strategy and the NPPF.
- 8.2 The development would not have any significant impacts on the visual or residential amenity of the site or the surrounding area in accordance with policy E20 of the Northampton Local Plan and the NPPF.

9. CONDITIONS

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: DW-200 (Site Boundary and Access); DW-202 (Constraints Plan); DW-203 (Site Longitudinal Section); DW-206 (Sluice Details); DW-204 Rev C (Carrier Ditch Route River Intake Structure Details 1 of 2); DW-205 Rev B (Carrier Ditch Route River Intake Structure Details 2 of 2).

Reason: For the avoidance of doubt and to accord with the terms of the planning application/listed building consent application.

- (3) The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and the following mitigation measure: The tilting weir should be set no lower than 61.0mAOD. The mitigation measure shall be fully implemented prior to first use and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure that flows are maintained in the main river channel so as not to affect the water transfer scheme located just upstream of the proposed works.

10. BACKGROUND PAPERS

- 10.1 N/2015/0389

11. LEGAL IMPLICATIONS

11.1 None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Name: Site Location Plan
 Date: 15th June 2015
 Scale: 1:3000
 Dept: Planning
 Project: Planning Committee

Title

Wetland Habitat site, Duston Mill Lane

Produced from the 2011 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655