

## Core Strategy Development Plan Document Proposed Main Modifications – November 2015 Representation Form

For Office Use only:	
Date	
Ref	

**PART B – YOUR REPRESENTATION - Please use a separate sheet for each representation.**  
(Additional Part B forms can be downloaded from the web page)

### 4. To which proposed main modification does this representation relate?

Proposed Main Modification number:

MM13

### 5. Do support or object the proposed main modification?

Support

Object

object

### 6. Do you consider the proposed main modification to be 'legally compliant'?

Yes

n/a

No

### 7. Do you consider the proposed main modification to be 'sound'?

Yes

No – 'unsound'

unsound

### 8. If you consider the proposed main modification to be 'unsound', please identify which test of soundness your comments relate to?

Positively prepared

Not positively prepared

Justified

Not justified

Effective

Not effective

Consistent with National Planning Policy (the NPPF)

### 9. Please give details of why you consider the proposed main modification is not legally compliant or is unsound in light of the main modifications proposed. Please be as precise as possible.

If you wish to support the proposed main modification please use this box to set out your comments.

(Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support / justify the representation and the suggested change. It is important that your representation relates to a proposed main modification).

We understand the concerns of the Council to achieve flexibility where substantial land resource becomes unexpectedly available, but we believe that it is wrong for the Council simply to remove references to windfall proposals from paragraph 3.80 without putting in place a statement of the policy it would apply in such circumstances. The Council's present proposals leave the door open to exactly the frustration of objectives and setting of future precedents that the Plan sought to avoid.

Furthermore it is entirely possible that large scale windfall proposals could lead to further encroachments into Green Belt land and it must be made clear that such proposals would not of themselves be used as further "exceptional circumstances" or "very special circumstances" to override the aims and purposes of the Green Belt at such location.



We therefore suggest that the paragraph be amended to include a statement incorporating the sentiments expressed in the marginal note but setting out also the limitations to the unfettered waiver that that note indicates

**10. Please set out what changes you consider necessary to make the proposed main modifications legally compliant or sound, having regard to the test you have identified at Q7 above.**

**You need to say why this change will make the proposed main modification 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.**

Paragraph 3.80 should be amended as follows.

In line 1 delete "both" (this amendment should apply whether or not the Council accepts our other points as it is incorrect from a drafting point of view to retain it even if MM13 is otherwise unchanged)

In line 2 delete ", and also to" and add the following ". The policy will also be applied to"

At the end add: "However where it can be demonstrated that such proposals a) relate to sustainable locations, b) will help to secure a long land supply which lasts beyond the Plan period, and c) (if located in or substantially in the Green Belt) do, or might reasonably be expected to, materially or adversely prejudice the aims and purposes of the Green Belt at such locations (as specified in paragraphs 79 and 80 NPPF), the Council will in each such case consider waiver of the policy, but without prejudice to its consideration of any other such proposals which, individually or cumulatively with any other such proposals, past, present or reasonably anticipated, might have the effect of frustrating the strategic objectives of this Plan."

11. Signature:

 Finnigan  
For and on behalf of  
the Tong and Fulneck  
Valley Association

Date: 17 January 2016

**Thank you for taking the time to complete this Representation Form.**