

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.

Supporting document reference

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 policy states that it expects development proposals to demonstrate that they will have no negative effect on the SAC. In the case of draft allocations in the Plan, the Council is unable to demonstrate that these proposals will not have an impact or that the impact can be mitigated. If this fundamental requirement cannot be demonstrated by the Council for their chosen allocations then the plan must be found unsound on the grounds that it is not a suitable strategy and it will not be deliverable. The policy does not require all of the strategies to be followed and it is important to note that the Green Infrastructure Strategy and all of its recommendations and proposed land uses are only “material considerations” in determining any future planning application. The fact that the GIS is only a material consideration is of course a direct consequence of the approach the Council took to “bolt on” this strategy in light of the very late recognition that the plan was unsound in its approach to the SAC. Such non statutory documents can never be more than a material consideration, and as such there is even greater uncertainty as to the delivery of the mitigation within the GIS in terms of the weight to be attributed to the requirements of the GIS which are less than that of the plan so the delivery of the plan’s policies will take precedence.

The policy seeks to devolve all decisions regarding mitigation of the impact of the allocations on the SAC to a non-statutory document which has not been subject to scrutiny in regard to the appropriateness of its proposals, its deliverability or its financial implications regarding the viability of the draft allocations. As the release and development of the draft allocations are dependent upon the GIS delivering mitigation then the plan as proposed to be modified cannot be regarded as sound unless the GIS is tested for soundness. As the GIS has not been tested for soundness and there is no process by which the Examination can scrutinise this document then it would be unsound for such an important element of the plan to remain unexamined. The submitted plan is therefore unsound.

While the drafting of this policy has attempted to avoid the charge that it is seeking to incorporate non-statutory documents into the development plan, that is exactly what the plan is latterly seeking to achieve.

Either the wording of the policy allows allocations to come forward without fully complying with the GIS, in which case the plan is unsound, or the plan prevents a site from coming forward if it is not in compliance with the GIS, in which case it has promoted the GIS to development plan status and the plan policy is therefore unsound.

There is a very good reason why this back door approach to policy making is unlawful. As explained above it is an attempt to prevent proper scrutiny of the plan as a whole.

For these reasons (which are expanded upon in our earlier objections) this policy change should be rejected as being both unlawful and 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