

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 9 MARCH 2017

REPORT BY LEADER OF THE COUNCIL

EAST HERTS DISTRICT PLAN – PROPOSED MINOR CHANGES,
SUBMISSION AND EXAMINATION

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

The purpose of this report is:

- To agree a schedule of Proposed Minor Changes to the District Plan;
- To agree the submission of the District Plan and its supporting documents to the Planning Inspectorate on the 31st March 2017; and
- To set out the process, including indicative timelines, following submission of the District Plan to the Planning Inspectorate.

**RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE
PANEL: That Council, via the Executive, be advised that:**

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| (A) | the schedule of Proposed Minor Changes, as detailed at Essential Reference Paper ‘B’ to this report, be agreed, with any further additions authorised by the Head of Planning and Building Control, in consultation with the Leader of the Council; |
| (B) | the submission of the District Plan and supporting documents to the Planning Inspectorate on the 31st March 2017, be agreed; |
| (C) | the process following submission of the District Plan be noted; and |
| (D) | the Head of Planning and Building Control, in consultation with the Leader of the Council, be authorised to agree any further information required for the Examination. |

1.0 Background

- 1.1 The District Plan sets out the Council's planning framework to guide future development and the use of land in the district. It identifies how East Herts will grow and develop whilst at the same time maintaining its attractiveness as a place to live, work and visit. The Plan covers the period 2011–2033. Once adopted, the policies in the District Plan will replace the policies in the Local Plan 2007.
- 1.2 The District Plan, together with the Minerals and Waste Local Plans for Hertfordshire and any adopted Neighbourhood Plans, form the Development Plan for the district. The Development Plan is the basis upon which planning applications must be determined, unless there are material planning considerations that indicate otherwise. The policies of the Development Plan should be read as a whole.
- 1.3 The District Plan is a long-term document which provides certainty to communities and businesses as to where development will be provided and, likewise, where development will be restricted. It also allows infrastructure providers to plan effectively for the future.
- 1.4 Work on the emerging District Plan has been ongoing now for a number of years. An Issues and Options consultation was undertaken in 2010. This was followed by a Regulation 18 Preferred Options consultation which was undertaken in 2014.
- 1.5 This report provides feedback on the Regulation 19 Consultation which was undertaken between 3rd November and 15th December 2016, and outlines the next steps in the process, including submission of the District Plan to the Planning Inspectorate and the subsequent examination.

2.0 Report

Response to Consultation

- 2.1 There was a significant response to the Regulation 19 Pre-Submission Consultation. In total 3,880 comments were received from 2,472 respondents.

- 2.2 All of the comments received (including those submitted online, those emailed and those received in hard copy) have now been processed and are available to view on the Council's consultation portal: <http://consult.eastherts.gov.uk>.
- 2.3 Whilst there is no legal requirement for the Council to formally respond to the comments received at this stage in the process, there is a requirement to produce a summary of the main issues raised. This summary is contained within the Regulation 22 Consultation Statement which can be found at Agenda Item 5. A considerable amount of time has been invested in producing a focussed and comprehensive statement of issues as this will be the first introduction that the Inspector will have to the likely issues to be addressed in the examination.
- 2.4 It should be noted that copies of all of the representations made will be submitted, in full, alongside the District Plan to the Planning Inspectorate.

Schedule of Proposed Minor Changes

- 2.5 Resulting in part from the comments raised there are a number of proposed minor changes to the District Plan. As such, a 'Schedule of Proposed Minor Changes' has been produced. The Schedule is intended to assist the Inspector in understanding the Council's position and outlines in Chapter order proposed minor changes to the Plan.
- 2.6 Minor changes are generally regarded as textual and grammar corrections; re-phrasing or limited new text to add clarity; or updates to figures and references which are necessary due to alterations which have been made elsewhere or for which new information has come to light.
- 2.7 The 'Schedule of Proposed Minor Changes' is a live document and will be updated periodically throughout the examination process, as necessary. A copy of the Schedule is available to view at **Essential Reference Paper 'B'**. The minor changes presented do not alter the overall scope of the District Plan, change the direction or affect the soundness of the document.

Submission and Examination

- 2.8 Following the Regulation 19 Consultation and the identification of the issues raised, the Council is not seeking to make any other

main modifications to the District Plan at this stage in the process. The Council considers that the District Plan is ready for examination and as such agreement is sought to submit the Plan and its supporting documents, as published at the Regulation 19 Stage, to the Planning Inspectorate on the 31st March 2017 in accordance with the Council's Local Development Scheme.

- 2.9 If the Inspector identifies in due course that there may be a need for main modifications to the Plan in order to resolve issues that would otherwise make the plan unsound or not legally compliant, then the nature and likely extent of the modifications will be fully discussed at the examination hearing sessions and may result in a subsequent further round of public consultation.
- 2.10 It is essential that the Council is equipped to move swiftly into the examination process once the District Plan has been submitted, making sure that the evidence base is complete, comments properly ordered and collated and that a Programme Officer is in place.
- 2.11 It should be remembered that the examination process starts on submission of the Plan and it is therefore important that time and resources are invested at this stage in the process to ensure that the Plan is dealt with as quickly and efficiently as possible. Key to this is ensuring that all the necessary practical arrangements have been put in place.
- 2.12 Work has already commenced in this respect with the recent appointment of an independent Programme Officer who will administer the process and act as a key point of contact between the appointed Inspector, Council Officers and interested parties who wish to appear at the examination.
- 2.13 The procedural timeline following submission of the Plan at the end of March 2017 is set out below. It should be noted that the timescales provided are indicative and will be agreed in due course between the Council and the Inspector.

Week 1

- Initial checks

Week 2

- The Planning Inspectorate will:
 - seek to appoint an Inspector;

- carry out an initial scoping on the Plan (procedure and content).

Weeks 3-4

- The Inspector will commence an early appraisal of the Plan and will make contact with the Programme Officer.
- The Inspector will give consideration to the matters and issues for examination, the structure of hearings, allocate participants to hearing sessions and decide whether additional material is needed from participants.
- The Council (and representors) may be asked to provide papers or responses on specific issues highlighted by the Inspector.
- The Inspector will confirm the hearing start date.

Week 5

- The Programme Officer will contact participants setting out the programme for hearing sessions including matters/issues and will circulate the Inspector's Guidance Notes.
- The Council and participants will start work on providing any material requested by the Inspector, including statements.
- The Council prepares answers to any questions raised by the Inspector.

End Week 7

- Responses and statements from the Council and participants are due.
- The Programme Officer clarifies and confirms attendance at the hearings.

Week 8

- The Programme Officer checks that the statements have been received and ensures that they are placed on the examination website.

Week 9

- The Inspector ensures that the programme for the hearing sessions including the agendas for the hearings is updated as necessary and placed on the examination website.
- The Programme Officer circulates final agendas for the discussions at each of the hearing sessions to the relevant participants.

Week 10+

Hearing Sessions Commence

- It is likely the hearing sessions will sit for up to 20-25 days, and maybe longer.
- The hearings are likely to sit for 3.5 days per week (Tuesday – Friday).

2.14 Given the number of Plans that are expected to be submitted to the Planning Inspectorate by the end of March 2017, it is not anticipated that the hearing sessions will commence before September 2017.

Evidence Library, Topic Papers and Additional Written Material

2.15 Submission of the District Plan will be supported by an evidence library, which will be available to view online and in hard copy.

2.16 A series of Topic Papers will also be submitted with the District Plan. The Topic Papers will highlight the information, evidence and feedback that have informed the choices made in formulating the strategy and policies in the District Plan. The Topic Papers will cover areas such housing, employment, transport, sustainability appraisal, site selection and Green Belt.

2.17 The intention of the Topic Papers is to provide background information for the Inspector; they will not contain any new policies, proposals or site allocations. Work on the Topic Papers is currently underway and will be finalised to accompany the submission of the District Plan to PINS at the end of March.

2.18 It is also likely that additional written material will be required by the Inspector in due course, for example, seeking clarification of issues raised; responding to questions; further modifications; statements of common ground etc.

2.19 Authority is therefore sought that the Head of Planning and Building Control, in consultation with the Leader of the Council, is able to agree the detail of the Topic Papers together with any further information that is required by the Inspector for the Examination.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Previous District Planning Executive Panel reports are all available at:
<http://democracy.eastherts.gov.uk/mgCommitteeDetails.aspx?ID=151>

The Council's Local Development Scheme is available at:
<http://www.eastherts.gov.uk/lds>

The Council's District Plan and supporting information is available at:
<http://www.eastherts.gov.uk/districtplan>

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