

NORTHAMPTONSHIRE MINERALS & WASTE LOCAL PLAN

**(Northamptonshire Minerals & Waste Development framework Partial
Review)**

**SCHEDULE OF
MATTERS AND ISSUES
FOR EXAMINATION**

As At 18th March 2014

Hearing Sessions Commence Monday 7th April 2014

INSPECTOR:

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VENUE for HEARINGS

The Blue Room of Northamptonshire County Council, Sessions House, George Row, Northampton, NN1 1DF

INTRODUCTION

1. The Minerals and Waste Local Plan is the outcome of a Partial Review of the suite of adopted documents that comprise the Northamptonshire Minerals and Waste Framework. In most respects it is an amalgamation and an updating of those documents, but it is in itself a new Development Plan Document. Naturally, the great majority of the representations have concentrated on those parts which have changed compared to the documents which it is intended to replace. Similarly, the Examination will concentrate mainly on those elements. Nonetheless, it is the Plan as a whole which is subject to the Examination, in order to ensure that it complies with the legal and other requirements and that it is internally consistent and sound overall. This is reflected in the Matters and Issues identified below. However, where the strategy, policies and site allocations of the Plan have remained unchanged, the general approach will be to assume that they remain sound unless evidence is submitted that suggests otherwise.
2. This Schedule of Matters and Issues for Examination has been drawn up to guide and focus the discussion at the Hearing sessions of the Examination and the Inspector's consideration of written representations.
3. The Schedule lists a series of questions on which the Inspector invites responses from the participants. The questions are numbered for ease of reference. Participants are not obliged to respond to the questions, but may rely on their original representations in relation to some or all. If participants wish to rely only on their original representations, this approach should be confirmed with the Programme Officer. A separate response statement is required for each Matter / Hearing in which a participant is included.
4. Details of the procedure have been published in the Guidance Notes. Further copies are available from the Programme Officer and on the Examination website. Please follow the guidance but, if in any doubt, contact the programme officer
5. All response statements should address the Matters & Issues for Examination. Responses from participants, both those attending the Hearing sessions and those wishing to make further written representations, should be limited to the topics and issues raised in their original representations. This is not an opportunity to raise new matters.
6. The submission of late information or evidence can seriously disrupt the Hearing sessions and could disadvantage the participants, including the Inspector. All material which participants wish to put before the Inspector or refer to at the Hearings or in writing should be submitted in accordance with the timetable set out in the Guidance Notes.
7. Those who support the plan may if they wish also comment on issues related to their original representations.
8. Participants are reminded that the Examination focuses on:
 - whether the Plan has been prepared in accordance with the Duty to Co-operate;
 - legal and procedural requirements; and
 - whether the Plan is sound.
9. National policy on these matters is found in the National Planning Policy Framework paragraphs 150 to 185. The tests of soundness are set out in paragraph 182. – briefly a Plan must be:
 - positively prepared, including being based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;

Matter & Issues for examination

- justified, in that it should be the most appropriate strategy, when considered against reasonable alternatives, based on proportionate evidence;
 - effective including being deliverable; and
 - consistent with national policy, enabling the delivery of sustainable development in accordance with the policies of the framework.
10. Those opposing the Plan, or elements of it, are expected to explain why it has failed to meet the legal requirements or is unsound in terms of a specific soundness test and specify how the Plan should be altered, with precise wording and clear evidence to support this course of action.
 11. Please note that not all matters and issues will be discussed at the Hearing sessions; this will partly depend on those who have expressed a wish to have an oral hearing. Some matters will be dealt with by written representations. Participants should let the Programme Officer know as soon as possible whether or not they wish to attend a Hearing session.
 12. The Examination is an evidence-based exercise. Participants may refer to information or evidence in representations made earlier in the plan preparation process, but please note that the Inspector only has copies of the representations made at formal submission stage. It is important that representations and responses include all the evidence and supporting material. Where this is contained in Core Documents, it is sufficient to give the appropriate CD reference and paragraph numbers.
 13. Where similar matters and issues arise in a number of sections of the Plan, it is not necessary to repeat arguments in relation to them. In the interests of brevity and clarity, participants are encouraged to make single responses to multiple questions in these circumstances, provided that the questions being addressed are identified.
 14. Where Hearing sessions are held, it is unlikely that they will be structured strictly in relation to the sections of the Minerals and Waste Local Plan. Rather they will address identified issues that may spread across a number of parts of the Plan.

EXAMINATION HEARINGS PROGRAMME

This is an initial Schedule of Matters and Issues that form the basis for the Hearings stage of the Examination.

It is possible that additional issues and questions will arise in advance of the Hearings whilst others may be resolved or refined. As a consequence, the Schedule is subject to alteration. Any updated Schedule will be available on the Council's web site.

Please note that the Matters and Issues have been arranged to enable a Hearing Programme that makes efficient use of time. More than one Matter may be discussed at some Hearing sessions. It is not possible to fix a time when individual issues may be discussed and flexibility from participants will likely be required. Any gaps emerging in the programme will be used by the Inspector for site inspections and preparatory work.

<p>Monday 7th April 2014 Day 1</p> <p>14.00 – 17.00</p>	<p>Opening Announcements Inspector & Northamptonshire County Council</p> <p>Matter 1: The Duty To Co-operate</p> <p>Matter 2: Legal Requirements and Procedural Matters</p>
<p>Tuesday 8th April 2014 Day 2</p> <p>09.30 – 13.00</p> <p>14.00 – 17.00</p>	<p>Matter 3: Other General Issues</p> <p>Matter 4: Provision To Be Met For Minerals</p> <p>Matter 4 Continued (if Required)</p> <p>Matter 5: Provision To Be Met For Waste Management</p>
<p>Wednesday 9th April 2014 Day 3</p> <p>09.30 – 13.00</p> <p>14.00 – 17.00</p>	<p>Matter 6: Radioactive Waste Policy</p> <p>Matter 7: Allocated Sites</p> <p>Matter 8: Implementation and Monitoring</p>
<p>Thursday 10th April Day 4</p> <p>09.30 – 13.00</p>	<p>Reserve Session / Any Other Business</p>

SCHEDULE OF MATTERS AND ISSUES FOR EXAMINATION

MATTER 1 - THE DUTY TO CO-OPERATE

Section 20(5)(c) of the 2004 Act requires that the Inspector considers whether the Council complied with any duty imposed on them by section 33A in relation to the Plan’s preparation. Amongst these is the Duty to Co-operate, introduced and brought into effect by Section 110 of the Localism Act 2011.

With respect to the preparation of development plans, the Duty requires the local planning authority to engage “constructively, actively and on an ongoing basis” with other local authorities and any prescribed person.

The Duty does not require authorities to reach agreement. It is the evidence of a genuine intention to engage which is the important factor in assessing whether it has been met, not necessarily the outcome, which may in part be outside the Council's hands, but which may nonetheless be assessed under the tests of soundness.

This Duty is considered first because, unlike matters relating to other aspects of legal compliance and soundness, the Act does not contain any provisions to rectify a failure to comply. Consequently, any such failure would be fatal to the Plan.

Issues

DTC1 In the preparation of the plan, has the Council complied with the legal Duty to Co-operate and engaged constructively, actively and on an ongoing basis with other local authorities and any prescribed person?

- generally with respect to the broader planning context, including the development and infrastructure proposals in adopted and emerging development plans of other local authorities within and outside Northamptonshire;

and particularly with respect to:

- setting the level of aggregates provision;
- setting the requirement for waste management provision;
- cross-border flows of minerals; and
- cross-border flows of waste.

Participants

**Northamptonshire County Council
Central Bedfordshire / Bedford Borough Council's
GP Planning Ltd**

MATTER 2 - LEGAL REQUIREMENTS & PROCEDURAL MATTERS

Under the Planning and Compulsory Purchase Act 2004, [S20(5)(a)] the Inspector is charged with ensuring that the Plan has complied with legislation. Amongst other things, this includes checking that it:

- has been prepared in accordance with the Minerals & Waste Development Scheme and in compliance with the Statement of Community Involvement and Regulations;
- has been subject to Sustainability Appraisal;
- is consistent with national policy;
- has regard to any Sustainable Community Strategy for its area.

The following issues may be relevant to all or to parts of the Plan. If any representor wishes to make submissions principally with respect to legal requirements, they should do so under this heading.

Issues

RP1 Has the Local Plan been prepared in accordance with the current Minerals & Waste Development Scheme?

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

Matter & Issues for examination

consultees provided with an appropriate opportunity to contribute to the preparation of the document?

- 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?
- 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?
- RP5** Has an Appropriate Assessment been satisfactorily undertaken under the Habitats Directive [Articles 6(3)&(4)] relating to European sites?

Participants

Northamptonshire County Council
Bozeat Parish Council
GP Planning Ltd

MATTER 3 - OTHER GENERAL ISSUES

These issues apply to all or most of the strategies and policies of the Local Plan. In the interests of brevity, they are not generally repeated but should nonetheless be addressed for each issue, where relevant.

Issues

- G1** Is the Local Plan consistent with current national legislation, policy and guidance; and is there sufficient local justification for any policies which are not consistent with national planning policy?
- G2** Does the Local Plan integrate effectively with plans prepared by other local planning authorities in the area (including adjoining planning authorities), and have cross-boundary issues been properly addressed?
- G3** Does the Local Plan take account of the relationship between policies in it and the requirements and infrastructure investment programmes of other agencies and service providers?
- G4** Does the Local Plan relate to other relevant plans and strategies which influence the delivery of its proposals, including the Joint Municipal Waste Strategy?
- G5** Do the strategies and policies reflect the Vision and relevant Objectives of the Plan?
- G6** Do the policies provide a clear basis for making development control decisions?

Participants

Northamptonshire County Council
GP Planning Ltd

MATTER 4 – PROVISION TO BE MET FOR MINERALS

Issues

- M1** Does the Plan make provision for a steady and adequate supply of aggregates?
- M2** Is the quantity of aggregate identified to be supplied during the Plan period the most appropriate, taking into account sales data and all other relevant information, including economic forecasts and the planned development in the county and adjoining areas in the Plan period, and the contribution that may be made by secondary and recycled aggregate?
- M3** Does the Plan make appropriate provision for the production of aggregate from secondary and recycled sources?

Participants

**Northamptonshire County Council
Central Bedfordshire / Bedford Borough Council's
GP Planning Ltd
Mineral Products Association**

MATTER 5 – PROVISION TO BE MET FOR WASTE MANAGEMENT

Issues

- W1** Are the predicted quantities of waste arisings [Municipal; Commercial & Industrial; Construction, Demolition & Excavation; Hazardous; Radioactive; Waste Water; and Residual wastes] justified, including by reference to forecasts of development growth / minimisation / recovery / management capacity?
- W2** Should the Plan make specific provision for the management or disposal of waste from London Boroughs?
- W3** Does the Plan identify the need for waste management facilities, including landfill, for each of the main categories of waste over the Plan period?
- W4** Does the Local Plan make provision for those waste management facilities?
- W5** Does the Plan actively promote driving waste up the Waste Hierarchy?

Participants

**Northamptonshire County Council
Central Bedfordshire / Bedford Borough Council's
GP Planning Ltd**

MATTER 6 – RADIOACTIVE WASTE POLICY

Policy 21 is a completely new policy relating to radioactive waste disposal.

Issues

- R1** Should the policy relate to waste management rather than disposal?
- R2** Does the policy properly reflect national policy and guidance?
- R3** Are the criteria contained in the policy appropriate? What is their justification?

Participants

**Northamptonshire County Council
Augean**

Matter 7 - ALLOCATED SITES

The Plan carries over the site allocations from the Locations for Minerals Development and Waste Development DPDs without alteration. However, it is important in terms of confidence in the Plan that they should be shown to be still suitable and deliverable.

Issue

- A1** Are the specific sites identified in the Plan for minerals production and waste management deliverable in accordance with the strategy of the Plan? On the basis of what evidence has this conclusion been reached?
- A2** What new information has been taken into account since the adoption of the “Locations” DPDs which may have a bearing on the suitability or deliverability of the allocated sites, including information relevant to the Sustainability Appraisal?

Participants

**Northamptonshire County Council
Bozeat Parish Council**

Matter 8 - IMPLEMENTATION & MONITORING

Consideration of the appropriateness of the relevant monitoring strategy for individual parts of the Plan will generally be considered at the same time as those parts.

Issues

- MO1** Are the policies sufficiently flexible to cope with changing circumstances?
- MO2** Does the Plan clearly identify the timescale by reference to which new minerals and waste provision should be made, in order to inform the monitoring process?
- MO3** Does the Local Plan contain realistic, achievable targets, and indicators to monitor the performance and delivery of the strategy and policies; delivery mechanisms and timescales for the implementation of policies and an indication of who is intended to implement each policy?
- MO4** Are the key indicators, targets and trigger points for the policies appropriate and effective as a basis of monitoring the delivery of the strategy over the Plan period?

Participants

Northamptonshire County Council

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