

## Northumberland National Park Local Plan Examination

### Northumberland National Park Authority's response to the Matters, Issues and Questions identified by the Inspector

<b>Matter 1 – Procedural/legal requirements</b>	<b>EXMIQ01</b>
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#### Issue

Whether the Authority has complied with relevant procedural and legal requirements.

#### *Plan preparation*

**1) Has the preparation of the Local Plan been in accordance with the Local Development Scheme in terms of its form, scope and timing?**

1.1.1 The Authority confirms that the Local Plan has been prepared in accordance with the Local Development Scheme (NNPA-0017). The original LDS was adopted in June 2016, updated in September 2017, further updated in March 2018 and most recently the final stages of the timetable was agreed by the Authority's Members in September 2019.

1.1.2 The original LDS was originally adopted in June 2016 and set out a programme for progress toward adoption. This was updated in September 2017 which incorporated an additional stage titled *Policy Options* which had not been in the original scheme. In March 2018 a new LDS was prepared and agreed. This was due to the delay in the publication of the National Planning Policy Framework (NPPF) update (released in July 2018) and to ensure the evidence base was sufficient, therefore the LDS was extended by 9 months. In September 2019 the LDS timetable was revised again, this was to reflect more realistic timescales of the final stage which had included a timescale of three months from Submission to Adoption of the plan. Whilst the LDS has been reviewed since the original scheme, as agreed each time by the Authority's Members, the slippage in timescales has always been justified. In revising the LDS and giving justification, the Authority has ensured that the programme has been updated, including on the Authority's website, to allow

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transparency and ensure that local communities and all interested parties could keep track of progress of the Local Plan.

- 1.1.3 In terms of the form and scope of the LDS, the Authority can confirm that the majority of the LDS has been complied with, namely the evidence base, joint working with Northumberland County Council, carrying out a Strategic Environmental Assessment, Sustainability Appraisal and neighbourhood planning.
- 1.1.4 The LDS makes reference to the production of a Local Plan Annual Monitoring Report (AMR). Monitoring of the Core Strategy policies has been carried out in 2016 and 2018, including how they related to the updated NPPF and where policies needed effective change. However, no formal AMRs have been published since 2012. Unlike larger authorities, the low numbers of planning applications received by the Authority means that the Head of Development Management is aware of the types of applications being received and approved by the Authority on annual basis, and has enabled review of the effectiveness of the policies. Whilst no Monitoring Reports had been produced, the Authority considers it has been compliant with the thrust of the monitoring and review objectives of the LDS. The Authority has since produced a Monitoring Update (November 2019; NNPA-099) assessing the Core Strategy (NNPA-050) policies against the Monitoring and Implementation Framework over the past four years, which formally presents the information used to review the Local Plan.

**2) Have requirements been met in terms of the preparation of the Local Plan, notification, consultation and publication and submission of documents?**

- 1.2.1 The Authority has met the requirements of The Town and Country Planning (Local Planning) (England) Regulations 2012 with regard to the preparation of the Local Plan. The Consultation Statement (NNPA-011) document describes each notification and consultation undertaken at the statutory stages; and the self-assessment Legal Compliance (NNPA-015) document cross-references these details. The Consultation Statement also outlines who was consulted at which stage; how the consultation was undertaken and publicised, and summarises the main points raised as a result of the consultation.
- 1.2.2 In preparation of the Local Plan, the Authority complied with Regulation 18 around notification and consultation at three separate stages; Issues Paper, Policy Options and Preferred Options. The Consultation Statement (NNPA-011) details this compliance on pages 6, 9 and 11 respectively. Regulation 19 requiring notification of the Publication of the

Local Plan has been met and this is outlined in detail from page 14 of the Consultation Statement (NNPA–011).

- 1.2.3 Regulation 22 sets out the documents required to be submitted to the Secretary of State. The Authority confirms these documents have all been submitted to the Secretary of State on 30<sup>th</sup> September 2019. All general and specific consultation bodies were notified on the same day as submission, 30<sup>th</sup> September 2019. All documents specified in Regulation 22(3) were made available to those outlined in the regulation, on the Authority’s website, at the main NNPA headquarters in Hexham and at The Sill - the Authority’s landscape discovery centre, which is open 7 days a week.

**3) Has the preparation of the Local Plan complied with the Statement of Community Involvement?**

- 1.3.1 The Statement of Community Involvement (SCI; NNPA–019) was adopted in September 2017 and outlines when, who and how we would consult on pages 6-7. The Authority confirms that the consultations carried out at each stage met or exceed those criteria outlined in the SCI.

- 1.3.2 Consultation was undertaken at four different stages of the Local Plan review:

- Issues Paper - 27<sup>th</sup> February to 28<sup>th</sup> April 2017;
- Policy Options – 16<sup>th</sup> October to 11<sup>th</sup> December 2017;
- Preferred Options – 30<sup>th</sup> July to 24<sup>th</sup> September 2018;
- Publication Draft – 31<sup>st</sup> May to 12<sup>th</sup> July 2019.

- 1.3.3 The Authority involved its communities, businesses and stakeholders in the development of the Local Plan, operating an updated database of Local Plan consultees. We also ensured that all statutory consultees (as listed in Regulation 4 of the Town and Country Planning Regulations 2012) were engaged in the process.

- 1.3.4 The Authority can confirm that the following criteria (as listed on page 7 of the SCI), on how the consultation would be carried out, was fulfilled:

- Communicate via email and letter correspondence as appropriate;
- Publicise consultations through local press, posters/leaflets, the NNPA website and social media outlets;
- Make consultation documents available to view at NNPA offices, local libraries and other community meeting places within the National Park;

- Provide extra copies of consultation documents when reasonably requested for Parish Councils, Parish Meetings and other community groups and organisations;
- Make consultation documents available to view on the NNPA website;
- Communicate clearly with people avoiding using jargon;
- Arrange consultation events in locations throughout and surrounding the National Park;
- Be adaptable. The authority recognises that different consultation methods will be required in different circumstances; and
- Publish on the NNPA website comments received (in accordance with relevant data protection legislation), or a summary of them, and explain how these comments have been taken into account.

### ***Sustainability Appraisal***

#### **4) How has the Sustainability Appraisal (SA) informed the preparation of the Local Plan at each stage and how were options considered?**

1.4.1 The Authority can confirm that the Sustainability Appraisal has informed the preparation of the Local Plan at each stage. A Sustainability Appraisal Scoping Report (NNPA-048) was produced in September 2016, the key aim of which was to help ensure the sustainability appraisal process was proportionate and relevant to the Local Plan to be assessed. The representations received from that Scoping Report are set out in the Sustainability Appraisal Scoping Representations (NNPA-049) document. The responses show that Natural England, Historic England and the Environment Agency were all supportive of the Scoping Report. Setting the appropriate framework and objectives for the Sustainability Appraisal was considered important to inform the development of the objectives, policies and alternative approaches throughout the development of the Local Plan.

1.4.2 A Preliminary Sustainability Statement (NNPA-042) was carried out in Spring 2017, which shows how the SA process was integrated into the plan-making process from the very outset. This Preliminary Sustainability Statement formed part of the six-week consultation on the Issues Paper between the end of February and April 2017. This was not a full Sustainability Appraisal as the Issues Paper (NNPA-036) was designed for open discussion about possible ways forward, inviting debate amongst stakeholders, rather than developing policy. The preliminary SA was therefore unable to set out initial indications of anticipated

sustainability performance, but was able to signpost how the issues highlighted in the Issues Paper interrelate to the principles and effects on sustainable development.

- 1.4.3 An Interim Sustainability Statement (NNPA-044) was produced in October 2017 to assess the Policy Options (NNPA-038) document. This Policy Options document related to the second public iteration of the emerging spatial policy directions. Like the Issues Paper, the policy options document was intended to stimulate discussion about the options for planning policy over the plan period 2017 to 2037. The Policy Options paper did not seek to offer clear distinct alternative approaches but it provided discussion points and questions for possible approaches. The Interim Sustainability Statement therefore set out how potential alternatives for policy direction at strategic levels could influence sustainable development across the National Park.
- 1.4.4 A third sustainability report, an Interim Sustainability Appraisal (NNPA-046), was produced in Summer 2018 which assessed the Preferred Options (NNPA-040) document. The Preferred Options document set out proposed policies in the form of a draft Local Plan, rather than previous discussion papers. This Interim Sustainability Appraisal set out the anticipated influence the implementation of the emerging policies would have on the objective of furthering sustainable development. It is accepted that the understanding of the significance of the statutory purposes and duty for National Parks is critical in being able to define what sustainable development might constitute in this designated landscape. The conclusion of the appraisal process was that *'across a broad range of issues mainly positive sustainable development outcomes would be predicted from the policy approaches as set out'* in the Preferred Options. Although very few, the potentially negative effects highlighted in the report enabled officers to consider alternative approaches. For example, the policy proposed for the conversion of buildings outside settlements was highlighted (in Table 3 of the Interim Sustainability Appraisal NNPA-046) as having potential climate change implications by leading to car journey generation and greater emissions. However the geographical, social, economic and environmental conditions within the National Park mean that there are limitations on the realistic alternatives available to mitigate against this and limit the effects on sustainability.
- 1.4.5 A full Sustainability Appraisal (NNPA-005) was carried out on the Publication Draft Local Plan (NNPA-001) in May 2019. This assesses the likely significant sustainability implications arising from the use of the Local Plan, including the strategic and development management policies. The key findings of the Sustainability Appraisal included a Policy Gap Analysis, that found the Local Plan adequately covers sustainability issues and no additional policy coverage was needed to ensure that the policy scope reflects the

established sustainability objectives for Northumberland National Park. In an appraisal of 'Alternative Options' the Sustainability Appraisal concludes that realistic alternative policy options have been considered and (as appropriate) dismissed or retained in the period leading up to final stages of the Local Plan's development. The Sustainability Report supports the Northumberland National Park Local Plan as one focused on sustainable development. Overall, the Sustainability Appraisal process confirms that the Local Plan has been developed with a solid understanding of its likely implications for sustainable development and has improved from stage to stage.

## **5) How has the SA been reported?**

- 1.5.1 The Sustainability Appraisal is included in the Examination Library (NNPA-005) alongside a non-technical summary. The first stage was the Scoping Report (NNPA-048) in September 2016 which was subject to consultation in October 2016. The conclusions of the consultation were set out in the Scoping Representations report (NNPA-049) in November 2016.
- 1.5.2 SA reports were included in the four stages of consultation:
- Issues Paper Preliminary Sustainability Statement (NNPA-042) in Spring 2017;
  - Policy Options Interim Sustainability Statement (NNPA-044) in October 2017;
  - Preferred Options Interim Sustainability Appraisal (NNPA-046) in Summer 2018.
  - (Publication Draft) Sustainability Appraisal (NNPA-005) in May 2019.
- 1.5.3 After each of the consultations a Consultation Feedback report was produced, which included any comments received relating to the Sustainability reports (see NNPA-037, 039, 041 and 010). No comments were received from any member of the public or statutory consultee made regarding the full Sustainability Appraisal for the Publication Draft.
- 1.5.4 A further Tracked Modifications Sustainability Appraisal (NNPA-021) was carried out in September 2019 on the Tracked Modifications version of the Local Plan (NNPA-003) – which provided proposed modifications to the Planning Inspector. This raised no issues of sustainability with respect to the proposed modifications.

**6) Has the methodology for the SA been appropriate? What concerns have been raised and what is the Authority’s response to these? Have the requirements for Strategic Environmental Assessment been met?**

- 1.6.1 National Planning Practice Guidance sets out the methodology for completing a Sustainability Appraisal of a Local Plan. Figure 1 of the Sustainability Appraisal (NNPA-005) outlines the process. The SA of the Northumberland National Park Local Plan conforms to this methodology.
- 1.6.2 There have not been any concerns raised by statutory consultees, interested parties or members of the public about any of the Sustainability Appraisal (NNPA-005) reports throughout the consultations. Natural England confirmed during response to the Preferred Options consultation that the Sustainability Appraisal provides an appropriate framework. Natural England did not make any comments on the Sustainability Appraisal with the Publication Draft (NNPA-001) but confirmed the Plan was sound. The Environment Agency has not raised any issues with respect to the Sustainability Appraisal at any of the stages of consultations of the Local Plan.
- 1.6.3 Every Sustainability Appraisal/Statement produced at each consultation stage incorporated a Strategic Environmental Assessment. Tables 1 and 2 of the Sustainability Appraisal (NNPA–005) explain the process and requirements, and confirm that the SA incorporates all necessary elements of the Strategic Environmental Report.

***Habitats Regulations Assessment***

**7) How was the Habitats Regulations Assessment (HRA) carried out and was the methodology appropriate?**

- 1.7.1 The Issues Paper Habitats Regulation Assessment (NNPA-043) was a preliminary informal ‘checking’ exercise, carried out in February 2017, having regard to the requirements of the Habitats Regulations. This was intended to inform the selection of the Preferred Options (NNPA-040) and the on-going development of the Local Plan. It was not a full assessment under Regulation 102, as that assessment is not legally required until the Plan is more formally developed and a meaningful assessment can be undertaken. The assessment was carried out by DTA Ecology on behalf of Northumberland National Park Authority and concluded there were no immediate concerns.

- 1.7.2 A Policy Options Habitats Regulation Assessment (NNPA-045) was carried out in September 2017 and again it was concluded there were no immediate concerns.
- 1.7.3 A Preferred Options Habitat Regulations Assessment (NNPA-047) was carried out in July 2018. The screening concluded that the Preferred Options Draft Plan (NNPA-040) would have no likely significant effects upon any European sites, either alone or in combination with other plans and projects.
- 1.7.4 A fourth Habitats Regulation Assessment (NNPA-006) was produced for the Publication Draft Local Plan (NNPA-001). The introductory chapters, vision, strategic priorities, spatial objectives and all 24 strategic and development management policies were considered in respect of the potential for likely significant effects upon any European sites. The screening has concluded that the Publication Draft Plan will have no likely significant effects upon any European sites, either alone or in combination with other plans and projects. No further assessment under the Habitats Regulations was considered to be required.
- 1.7.5 After Submission of the Local Plan, the Inspector queried the HRA with respect to the judgement of the European Court of Justice, issued on 12<sup>th</sup> April 2018, and commonly referred to as '*People over Wind*'. A response from the Authority was provided to the Inspector, dated 15<sup>th</sup> November 2019, which considers that the HRA carried out accords with the *People Over Wind* judgment. A revised second version of the HRA (NNPA-006A) now includes specific reference to this judgement. The HRA consultant and the Authority's own Ecologist both confirm that the methodology and latest review are appropriate with respect to the Habitats Regulations and accords with the judgment *People Over Wind*. The revised HRA has been submitted to Natural England for further review and they concur with the approach taken by the Authority, and consider no Appropriate Assessment is required.
- 1.7.6 The HRAs as explained above were carried out at each relevant consultation stage and the methodology is considered appropriate to the Local Plan as confirmed by comments from Natural England.

**8) What are the relevant designated sites considered?**

- 1.8.1 The HRA identifies in Table 2.1 (NNPA-006A) the following designated sites potentially at risk from impacts which might arise from the Local Plan:
- Roman Walls Loughs SAC
  - Border Mires Kielder-Butterburn SAC
  - North Pennines Dales Meadows SAC

- Simonside Hills SAC
- Harbottle Moors SAC
- River Tweed SAC
- River Eden SAC

**9) What potential impacts of the Local Plan were considered? What were the conclusions of the HRA and how has it informed the preparation of the Local Plan?**

1.9.1 The potential impacts considered are outlined in Chapter 4 of the HRA (NNPA-006A).

These include:

- Proximity of development
- Hydrology
- Recreational Pressure
- Water Abstraction / Discharge of wastewater
- Air pollution effects

1.9.2 The conclusions of the HRA are outlined in Chapter 6 of the HRA (NNPA-006a). To summarise, the screening has concluded that:

*'the Publication Draft Plan will have no likely significant effects upon any European sites, either alone or in combination with other plans and projects. No further assessment under the Habitats Regulations required'.*

1.9.3 This assessment suggests this outcome is not surprising given:

- the statutory purpose of the National Park and its Local Development Plan;
- the statutory obligations of the National Park Authority;
- the very low level of development expected and provided for in the National Park; and
- the exceptionally high development management standards applied by the National Park Authority.

1.9.4 The HRAs have been important in informing the development of the Local Plan since the early stages of the Local Plan preparation. The initial lack of concern (due to the specific circumstances of Northumberland National Park) at the preliminary 'checking stage' gave a level of assurance which was helpful in informing the initial stages of the Local Plan process. The continued lack of objection or concern from statutory consultees and interested parties also helped to provide assurance for the policy direction and environmental aspects of the Local Plan.

**10) Have any concerns been raised regarding the HRA and if so, what is the Authority's response to these? How has Natural England been involved?**

1.10.1 Similar to the Sustainability Appraisal, there have been no concerns raised regarding the HRA. The nature of the Authority's statutory purposes and duty may have provided assurance to those parties.

1.10.2 Natural England has been given the opportunity to comment on the HRA at all stages of the development of the Local Plan process. They have not raised concerns at any stage.

***Other matters***

**11) Has the Authority had regard to the specific matters set out in S19 of the 2004 Act (as amended) and Regulation 10?**

1.11.1 Section 19(1) of the Planning & Compulsory Purchase Act 2004 states that development plan documents must be prepared in accordance with the Local Development Scheme (NNPA-017). The Authority's response to this requirement is set out in paragraphs 1.1.1 to 1.1.4 above.

1.11.2 Section 19(1a) of the Act states that development plan documents must include policies to ensure the development and use of land contributes to the mitigation of, and adaptation to, climate change. The Authority's response to this requirement is set out in paragraphs 1.12.1 to 1.12.7 below. Paragraphs 4.6-4.8 (pages 23-24) of the Tracked Modifications Local Plan (NNPA-003) illustrates how climate change is an integral consideration of the Local Plan.

1.11.3 Section 19(1b) of the Act states that each local planning authority must identify the strategic priorities for the development and use of land in the authority's area. Chapter 3 of the Publication Draft Local Plan (NNPA-001) includes strategic priorities and strategic spatial objectives.

1.11.4 Section 19(2) of the Act requires planning authorities to have regard to national policies and advice contained in guidance issued by the Secretary of State. In response to this requirement the Authority has published a Self-Assessment Soundness Compliance Checklist (NNPA-016) which assesses the consistency of the Publication Draft Local Plan (NNPA-001) against national policy and guidance issued by the Secretary of State.

1.11.5 Section 19(3) of the Act requires planning authorities to comply with their Statement of Community Involvement (NNPA-019). Paragraphs 1.3.1 to 1.3.4 above outlined how this has been met.

1.11.6 Section 19(5) of the Act states that local planning authorities must carry out an appraisal of the sustainability of the proposals in each development plan document. This requirement has been met through the preparation of the Sustainability Appraisal reports as outlined in paragraphs 1.4.1 to 1.6.3 above.

1.11.7 Regulation 10 of the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out additional matters to which the Authority needs to have regard. These include:

- a) policies developed by a local transport authority;
- b) the objectives of preventing major accidents;
- c) the need to maintain appropriate distances between establishments and residential areas, buildings and areas of public use, major transport routes as far as possible, recreational areas and areas of particular natural sensitivity or interest;
- d) the national waste management plan;
- e) where a local planning authority's area is adjacent to Scotland, the National Planning Framework for Scotland, published by the Scottish Government.

1.11.8 Taking each part of the Regulations where relevant:

- a) The North of Tyne combined Authority is the local transport authority. The North East Transport Plan is currently being developed. Consultation on the Draft Transport Plan is expected after Spring 2020. Northumberland County Council is the Highway Authority for the National Park and they have input into the Publication Draft Local Plan. Proposed modifications SoM54 and SoM55 (see Schedule of Modifications NNPA-002) relate to comments made by NCC.
- b) There is considered to be no conflict with the objective of preventing major accidents, for which Northumberland County Council and their emergency planning team are responsible.
- c) The need to maintain appropriate distances between establishments, residential areas and major transport routes is not a common issue in Northumberland National Park. Given that tranquillity of the National Park is

one of its special qualities, the Local Plan includes policies to ensure that this is maintained. The area is not one where this issue is common.

- d) The policies within the Northumberland National Park Local Plan are not considered to conflict with the national waste management plan for England. Northumberland County Council are the waste authority for the whole county (including the National Park) and a Statement of Common Ground considers this issue (NNPA-012).
- e) The policies within the Northumberland National Park Local Plan are not considered to conflict with the National Planning Framework for Scotland. A Statement of Common Ground was agreed with the adjoining Scottish Borders Council (NNPA-012), but no cross-boundary issues were identified.

**12) Does the Local Plan include policies in relation to the mitigation of and adaptation to climate change? Which?**

1.12.1 The proposed Local Plan does not include a specific policy for Climate Change, however the Authority considers that climate change – mitigation and adaptation - is at the heart of the Plan itself. At an early stage of the Local Plan review it was identified that the current Core Strategy (NNPA-050) policies (Policy 2: *Climate Change* and Policy 25: *Energy Efficiency*) have not been effective in practice.

1.12.2 Policy 2 does not work as a standalone policy for assessing development proposals and is found to be difficult to use it with its original intent due to the nature of planning applications received by the Authority (small-scale developments by individuals). Also, the wording “*supporting proposals*” is not effective to refuse an application which does not meet this criterion. It was found that the majority of proposed developments could bypass this policy.

1.12.3 Development Management officers use the current policies as part of the pre-application process to try and engage with developers to have consideration for climate change in their initial designs. Policy 25, like Policy 2, was found to be difficult to apply to the small-scale developments that represent the majority of planning applications. It is considered that there will be more effect by placing criteria within the new Sustainable Development policy.

1.12.4 The removal of a specific climate change policy was first outlined in para 3.4 of the Policy Options paper (NNPA-038) in Autumn 2017. It was considered that many of the criteria within Policy 2 were duplicated in other policies and it was decided that a more comprehensive approach was needed, with climate change principles running throughout

the Local Plan policies, rather than having a bespoke one that does not have the effect that is needed. This would enable officers more support for addressing climate change.

1.12.5 The objection received from the Campaign for National Parks (see NNPA-009) made officers realise that embedding climate change throughout the plan was not explicit enough for readers of the Local Plan. Addressing climate change is extremely important to the Authority and therefore felt it necessary to include a further explanation in supporting paragraphs. This can be achieved through proposed modification SoM019 and the table (Appendix 1 of the Schedule of Modifications NNPA-002b) which signpost the importance of climate change. This will also enable officers to promote all aspects of the climate change agenda in pre-application discussions, by using the table as a checklist.

1.12.6 As outlined in the Table, proposed as Minor Modification SoM19 (NNPA-002b), the Authority considers that climate changes principles are at the heart of the Plan and included within a number of policies. The Policies that address climate change are:

**Climate change principles:**

- Overall principle of climate change (ST1, ST2 , ST4)

**Climate change mitigation:**

- Reducing the need to travel (ST1, ST4, DM9)
- New renewable and low carbon energy (ST1, ST2, DM13)
- Decentralised energy and heating (ST2)
- Design to reduce energy consumption in buildings (ST2)
- Green infrastructure (ST2, DM10)

**Climate Change adaptation:**

- Flood risk (ST1, ST2, NPG)
- Water efficiency and quality (ST1, ST2 and Water Framework directive)
- Carbon storage and sequestration (ST1, ST2, NPG)
- Design for developments and the public realm (ST1, ST2)

1.12.7 By steering development into the most sustainable locations and minimising new developments in less sustainable, isolated open countryside locations, the spatial strategy (ST4) plays a huge role with respect to climate change.

**13) How have issues of equality been addressed in the Local Plan?**

1.13.1 The Authority has a statutory duty to consider equalities when exercising their functions. An Equalities Impact Assessment (EIA; NNPA-007) has been carried out to assess the

potential impacts of policies within the Publication Draft Local Plan (NNPA-001). The assessment considered each of the proposed policies and their potential to impact upon age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Overall based on the matrix in the document, the Publication Draft Local Plan can be considered to have an overall positive impact on six of the nine characteristics: age, disability, marriage and civil partnership, race, and religion or belief. The Publication Draft Local Plan can be deemed to have a neutral impact on three of the characteristics: gender reassignment, sex, and sexual orientation. The Assessment does not identify any negative impacts on equality from the draft Local Plan and is considered to be compatible with the three main duties of the Equality Act 2010.