

**Matter 2- Legal Requirements and Procedural Matters**

Statement by Northamptonshire County Council

**Issue RP1**

*Has the Local Plan been prepared in accordance with the current Minerals & Waste Development Scheme?*

- 1.1 The new Minerals and Waste Development Scheme (MWDS) which had been redrafted to reflect the partial review, was approved and came into force in May 2012. Work commenced on the partial review immediately after this.
- 1.2 The approved MWDS states the partial review will roll forward the adopted MWDF by five years to 2031 and combine it into a single document. It would reflect changes since adoption of the MWDF to national/european policy (including the introduction of the NPPF) and the abolition of the Regional Plan. It would re-assess (a) the minerals apportionment for the county in line with NPPF guidance and (b) waste forecasts and indicative capacity gaps for waste facilities, particularly to reflect amended growth projections in the county. The partial review would also include new, revised or additional policy/guidance where this was considered appropriate for inclusion.
- 1.3 The dates set out in the MWDS have effectively been adhered to. The differences are that consultation on the draft plan commenced in January 2013 rather than February 2013 and ran January-March 2013 rather than February-March 2013. Public hearing sessions are to take place in April 2014 rather than March 2014 and no pre-hearing meeting was held. As each amended date became known this was highlighted on the MWDS page of the Council's website.

## Northamptonshire Minerals and Waste Local Plan Examination

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#### **Issue RP2**

*Has the Local Plan been prepared in compliance with the Statement of Community Involvement and met the minimum consultation requirements in the Regulations? In particular, were all statutory consultees provided with an appropriate opportunity to contribute to the preparation of the document?*

- 2.1 The revised Statement of Community Involvement (SCI), consulted on at the same time as the 'Way Forward' issues and options consultation in June to August 2012, was adopted in November 2012. Adoption was at the same meeting that the MWDF Partial Review Draft Plan was approved for consultation.
- 2.2 The adopted Northamptonshire SCI is brief.- It comprises less than three pages on development plan matters- but what it states will be undertaken has been undertaken by the Council in respect of the partial review.

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**Issue RP3**

*Does the Local Plan harmonise with the priorities of local authorities' Community Strategies, by setting out policies which deliver key components of these strategies in so far as they are consistent with strategic planning policy and the use and development of land?*

- 3.1 The relationship between the Community Strategy (Sustainable Community Strategy - SCS) and the Plan, and how it supports the SCS, is set out in paragraphs 2.7 to 2.12 and Table 1 of the Plan. Table 1 references Policies 1 and 2 (aggregates supply/strategy), Policies 11 and 12 (waste management capacity/strategy), Policy 30 (sustainable design and use of resources) and Policy 31 (co-location of waste management facilities with new development) as being particularly important in delivering the key ambition of the SCS to be successful through sustainable growth and regeneration.
- 3.2 It should be noted that the part of the Plan that deals with the relationship between the Community Strategy and the Plan has been carried forward unchanged from the adopted MWDF Core Strategy.

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### **Issue RP4**

*Has the Local Plan been subject to Sustainability Appraisal, which has identified the process carried out, the baseline information used and the outcomes of the process? Has the Sustainability Appraisal provided a strategic input into the preparation of the Local Plan and addressed the key sustainability issues and challenges in the Plan area?*

- 4.1 The Plan has been subject to Sustainability Appraisal (SA), the process of which is documented within the SA Scoping Report (June 2012) and the SA Environmental Report (November 2013). These documents cover the sections of the Plan which are being updated from the MWDF and therefore have not previously undergone SA.
- 4.2 The SA was undertaken in line with the Planning and Compulsory Purchase Act 2004, the Environmental Assessment of Plans and Programmes Regulations 2004, the Strategic Environmental Assessment (SEA) Directive and the NPPF and has been produced in accordance with relevant guidance, including: Sustainability Appraisal of Regional Spatial Strategies and Local Development Frameworks and A Practical Guide to Strategic Environmental Assessment Directive.
- 4.3 Consultation was undertaken in accordance with Government guidance and included the SEA Consultation Bodies as required by the SEA Directive (English Heritage, Natural England and Environment Agency). This consultation was carried out alongside the 'Consultation on the way forward' document (June 2012), Draft Local Plan stage (January 2013) and the Final Draft Local Plan (Proposed Submission) stage (September 2013). Comments received were given due consideration and taken on board where relevant.
- 4.4 The methodology outlining the process of the overall assessment can be found in Sections 2 and 3 of the SA Environmental Report. Detail relating to the baseline information is included in Section 4. This section also shows the development of indicators used to assess the SA objectives and how these function in relation to each other and the Plan objectives to ensure overall consistency (Tables 2 - 5). Assessment of the main strategic options and the effects of these in relation to the environment, economy and society can be found in Section 5. The overall assessment outcome is included in the form of the development and assessment of the Local Plan Policies (Section 6).
- 4.5 The development of the SA objectives considered the sustainability issues highlighted within the baseline. Significant effects resulting from the implementation of the Plan policies were assessed against the SA objectives in order to determine the overall effect of each component of the Plan in relation to sustainability issues (Section 6).

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**Issue RP5**

*Has an Appropriate Assessment been satisfactorily undertaken under the Habitats Directive (Articles 6(3)&(4)) relating to European sites?*

- 5.1 A Habitats Regulations Screening Assessment (November 2013), as required by the Conservation of Habitats and Species Regulations 2010 (and 2012 Amendment) has been undertaken in respect of the partial review in accordance with the Habitats Directive (Council Directive 92 / 43 / EEC).
- 5.2 The assessment concluded that the partial review is not likely to have a significant effect on the internationally important interest features of the Upper Nene Valley Gravel Pits SPA, alone or in combination with other plans and projects; as such no further assessment was required.
- 5.3 Consultation with Natural England (NE) was undertaken alongside the consultation on the 'Way Forward' document (June 2012), Draft Local Plan stage (January 2013) and the Final Draft Local Plan stage (September 2013). NE support the overall conclusion drawn from the Habitats Regulations Screening Assessment.