

# **NORTHAMPTONSHIRE MINERALS AND WASTE LOCAL PLAN UPDATE: COUNCIL RESPONSE TO INSPECTOR'S MATTERS AND ISSUES**

## **MATTER 1 - Legal requirements and the Duty to Co-operate**

### **Issue 1**

***The Council must demonstrate: how it has prepared the Plan in accordance with the Minerals and Waste (Local) Development Scheme (MWDS); how the Plan complies with the Statement of Community Involvement (SCI); how the consultation that has taken place has been carried out consistent with the SCI; that the Plan has been subject to a Sustainability Appraisal (SA) and a final report of the findings of the SA prepared; that any requirements for Appropriate Assessment under the Habitats Regulations were met before publication of the Plan; and that the Plan complies with all of the requirements of the 2004 Act and the 2012 Regulations (both as amended). Has the Council suitably demonstrated in the evidence that all of these legal tests have been met? Would it be reasonable for me to conclude that the Council has met the legal tests?***

The identified requirements/tests have been met and are demonstrated in the evidence. The following Examination Document References are particularly relevant in demonstrating this (Exam Doc Ref):

Compliance with MWDS – 604, 490, 619, 623

Compliance with SCI – 615, 619, 623

SA – 404, 405, 623

HRA – 400, 406

Compliance with requirements of the 2004 Act and 2012 Regulations - 623

### **Issue 2**

***Document 617 sets out how the Council considers the Duty to Cooperate had been met at the date of submission of the Plan. Would it be reasonable for me to conclude from the evidence in that document and any further evidence that the Council wishes to provide that the Council has engaged constructively, actively and on an on-going basis with those prescribed in statute in maximising the effectiveness with which the preparation of the Plan has been undertaken? If not, in what specific ways has the Council failed to meet the Duty?***

The identification of strategic matters over which the Duty to Co-operate (DtC) would be triggered and how the plan would consider and act on these is set out in Exam Doc Ref 605 with detail on how this was implemented throughout the plan-making process in Exam Doc Ref 617.

It is accepted that Doc Ref 605 is about DtC with other minerals and waste planning authorities but its intent is also relevant to other bodies covered by the DtC. In other words the nature of what is strategic, in that it is a strategic matter that would be picked up by the DtC between one or more planning authorities, does not suddenly have a far lower 'strategic' threshold just because it is between a minerals and waste planning authority and a district planning authority rather than between two minerals and waste planning authorities. However it should be noted that the only real strategic matter between us as the minerals and waste planning authority and a district council would relate to the sixth criterion under paragraph 7 of this document: The proposed allocations for minerals and waste development. Under this criterion it is stated that: *"The strategic issue here would be around whether the allocations would have a significant strategic impact on an adjacent plan area. It should be noted that this would be for significant strategic impacts only and not for detailed matters such as amenity impact – it is also the case that scale of the proposal at an allocation*

*would be relevant here with the larger the proposal the more it could have a strategic impact.*” There are no such strategic allocations being made through the Local Plan Update.