

East Herts Council Report

Executive

Date of Meeting: 6 October 2020

Report by: Councillor Linda Haysey, Leader of the Council

Report title: East Herts District Plan 2018: Amendments to Policies Map

Ward(s) affected: All

Summary

- This report highlights three inaccuracies in the adopted East Herts District Plan Policies Map and seeks to agree amendments to the Policies Map to accurately reflect the policies in the District Plan.

RECOMMENDATIONS FOR Executive to recommend to Council:

- a) That the amendments at Appendix A be noted and approved to form part of the adopted East Herts District Plan 2018 Policies Map.**

1.0 Proposal(s)

- 1.1 The purpose of this report is to enable Members to consider proposed changes to the adopted District Plan Policies Map.

2.0 Background

- 2.1 East Herts adopted its policies map alongside the District Plan at Council on 23rd October 2018. The Council must maintain an

adopted policies map which illustrates geographically the application of policies in the adopted development plan.

- 2.2 In April 2020 Much Hadham Parish Council notified the Local Planning Authority that they had identified a number of inaccuracies in the adopted policies map and requested that these inaccuracies be rectified. The inaccuracies relate to Policy CFLR1 in the East Herts District Plan and the inaccurate designation of locations as Open Space, Sport or Recreation areas.
- 2.3 In 2017 consultants undertook and completed an Open Spaces and Sports Facilities Assessment on behalf of the Council to supplement the evidence base supporting the District Plan. The LPA was able to speak with the consultants who confirmed that a digitisation error and mistaken allocation of adjacent land explained the inaccuracies.
- 2.4 Having worked with the consultants and Much Hadham Parish Council to establish the correct boundaries for Policy CFLR1, three amendments to the policies map have been identified and can be found at Appendix A.
- 2.5 The amendments are detailed as follows:
 1. At Green Tye the 2018 Policy CFLR1 designation incorrectly included land within private ownership. The updated designation has now been amended to exclude those areas in private ownership.
 2. In Perry Green the 2018 Policy CFLR1 designation incorrectly included a residential area that intended to cover St Thomas's burial ground which is adjacent to the site. This designation has been deleted.
 3. St Thomas's burial ground has now been identified under Policy CFLR1 following the deletion of the incorrect designation of the residential area in Perry Green noted in amendment 2 (above).

3.0 Considerations

- 3.1 The role of the policies map is to geographically illustrate the policies in the development plan.
- 3.2 The policies map is not a development plan document (DPD) but is instead a local development document (LDD) and therefore is not subject to the same consultation as the East Herts District Plan which is a DPD. Subsections 23(1), 23(5) and 26(1) of the Planning and Compulsory Purchase Act 2004 allow for the lawful revision of a policies map outside of the Local Plan process (as an LDD) in order to correct a factual error.
- 3.3 Therefore, through this report the Council is able to lawfully correct the inaccuracies identified by incorporating the amendments at Appendix A into the adopted policies map.

4.0 Options

- 4.1 The Council could choose not to incorporate the amendments into the adopted policies map but it would then continue to inaccurately represent Policy CLFR1 geographically.

5.0 Risks

- 5.1 The continued inaccurate representation of Policy CLFR1 in the adopted policies map.

6.0 Implications/Consultations

- 6.1 None

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes

Specific Wards

All Wards

7.0 Background papers, appendices and other relevant material

7.1 Appendix A – Policies Map Amendments

7.2 Relevant Case Law: *Bond, R v Vale of White Horse District Council* [2019] EWHC 3080 (Admin) (19 November 2019)
(<https://www.bailii.org/ew/cases/EWHC/Admin/2019/3080.html>)

Contact Member

Cllr Linda Haysey – Leader of the Council

linda.haysey@eastherts.gov.uk

Contact Officer

Sara Saunders – Head of Planning and Building Control

Contact Tel No 01992 531656

sara.saunders@eastherts.gov.uk

Report Author

George Pavey –

Principal Planning Officer (Policy & Implementation)

george.pavey@eastherts.gov.uk