

6. Legislative and Policy Context

- 6.1 The information provided in this chapter outlines the consents framework; the key legislation and policies that have been, and will continue to be, considered through the emerging application for Development Consent. This section first summarises the legislative framework, including the Planning Act (PA2008) (**Ref. 6.1**) that provides the context for the DCO process, and the Environmental Impact Assessment (EIA) framework (**Refs. 6.2 and 6.3**).
- 6.2 The policy context for DCO applications is explained with regard to the importance of the National Policy Statements framework. The subsequent relevance of national and local level policy is briefly referenced. Where further explanation of these matters is relevant to a particular environmental topic, this is provided in the relevant technical chapters of this PEIR.
- 6.3 Further detail on policy considerations is provided in the separate Planning Statement and is not repeated here.

Relevant Legislation

Planning Act 2008

- 6.4 The PA2008 received Royal Assent on 26 November 2008, and has since been amended by The Localism Act 2011 (**Ref. 6.4**), The Growth and Infrastructure Act 2013 (**Ref. 6.5**), The Infrastructure Act 2015 (**Ref.6.6**), and the Housing and Planning Act 2016 (**Ref.6.7**).
- 6.5 The PA2008 (as amended) is primary legislation that establishes the legal framework for applying for, examining and determining applications for Development Consent, taking account of the guidance in NPS. Currently, The Planning Inspectorate (PINS) will appoint the Examining Authority in respect of a Nationally Significant Infrastructure Project (NSIP) for which a Development Consent application is required to be made.
- 6.6 The relevant Secretary of State (SoS) for the type of project proposed is responsible for making the final decision on the acceptability of such applications, having regard to the recommendations of the Examining Authority, and is responsible for the making of the DCO that will enable the development to proceed. In this case, the relevant SoS is the SoS for Transport. The DCO will contain various requirements that restrict, direct and control the manner in which development can proceed.
- 6.7 Section 104(2) of the PA2008 requires the Examining Authority to take into account the following when considering an application for a DCO:
- any NPS that has effect in relation to development of the type to which the application relates;
 - any local impact report (LIR);
 - any matters prescribed in relation to development of the description to which the application relates; and

- any other matters which the SoS considers are both important and relevant to its decision.
- 6.8 Section 104(3) explains that the SoS must decide applications in accordance with the relevant NPS, save in certain limited circumstances.
- 6.9 A particular feature of the PA2008 is the need for prior consultation of a proposed development with all potentially affected stakeholders. A brief summary of the consultation process for the Proposed Development is provided in **Chapter 4** 'Overview of Consultation and Scoping'. The technical chapters of this PEIR then summarise the environmental information established to date and any consultation that is of particular relevance to the parameter or topic being considered.

Guidance and Best Practice (PA2008)

- 6.10 Guidance has been prepared by Government in relation to the process of preparing and examining applications under the PA2008. Some of the guidance is non-statutory, but pursuant to Section 50(3) of the PA2008, project promoters must have regard to guidance about how to comply with the pre-application procedure under Chapter 2 of Part 5 of the PA2008. Further, the Secretary of State must have regard to the extent to which such guidance has been considered and followed when deciding whether to accept an application for examination (section 55(5A)(b) and 55(4)(c) of the PA2008).
- 6.11 In addition to the guidance published by Government, PINS has produced 17 Advice Notes (**Ref. 6.8**) that are intended to assist individuals and organisations (including local communities) to engage more effectively in the process for making, commenting or deciding upon applications for Development Consent.

Other Relevant Legislation

EIA Directive & Regulations

Relevant Background

- 6.12 For projects requiring Development Consent under the PA2008, the requirements of EIA Directive 2011/92/EU (**Ref. 6.9**) were transposed into UK legislation by the *Infrastructure Planning (Environmental Impact Assessment) Regulations 2009*. The EIA Regulations 2009 were subsequently amended by the *Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2012*.
- 6.13 The Government invited comments on replacement Regulations (**Ref. 6.10**) proposals for implementing Directive 2014/52/EU (**Ref. 6.11**) amending Directive 2011/92/EU insofar as the EIA Directive applies to (predominantly) the town and country planning system in England and to the nationally significant infrastructure planning regime established by the PA2008.
- 6.14 Member States were required to bring into force the laws, regulations and administrative provisions necessary to comply with the 2014/52/EU Directive by 16 May 2017.

- 6.15 *'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017'* (the EIA Regulations 2017) (**Ref. 6.12**) provide the relevant Regulations in relation to infrastructure projects such as the Proposed Development.
- 6.16 However, transitional arrangements are in place. Article 3(2) of Directive 2014/52/EU provides transitional measures where, amongst other matters, a Scoping Opinion has been sought before 16 May 2017. In such circumstances Directive 2011/92/EU continues to apply.
- 6.17 It was under the EIA Regulations 2009 (i.e. before 16 May 2017) that the Scoping Report and subsequent Scoping Opinion for the Proposed Development were prepared and issued. The Scoping Request was made by the Applicant (December 2015) and PINS has provided its formal Scoping Opinion (January 2016).
- 6.18 The above notwithstanding, the transitional provisions call for the decision maker to make a judgement as to whether the development for which consent is sought is the one that was subject to the scoping request. The Applicant has, therefore, taken a robust approach and has expanded the environmental topics and information to be included in this ES. The Proposed Development has accordingly been assessed pursuant to the EIA Regulations 2017.

Objectives of EIA

- 6.19 The primary objective of the EIA process is to ensure that Member States adopt all measures necessary to ensure that projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location, are made subject to an assessment with regard to their effects. The results of consultations and information gathered pursuant to the EIA procedure must be taken into consideration in the Development Consent procedure.
- 6.20 The EIA Regulations set out the requirements and provisions for Screening (deciding if an EIA is required), Scoping (setting out the scope for the EIA) and the submission of an Environmental Statement (ES) that reports the EIA process and its findings. The Applicant has confirmed to PINS that it proposes to undertake EIA for the Proposed Development. As set out above, a Scoping Request was made by the Applicant (December 2015) and PINS has provided its formal Scoping Opinion (January 2016) in response to this exercise. The outcome of this exercise is summarised at **Chapter 4** 'Overview of Consultation and Scoping'.
- 6.21 The EIA Regulations impose procedural requirements for carrying out EIA for DCOs that fall to be considered as 'EIA development' under the EIA Regulations. The schedules to the EIA Regulations contain the following categories of projects:
- Schedule 1 projects: These are always EIA development (for example, new nuclear power stations); and
 - Schedule 2 projects: These are only EIA development if the individual project is likely to have significant effects on the environment.
- 6.22 The Proposed Development will be of a type that falls within Schedule 2 of the EIA Regulations 2017. The EIA Regulations 2017 provide that where development of a type listed within Schedule 2 is likely to give rise to significant environmental effects, the SoS must not

make an order granting Development Consent unless the SoS has first taken the environmental information into consideration, and must state in the decision that the SoS has done so.

- 6.23 In accordance with the EIA Regulations, the ES that will be included with the DCO application will include such of the information referred to in Schedule 4 of the EIA Regulations 2017 as is reasonably required to assess the environmental effects of the Proposed Development (including all Associated Development) and which the Applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile. This includes information on the site, design and size of the development, any measures to avoid or mitigate adverse effects, data required to assess environmental impacts, and an outline of the reasonable alternatives considered (for example).
- 6.24 Information confirming compliance with the EIA Regulations 2017 is provided at **Chapter 7** 'EIA Assessment Methodology'.
- 6.25 Environmental information will be submitted by the Applicant in support of the DCO application, and will comprise the ES and any further relevant environmental information.

The Habitats and Wild Birds Directives

- 6.26 EC Directive 92/43/EEC (**Ref. 6.13**) on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive) is intended to protect biodiversity by requiring Member States to take measures to maintain or restore natural habitats and wild species listed in the Annexes to the Directive at a favourable conservation status. It provides for robust protection for those habitats and species of European importance.
- 6.27 EC Directive 2009/147/EC (**Ref. 6.14**) on the conservation of wild birds (known as the Birds Directive) provides a framework for the conservation and management of, and human interactions with, wild birds in Europe. It sets broad objectives for a wide range of activities.
- 6.28 In England and Wales, the Habitats Directive is implemented under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) (**Ref. 6.15**).
- 6.29 The provisions of the Birds Directive are implemented through the Wildlife and Countryside Act 1981, the Habitats Regulations and the Offshore Marine Conservation (Natural Habitats & c.) Regulations 2007 (**Ref. 6.16**), as well as other legislation related to the uses of land and sea.
- 6.30 Under this legislation a network of protected areas (the Natura 2000 network) has been established. These are Special Areas of Conservation (SAC), for habitats and species, and Special Protection Areas (SPA), for birds. The Habitats Regulations require that, where the likelihood of a significant effect on a Natura 2000 site cannot be excluded (either alone or in combination with another plan or project), a competent authority must undertake an Appropriate Assessment as part of the Habitats Regulations Assessment (HRA) process. The Habitats Regulations state that it is the developer's responsibility to provide sufficient information to the Competent Authority to enable them to assess whether there are likely to

be any significant effects and to enable them to carry out the appropriate assessment, where necessary.

- 6.31 The HRA is not formally a part of the EIA process; nevertheless the two are intrinsically linked and much of the baseline information and impact assessment is common to both. Data acquisition and assessment completed for the EIA is expected to be sufficient for informing the HRA process.
- 6.32 In this case a separate No Significant Effects Report has been prepared confirming that significant effects in the context of the Habitats Regulations are not anticipated to arise.
- 6.33 The Habitats Regulations provide protection for certain species of plants and animals onshore (those species listed in Schedule 2 and Schedule 5 of the Regulations respectively), referred to collectively as European Protected Species (EPSs), and their breeding sites or resting places. These Regulations set out the activities that are prohibited, such as deliberate disturbance or creating damage to a breeding place. The Regulations also provide for licences to be granted for certain operations, such as proposed developments that may affect protected species, subject to there being no satisfactory alternative, and subject to the action authorised not being detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 6.34 If disturbance cannot be avoided then an application for an EPS licence would need to be made to Natural England. The EPS licence will be pursued separately to the DCO consenting process. If necessary a Letter of No Impediment (LONI) will be provided to the Planning Inspectorate to demonstrate that Natural England, the licensing authority, has considered the issues relating to protected species, and to provide reassurance that there are no reasons why an EPS licence could not be granted in due course. A consents and licences document will be submitted with the application for Development Consent.

Relevant Policy

National Policy Statements

- 6.35 NPS guide the decision-making process for applications for Development Consent. Sector-specific NPS are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority will make their recommendations to the SoS and include the Government's objectives for the development of NSIPs. The NPS define the national need for certain types of infrastructure and the issues to be considered by the Examining Authority when assessing whether a location is acceptable for the type and scale of development proposed. Each NPS therefore sets out the considerations to be taken into account when determining applications, the approach to the mitigation of impacts and the establishment of design criteria.
- 6.36 The National Networks NPS (NN NPS) (**Ref. 6.17**) is relevant to the Proposed Development. Under Section 104 of the PA2008 (as amended) an application for a 'national networks' infrastructure project must be considered and determined in accordance with the relevant NPS, unless to do so would:

- lead to the UK being in breach of its international obligations;
- be unlawful;
- lead to the Secretary of State being in breach of any duty imposed by or under any legislation;
- result in adverse impacts of the development outweighing its benefits; or,
- be contrary to regulations about how the decisions are to be taken.

6.37 The NN NPS is the principal source of policy guidance for the Proposed Development and will form the primary basis for decision-making by the SoS. The Proposed Development will therefore be determined in accordance with the policy framework provided in the NN NPS, taking into account relevant representations made.

National Policy Statement for National Networks (2015)

6.38 The NN NPS was designated in accordance with Section 5(4) of the PA2008 (as amended) on 14 January 2015. It sets out the Government's policy for the delivery of nationally significant road and rail projects in England, including the development of Strategic Rail Freight Interchange (SRFI).

6.39 The NN NPS is split into five parts, as described below.

6.40 Part 1 introduces the purpose and role of the NN NPS in the planning system.

6.41 Part 2 establishes that there is a 'compelling need' to improve the road and rail networks in England to support economic growth and regeneration, particularly in the most disadvantaged areas (paragraph 2.10). It makes clear that the Examining Authority should assess applications for Development Consent on the basis that the Government considers that there is an established need for road and rail infrastructure. In specific relation to SRFI, the NN NPS makes clear that there is a need for an expanded network of SRFI across the regions, whilst their specific locational requirements will limit the number of SRFIs that can be developed (paragraph 2.56). The NN NPS promotes an increase in SRFI capacity at a wide range of locations to ensure flexibility and to meet with the changing demands of the market.

6.42 Part 3 sets out the Government's policy context for the development of nationally significant road and rail projects. In the main, it reflects existing Government policy that is contained in the National Planning Policy Framework (NPPF), whilst also drawing upon the guidance that is set out in a number of transport related publications, including: *"Investing in Britain's Future"*; *"Strategic Road Network and the delivery of sustainable development"* (Department for Transport Circular 02/2013) and *"Safety and Transport for Everyone: an action plan to improve accessibility for all"*.

6.43 Part 3 of the NN NPS confirms that for road and rail development to be sustainable, schemes should be designed to minimise social and environmental impacts and improve quality of life

(paragraph 3.2). Notwithstanding this commitment, the NN NPS goes on to acknowledge that the nature of major infrastructure projects is such that some adverse effects may remain, even when allowing for sensitive design and mitigation (paragraph 3.4).

6.44 Part 4 sets out the assessment principles for determining applications for Development Consent. In particular it states:

- Given the compelling need for the road and rail infrastructure covered by the NN NPS, there is a presumption in favour of granting Development Consent for national networks NSIP. That presumption applies unless specific detailed policies and protections set out in the NPS (and legal constraints set out in the PA 2008) indicate that consent should be refused.
- When considering any proposed development and in particular when weighing its adverse impacts against benefits, the Examining Authority and the SoS should take into account its potential benefits (including the facilitation of economic development, job creation and facilitation of any long-term or wider benefits) and its potential adverse impacts (including long-term and cumulative impacts as well as any measures to avoid, reduce or compensate for adverse impact). In this context, the Examining Authority should take into account environmental, safety, social and economic benefits and adverse impacts at national, regional and local levels.
- The Examining Authority and SoS are also guided to only impose requirements (in relation to a DCO) that are necessary, relevant to planning, relevant to the development to be consented and reasonable in all other respects.

6.45 Part 4 sets out the overarching policy in relation to a range of issues, including the following, which are of relevance to the Proposed Development:

- Environmental Impact Assessment;
- Habitats Regulations Assessment;
- Consideration of Alternatives;
- Criteria for “good design” for national network infrastructure;
- Climate change adaptation;
- Pollution control and other environmental protection regimes;
- Common law nuisance and statutory nuisance;
- Safety;
- Security considerations;
- Health; and

- SRFI.

- 6.46 In relation to the Proposed Development, the NN NPS acknowledges that SRFI projects are likely to have significant effects on the environment (paragraph 4.15). In such circumstances, applications for NSIPs must be accompanied by an ES to describe the aspects of the environment that are likely to be significantly affected. This includes consideration of direct and indirect effects. An ES will therefore accompany the application for Development Consent for the Proposed Development.
- 6.47 The NN NPS accepts that it may not be possible to settle all aspects of the Proposed Development in precise detail at the time of the application. In such cases the applicant is advised to set out within the ES, to the best of their knowledge, what the maximum extent of the Proposed Development would be and appraise the potential adverse impacts on this basis to ensure that the potential impacts of the project have been properly assessed (paragraph 4.19).
- 6.48 The NN NPS makes clear that the Examining Authority should consider and ensure that likely significant effects (at all stages of the project) have been adequately assessed by the applicant. The Examining Authority should also give consideration to the cumulative effects with other development and the ES is required to provide information on the effects of the application proposal in combination with other development.
- 6.49 In terms of operational requirements, the NN NPS accepts that SRFI generally need continuous working arrangements (up to 24 hours) and involve large buildings, structures and machinery (paragraph 4.86). As such, the NN NPS stipulates that the siting of SRFI must be carefully considered, particularly with regard to noise, light and other potential impacts.
- 6.50 The NN NPS gives specific attention to locational requirements of SRFI or proposed extensions to existing RFI. It confirms that it is important for SRFI to be located relative to the markets they will serve (i.e. major urban centres or groups of centres) and with adequate links to the road and rail networks. Due to these requirements, it may be that countryside locations are required for SRFIs (paragraph 4.84).
- 6.51 Part 5 identifies a range of generic impacts which may arise from the type of infrastructure covered by the NN NPS. The impacts considered relevant to the Proposed Development include:
- Air quality;
 - Carbon emissions;
 - Biodiversity and ecological conservation;
 - Waste management;
 - Aviation;
 - Dust and artificial light;

- Flood risk;
- Land instability;
- The historic environment;
- Landscape and visual impact;
- Land use (including open space, green infrastructure and green belt);
- Noise and vibration;
- Impact on transport network; and
- Water quality.

6.52 The guidance in relation to the generic impacts listed above has been used to inform the topic-specific assessments to the extent that they are relevant to the EIA, for example, where the NN NPS identifies receptors and/or attributes value to them.

Important and Relevant Matters

6.53 Section 104 of the PA2008 identifies that the SoS must have regard to relevant NPS but also matters that are ‘important and relevant’ to the decision. Accordingly, other national policy, guidance, development plan policy, and topic-specific legislation, guidance and best-practice methods may be a material consideration in the decision making process for an application for a DCO.

6.54 In principle, the following policy/guidance context may have relevance for the Proposed Development, and has accordingly been considered in developing the proposals:

- National Planning Policy Framework (2012) (**Ref.6.18**);
- National Planning Practice Guidance (2014) (**Ref.6.19**);
- Relevant Development Plan Documents (**Refs. 6.20-6.24**):
 - West Northamptonshire Joint Core Strategy Local Plan (Part 1) (adopted December 2014);
 - South Northamptonshire Local Plan (adopted 1997) (Saved Policies);
 - Northamptonshire Minerals and Waste Local Plan (adopted July 2017);
 - Northampton Local Plan Saved Policies (adopted 1997);
 - Northampton Central Area Action Plan (adopted April 2013).
- Relevant emerging Local Plan documents;

- Relevant Supplementary Planning Documents (**Refs. 6.26 – 6.28 and 6.34 - 6.35**);
- Relevant Supplementary Planning Guidance (**Refs. 6.29 – 6.33**);
- Transport Plans (**Refs 6.36 – 6.37**); and,
- Strategies and other guidance.

6.55 The proposed Order Limits fall entirely within the administrative areas of South Northamptonshire Council and Northamptonshire Borough Council. However, it should be recognised that the influence of the project will extend beyond the proposed Order Limits into other administrative areas. The study areas applicable to all technical topic assessments are set out at **Chapters 9-25**.

6.56 A brief introduction to the NPPF and NPPG is provided below. Topic-specific policy, guidance, best-practice and legislation is, however, considered in more detail in the relevant technical chapters (**Chapters 9-25**) and is not set out as part of this chapter.

National Planning Policy Framework

6.57 The National Planning Policy Framework (NPPF) (**Ref.6.18**) was published on 27 March 2012. The NPPF is a key part of the government's reforms to make the planning system less complex and more accessible. It acts as guidance for local planning authorities and decision-makers, both in drawing up plans and making decisions about planning applications.

6.58 Paragraph 3 of the NPPF is explicit that the Framework does not contain specific policies for NSIP, which are determined 'in accordance with the decision-making framework set out in the Planning Act 2008 and relevant national policy statements for major infrastructure'. However, matters that the decision-maker considers important and relevant when making decisions on applications for development consent are also applicable and may include the NPPF (as confirmed by Paragraph 3 of the Framework).

6.59 With specific regard to transport infrastructure, Paragraph 31 of the NPPF advises that:

"Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas..."

6.60 A summary of the relevant considerations of the NPPF are explored in the technical chapters.

National Planning Practice Guidance

6.61 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the online national Planning Practice Guidance (the PPG) (**Ref. 6.19**). This was accompanied by a Written Ministerial Statement setting out a list of the previous planning practice guidance documents cancelled when the site was launched.

6.62 Amongst other matters, the PPG consolidates (and revokes) guidance on the EIA process that was formerly found in the following documents:

- Circular 02/99 Environmental Impact Assessment (1999);
- Environmental Impact Assessment: a Guide to Procedures (DETR, 2000);
- Note on Environmental Impact Assessment Directive for Local Planning Authorities (Office of the Deputy Prime Minister (ODPM), 2004); and
- Preparation of Environmental Statements for Planning Projects that Require Environmental Assessment – A Good Practice Guide (Department of Environment (DoE), 1995).

Other Guidance

6.63 The EIA process undertaken for the Proposed Development to date has taken into account other relevant guidance, including but not limited to:

- Guidelines for Environmental Impact Assessment, Institute of Environmental Management and Assessment (IEMA), 2006 (**Ref. 6.38**);
- Environmental Impact Assessment Guide to Climate Change Resilience and Adaptation, Institute of Environmental Management and Assessment (IEMA), November 2015 (**Ref.6.39**);
- Environmental Impact Assessment Guide to Assessing Greenhouse Gas Emissions and Evaluating their Significance (IEMA), 2017 (**Ref. 6.41**);
- Health in Environmental Impact Assessment: A Primer for a Proportionate Approach (IEMA), 2017 (**Ref. 6.41**);
- The Design Manual for Roads and Bridges (DMRB) Volume 11: Environmental Assessment (and updates) (Highways Agency et al.) (**Ref. 6.42**);
- Guidelines for Ecological Impact Assessment in the United Kingdom (CIEEM, 2016) (**Ref. 6.43**); and
- Guidelines for Landscape and Visual Impact Assessment 3 (Landscape Institute and IEMA, 2013) (**Ref. 6.44**).

Rail Freight Strategy (September 2016)

6.64 The Government's Rail Freight Strategy (**Ref. 6.45**), which was developed in collaboration with Network Rail, was published by the Department for Transport on 13 September 2016. This strategy sets out the vision for how rail freight can continue to grow and how the logistics sector and rail industry can collaborate to relieve pressure on the road network.

- 6.65 The Report notes that a modal shift from road to rail is important as the rail freight industry has significantly benefitted the UK economy and each tonne of freight transported by rail reduced carbon emissions by 76% compared to road. The full economic and carbon benefits of rail freight will only be realised when this industry grows and achieves its potential.

Regional and Local Planning Policy

- 6.66 Where it is deemed relevant and important, existing and emerging local-level planning policy and other guidance may carry some weight in the consideration of an application for Development Consent, according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF. It is considered that subject to mitigation and compliance with the various Requirements of the DCO, it will be possible to meet the objectives of local policies. This will be considered further by the Local Authority in its Local Impact Report (LIR). Nevertheless, it is the NPS that provide national policy for a DCO submission and provides the primary basis for decision-making under the PA 2008.
- 6.67 Local policy, guidance, standards and best practice that are relevant to the assessments undertaken in relation to the technical chapters is addressed within those chapters.

Adopted West Northamptonshire Joint Core Strategy Local Plan (Part 1)

- 6.68 The West Northamptonshire Joint Strategic Planning Committee adopted the West Northamptonshire Joint Core Strategy Local Plan (Part 1) on 15 December 2014 (**Ref. 6.20**). The adopted Joint Core Strategy covers the administrative areas of Daventry District, Northampton Borough and South Northamptonshire District. The following policies may be of relevance to the Proposed Development.
- 6.69 Policy S7 states that provision will be made for a minimum net increase of 28,500 new jobs in the period 2008-2029.
- 6.70 Policy S11 states that major development should use the sustainable development principles set out in Policy S10 to contribute to reductions in carbon emissions and adapt to climate change. Proposals should be sensitively located and have no significant adverse impact on amenity, landscape character and access and new non-residential floorspace should achieve a minimum of BREEAM very good.
- 6.71 Policy C4 seeks to improve connections between urban areas, including ensuring an effective, reliable, inter-urban public transport network along key journey to work corridors. These corridors include A43 Brackley to Northampton.
- 6.72 Policy E4 states that further rail connected storage and distribution uses and associated rail and road infrastructure is supported in principle at Daventry International Rail Freight Terminal (DIRFT). A high standard of layout, landscaping, building design and materials will be required.
- 6.73 Policy BN1 states that Green Infrastructure Connections will be recognised for their important contribution to sense of place. Measures to enhance existing and provide new

green infrastructure will be designed and delivered sustainably and to a high quality, mitigate and adapt to climate change, reflect local characters and be supported by a long term management strategy.

- 6.74 Policy BN2 states that development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported. In cases where there is no reasonable alternative to development that is likely to prejudice the integrity of an existing wildlife site or protected habitat, appropriate mitigation, including compensation, will be expected.
- 6.75 Policy BN5 seeks to ensure that designated and non-designated heritage assets, and their settings, will be conserved and enhanced. Development in areas of landscape sensitivity or heritage significance should sustain and enhance the heritage and landscape features, demonstrate an appreciation and understanding of the impact of the development on the assets, and be sympathetic to locally distinctive landscape features, design styles and materials.

South Northamptonshire: Local Plan 1997

- 6.76 The South Northamptonshire Local Plan (**Ref. 6.21**), which covered the period 1998-2006, was adopted in 1997 and is now considered to be largely out of date in the context of Paragraph 14 of the NPPF. Notwithstanding the above, a number of the policies and proposals contained in the Local Plan were 'saved' by the Government Office in September 2007.
- 6.77 Policy E7 sets out in what circumstances industrial and commercial development will be permitted in villages and the open countryside.

Northampton Local Plan 1997

- 6.78 The Northampton Local Plan, which covered the period 1988-2006 (**Ref. 6.23**), was adopted in 1997 and, given the time period the plan covered has now passed, many of the policies are now considered to be out of date. A number of policies were saved in 2007 to ensure that they remained part of the development plan prior to the adoption of a new plan.
- 6.79 Policy B14 seeks to ensure that business uses are retained in existing and proposed business areas unless other development would be of benefit to the community or lead to substantial employment opportunities.
- 6.80 Policy T14 seeks to protect existing rail corridors from development that would adversely affect them.
- 6.81 Policy D9 sets out the requirements for development that would be permitted adjoining Junction 15A of the M1.

Northamptonshire County Council Minerals and Waste Local Plan

- 6.82 The Minerals and Waste Local Plan was adopted on 1 July 2017 (**Ref. 6.22**) and comprises the land use planning strategy for minerals and waste related development, and all other forms of development, made in Northamptonshire.
- 6.83 The northern part of the Main SRFI Site is within a minerals safeguarding area. Policy 28 sets out requirements for development in Minerals Safeguarding Areas. It states that development of a significant nature in Minerals Safeguarding Areas will have to demonstrate that the sterilisation of mineral resources of economic significance will not occur as a result of the development and that the development would not pose a serious hindrance to future extraction in the vicinity.
- 6.84 A small area at the north-east of the Main SRFI Site is within the buffer zone associated with a nearby allocated site for the Provision of Sand and Gravel. The allocation site, M1: Milton Malsor is identified for the provision of sand and gravel and the associated buffer zone (Policy 30) seeks to prevent land use conflict in close proximity to such allocated sites.

South Northamptonshire: Local Plan (Part 2)

- 6.85 Consultation on the Pre-Submission Draft of the South Northamptonshire: Local Plan Part 2 was held until 10th November 2017.
- 6.86 Policy Site Development Principles 1 sets out general development principles in respect of sustainable urban design and the quality of the environment.
- 6.87 Policy Site Development Principles 2 sets a series of criteria for design principles, including additional criteria for major development proposals. Developments are required to make a positive contribution to the built and natural environment; recognise and complement the local character of the area; and result in a high quality design.
- 6.88 Policy Site Development Principles 3 requires new development to provide for the necessary onsite and, where appropriate, off-site infrastructure requirements arising from the proposal.
- 6.89 Policy Employment 2 New Employment Development requires proposals that would involve the construction of a new building in the open countryside to be supported by a robust business plan. The proposal will need to demonstrate why the location is required and that the scale of development is appropriate.
- 6.90 Policy Connections 1 Electric Charging Points requires one parking bay per 10 parking bays.
- 6.91 Policy Natural Environment 1 Rural Character states that development proposals on sites outside defined settlement confines will only be permitted where they do not cause significant harm to the landscape. Developments should not have an unacceptable effect on the rural tranquillity of the area and should be informed by, and be sympathetic to, the landscape areas identified in the Northamptonshire Landscape Character Assessment.

- 6.92 Policy Natural Environment 3 Trees, Woodland and Hedgerows requires proposals for development to provide for the protection and integration of existing trees, woodland and hedgerows for their wildlife, landscape, and/or amenity value.
- 6.93 Policy Natural Environment 5 Biodiversity and Geodiversity requires proposals to seek to conserve biodiversity and geodiversity, and actively enhance biodiversity in order to provide net gains wherever possible.
- 6.94 Policy Natural Environment 10 HS2, Major Developments and National Significant Infrastructure Projects states:
- *“The design and construction of the HS2 and other major developments and nationally significant infrastructure projects must minimise adverse impacts on the environment.*
 - *Any environmental harm that would occur as a result of such developments should be fully mitigated and compensated with opportunities taken to address any shortfalls identified in the Northamptonshire Biodiversity Action Plan and to bring about wider landscape enhancements. The use of native species is encouraged as will the enhancement of existing and creation of new biodiversity and green infrastructure corridors and habitats.”*
- 6.95 Consultation on the Proposed Submission Draft Local Plan Part 2 is anticipated to take place in Spring 2018.

Northampton Local Plan (Part 2)

- 6.96 The next stage of the progress will be the draft Plan which was due to be consulted on in Spring 2017 but, at the time of writing, still has not been made available. The Council have verbally advised that they anticipate the draft Plan consultation taking place in late 2018. There are no draft policies within this document.

Northampton Central Area Action Plan (CAAP) 2013

- 6.97 The CAAP was formally adopted by Northampton Borough Council in January 2013 (**Ref. 6.24**). It forms part of the Development Plan for Northampton Borough. The overall aim of the Action Plan is to provide a consistent strategic framework for the improvement and extension of the town centre whilst seeking to protect and enhance its intrinsic historic built character and green spaces.
- 6.98 Policy 3 states that changes to the public realm should be consistent with the Public Realm Implementation Framework.
- 6.99 Policy 36 requires all development to provide the appropriate on and off site infrastructure to mitigate the impact of development.

South Northamptonshire: Supplementary Planning Documents (SPDs)

- 6.100 The following SPDs may be of relevance to the Proposed Development:

- Energy Efficiency (July 2013) (**Ref. 6.25**);
- Renewable Energy (July 2013) (**Ref. 6.26**);
- Energy Efficiency and Renewable Energy (Appendices) (not dated) (**Ref. 6.27**); and
- Energy and Development (March 2007) (**Ref. 6.28**).

South Northamptonshire: Supplementary Planning Guidance (SPG)

6.101 SNC has a range of SPG on various topics, however, many are out of date. The following documents may be of relevance to the Proposed Development:

- Conservation Areas (not dated) (**Ref. 6.29**);
- Light Pollution (not dated) (**Ref. 6.30**);
- Listed Buildings (not dated) (**Ref. 6.31**);
- Nature Conservation (not dated) (**Ref. 6.32**); and
- Trees and Development Parts 1 and 2 (not dated) (**Ref. 6.33**).

Northamptonshire Supplementary Planning Documents

6.102 Northampton Borough Council has produced several SPDs to expand on policies included within the Development Plan Documents. The following SPDs may be of relevance to the Proposed Development:

- Biodiversity Supplementary Planning Document for Northamptonshire (September 2017);
- Nene Meadows Supplementary Planning Document (February 2014) (**Ref. 6.34**); and
- Planning Obligations SPD (2013) (**Ref. 6.35**).

Northamptonshire County Council Transportation Plan

6.103 The Transportation Plan (March 2012) (**Ref 6.36**) comprises a suite of documents, which set out 'Thematic Transport Strategies' relating to various transportation modes. The Transportation Plan covers Northamptonshire as a whole and is a statutory requirement of the Transport Act 2000 and the Local Transport Act 2008, which requires Council's to set out plans and policies for transport and how they intend to implement them.

6.104 Strategic Policy 19 and 20 are set out under the heading 'Improving the Efficiency of Freight Movements'.

- 6.105 Alongside the County Council Transportation Plan are several thematic transport strategies. The Northamptonshire Rail Strategy (**Ref. 6.37**) was published in January 2013 following adoption by Northamptonshire County Council's Cabinet in December 2012.
- 6.106 Policy RAIL 22 supports an increase in the use of the rail network for freight including the provision of additional track capacity and clearance to accommodate large containers.
- 6.107 Policy RAIL 23 supports further developments of rail freight terminals subject to appropriate planning considerations and the provision of appropriate highway access.

References

- Ref.6.1 Infrastructure Planning Commission, 2008, 'Planning Act 2008'
- Ref.6.2 Statutory Instrument 2009 No. 2263 'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009' (as amended by Statutory Instrument 2012 No. 787 'The Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2012')
- Ref.6.3 Statutory Instrument 2017 No. 572 'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017'
- Ref. 6.4 '*Localism Act 2011*'
- Ref. 6.5 '*Growth and Infrastructure Act 2013*'
- Ref. 6.6 '*Infrastructure Act 2015*'
- Ref. 6.7 '*The Housing and Planning Act 2016*'
- Ref. 6.8 The Planning Inspectorate, Advice Notes 1-17 (various titles)
- Ref. 6.9 European Parliament, 2011, '*Directive 2011/92/EU, 13 December 2011, on the assessment of the effects of certain public and private projects on the environment*'
- Ref. 6.10 Department for Communities and Local Government, 2016, '*Environmental Impact Assessment: Technical consultation (regulations on planning and major infrastructure) December 2016*'
- Ref. 6.11 European Commission, 2014, '*Directive 2014/52/EU, 16 April 2014, amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment*'
- Ref. 6.12 '*The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017*' (the EIA Regulations 2017)
- Ref. 6.13 Council of the European Communities, 1992, '*Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora*'
- Ref. 6.14 European Parliament, 2009, '*Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds*'
- Ref.6.15 '*Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations) (as amended)*'
- Ref. 6.16 '*Statutory Instrument 2010 No. 490 Wildlife Countryside The Conservation of Habitats and Species Regulations 2010 (as amended by: Statutory*

Instrument 2012 No. 1927 Wildlife Countryside Marine Management, The Conservation of Habitats and Species (Amendment) Regulations 2012)

- Ref. 6.17 Department for Transport, 2014, '*National Policy Statement for National Networks*'
- Ref 6.18 Department for Communities and Local Government, 2012, '*National Planning Policy Framework*
- Ref. 6.19 Department for Communities and Local Government, 2016, '*National Planning Practice Guidance*'
- Ref.6.20 West Northamptonshire Joint Strategic Planning Committee, 2014, '*West Northamptonshire Joint Core Strategy Local Plan (Part 1)*'
- Ref.6.21 South Northamptonshire Council, 1997, '*South Northamptonshire Local Plan*'
- Ref.6.22 Northamptonshire County Council, '*Northamptonshire Minerals and Waste Local Plan*' (adopted July 2017)
- Ref.6.23 *Northampton Local Plan Saved Policies* (adopted 1997)
- Ref.6.24 *Northampton Central Area Action Plan* (adopted April 2013)
- Ref. 6.25 South Northamptonshire Council, July 2013, *Energy Efficiency SPD*
- Ref. 6.26 South Northamptonshire Council, July 2013, *Scoping of Renewable Energy SPD*
- Ref. 6.27 South Northamptonshire Council , July 2013, *Energy Efficiency & Renewable Energy SPD Appendices*
- Ref 6.28 Daventry District Council and South Northamptonshire Council, March 2007, *Energy and Development SPD*
- Ref. 6.29 South Northamptonshire Council, not dated, *Conservation Areas SPG*
- Ref. 6.30 South Northamptonshire Council, not dated, *Light Pollution SPG*
- Ref 6.31 South Northamptonshire Council, not dated, *Listed Buildings SPG*
- Ref 6.32 South Northamptonshire Council, not dated, *Nature Conservation SPG*
- Ref. 6.33 South Northamptonshire Council, not dated, *Trees and Development, Parts 1 and 2 SPG*
- Ref. 6.34 Northampton Borough Council, February 2014, *Nene Meadows SPD*

- Ref. 6.35 Northampton Borough Council, February 2013, *Planning Obligations Strategy SPD*
- Ref. 6.36 Northampton County Council, March 2012, *Northamptonshire Transport Plan*
- Ref. 6.37 Northampton County Council, January 2013, *Northamptonshire Rail Strategy*
- Ref. 6.38 *Guidelines for Environmental Impact Assessment, Institute of Environmental Management and Assessment (IEMA), 2006*
- Ref. 6.39 Institute of Environmental Management and Assessment, 2015, *'Environmental Impact Assessment Guide to Climate Change Resilience and Adaptation'*
- Ref. 6.40 Environmental Impact Assessment Guide to Assessing Greenhouse Gas Emissions and Evaluating their Significance (IEMA), 2017.
- Ref. 6.41 Health in Environmental Impact Assessment: A Primer for a Proportionate Approach (IEMA), 2017
- Ref. 6.42 Highways Agency et al. *The Design Manual for Roads and Bridges (DMRB) Volume 11: Environmental Assessment* (and updates)
- Ref. 6.43 Chartered Institute for Ecology and Environmental Management, 2016, *Guidelines for Ecological Impact Assessment in the United Kingdom and Ireland: Terrestrial, Freshwater and Coastal*
- Ref. 6.44 Landscape Institute and Institute of Environmental Management and Assessment, 2013, *'Guidelines for Landscape and Visual Impact Assessment'* Third Edition
- Ref 6.45 Department for Transport, September 2016, Rail Freight Strategy, *Moving Britain Ahead*.