Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the
Northamptonshire Minerals and Waste Local Plan Update

The Plan was submitted for examination on 18 August 2016
The examination hearings were held on 29 and 30 November 2016

File Ref: PINS/K2800/429/11
## Abbreviations used in this report

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AA</td>
<td>Appropriate Assessment</td>
</tr>
<tr>
<td>AWP</td>
<td>Aggregate Working Party</td>
</tr>
<tr>
<td>DtC</td>
<td>Duty to Co-operate</td>
</tr>
<tr>
<td>HRA</td>
<td>Habitats Regulation Assessment</td>
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<tr>
<td>HS2</td>
<td>High Speed 2</td>
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<tr>
<td>LAA</td>
<td>Local Aggregates Assessment</td>
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<tr>
<td>LDS</td>
<td>Local Development Scheme</td>
</tr>
<tr>
<td>LLWR</td>
<td>Low Level Waste Repository</td>
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<tr>
<td>MM</td>
<td>Main Modification</td>
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<tr>
<td>Mt</td>
<td>Million tonnes</td>
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<tr>
<td>NPPF</td>
<td>National Planning Policy Framework</td>
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<td>NPPW</td>
<td>National Planning Policy for Waste</td>
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<td>SA</td>
<td>Sustainability Appraisal</td>
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<tr>
<td>SCI</td>
<td>Statement of Community Involvement</td>
</tr>
<tr>
<td>SNDC</td>
<td>South Northamptonshire District Council</td>
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</tbody>
</table>
Non-Technical Summary

This report concludes that the Northamptonshire Minerals and Waste Local Plan Update provides an appropriate basis for the planning of the County, provided that a number of Main Modifications [MMs] are made to it. Northamptonshire County Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs were largely proposed by the Council, although I have requested several additional MMs. All the MMs were subject to public consultation over a six week period. In some cases, I have slightly amended their detailed wording. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The purposes of the recommended Main Modifications can be summarised as follows:

- To amend the site boundary of Site Allocation M5 to include an area of land erroneously omitted.
- To remove Site Allocations M6 and M8 from the Plan.
- To update the existing waste management capacity figures for waste and recalculate the capacity gap.
- To define the role of an integrated waste management facility.
- To set out that industrial area locations, as allocated by Policy 13, could (where appropriate) accommodate advanced waste treatment facilities.
- To set out that Policy 12 does not apply to sewage and waste water treatment facilities.
- To bring the Plan up-to-date with the national policy context for radioactive waste.
- To amend the site profile of Site Allocation M5 to set out the need for a Transport Assessment to be undertaken at the planning application stage.
- To amend the site profile of Site Allocation M10 to emphasise the need to consider highway safety matters.
- To refer to the HS2 Safeguarding Area.
**Introduction**

1. This report contains my assessment of the Northamptonshire Minerals and Waste Local Plan Update in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first, whether the Plan’s preparation has complied with the Duty to Co-operate (DtC). It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (the NPPF) (Paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.

2. The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan. The Northamptonshire Minerals and Waste Local Plan Update (the Plan), submitted in August 2016, is the basis for my examination. It is the same document that was published for consultation in May 2016.

**Main Modifications**

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any MMs necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2, MM3** etc, and are set out in full in the Appendices.

4. Following the examination hearings, the Council prepared a schedule of proposed MMs. The MMs schedule was subject to public consultation for six weeks. The MMs were reported through the Sustainability Appraisal (SA), however, did not require further assessment as they did not form a significant change, as defined through the SA process. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some minor amendments to the detailed wording of the MMs. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA that has been undertaken. Where necessary, I have highlighted these amendments in the report.

**Policies Map**

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a Local Plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted Local Plan. In this case, the submission policies map comprises the set of plans identified as Northamptonshire Minerals and Waste Local Plan Policies Map (Submission) as set out in Examination Document Ref 301.

6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan policies require further corresponding changes to be made to the policies map. These further changes to the policies map
map were published for consultation along with the MMs. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan’s policies, the Council will need to update the adopted policies map to include all the changes proposed alongside the MMs.

**Assessment of Duty to Co-operate**

7. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan’s preparation.

8. The Council has provided as part of its evidence, a document (Ref 605) that sets out at the start of the Plan’s preparation how the Council would meet the DtC. In addition, a further document (Ref 617) was provided in support of the submission Plan, which identifies how the DtC has been met. This sets out that the Council has consulted all Minerals and Waste Authorities in England and relevant Aggregate Working Parties (AWPs) throughout the plan-making process and the production of the Council’s Local Aggregates Assessment (LAA), through both formal and informal processes. This, in the main, can also be said for other Local Planning Authorities and statutory bodies. It is clear that many of the changes to the Plan that were brought forward by the Council were as a result of consultation with the above parties to address their concerns in a constructive and active manner.

9. One particular concern was raised by South Northamptonshire District Council (SNDC) about the proposed allocation of Passenham Extension East (M6), within its district area. For the reasons set out below, I have concluded that this site allocation is unsound and I have recommended its deletion from the Plan. Given that the site no longer forms part of the Plan, I am satisfied that no purpose would be served by any finding that the DtC has been failed in regard to the narrow concern raised by SNDC about the engagement on the deleted allocation.

10. Overall, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

**Assessment of Soundness**

**Main Issues**

11. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified a number of main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

**Background**

12. The Council has been clear from the off-set that this is a focused update to the adopted Northamptonshire Minerals and Waste Plan (2014), largely reviewing the site allocations within the Plan. Therefore, this Plan update has not sought to change the plan period or review the Council’s overall need figures for
minerals or waste management capacity or significantly alter the overall strategy to meet such needs.

**Does the Plan make appropriate provision for the steady and adequate supply of aggregates?**

*Is the Plan positively prepared to secure a steady and adequate supply of aggregates?*

13. Policy 1 ‘Providing for an adequate supply of aggregates’ of the Plan requires 10 million tonnes (Mt) of sand and gravel to be delivered between 2011 and 2031 (0.5 Mt per year). Further, it requires 7.8 Mt of crushed rock to be delivered over the same period (0.39 Mt per year). The latest Local Aggregates Assessment (LAA) (2016) (Ref 1000) shows that the past 10 year sales average for sand and gravel is 0.34 Mt per year, which is noticeably lower than the requirement of Policy 1. However, in more recent times the last three year sales average is 0.43 Mt, which is not dissimilar to that set out in Policy 1. In terms of crushed rock, the last three and ten year sales average identified in the LAA are both the same at 0.24 Mt per year. This is well below the requirement of Policy 1. However, I am mindful that the site at Wakerley has only recently been granted permission and once operational, the annual sales average could well increase. Given all of this, I consider that the requirements in terms of sand and gravel and crushed rock set out in Policy 1 remain appropriate. Although, it will be essential that the Council continually monitor yearly sales for aggregates and review the requirements of Policy 1 in the future as necessary.

14. Further to the above, as part of the Plan, the Council is now allocating sufficient sites to maintain a suitable landbank for sand and gravel and crushed rock at the end of the plan period.

15. The Council’s spatial strategy for delivering the requirements of Policy 1, with the exception to some changes to the site allocations, remains largely unchanged since the adoption of the Local Plan in October 2014. As a result of all the evidence that I have before me and the discussions undertaken at the hearing sessions, I see no reason to consider that the Council’s spatial strategy to deliver the requirements of Policy 1, does not remain reasonable and sound, with the exception of some site specific matters that are discussed further in the following sections.

**Site Allocation M5: Passenham Extension South**

16. It was brought to my attention at the hearing sessions that the site allocation map in Appendix 1 had omitted an area of land that the Council had intended to allocate within the site. Having regard to the supporting evidence, most notably the supporting Technical Annex (Ref 402) and the Policies Map, I accept that this is clearly the case. In order for the site to fulfil its anticipated capacity as set out in Policy 4 and for the Plan to therefore be effective, an amendment to the site map is required in Appendix 1 of the Plan (MM31).

**Site Allocation M6: Passenham Extension East**

17. Policy 4 allocates the site for the extraction of approximately 0.15 Mt of sand and gravel and it would form an extension to the existing Passenham Quarry.
The site lies in close proximity to the village of Passenham and its Conservation Area. The Conservation Area includes two Grade I listed buildings, St Guthlac’s Church and the tithe barns at the Manor House and three Grade II listed buildings, the Manor Farmhouse, the Manor House including the attached walls and gates and the Dovecote. The majority of these buildings and structures are separated from the allocated site by other buildings or are orientated so that their settings do not include the allocated site. However, I observed on my site visit that views over the allocated site are gained from the rear of the Manor House, which in my view, forms part of its setting. Further, due to the close proximity of the allocated site to the Conservation Area boundary and the open nature of the site and the surrounding area, I consider that the site falls within the setting of the Conservation Area.

18. The site promoter has provided an indicative working scheme for the site, which includes generous stand-off distances to the village. However, even taking these into account, it was evident to me, that the works would still be very noticeable when viewed from the rear garden of the Manor House and from the rear of properties that fall along the Conservation Area boundary to the northeast of the site. The visual presence of machinery and works along with associated noise, which whilst could be mitigated to acceptable levels would, nonetheless, significantly alter the tranquil setting of both the Conservation Area and the Manor House. Whilst the existing operations of the Passenham Quarry can be seen from the rear of the Manor House and from the rear of properties that lie along the Conservation Area boundary, these are at a much greater distance. For these reasons, I consider that the site allocation would not preserve the setting of the Grade II listed Manor House or the Conservation Area, causing harm to their significance.

19. There are consented areas for sand and gravel extraction located at similar distances to the Conservation Area directly to the west and southeast of the allocated site. There is also a proposed site allocation for sand and gravel extraction to the southeast, which falls within the Milton Keynes Local Authority. However, these are located more towards the periphery of the village and not adjacent to its central core or to the Manor House.

20. Whilst the identified harm would be temporary and in terms of the NPPF would result in less than substantial harm (Paragraph 134), there is no need, in my view, to allocate the site to meet the Council’s identified needs in terms of sand and gravel within the plan period. Whilst the allocation of the site would add some flexibility to the Plan, the Council is, nonetheless, seeking to deliver a suitable landbank at the end of the plan period. Even excluding this site allocation, the Council has identified suitable sites to achieve this target, which adds a good level of flexibility to the Plan.

21. Consequently, at this point in time, I consider that the public benefits that would arise from the mineral extraction do not outweigh the harm that would result, even though the harm would be temporary in nature. To allocate a site that is not presently required to meet the identified need and would, in my view, result in demonstrable harm, is not a sound approach, in terms of being justified or consistent with the NPPF. Changes are needed to delete the site allocation from the Plan and to adjust the capacity gap calculations (MM4,
MM5, MM8 and MM30). The deletion of the site will also need to be reflected on the Policies Map, in order for Policy 4 to be sound.

Site Allocation M8: Wakerley

22. The site was granted planning permission in December 2015 following the signing of a Section 106 Agreement for the extraction of 11.25 Mt of crushed rock, with 6 Mt expected to be extracted up to 2041. The site has a ten year implementation period from the issue of planning permission and at the time of the submission of the Plan, the Council was of the view that due to a potentially long lead in time until extraction would commence, it should be included as a site allocation. However, the promoter of the site has since indicated to the Council that there is a clear intention to proceed with works at the site as soon as practicable. In the particular circumstances here, the site’s inclusion in the Plan is not necessary for effectiveness. The Council has put forward MMs deleting it from the Plan and to amend the supporting text (MM2, MM3, MM6, MM7, MM8 and MM30). I agree that this is an appropriate course and is justified. The deletion of the site will also need to be reflected on the Policies Map, in order for Policy 5 to be sound.

Conclusion on minerals

23. The Plan, when considered with the recommended changes, provides an appropriate basis to secure a steady and adequate supply of aggregates and is positively prepared, justified, effective and consistent with national policy.

Does the Plan make proper provision for waste to be managed?

24. The Plan is not seeking to update the overall need calculations for each waste stream and there is no evidence before me to suggest at this time that there is any new substantive data available to undertake such a task. I consider that the Plan is therefore based on a sound calculation of the County’s overall waste management requirements. The Council’s spatial strategy for waste is set out in Policy 11, which seeks to direct most development to the central spine of the County (Northampton, Wellingborough, Kettering and Corby) and the sub-regional centre of Daventry. At rural service centres, preliminary treatment facilities for local or neighbourhood catchment areas are considered appropriate and such facilities are also considered acceptable in other rural areas or where the facility would be incompatible with urban development. Whilst sites are not allocated in rural areas, I consider that Policy 11 and Policy 12 provide suitable guidance for the delivery of waste facilities in such locations. Further, Policy 11 provides an appropriate and justified basis to direct development to sustainable locations. There is no reason to consider the need to apportion waste capacities or facilities to individual settlements as suggested by some interested parties. Particularly as such an approach is not required by national policy.

25. Notwithstanding the above, the Plan has not sought to update the existing permitted capacity for waste management facilities since the start of the plan period (2011), in order to provide an up-to-date capacity gap calculation. Such an approach would result in development control officers looking through six or seven annual monitoring reports to try and ascertain what the current capacity gap is for each waste stream during the determination of each planning application. The Council has set out that it is likely to start work on a
full review of the Plan, in the near future. This in itself is likely to take in the region of two to three years. By this time, an accurate capacity gap for each waste stream would not have been calculated for some 10 years. I am not satisfied that this is an effective or justified approach. Consequently, the Council was asked to provide an up-to-date picture of the existing permitted capacity for each waste stream and changes are required to the Plan to update the capacity gap calculations (MM15, MM16, MM18, MM19, MM20, MM21 and MM25).

26. The Plan identifies that there is a need to deliver additional advanced treatment capacity over the plan period. To deliver this, two sites are identified in Policy 13 as integrated waste management facilities. However, it is not clear from the Plan what integrated waste management facilities are or what types of waste management facilities they are likely to accommodate. An amendment to the Plan is therefore required in order for it to be effective, to define an integrated waste management facility (MM23).

27. Policy 13 identifies numerous industrial area locations that are considered, in principle, acceptable for waste management facilities. These are largely located within the central spine and the sub-regional centre of Daventry. The updated capacity figures provided by the Council identify that approximately 0.28 Mt of additional advanced treatment capacity is needed by the end of the plan period (2031). Whilst the two allocated integrated waste management facilities could be capable of delivering this capacity, I consider that additional flexibility may be required for the Plan to meet this need. The Council accept that advanced treatment facilities, in many circumstances, are likely to be acceptable at industrial area locations. For the Plan to be positively prepared to deliver sufficient advanced treatment capacity, I consider that a change is needed to set out that industrial area locations may be suitable for advanced treatment facilities subject to compliance with the other policies in the Plan (MM22).

28. Policy 12 identifies development criteria for waste management facilities (non-inert and hazardous). It is clear that a number of these criteria would be difficult for a sewage /waste water treatment facility to meet, due to their commonly specific location requirements. Therefore, in order for the Plan to be justified, a change is needed to set out in the supporting text that Policy 12 does not apply to sewage and waste water treatment facilities (MM24).

29. Turning to radioactive waste, the Nuclear Decommissioning Authority (NDA) Strategy (Strategy III) and the UK Strategy for the Management of Solid Low Level Radioactive Waste from the Nuclear Industry were both published in 2016. These have altered the national policy context for radioactive waste and numerous changes are necessary to bring the Plan in line with national policy (MM1, MM9, MM10, MM11, MM12, MM13, MM14, MM17, MM26, MM27, MM28, MM35, MM36 and MM37). I have amended the wording of MM1, MM12 and MM13 to take into account the representations made by Cumbria County Council and Nuclear Legacy Advisory Forum (NuLeAF) on the MMs consultation. However, I consider that my changes to these MMs are very minor and include an update on the planning status of the Low Level Waste Repository (LLWR) Facility in Cumbria.
Conclusion on waste

30. I conclude that with the recommended changes, the Plan makes proper provision for the waste to be managed and is positively prepared, justified, effective and consistent with national policy, namely the National Planning Policy for Waste (the NPPW).

Is the Plan effective in terms of being able to control any potential impacts from future minerals and waste development?

31. The Plan contains a comprehensive number of policies that collectively seek to control impacts from future minerals and waste development. These include development criteria policies and policies addressing local considerations, such as sustainable transport, natural assets, landscape character, design and layout, the historic environment and restoration and after use. Further, each site allocation has its own site profile that identifies future development requirements and particular matters that will need to be addressed at the planning application stage.

32. It has been suggested that mitigation measures identified in the SA of the policies and the site allocations should be incorporated into the policies themselves and the site allocation profiles. However, these are largely high level, broad and generic mitigation measures and are not specific to each site. Further, such broad mitigation measures and associated best practises could be subject to change in the future. I consider that the Plan provides a suitable and flexible basis to ensure that potential impacts from future minerals and waste development can be suitably controlled in the County. Further, I consider that Policy 20 provides an appropriate basis to suitably protect natural assets and resources.

Site Allocation M5: Passenham Extension South

33. It is clear from the evidence before me that there is potential for the site allocation to result in highway safety concerns. Consequently, whilst I see no reason to consider at this stage that such matters cannot be overcome by appropriate mitigation measures, I consider at the planning application stage, particular attention should be paid to highway safety matters. The site profile also erroneously refers to the Kingfisher County Wildlife Site, rather than the Deanshanger Gravel Pits Local Wildlife Site. In order for the Plan to be effective, changes are therefore necessary to the site allocation’s site profile in Appendix 1 to reflect these matters (MM32 and MM33).

Site Allocation M10 Harlestone Quarry Extension

34. I am aware of particular concerns with regard to highway safety matters at the site, particularly cumulative impacts with other planned development in the area. I see no reason to believe that such concerns cannot be overcome by appropriate mitigation measures. However, at the planning application stage, particular attention should be paid to highway safety matters. An amendment to reflect this and for the Plan to be effective is therefore required (MM34).
High Speed 2

35. The High Speed 2 (HS2) safeguarding area runs through the County. For the Plan to be effective, changes are necessary to the supporting text of Policy 29 (MM29). In addition, the safeguarding area will also need to be illustrated on the Policies Map, in order for this part of the Plan to be sound.

Conclusion on controlling the impacts of future minerals and waste development

36. Taking into account the recommended changes, the Plan is effective in terms of being able to control any potential impacts from future minerals and waste development and is positively prepared, justified and consistent with national policy.

Assessment of Legal Compliance

37. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

<table>
<thead>
<tr>
<th>LEGAL REQUIREMENTS</th>
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<tbody>
<tr>
<td>Local Development Scheme (LDS)</td>
<td>The Plan has been prepared in accordance with the Council’s LDS September 2014.</td>
</tr>
<tr>
<td>Statement of Community Involvement (SCI) and relevant regulations</td>
<td>The SCI was adopted in November 2012. Consultation on the Local Plan and the MMs has complied with its requirements.</td>
</tr>
<tr>
<td>Sustainability Appraisal (SA)</td>
<td>SA has been carried out and is adequate.</td>
</tr>
<tr>
<td>Habitats Regulations Assessment (HRA)</td>
<td>The Habitats Regulations Screening Report, March 2016 sets out why Appropriate Assessment (AA) is not necessary. Natural England support this view.</td>
</tr>
<tr>
<td>National Policy</td>
<td>The Plan complies with National Policy except where indicated and MMs are recommended.</td>
</tr>
<tr>
<td>2004 Act (as amended) and 2012 Regulations.</td>
<td>The Plan complies with the Act and the Regulations.</td>
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Overall Conclusion and Recommendation

38. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

39. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended MMs set out in the Appendices, the Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

Jonathan Manning
INSPECTOR

This report is accompanied by Appendix 1 containing the Schedule of Main Modifications.