

East Northamptonshire Local Plan Part 2
(2011-2031) Examination

**Matter 1 – Legal and Procedural
Requirements**

Matter Statement by North Northamptonshire
Council

March 2022



Introduction	
Matter 1 – Question 1: What strategic, cross-border matters have arisen through the preparation of the Local Plan and how have these been addressed?	
Matter 1 – Question 2: Has the Duty to Cooperate under sections 22(5)(c) and 33A of the Planning and Compulsory Purchase Act 2004 (2004 Act) and Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations (2012) (2012 Regulations) been complied with, having regard to advice contained in the Framework and the National Planning Practice Guidance (the Guidance)?	
Matter 1 – Question 3: Has the Council maximised the effectiveness of the Plan by engaging constructively, actively and on an ongoing basis with the prescribed bodies on the strategic matters relevant to this Plan and what form has it taken?	
Matter 1 – Question 4: Is the intention and purpose of the Plan and its relationships with other plans clear? (see Initial Question 1 and the Council’s response)	
Matter 1 – Question 5: Is the Plan’s approach to strategic policies justified and effective?	
Matter 1 – Question 6: Has the Plan had regard to the JCS?	
Matter 1 – Question 7: Are there any policies in the Plan which are not consistent with the JCS? If so, what is the justification for these?	
Matter 1 – Question 8: Does the Plan set out an appropriate framework and allow an appropriate role for neighbourhood plans (NPs), having regard to the current progress made in relation to their preparation in the borough? (see Initial Question 2 and the Council’s response)	
Matter 1 – Question 9: Are there any instances of conflict between the policies in the Plan and those in the made NPs?	

Matter 1 – Question 10: Does the Policies Map correctly illustrate geographically the application of the policies in the Plan? (see Initial Question 12 and the Council’s response).	
Matter 1 – Question 11: Does the content and timescale for the preparation of the Plan accord with the latest version of the Local Development Scheme (LDS)?	
Matter 1 – Question 12: Has consultation on the Plan complied with the Statement of Community Involvement (SCI) and public consultation requirements of the Town and Country Planning (Local Plan) (England) Regulations 2012? (see Initial Question 13 and the Council’s response)	
Matter 1 – Question 13: Have the requirements for appropriate assessment under the Habitats Regulations been met?	
Matter 1 – Question 14: What were the relevant designated sites considered?	
Matter 1 – Question 15: What are the results of the Habitats Regulation Assessment (HRA) and where have these been carried forward in the Plan? (see Initial Question 6 and the Council’s response including the revised HRA and MM01)	
Matter 1 – Question 16: How have mitigation measures for potential impacts arising from new development on designated sites in terms of recreational disturbance (and air and water quality?) been addressed?	
Matter 1 – Question 17: Has the updated HRA and proposed MMs addressed Natural England’s objections to the Plan and the HRA in full? If not, what objections remain? (see Initial Question 6 and the Council’s response)	
Matter 1 – Question 18: Has the Plan been subject to a Sustainability Appraisal (SA) and have the requirements for Strategic Environmental Assessment been met?	
Matter 1 – Question 19: Where is it evident that reasonable alternatives have been considered and how the SA has influenced the Plan and dealt with mitigation measures?	
Matter 1 – Question 20: Are there any representations on the SA itself? If so, how have these been addressed?	
Matter 1 – Question 21: Does the Plan contain policies designed to secure that the development and use of land in the borough	

contributes to the mitigation of, and adaptation to, climate change?	
Matter 1 – Question 22: Which policies in the Plan are designed to secure that the development and use of land in the district contribute to the mitigation or, and adaptation to, climate change? (as required by Section 19(1A) of the 2004 Act). How does the Plan interact with the JCS on this matter?	
Matter 1 – Question 23: Will the Plan help to advance equality of opportunity between people who share a ‘protected characteristic’ as defined in the Equality Act 2010 and those that do not share it and further the aims of the Act?	
Matter 1 – Question 24: In what ways, positive and negative, are specific policies in the Plan expected to affect the three aims expressed in section 149(1) of the Equality Act 2010 and in particular affect groups with ‘protected characteristics’?	

1 Introduction

- 1.1 This statement sets out the Council's response to Matter 1: Legal and Procedural Requirements, questions 1 - 24, in respect of the following issue(s):
- 1.2 Has the Plan been prepared with due regard to the appropriate procedures and regulations? Has the Duty to Co-operate (DtC) on strategic matters been satisfied?
- 1.3 All documents referred to in this statement are either hyperlinked, or refer to specific references contained in the Index of Submission Documents which can be accessed as follows:
- 1.4 https://www.east-northamptonshire.gov.uk/downloads/file/12227/index_of_evidence_base_and_supporting_documents

2 Matter 1 – Question 1: What strategic, cross-border matters have arisen through the preparation of the Local Plan and how have these been addressed?

- 2.1 No strategic cross-border matters are addressed by the Local Plan Part 2. As set out in the Council's response to Question 11(a) of the Inspector's initial questions ([EXAM-09](#)), the Local Plan Part 2 provides detailed guidance for the East Northamptonshire area amplifying the strategic direction provided by the Local Plan Part 1 which is the North Northamptonshire Joint Core Strategy (JCS). The policies contained in the plan address issues which relate to the East Northamptonshire area and do not relate to strategic matters which cross administrative boundaries.
- 2.2 Strategic cross boundary issues have been fully considered through the JCS, this is explained in section 5 of [The Statement of Consultation under Regulation 22](#).
- 2.3 Some of the representations received from Natural England do relate to broader strategic issues: the Council has prepared a Statement of Common Ground (SoCG) with Natural England ([EXAM 13](#)). Through this SoCG it has been agreed that these are matters to be addressed through the Strategic Plan review, not the Local Plan Part 2.

3 Matter 1 – Question 2: Has the Duty to Cooperate under sections 22(5)(c) and 33A of the Planning and Compulsory Purchase Act 2004 (2004 Act) and Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations (2012) (2012 Regulations) been complied with, having regard to advice contained in the Framework and the National Planning Practice Guidance (the Guidance)?

- 3.1 As set out in the Council's response to the Inspector's initial questions ([EXAM-09](#)), the Local Plan Part 2 contains policies which deal with local issues which can be addressed within the East Northamptonshire area, the Duty to Cooperate on strategic matters which cross administrative boundaries is therefore not engaged.
 - 3.2 The Duty to Cooperate was met through the preparation of the JCS through which strategic cross boundary issues have been fully considered. Section 5 of [The Statement of Consultation under Regulation 22](#) provides a summary of the work undertaken. The North Northamptonshire Joint Core Strategy [Pre-Submission Plan Statement of Consultation \(January 2015\)](#) and the [Statement of Consultation Addendum \(July 2015\)](#) were prepared to demonstrate that the Duty to Cooperate was complied with through the preparation of the JCS. Paragraphs 5 to 8 of the [Inspector's Report](#) for the JCS confirmed that the Inspector was satisfied that the Duty to Cooperate had been complied with.
 - 3.3 Representation number 55/01 from South Kesteven District Council (SKDC) confirms there are no cross boundary or strategic matters that SKDC wishes to make representations on and representations from Huntingdonshire District Council (09/01) and Rutland County Council (13/03) confirm that these two authorities are satisfied that the Duty to Cooperate has been complied with.
- 4 Matter 1 – Question 3: Has the Council maximised the effectiveness of the Plan by engaging constructively, actively and on an ongoing basis with the prescribed bodies on the strategic matters relevant to this Plan and what form has it taken?**
- 4.1 The Council has undertaken ongoing engagement with the prescribed bodies throughout the preparation of the plan, the detail of this is set out in [The Statement of Consultation under Regulation 22](#), paragraphs 5.6 to 5.38 set out in detail how the Council has engaged with the North Northamptonshire partner local authorities, neighbouring local authorities and national bodies. The statement of Consultation details the extensive consultation process undertaken in preparing the plan which included three main stages of consultation, stakeholder workshops and ongoing dialogue with key agencies and adjoining authorities.
- 5 Matter 1 – Question 4: Is the intention and purpose of the Plan and its relationships with other plans clear? (see Initial Question 1 and the Council's response)**
- 5.1 The intention and purpose of the Plan and its relationships with other plans are clear. The purpose of the plan is set out on page 15 of the [Pre-Submission Draft East Northamptonshire Local Plan Part 2](#), paragraph 1.15 makes it clear that the Local Plan Part 2 will guide future planning decisions and together with the JCS will be used to assess development proposals. Paragraphs 1.17 -1.21 of the Pre-Submission Plan set out the context for the plan. Paragraph 1.18 explains that the JCS deals with strategic issues. The JCS allocates strategic sites and sets out the overall spatial strategy, the required level of

growth and the distribution of growth. It also includes strategic and development management policies. Paragraph 1.18 explains that the Local Plan Part 2 provides local detail relevant to the East Northamptonshire area. Paragraphs 1.19-1.21 explains the role of Neighbourhood Plans and the relationship between the Local Plan Part 2 and Neighbourhood Plans. The Local Plan Part 2 includes some policies which provide strategic guidance for Neighbourhood Plans and provides policies for those locations where Neighbourhood Plans have not been prepared or are under preparation.

- 5.2 The Council's response to the Inspector's Initial Question 1 confirms that there are a number of policies in the plan which have been identified as being strategic in nature. These policies provide additional detail to the strategic policies contained in the JCS and provide overall direction for the preparation of Neighbourhood Plans. These policies have been assessed using the criteria set out in paragraph 076 of MHCLG's Neighbourhood Plan guidance, as set out in paragraph 1.2 of the Council's response to the Inspector's Initial Questions. However, as set out in paragraph 2.1 above, these policies do not address strategic cross boundary issues and only address issues which relate to the East Northamptonshire area.

6 Matter 1 – Question 5: Is the Plan's approach to strategic policies justified and effective?

- 6.1 The Plans approach to strategic policies is justified and effective. As set out above, these policies provide strategic direction and shape the characteristics of development within the East Northamptonshire area. They also provide a framework and guidance for the development of Neighbourhood Plans in the area. The approach to providing strategic policies which cover the East Northamptonshire within the Local Plan Part 2 is appropriate, these policies provide further detail to the strategic policies contained with the JCS which provides strategic policies for the North Northamptonshire area.

7 Matter 1 – Question 6: Has the Plan had regard to the JCS?

- 7.1 The Council considers that the Local Plan Part 2 has had regard to the JCS and is sound in this respect. Paragraph 1.18 of the [Pre-Submission Draft East Northamptonshire Local Plan Part 2](#) explains the relationship between the JCS and the Local Plan Part 2.
- 7.2 Section 3 of the plan, paragraphs 3.4 to 3.6, set out the JCS vision and develop this further to provide three distinct visions for the sub-areas within East Northamptonshire. Paragraph 3.7 and figure 5 of the plan sets out the 10 JCS outcomes and details how these will be delivered within the East Northamptonshire area. This provides a clear link between the JCS vision and outcomes and the Plan.
- 7.3 Section 4 of the Plan, Spatial Development Strategy, clearly sets out the spatial strategy for development identified in the JCS and the further refinements which have been included in relation to the spatial approach for

the rural areas, demonstrating that the Plan has had regard to the spatial strategy set out in the JCS.

- 7.4 Throughout the Plan relevant JCS policies are set out and an explanation provided of how these have been used to prepare the policies in the Plan. For example, paragraphs 5.5 to 5.14 address Green Infrastructure. This section considers the approach set out in the JCS and sets out the areas where the Part 2 Local Plan provides additional local detail.
- 7.5 The plan includes policies to address the requirements identified in the JCS. For example, section 8 of the Plan sets out the JCS housing requirements and demonstrates how the Plan ensures these will be met and Policy EN33 defines the development boundary for the Rushden East SUE which is allocated as a broad location by JCS Policy 33. Also the Rushden East Masterplan Framework Document provides the masterplan required by JCS Policy 33 to support the delivery of this site.
- 7.6 The North Northamptonshire Joint Planning and Delivery Unit (JPDU) did not submit representations through the Pre-Submission consultation due to the timing of the consultation in relation to the creation of North Northamptonshire Council. However, email correspondence has been received which confirms that the JPDU is satisfied that the Plan is in general conformity with policies of the JCS, this correspondence is set out in document reference [EXAM1](#).
- 7.7 The Council considers that the Local Plan Part 2 has had regard to the JCS and that the Plan is sound in this regard.
- 8 Matter 1 – Question 7: Are there any policies in the Plan which are not consistent with the JCS? If so, what is the justification for these?**
- 8.1 The Council does not consider there to be any policies in the Plan which are not consistent with the JCS.
- 9 Matter 1 – Question 8: Does the Plan set out an appropriate framework and allow an appropriate role for neighbourhood plans (NPs), having regard to the current progress made in relation to their preparation in the borough? (see Initial Question 2 and the Council’s response)**
- 9.1 The Part 2 Plan outlines the Council’s position (at paras 1.20-1.21) in that where no neighbourhood plans have been made, then the Plan provides an additional spatial policy framework to inform planning at the neighbourhood level.
- 9.2 The Part 2 Plan includes, for example, indicative rural housing figures (Table 18) for parishes considering housing provision for meeting local need. The Plan sets policy for the whole of the East Northants area, recognising that neighbourhood planning may go further in drafting policies for example designating local greenspace, or defining settlement boundaries, allowing flexibility in meeting local policy aspirations. This is recognised in paras 2.53 - 2.54 of the Plan.

- 9.3 The Council's response to the Inspector's initial question 2 (Ref EXAM-09) provided an earlier explanation as to how the Part 2 Plan considered made neighbourhood plans and prepared policies that were designed to take into account the aspirations of future neighbourhood plans.
- 9.4 It is recognised that the emergence of new policy through plan making can create uncertainty for emerging (and made) neighbourhood plans. The intention is that whilst the Part 2 Plan has been written to ensure that policies can be applied consistently, it allows for local circumstances and aspirations to be met, where circumstances justify a local approach.

10 Matter 1 – Question 9: Are there any instances of conflict between the policies in the Plan and those in the made NPs?

- 10.1 There are no known instances of conflict between the policies in the Plan and those in the made NPs.
- 10.2 The Part 2 Local Plan provides district-wide coverage for the former East Northamptonshire area. Given the number of made neighbourhood plans in the district, it is recognised that some degree of "overlap" or duplication exists.
- 10.3 It is the intention to apply the emerging Part 2 Plan policies to those areas covered by made neighbourhood plans. The mixture of strategic and non-strategic policies within the plan have been written to minimise any potential for conflict between non-strategic Local Plan and extant Neighbourhood Plan policies, as set out at para.1.20
- 10.4 It should also be recognised that all relevant development plan policies need to be taken into account in decision making.

11 Matter 1 – Question 10: Does the Policies Map correctly illustrate geographically the application of the policies in the Plan? (see Initial Question 12 and the Council's response).

- 11.1 The policies maps are considered to correctly illustrate geographically the application of policies in the Plan, with the exception of the alterations detailed in the Council's response to Question 12 of the Inspector's Initial Questions and outlined below. The policies map has been prepared using an Ordnance Survey map and includes a Key which provides detail on what each of the designations are.
- 11.2 There are several amendments which the Council propose should be made to the policies map, these are outlined in the Council's response to Initial Questions 12. The first amendment is to the key to clarify that town centre boundaries and primary shopping frontages relate to Policy EN21 and Primary Shopping Areas relate to Policy EN22 as set out in the Council's response to Initial Question 12 (g). An amendment is proposed to the key to add the reference numbers for the employment areas and housing allocations as set out in the Council's response to Question 12 (h) and 12 (i). An amendment is

also proposed to remove the part of the Rockingham Enterprise Area which is shown on the policies map and is outside the plan area as set out in the Council's response to Question 12 (j).

- 11.3 In addition to the proposed amendments to the policies maps, there are also a number of proposed main modifications needed to make it clear within policies that their geographical application is illustrated on the policies map, these are proposed main modifications MM14a, MM18, MM19 and MM20. Additional wording is also proposed in MM05a to provide greater clarity in relation to The Greenway and the elements of this shown on the policies map.

12 Matter 1 – Question 11: Does the content and timescale for the preparation of the Plan accord with the latest version of the Local Development Scheme (LDS)?

- 12.1 The latest version of the Local Development Scheme (LDS) is currently progressing through the committee process. At the Executive meeting on 13th January 2022 it was agreed that the draft LDS be recommended to Full Council for adoption. The draft LDS will be considered by Full Council on 31st March 2022.
- 12.2 The content and timescale for the preparation of the Plan accord with the latest version of the LDS, with one minor difference in the timetable which identifies the Examination taking place in March 2022. This was correct when the Draft LDS was prepared but will now be April/ May 2022.

13 Matter 1 – Question 12: Has consultation on the Plan complied with the Statement of Community Involvement (SCI) and public consultation requirements of the Town and Country Planning (Local Plan) (England) Regulations 2012? (see Initial Question 13 and the Council's response)

- 13.1 Consultation undertaken on the Part 2 Plan has complied with the Council's Statement of Community Involvement (SCI) (Ref B-23) along with the public consultation requirements as set out in the relevant Town and Country Planning regulations. The Plan is considered to be in compliance with Planning Practice Guidance which allows considerable flexibility to local planning authorities, in how they carry out the initial stages of plan production. This Plan complies with, firstly, the specific requirements in Regulation 18 of the Local Plan Regulations on consultation, and secondly with the commitments in the Statement of Community Involvement (SCI).
- 13.2 The Regulation 22 Statement has been prepared in accordance with Regulation 22 (1) (c) and demonstrates that consultation on the preparation of the Part 2 Plan has been undertaken in accordance with the relevant Regulations and the SCI. The Council reviewed its SCI against Covid-19 lockdown restrictions when these came about, and it was not considered that any changes were needed to the SCI. The Council's initial response to the Inspector's initial question 13 considered this issue (Ref EXAM-09).

- 13.3 Finally, the Council maintains that at all the stages in the Plan's preparation the number of representations received has reflected the thorough approach the Council has taken in seeking to ensure public involvement in the plan preparation process.

14 Matter 1 – Question 13: Have the requirements for appropriate assessment under the Habitats Regulations been met?

- 14.1 The requirements for appropriate assessment under the Habitat Regulations have been met. The plan is supported by a Habitat Regulations Assessment (HRA) which was prepared by Aecom who also produced the Sustainability Appraisal of the plan.
- 14.2 The Habitat Regulations Assessment (HRA) (December 2020), document reference [A-03](#), was submitted with the Plan. The HRA has subsequently been updated following discussions with Natural England, the updated HRA (October 2021), will be added as an Examination document, the document references provided in the responses to questions 13, 14 15, 16 and 17 are those within the October 2021 versions.
- 14.3 Sections 1.3 to 1.7 of the HRA set out the regulatory requirements and section 2 details the methodology for undertaking the HRA.

15 Matter 1 – Question 14: What were the relevant designated sites considered?

- 15.1 Paragraphs 2.19 to 2.21 of the HRA explain the approach to the geographical scope of the HRA. European sites were included when they were located within the District or where sites are shown to be linked to development within East Northamptonshire through a known "pathway". Table 1 of the HRA identifies four European Sites; Rutland Water SPA and Ramsar; Upper Nene Valley Gravel Pits SPA and Ramsar; Orton Pits SAC and Barnack Hills and Holes SAC, which are either located within the District or where there are pathways that were investigated. Table 1 details the reasons for each sites inclusion and lists other site vulnerabilities.

16 Matter 1 – Question 15: What are the results of the Habitats Regulation Assessment (HRA) and where have these been carried forward in the Plan? (see Initial Question 6 and the Council's response including the revised HRA and MM01)

- 16.1 Section 4 of the HRA tests the likely significant effects and considers the three sites, Rutland Water SPA, Nene Valley Gravel Pits SPA and Barnack Hills and Holes, where potential impact pathways were identified. Barnack Hills and Holes SAC and Rutland Water SPA and Ramsar are screened out from likely significant effects, further detail is provided in paragraphs 4.5 to 4.17 of the HRA. Paragraphs 4.18 to 4.23 consider the Upper Nene Valley Gravel Pits SPD. A summary of the test of likely significance of policies and allocations within the East Northamptonshire Plan, both alone and in-combination, is provided in paragraphs 4.24 to 4.28.

- 16.2 An Appropriate Assessment is provided in Section 5 of the HRA. Within this section a need for additional text within the Local Plan Part 2 is identified in relation to a number of the allocations, to ensure that a sufficient policy framework is in place to enable a conclusion of no adverse effect of the integrity of the SPA/ Ramsar at the Local Plan level, this is discussed in paragraphs 5.15 to 5.18. Additional text is also needed in relation to three of the policies, EN16, EN18 and EN20, to ensure that there is a sufficient policy framework in place to manage subsequent project-level HRAs to accompany planning applications, this is discussed in paragraphs 5.19 to 5.21. Additional wording is also recommended to the supporting text for Policy EN28 in relation to functionally linked land, this is discussed in paragraphs 5.27 to 5.33 and additional wording in relation to other allocations in paragraphs 5.35 to 5.39.
- 16.3 The Council has proposed main modifications, MM14, MM15, MM17, MM21, MM22, MM27, MM33, MM35 and MM43 to address the recommendations of the HRA.
- 16.4 Paragraph 6.1 of the HRA concludes that, provided the amendments to policy wording identified in the HRA are made, the Plan will present a sufficient policy framework to ensure no adverse effect on the integrity of any European sites arises.

17 Matter 1 – Question 16: How have mitigation measures for potential impacts arising from new development on designated sites in terms of recreational disturbance (and air and water quality?) been addressed?

- 17.1 Policy 4 of the JCS and the Special Protection Area (SPA) SPD set out requirements where development would have an effect on the SPA. Proposed MM01 has been included which provides clarification on the approach to mitigation.
- 17.2 The SPA SPD includes a Mitigation Strategy, the HRA recommended that for sites where contributions to the mitigation strategy have been identified as being necessary additional text set out in the HRA is included. This text has been incorporated into the proposed main modifications listed in paragraph 16.3 above.
- 17.3 MM01 also includes additional wording to address Natural England's concerns regarding air quality. The HRA, paragraphs 4.21 to 4.23 consider water quality and hydrology, this concludes no likely significant effects would result through this pathway.

18 Matter 1 – Question 17: Has the updated HRA and proposed MMs addressed Natural England's objections to the Plan and the HRA in full? If not, what objections remain? (see Initial Question 6 and the Council's response)

- 18.1 A Statement of Common Ground has been agreed with Natural England. Table 2 of the Statement of Common Ground sets out the proposed

amendments to the HRA to address Natural England's comments on the HRA. The HRA has now been updated and agreed with Natural England.

- 18.2 Table 1 of the SoCG sets out Natural England's comments on the Local Plan Part 2, this table sets out the main modifications which have been agreed by the Council and Natural England to address the concerns raised by Natural England which are within the scope of the Local Plan Part 2.
- 18.3 There are a number of concerns raised by Natural England through their representations which have broader strategic implications, far beyond the area covered by the Local Plan Part 2. Through the SoCG it has been agreed that these would need to be resolved through the review of the Joint Core Strategy not the Local Plan Part 2. The Council is working closely with Natural England and work has commenced on the survey work required to support the preparation of the Strategic Plan.
- 18.4 The updated HRA and the proposed MM's have addressed those objections from Natural England which fall within the scope of the Local Plan Part 2.

19 Matter 1 – Question 18: Has the Plan been subject to a Sustainability Appraisal (SA) and have the requirements for Strategic Environmental Assessment been met?

- 19.1 The Plan has been subject to a Sustainability Appraisal (SA) and the requirements of Strategic Environmental Assessment (SEA) have been met. The Plan is supported by a Sustainability Appraisal (SA) ([Document reference A-02-01](#)) which was prepared by Aecom who also prepared the HRA of the Plan. The SA is accompanied by a Non-technical Summary ([Document reference A-02-02](#)).
- 19.2 Paragraph's 1.2.1 and 1.2.2 of the SA confirm that the SA has been undertaken in-line with the procedures prescribed by the Environmental Assessment of Plans and Programmes Regulations 2004, which transposed into national law EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA)
- 19.3 Section 3 of the SA sets out the Scope of the SA, this details the key sustainability issues identified through the scoping exercise and the SA Framework, which was originally developed by the North Northamptonshire Joint Planning Unit (NNJPU), with the intention that it be used for all planning documents across the area. The SA Framework has been amended to reflect any locally specific issues within the East Northamptonshire area.
- 19.4 Part 1 of the SA Report (Sections 4, 5,6 and 7) details the SA work undertaken prior to the preparation of the SA Report and describes how alternatives have been appraised and how this has informed the preparation of the Plan. It also set out why alternatives have not been considered for other plan issues and details how the SA findings have influenced the development of policies in the Publication Plan.

- 19.5 Part 2 of the SA Report details the SA findings at the Publication Draft stage. This section sets out the methodology for the appraisal and presents the findings of the appraisal. This section also sets out recommended mitigation and enhancement measures and potential monitoring measures.
- 19.6 SA has been used to inform the development of the Plan throughout its preparation, earlier stages of the appraisal process are set out in the following documents:
- [Sustainability Appraisal: Interim SA Report - Strategic options for Oundle](#) (December 2018)
 - [Oundle Site Assessment Detailed Reassessment of Shortlisted Sites \(July 2019\)](#)
 - [Background Paper Oundle Site Assessments \(November 2018\)](#)
 - [Local Plan Part 2 \(site specific policies\) Sustainability Appraisal Scoping Report \(January 2017\)](#)

20 Matter 1 – Question 19: Where is it evident that reasonable alternatives have been considered and how the SA has influenced the Plan and dealt with mitigation measures?

- 20.1 It is evident though the [SA Report](#) that reasonable alternatives have been considered. Chapters 5, 6 and 7 consider alternatives for the following plan issues:
- Housing and employment growth and distribution
 - Housing growth and distribution in rural areas
 - Other Plan Issues
- 20.2 These chapters consider the context for plan preparation set out in the JCS, what reasonable alternatives there are, alternatives not considered reasonable and the reasons for selecting the preferred approach. Chapter 5 sets out the approach to considering reasonable alternatives for housing sites and provides a summary of the site appraisal process.
- 20.3 The SA findings are set out in Part 2 of the SA. The appraisal is structured by each of the SA Objectives. A summary of effect is set out in Section 9.19, this sets out the effects predicted for the Publication Plan viewed 'as a whole'.
- 20.4 Section 10.20 explains that the SA of the East Northamptonshire Local Plan Part 2 has been an iterative process, in which proposals for mitigation and enhancement have been considered at different stages. Through the site assessment process measures were identified to aid in mitigation and enhancement and draft versions of each plan policy were also appraised through the SA process, recommendations were made for improvements before the policies were finalised in the plan.
- 20.5 Table 9.1 of the SA sets out additional measures identified through the appraisal set out in the SA report for the Council to consider and to take into account before finalising the plan. These recommendations were considered by the Council but no further changes to the plan were agreed.

21 Matter 1 – Question 20: Are there any representations on the SA itself? If so, how have these been addressed?

- 21.1 A number of representations were received on the SA. Representations 25/13, 25/14, 25/15, 25/16, 25/17, 25/18, 25/19, 25/20, 25/21, 25/22, 25/23, 25/24, 25/25, and 25/26 from Oundle Town Council relate to the assessment of housing sites in Oundle and raise a number of concerns regarding the assessment undertaken. These include that there are errors in the assessment process, that the assessment is not robust and that alternative sites have not be considered.
- 21.2 The Council has responded to these representations in the [Regulation 19 Representations by Section](#) spreadsheet. These responses confirm that the site selection process was integral to the SA process and is considered to be sufficiently robust and defensible. Alternative/ additional sites put forward by promoters were considered throughout the Plan making process and it is not considered that any of these are needed to accommodate current JCS growth requirements.
- 21.3 Paragraphs 5.2.9 to 5.2.37 of the SA explain the site selection process undertaken in Oundle, these paragraphs detail the thorough and robust assessment undertaken and provide an explanation for why the three sites proposed for allocation were selected. Appendix II provides the Oundle Strategic Options Assessment.
- 21.4 Representation 39/05 from Historic England raised concerns regarding the evidence base and whether detailed site assessments have been carried out. A Statement of Common Ground has been agreed with Historic England ([EXAM-14](#)), this confirms that the evidence base detail has been forwarded to Historic England. The SoCG confirms that no further change is proposed as the evidence requested has been undertaken. Representations 39/06 and 39/07, also from Historic England, state that archaeological assessments for sites have been provided with outline planning applications but there is no reference to archaeological assessments in the SA; through the SoCG it was agreed that the site specific archaeological assessments which supported the outline planning applications are not necessary for the Local Plan SA and no change is proposed.
- 21.5 Representation R19/056 from Gladman states that Policy 33 and the Draft Rushden East Masterplan have not been tested through the SA and should have been developed and refined though that process. The Council responded in the [Regulation 19 Representations by Section](#) spreadsheet, which states that Policy EN33 provides additional local detail to support the adopted JCS Policy 33. It allows for the site allocation boundary to be set and the MFD to be incorporated into the Local Plan. Policy EN33 has been tested through the SA process, paragraphs 9.2.30, 9.2.31, 9.3.19, 9.4.14, 9.7.16, 9.7.17, 9.8.15, 9.9.19, 9.10.16, 9.11.10, 9.12.7, 9.12.8 and 9.18.6 of the SA Report provide the findings of the appraisal in relation to Policy EN33.

22 Matter 1 – Question 21: Does the Plan contain policies designed to secure that the development and use of land in the district contributes to the mitigation of, and adaptation to, climate change?

- 22.1 The Plan does contain policies which are designed to secure that the development and use of land in the East Northamptonshire area contributes to the mitigation of, and adaptation to, climate change in so far as it can, given that its scope is that of a Part 2 Local Plan.
- 22.2 The Plan will contribute towards the delivery of JCS Outcome 2 – Adaptability to Future Climate Change: figure 5 of the [Pre-Submission Draft East Northamptonshire Local Plan Part 2](#) sets out how this objective will be delivered within the East Northamptonshire context.
- 22.3 The Plan includes policies designed to contribute to the mitigation of, and adaptation to, climate change through the following approaches:
- Focusing development in the most accessible locations and reducing the need to travel
 - Ensuring the protection and enhancement of green infrastructure
 - Providing access to open space and recreational facilities to encourage healthy lifestyles
 - Focusing development in sustainable locations
 - Protecting employment sites and supporting the vitality of town centres and local centres
- 22.4 The SA of the Plan assessed the predicted effects of the Plan on climate change, the summary of this assessment is provided below:

SA Topic	Score	Summary of effects
Energy Use and climate change	Minor positive effects	The level and distribution of growth has largely been planned for strategically through the JCS, which includes significant strategic growth schemes and SUEs. These schemes across the wider area present opportunities to significantly increase the efficiency of new homes, employment, retail and community development. The continued support provided at the local level is likely to support wider actions to move to carbon neutrality and deliver minor positive effects in this respect.

23 Matter 1 – Question 22: Which policies in the Plan are designed to secure that the development and use of land in the district contribute to the mitigation or, and adaptation to, climate change? (as required by Section 19(1A) of the 2004 Act). How does the Plan interact with the JCS on this matter?

- 23.1 Section 9.12 of the SA assesses the effects of policies in relation to Climate Change and Energy Use.

- 23.2 Policies EN1 to EN6 set out the settlement strategy and seek to focus development within built-up areas, therefore focusing development in the most accessible locations and reducing the need to travel.
- 23.3 Policies EN7 to EN11 seek to protect and enhance green infrastructure, open space and sport and recreation facilities, these policies will support adaptation through enhanced biodiversity, ecological links and carbon sequestration, delivery of alternative routes, such as The Greenway, can also support active travel and modal shift to more sustainable modes of transport.
- 23.4 Policies EN12 and EN13 support high quality design and place shaping principles which promote accessibility, connectivity and smart infrastructure, such as charging points for electric vehicles.
- 23.5 The employment and town centre policies seek to support high levels of accessibility and modal shift through protecting employment sites, providing flexibility to enable businesses to grow, enhancing the role of town centres and through identifying opportunities for redevelopment within the town centres.
- 23.6 The JCS is the strategic plan which sets out the overall vision, objectives and spatial strategy for development. The Local Plan Part 2 provides detailed local policies to deliver the JCS vision and objectives. Climate change is considered to be a strategic matter which will be addressed in the North Northamptonshire Strategic Plan.

24 Matter 1 – Question 23: Will the Plan help to advance equality of opportunity between people who share a ‘protected characteristic’ as defined in the Equality Act 2010 and those that do not share it and further the aims of the Act?

- 24.1 The Part 2 Plan is written for all members of the community and not for specific individuals or groups. The Council carried out an Equalities Impact Assessment (EIA) Screening (Ref A-04) to determine that it had had due regard to the equality impact of any proposed policies (para.1.50), pursuant to its duty. Only positive and/ or neutral impacts for protected or vulnerable groups were identified through this process.
- 24.2 EIA screening can anticipate and recommend ways to avoid any discrimination or negative consequences for a particular group, on the grounds of factors such as age, disability and race, as well as all vulnerable groups listed in the Act and this has been considered by the Council in its preparation of plan policies.
- 24.3 The assessment of the Plan’s policies against the key characteristics of the equality strands, recognised in the screening report, did not indicate negative impacts

25 Matter 1 – Question 24: In what ways, positive and negative, are specific policies in the Plan expected to affect the three aims expressed in section

149(1) of the Equality Act 2010 and in particular affect groups with ‘protected characteristics’?

- 25.1 The policies proposed in the Plan are considered to generally have a positive effect in relation to aims expressed in the Equality Act (2010). Public consultation sought to capture a wide range of groups and organisations throughout the plan process to inform future policy. For example, those that can be considered to have a positive effect on some individuals or groups are proposed in the Housing Delivery section of the Plan, where Policy EN29 seeks to deliver wheelchair accessible housing. Policy EN30 seeks to ensure that a housing mix, including tenure types, is provided to meet identified local need. This includes specialist accommodation for older persons, the detail of which is provided through Policy EN31. The Plan further recognises the Policy requirements of JCS Policy 31 in seeking to meet the needs of gypsies, travellers and travelling show people.
- 25.2 In addition to the above the Council has undertaken a Health Impact Assessment (Ref A-05) to enable the identification and assessment of the likely effects that a proposed development will have on the health and wellbeing of the community. Policy EN12 has been written to ensure the requirements are taken on board and that no individual or community is disadvantaged in this respect. Similarly, Policy EN13 is written to ensure development incorporates accessible and well-designed amenity space to serve all end users.
- 25.3 It is considered that negative effects are unlikely to arise as an EIA screening has been undertaken to flag up any issues.