

EAST HERTS COUNCIL

EXECUTIVE – 23 OCTOBER 2018

REPORT BY LEADER OF THE COUNCIL

ADOPTION OF THE EAST HERTS DISTRICT PLAN 2018

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To inform Members of the content of the Inspector’s Report on the East Herts District Plan.
- To recommend that the East Herts District Plan, incorporating main modifications and minor changes, be agreed for adoption.

RECOMMENDATIONS FOR EXECUTIVE: To recommend to Council that:

(A)	the content of the Inspector’s Report (and associated Appendix detailing the Main Modifications) as set out in Essential Papers ‘B’ and ‘C’, be noted; and
(B)	the East Herts District Plan as set out in Essential Reference Paper ‘E’, incorporating the main modifications and minor changes as set out in Essential Reference Papers ‘C’ and ‘D’, be adopted.

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. The Council carried out public consultations on the District Plan and accompanying Sustainability Appraisal in 2010 (Issues and Options), 2014 (Regulation 18 consultation) and 2016 (Regulation 19 publication).
- 1.5 The Council submitted its District Plan for examination on 31st 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.
- 1.6 In response to issues raised by the Inspector, the Council drafted a series of Main Modifications to the Plan, which were considered necessary to make the Plan sound. These Main Modifications and accompanying Sustainability Appraisal were considered by the Council on 6th February 2018 and agreed for public consultation. A number of minor changes were also

proposed, but these were not subject to public consultation, being corrections or immaterial changes.

1.7 Representations made in response to the consultation were collated by officers and then passed to the Planning Inspector for her consideration when drafting her report on the District Plan.

1.8 The Inspector's Report was received by the Council on 9th July 2018. A copy of the Report is attached at **Essential Reference Paper 'B'**.

1.9 As Members will know, the District Plan was put on hold by direction of the Secretary of State for Housing, Communities and Local Government, pursuant to Section 21A of the Planning and Compulsory Purchase Act 2004 on the 11th September 2018. Following careful consideration of all the issues raised, the holding direction was lifted by the Secretary of State on the 12th October 2018.

2.0 Report

2.1 The Inspector's Report concludes that, with the Main Modifications proposed (detailed in **Essential Reference Paper 'C'**), the East Herts District Plan can be considered sound and as such provides an appropriate basis for the planning for the district.

2.2 The Main Modifications all concern matters that were discussed at the examination hearing sessions. Following consideration of the representations made in response to the consultation on the Main Modifications, the Inspector has recommended some further amendments to the Plan in terms of the detailed wording of the following Main Modifications:

- **MM/4/02, MM/4/03, MM/10/13 and MM/10/19:** these all state that any future Green Belt boundary changes, resulting from the preparation of a Neighbourhood Plan in

a Group 1 Village, would be included within a Site Allocations Development Plan Document. The Inspector has amended these modifications to say '*if necessary*' as, at the time of writing her report, it was acknowledged that this requirement may be overtaken by subsequent changes to national policy.

- **MM/5/03, MM/5/05, MM/5/07, MM/5/08, MM/5/10, MM/5/11, MM/5/12, MM/5/13, MM/6/06, MM/7/03, MM/7/04, MM/7/05, MM/7/06, MM/7/08, MM/7/09, MM/7/11, MM/7/12, MM/7/13, MM/8/03, MM/8/06, MM/8/10, MM/8/11, MM/8/12, and MM/12/03:** the wording 'at least' in relation to each of these site allocations is altered to '*around*' to be more flexible and to acknowledge that within a settlement or allocation where there is more than one site, there should be flexibility for some to exceed or others to be slightly below the identified capacity, depending on site circumstances.
- **MM/7/08, MM/7/11, MM/9/05, and MM/11/10:** the Inspector has added to the landscaping criteria, attached to each of these allocations (West of Hertford, North of Hertford, Land North and East of Ware and The Gilston Area), a requirement to provide a defined and recognisable boundary to the Green Belt, necessary to mitigate impacts on the Green Belt in accordance with the National Planning Policy Framework (NPPF).
- **MM/11/06:** this has been modified to state that the employment land (in the Gilston Area) must be located and designed to be in keeping with Garden City principles.

2.3 Members are requested formally note the content of the Inspector's Report and associated Appendix (which details the Main Modifications).

- 2.4 Upon receipt of the Inspector's Report, the Council can either adopt the East Herts District Plan, with the modifications proposed, or it must withdraw the Plan completely.
- 2.5 It is recommended that the Council adopt the District Plan, with the modifications proposed.
- 2.6 The final version of the District Plan, incorporating the main modifications recommended by the Inspector, as well as any minor changes (see **Essential Reference Paper 'D'**), is attached to this report at **Essential Reference Paper 'E'**.
- 2.7 It should also be noted that the Council must maintain a policies map which illustrates geographically the application of the policies in the District Plan. As such when the plan is adopted, in order to comply with legislation and give effect to the Plan's policies, the Council will need to update the policies map. Work on this is currently underway and the Policies Map will be made available as soon as reasonably practicable following adoption of the Plan.
- 2.8 Once adopted, the District Plan and Policies Map will replace the existing 2007 Local Plan and Proposals Map.
- 2.9 As soon as reasonably practicable after the District Plan is adopted, the Town and Country Planning (Local Planning) (England) Regulations 2012 require the Council to make available:
- (i) the District Plan;
 - (ii) an Adoption Statement;
 - (iii) the Sustainability Appraisal report;
 - (iv) details of where the District Plan is available for inspection and the places and times at which the document can be inspected.
- 2.10 A copy of the Adoption Statement is attached to this report at **Essential Reference Paper 'F'**. This also sets out the details of

where the District Plan is available for inspection and the places and times at which the document can be inspected. As required by the regulations the documents will be made available as soon as practicable after the adoption of the District Plan.

2.11 The Council is also required to send a copy of the Adoption Statement to any person who has asked to be notified of the adoption of the District Plan, and send a copy of the Adoption Statement to the Secretary of State.

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 can be found here:
<https://www.eastherts.gov.uk/districtplanexamination>

The Town and Country Planning (Local Planning) (England) Regulations 2012 are available here:

<http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

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