

Name:

Part B – Your representation on the Main Modifications and/or supporting documents

If you wish to make more than one representation, please complete a separate [Part B form](#) for each representation and clearly print your name at the top of this form.

4. Which **Main Modification number and/or supporting document** does your representation relate to? (Each Main Modification within the Schedule has a reference number. This can be found in the first column i.e. MM1, MM2 and each Supporting Document has a reference number beginning with ED).

Any representation on a supporting document should clearly state (in question 6) which paragraphs of the document it relates to and, as far as possible, your comments should be linked to specific Main Modifications. You should avoid lengthy comments on the supporting documents themselves.

MM no.	<input type="text" value="MM46 new para after 4.23"/>	Supporting document reference	<input type="text" value="09.22.21.E5045.2PS.Peer Group.MainMods.Final with Appendices"/>
--------	---	-------------------------------	---

5. Do you consider this **Main Modification and/or supporting document**:
(Please refer to the Guidance notes for an explanation of terms)

- a) Is Legally compliant Yes No
- b) Sound Yes No

If no, then which of the soundness test(s) does it fail

Positively prepared Effective

Justified Consistent with national policy

6. Please give details of why you consider the **Main Modification and/or supporting document** is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the legal compliance, soundness of the Local Plan or compliance with the duty to co-operate, please also use this box to set out your comments.

The new paragraph after 4.23 states that the Council has adopted a Green Infrastructure Strategy which will deliver all the required mitigation. As set out in the first part of these objections we do not consider that the GIS properly addresses or resolves this issue. It is a non-statutory, non-tested strategy which has approached the issue of mitigation in the wrong way. It simply seeks to limit the required mitigation to the flawed site allocations at the proposed site allocations in the submitted local plan. The correct approach and the only one that we consider to be lawful is for the proposed allocation sites and these new mitigation measures to be reconsidered and properly assessed against all reasonable alternatives.

By any reasonable judgement this would result in a different plan at least so far as North Weald Bassett is concerned. The clear advantages of delivering a SANG on the vast area of the Ongar Park Estate highlights all of Natural England’s “must haves” on land in a single ownership. Therefore, by any reasonable measure or judgement, the Ongar Estate must represent the most appropriate strategy to provide a SANG in North Weald Bassett. Not only does the SANG achieve and provide all of the correct characteristics of a SANG but it is also deliverable.

The use of a non-statutory GIS therefore would appear to be a device on behalf of the Council to avoid the proper scrutiny of the plan and to leave crucial elements of soundness to an uncertain future.

We object to this main modification which seeks to devolve such important decisions regarding the mitigation of the proposals to a non-statutory document. We consider such an approach unsound because these are substantive land use policies which affect areas of land that are an integral part of addressing the impact of the development plan and as such should be subject to the same level of scrutiny.

We have identified that the proposals in the GIS are, in the case of North Weald Bassett at least, not suitable to achieve the required mitigation and not deliverable. If the GIS was subject to the same level of scrutiny as a development plan, it would fail that test thus rendering the plan unsound. While the GIS is not part of the development plan being examined, its clear failures have to be taken into account when considering the soundness of the Plan being examined. If the GIS cannot be delivered in full with policy strength, then neither can the site allocations within the plan which rely upon its implementation.

We object to this main modification for the reasons set out above as it does not make the manifestly unsound plan sound.

“The Interim Approach” is set out in the final new paragraph and is a demonstration of the fact that the Council have not actually resolved this issue at all with the need for continued monitoring and changes to what information might be required. This is a tacit acceptance that the mitigation measures being proposed are sub-optimal. The plan should identify sites and their associated mitigation measures that actually deliver the mitigation required, nothing less would be sound.

While reference is made to changing levels of financial contributions (adding greater uncertainty to the viability and deliverability of the plan) there is no indication in the development plan how these will be used and/or their effectiveness.

The lack of detail and clarity on the levels of contribution needed or what they will deliver renders this main modification unsound. It also adds further uncertainty to the delivery of sites as it is not possible to determine sites’ viability.

This main modification should be rejected resulting in the plan remaining unsound.

7. Please set out what change(s) you consider necessary to make the **Main Modification and/or supporting document** legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/Effective/Consistent with national policy) where this relates to soundness. You will need to say why this change will make the Submission Version of the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Section 1 in the accompanying representations report (ref. 09.22.21.E5045.2PS.PeerGroup.MainMods.Final with Appendices) sets out in detail how the Local Plan should be amended to ensure that deliverable SANG provision is achieved.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

(Continue on a separate sheet if necessary)

8. Have you attached any documents with this representation which specifically relate to an MM or supporting document?

Yes

No

Signature:

....Redacted....

Date

22nd September 2021