



**NORTHAMPTONSHIRE MINERALS AND WASTE LOCAL PLAN
UPDATE
INSPECTOR'S DRAFT MATTERS AND ISSUES**

MATTER 1 – Legal requirements and the Duty to Co-operate

Natural England Further Written Statement to Address the Inspector's Questions

10 November 2016

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.

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?

Natural England agrees the Council has met the requirements of the SEA Directive. However, the council is factually incorrect when they say that "*There is no need to cross reference to the HRA within the SA as these are separate assessment processes*". Where a HRA is undertaken on any plan it is important that reference is made to the HRA findings in the Biodiversity section of the Sustainability Report. The HRA report can be used as a chapter within the SA/SEA, but it is a requirement of the HRA legislation that it can still be read as a standalone document. The findings of the HRA should be used to inform the summary of significance of effect (particularly in relation to test F(i) of the SEA Regulations Annex A).