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Mr S Berkeley
By email.

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30 September 2020

Dear Mr Berkeley,

Thank you for your letter in which you confirmed that you would not open the hearing sessions on Monday 28 September 2020.

As you are aware dates for hearings have also been fixed for the weeks commencing 12 October to Friday 16 October and Monday 19 October to Friday 23 October. These dates were notified to those who had made representations under regulation 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ("the 2012 regulations") on 16 August 2020 through your Programme Officer via email.

Your Programme Officer's notification email included the following documents:

- (1) Inspector's Guidance Notes for these hearing sessions;
- (2) Inspector's further Matters, Issues and Questions;
- (3) Draft Timetable and participants list V.1.15.8.20.

These documents set out the date, time and place at which the hearings are to be held. There is no requirement in regulation 24 to provide any further detail in terms of which topics are to be heard on the dates and times notified or who it is intended will participate on those dates.

The notification that was sent on 16 August 2020 is sufficient to discharge the obligations under regulation 24 of the 2012 regulations which requires those who have made representations to be given at least six weeks' notice before the opening of a hearing held for the purpose of giving persons the opportunity to appear before and be heard by the person appointed to carry out the examination. Indeed, the notification goes much further than what is required under regulation 24 as it included a Draft Timetable for the topics that would be considered on the dates and times notified.

However, it is clearly stated in your Guidance Notes at paragraph 24 and repeated in the Draft Timetable that:

"Every effort will be made to keep to the draft timetable, but late changes may be unavoidable. Priority will be given to starting the debate on each matter at the appointed time and it may be necessary to extend the discussion in the afternoon session. The Programme Officer will endeavour to inform the participants of any late changes to the timetable but it is the responsibility of the participants to keep themselves up to date with the arrangements and programme. Participants need to be ready to attend on the Reserve time indicated on the programme – this will be used if necessary to complete any unfinished sessions".

This is the usual warning that accompanies all examination timetables which always remain in draft form recognising that the timetable may need to be altered at short notice by the Inspector.

The notifications sent on 16 August 2020 satisfy the requirements of regulation 24. How the timetable is to be organised on the dates and times notified remains for the Inspector's discretion.

Given that you have decided, following the Council's request, not to open the hearings on the 28 September 2020 you must now decide how best to proceed with the remaining notified dates and times.

It seems to the Council that you have two main options:

1. If you are minded to retain the originally proposed order, those matters that were to be considered in the week commencing 28 September (i.e. Matters 21; 22 and 24) should be transferred to the first four days of the week commencing Monday 12 October and continue to Thursday 14 October. Matter 23 is shifted to Friday 16 October. Under this option the currently scheduled hearings for the week commencing Monday 19 October would remain as currently proposed, commencing with the specific sites scheduled under Matter 25 on Monday 19 October and continuing to Friday 23 October which is currently unallocated and when that part of Matter 25 currently scheduled for Thursday 15 October, could be heard. Alternatively, this session could be heard on afternoon of Thursday 22/10 and morning of Friday 21/10 to save the "wash up" session to the end.
2. If you are minded to retain the topics as currently scheduled in weeks 2 and 3 then the matters from the originally scheduled week 1 should be rescheduled on the reserve and unallocated days during that two week period. This would mean that Matter 24 (East of Luton) is heard on Wednesday 14 October (which would follow on from Green Belt matter 23); Matter 21 (Housing requirement) is heard on Friday 16 October 2020; and Matter 22 (Housing Supply) is heard on Thursday 22 and Friday 23 October with the "wash up" session at the end.

Both of these are viable options and enable the oral hearings to proceed on the remaining dates and times duly notified in accordance with the six week requirement and would enable completion of the oral hearings on the date currently scheduled for that. The Council would prefer the first option if given a choice as it follows a more logical order of topics but you may prefer option 2 given that option 1 is more disruptive to the overall timetable.

Once you have made a decision on the new timetable it can be circulated in good time and well before 12 October so participants will have reasonable notice of any change that may affect them. In any event they will have more than short notice of any change.

Yours sincerely,



Ian Fullstone
Director Regulatory Services