

FOREST TOWN NATURE CONSERVATION GROUP (FTNCG)

April 2019 Hearing Statement for the Mansfield Local Plan
to supplement FTNCG's original representations

MAIN MATTER 1

Duty to Cooperate (DtC) and Other Legal Requirements

Other Legal Requirements

Question 7 – Is it clear how the Sustainability Appraisal (S8a-d) and its Addendum (S9) influenced the plan’s strategy and policies and how mitigation measures have been dealt with?

1. It is not clear to the Forest Town Nature Conservation Group (FTNCG) how the Sustainability Appraisal [S8] and its Addendum [S9] relate to the actual policies being proposed.
2. In PD/55 (Policy CC4), PD/56 (Policy IN2: '*Green infrastructure*') and PD/62 (Policy NE2: '*Biodiversity and geodiversity*') FTNCG raised our concern that there appeared to be a disconnect between the interpretation of what a policy is supposed to do (as assumed for the purpose of the Sustainability Appraisal) and how the policy is actually framed and worded within the Local Plan itself.
3. FTNCG does not believe that our concerns were adequately addressed by Mansfield District Council (MDC), because MDC failed to address the fundamental matters of the discrepancy and of the inadequacy of the sustainability appraisal of the policy arising from the discrepancy, and as such we continue to seek the changes we requested in those submissions.
4. FTNCG maintains the view that where the Sustainability Appraisal operates on the basis that it will protect an interest (e.g. the environment) or deliver a benefit (e.g. to the environment) then the associated policy wording should be written in such a way as to ensure that the policy is actually applied in accordance with the intentions set out in the associated sustainability appraisal.
5. It appears that the Council's flawed interpretation of 'positively prepared' has unnecessarily prevented various policies from being written in a plain and straightforward manner that minimises uncertainty regarding the intent of the policy and how it is meant to operate (based on the interpretation used in the Sustainability Appraisal and the objectives that the policy is intended to realise).

6. If a policy which the Sustainability Appraisal says would provide an environmental benefit, or would prevent an environmental harm, cannot actually be used to refuse planning permission that would unreasonably fail to deliver that benefit (or to avoid such harm) then either the policy needs to change or the Sustainability Appraisal needs to be updated to reflect the way that the policy can be expected to work in practice as part of the determination of a planning application.
7. In terms of ensuring consistency between the Sustainability Appraisal and the Local Plan, the Council's proposed minor modification M9 would constitute an improvement, but the changes identified by FTNCG remain necessary to ensure the soundness and legal compliance of the Plan, and more generally for the benefit of Plan users.
8. Mismatches between the wording used in the Sustainability Appraisal and the wording used in the Local Plan, alongside the Council's flawed interpretation of the term 'positively prepared', have implications beyond Main Matter 1 (Duty to Cooperate (DtC) and Other Legal Requirements), e.g. in relation to Main Matter 3 (Whether or not the plan will secure high quality sustainable design and safeguard and enhance the District's landscape character, natural and historic environment), and Main Matter 8 (Whether or not the plan makes appropriate provision for new infrastructure to support the level of new development proposed).
9. FTNCG raises the mismatch issue and our concerns regarding MDC's interpretation of the term 'positively prepared' in response to Question 7 of Main Matter 1 as that is the first point in the Examination in Public where this issues arises and because our positions in relation to specific policies are already set out in our previous representations, with which the Inspector will be familiar.
10. We are not yet in a position to comment on the Council's response to the questions raised by the Inspector regarding the Sustainability Appraisal, as MDC's responses have yet to be published, so it may become necessary during the Examination in Public hearings for FTNCG to comment on the Council's responses.