

Post Submission Interim SA Report August 2018, Legal Opinion by Mr C Banner.

Comments from WPC.

We have studied both the 'Note on the Approach to the Sustainability Appraisal of the Hart Local Plan' produced by Hart D.C. (referenced as 'EXAM 49 in the Examination Library) and the Opinion provided by Charles Banner in response and dated 11/12/2018.

We find the Opinion clear and comprehensive and agree with Mr Banner's findings and conclusions. We find EXAM 49 puzzling because of the ambiguity surrounding the status of the Interim SA.

Hart DC have clearly stated at Paragraph 7 of EXAM 49 that the Interim SA is not part of the February 2018 SA nor a replacement for it, but simply providing supplementary information (See also Paragraph 6). Yet in 2.1.3 of the Interim SA they refer to it as revisiting Chapter 6 of the SA and in 2.1.5 as introducing a new variable comparative row relating to the Area of Search and to reconsider 'reasonable higher growth options.'

However, in 1.2.3 the Interim SA states "...the aim of this Post Submission Interim SA Report is to present an appraisal of spatial strategy alternatives, with a view to informing the examination" and in 4.1.2 (at the examination) "...there will be the potential to discuss the Local Plan spatial strategy, informed by... (this Report) ...the SA Report...and other evidence".

We agree with Mr Banner's comment in para. 20 that the Interim SA report '...was intended to support the case for the earlier decisions undertaken in the past preparation of the submission draft plan, including in particular in relation to Murrell Green'.

We regard 'EXAM 49' as an attempt to post-justify the Post Submission Interim SA Report which itself represented post-justification for deficiencies in the original Sustainability Report.

It is clear from the Legal Opinion provided by Charles Banner that the Interim SA is not legally compliant, as given Hart DC's position that "the Post Submission Interim SA Report is not part of the Sustainability Appraisal that they consulted on ... Nor does it replace them" (Paragraph 7, EXAM 49). Accordingly WPC invite Hart DC to withdraw this document from the examination process.