

EAST HERTS COUNCIL

EXTRAORDINARY COUNCIL – 6 FEBRUARY 2018

REPORT BY LEADER OF THE COUNCIL

EAST HERTS DISTRICT PLAN – MAIN MODIFICATIONS CONSULTATION

WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report**

- To seek agreement to publish 'Main Modifications' to the East Herts District Plan for a six- week period of consultation;
- To agree the Sustainability Appraisal (January 2018) of the Main Modifications for consultation; and
- To note and agree a schedule of 'Minor Changes' to the East Herts District Plan.

<b><u>RECOMMENDATIONS FOR COUNCIL: That:</u></b>	
<b>(A)</b>	<b>the Main Modifications to the East Herts District Plan, as detailed at Essential Reference 'B' to this report, be agreed and published for a six-week period of consultation;</b>
<b>(B)</b>	<b>the Head of Planning and Building Control, in consultation with the Leader of the Council, be authorised to agree any Main Modifications to Chapter 13 – East of Welwyn Garden City;</b>
<b>(C)</b>	<b>the Sustainability Appraisal (January 2018) of the Main Modifications, as detailed at Essential Reference 'C' to this report, be agreed for consultation, with any further amendments relating to Main Modifications to Chapter</b>

	<b>13 – East of Welwyn Garden City, to be authorised by the Head of Planning and Building Control, in consultation with the Leader of the Council; and</b>
<b>(D)</b>	<b>the Minor Changes to the East Herts District Plan, as detailed at Essential Reference Paper ‘D’ to this report, be noted and agreed, with any further additions authorised by the Head of Planning and Building Control, in consultation with the Leader of the Council.</b>

## 1.0 Background

- 1.1 The Council submitted its District Plan for Examination on 31<sup>st</sup> March 2017. An independent Planning Inspector (Christine Thorby DIPTP MRTPI), appointed by the Secretary of State for Housing, Communities and Local Government, examined the District Plan during hearing sessions held between October 2017 and January 2018.
- 1.2 In accordance with section 20 (7C) of the Planning and Compulsory Purchase Act (as amended), the Council wrote to the Planning Inspector on the 5<sup>th</sup> May 2017 to formally invite her to recommend any Main Modifications that she considered necessary to make the Plan sound.
- 1.3 During the hearing sessions a number of Main Modifications to the District Plan were discussed as being necessary. This report details those Modifications and seeks agreement to publish them for a six-week period of consultation.
- 1.4 A Sustainability Appraisal Addendum (January 2018) has been produced to take account of the Main Modifications and agreement is also sought to publish this for consultation alongside the Main Modifications documents.

1.5 The report also details a number of Minor Changes to the District Plan; however, as these do not affect the wording of policies or the overall intent of the Plan, the Regulations do not require these to be subject to consultation.

## 2.0 Report

### Main Modifications

2.1 Officers have been assisting the Inspector, throughout the Examination process, to draft proposed Main Modifications. These include modifications proposed by the Council as a result of representations received at the Regulation 19 stage, as well as those proposed, either by the Council or the Inspector, following the hearing session discussions.

2.2 Main Modifications generally consist of redrafted text, the omission of a policy or section of text, or the inclusion of a new policy/text.

2.3 It should be noted that the Policies Map is not a development plan document and therefore it is not appropriate for the Inspector to recommend any Main Modifications to it. Rather the role of the Policies Map is to illustrate geographically the application of policies in the plan and it will be for the Council to update this to ensure consistency with the adopted plan.

2.4 There is a requirement for public consultation on any proposed Main Modifications. There is also a requirement to consult on a Sustainability Appraisal (SA) of any Main Modifications. As such, a SA of the Main Modifications has been undertaken, a copy of which is attached at **Essential Reference Paper 'C'**.

2.5 The precise arrangements for public consultation may vary but there are a number of important principles that apply:

- It should be made clear that the consultation is only about the Main Modifications and not any other aspects of the plan and that these are put forward without prejudice to the Inspector's final conclusions on the plan.
- All representations made on the Main Modifications will be taken into account by the Inspector.
- The scope and length of consultation on the Main Modifications should reflect the consultation at Regulation 19 stage (i.e. six weeks).
- The general expectation is that issues raised during the consultation on the Main Modifications will be considered through the written representation process and further hearing sessions will only be scheduled exceptionally.

2.6 A schedule of the Main Modifications being proposed has been agreed with the Inspector, a copy of which can be found at **Essential Reference Paper 'B'**. This sets out detailed revisions to the District Plan, identifying text/policies to added/deleted by paragraph/policy number. The schedule is relatively lengthy as each modification, for example a change to a policy, may have a number of consequential modifications, such as changes to its supporting text and to any other policies that relate to it.

2.7 The schedule of Main Modifications currently excludes Chapter 13 (East of Welwyn Garden City) as the hearing session for this particular site is not scheduled until the 30 January 2018 (which is after the deadline for this report). An update on any proposed Modifications will therefore be provided to Members following the hearing session.

2.8 As noted above, the public consultation on the Main Modifications provides the opportunity to comment only on the specific changes contained in the schedule of Main

Modifications. It does not offer the opportunity to open the debate on other matters. This is in line with national guidance.

- 2.9 It is intended that the public consultation will commence on Thursday 15 February 2018 for a period of six-weeks until Thursday 29 March 2018. The consultation will meet all the statutory requirements, including:
- Placing the consultation documents on the Council's website for the duration of the consultation;
  - Notifying everyone on the District Plan database by email or letter;
  - Making hard copies of the consultation documents available at the Council's offices and at libraries across the district.
- 2.10 Any representations made in response to the consultation will be collated and then sent direct to the Inspector to consider. It is not for the Council to consider the representations made at this stage.
- 2.11 Following the Main Modifications consultation, the Examination will remain open while the Inspector is writing her report. However, unless specifically requested by the Inspector, no further correspondence or representations should be submitted during this stage of the Examination.
- 2.12 Provided that no further hearing sessions are required, the Inspector has indicated that she will finalise her report by the end of April 2018. Upon receipt of the final report, the Council can either adopt the Plan with the recommendations proposed, or it must withdraw the Plan completely.

## Minor Changes

- 2.13 Members will recall that a schedule of Minor Changes was previously presented to the District Planning Executive Panel on 9 March 2017 (see Background Papers).
- 2.14 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.
- 2.15 The schedule of Minor Changes that was previously presented has been updated through the Examination process. A copy of the latest schedule is available to view at **Essential Reference Paper 'D'**. The Minor Changes presented do not alter the overall scope of the District Plan, change the direction or affect the soundness of the document. As such, within the Regulations there is no requirement to undertake public consultation on the Minor Changes.
- 2.16 In order to understand the proposed changes in context, copies of the District Plan Chapters incorporating both the Main Modifications and Minor Changes can be viewed under the Background Papers. For ease of reference Main Modifications have any deleted text ~~struck through~~ with new text shown in **red**, and Minor Changes have both deleted and new text shown in **green**.
- 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

Information on the District Plan Examination is available to view here:

<https://www.eastherts.gov.uk/districtplanexamination>

District Planning Executive Panel - 9 March 2017:

<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=151&MId=3067&Ver=4&J=4>

District Plan Chapters showing track changes are available to view here:

<http://democracy.eastherts.gov.uk/mgIssueHistoryHome.aspx?IId=21897&optionId=0&J=9>

## Essential Reference Papers

ERP 'A'	Implications/Consultations
ERP 'B'	Schedule of Main Modifications
ERP 'C'	Sustainability Appraisal Addendum (January 2018)
ERP 'D'	Schedule of Minor Changes

Contact Member: Councillor Linda Haysey – Leader of the Council  
[linda.haysey@eastherts.gov.uk](mailto:linda.haysey@eastherts.gov.uk)

Contact Officer: Kevin Steptoe – Head of Planning and Building Control  
Ext: 1407  
[kevin.steptoe@eastherts.gov.uk](mailto:kevin.steptoe@eastherts.gov.uk)

Report Author: Claire Sime – Service Manager (Planning Policy)  
[claire.sime@eastherts.gov.uk](mailto:claire.sime@eastherts.gov.uk)