



planning advisory service



North Hertfordshire D.C.

How to Make Effective Representations to the Local Plan

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What is the Planning Advisory Service for?

“The Planning Advisory Service (PAS) is part of the Local Government Association. The purpose of PAS is to **support local planning authorities to provide effective and efficient planning services, to drive improvement in those services and to respond to and deliver changes in the planning system**”

What is the Local Plan?

- The North Hertfordshire Local Plan 2011-2031 sets out the local planning authority's policies and proposals for building and land use in North Hertfordshire over the next 15 years
 - It could affect the area that you represent, or where you live, work, shop, play and how you get around
 - You should take every available opportunity to influence what it says
 - The only way the local planning authority or a Planning Inspector will know what you want is to respond to the consultation
 - If you are thinking about preparing a Neighbourhood Plan, it must conform with the Local Plan
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The Statutory Stages of Preparing a Local Plan (1)

The most important stages are :-

- **Evidence gathering and public participation** - this stage involves the local planning authority consulting specific and general consultation bodies on the scope of the plan, and preparing relevant reports and studies on the important planning issues (the Evidence Base). This is often referred to as the Issues and Options stage, and the public are consulted at this stage
 - **Preferred Options** – some authorities – including North Hertfordshire D.C. - then publish a Preferred Options plan, identifying which of the various Options that they have considered (for both policies and directions of growth) is their Preferred Option for the emerging plan. Again, the public are consulted at this stage
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The Statutory Stages of Preparing a Local Plan (2)

- **Pre-Submission Publication Stage** (THE CURRENT STAGE IN NORTH HERTFORDSHIRE) - after taking account of earlier consultation responses and the findings of the Sustainability Appraisal, the local planning authority will publish its proposed Local Plan Document (known as the “Submission Document”). There is a period of 6 weeks for public consultation before the authority submits the Plan to the Secretary of State for an independent Examination.
 - **Submission of Plan and Independent Examination** – the final draft Submission documents along with a summary of the main issues raised in the representations on the Pre-Submission document are sent to the Planning Inspectorate. An Inspector is appointed, and will Examine the Plan – to make sure it meets the Soundness requirements. He/she will convene Hearings to enable interested parties to put forward their views.
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What Has Happened So Far

Stage	Date
1. Local Plan Housing Growth Targets and Locations	February 2013
2. Local Plan Additional Locations and Options	July 2013
3. Local Plan Preferred Options Consultation	December 2014
4. Local Plan Proposed Submission Consultation	October – November 2016
5. Submission of Local Plan to Secretary of State	March 2017
6. Public Examination of Local Plan	August 2017
7. Receipt of Inspector's report	December 2017
8. Adoption of the Local Plan	March 2018

The Proposed Submission Local Plan (1)

- The Local Plan Proposed Submission consultation will take place for six weeks between **19th October and 30th November 2016**
 - The document covers the following:
 - Spatial Strategy & Strategic Policies
 - Development Management Policies
 - Communities
 - Implementation & Review
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The Proposed Submission Local Plan (2)

The proposed Submission Plan has to take into account:

- Government legislation and guidance
 - Responses to previous consultations
 - The findings of evidence
 - The Plans of other nearby authorities
 - The outcomes of other Examinations and Case Law.
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The Proposed Submission Local Plan (3)

- The Plan has been developed with the input of:
 - Executive Member for Planning and Enterprise (ongoing)
 - Local Plan Project Board (ongoing)
 - Overview and Scrutiny Committee (September 2015)
 - Full Council (20th July 2016)
 - Cabinet (26th September 2016)
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Methods of Consultation and Response

- The Council will widely advertise the publication of its Pre-Submission Plan, and confirm the dates of the statutory period of 6 weeks during which formal representations can be made
 - Responses will be invited in a number of ways –by on-line, by e-mail or in writing
 - This is the last opportunity to make comments on the Plan before it is submitted for Examination. It is also the sole opportunity to indicate your wish to exercise your right to be heard (providing you are seeking a change to the plan) at the examination.
 - **The purpose of this consultation stage is to enable people to make comments that they want to be taken into account at the Examination**
 - You should be specific about why you think the document is unsound, what changes you are seeking and how the changes would make it sound
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The Soundness Tests

- The Local Plan will be examined by an independent Inspector whose role is to assess whether the Plan has been prepared in accordance with the Duty to Co-operate, legal and procedural requirements, and whether it is Sound.
 - A local planning authority should submit a Plan for Examination which it considers to be Sound, namely that it is :-
 1. **Positively prepared** – based on a strategy which seeks to meet objectively assessed development requirements, including unmet requirements from neighbouring authorities where reasonable to do so
 2. **Justified** – the Plan should be the most appropriate strategy
 3. **Effective** – the Plan should be deliverable over its period
 4. **Consistent with national policy** – the Plan should enable the delivery of sustainable development in accordance with the policies of the NPPF
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What Makes an Effective Representation (1)

- The Inspector will be looking for specific evidence or proof that the Soundness tests and legal requirements have been met (or not met)
 - In making your representations, you need to consider the evidence that supports your arguments
 - Be aware that consideration of alternative policies and proposals should take place at a much earlier stage in the preparation of the Plan (i.e. the evidence gathering and public participation stage). Were those alternatives fully considered, including within the Sustainability Appraisal?
 - You may need to carry out further research to support your case
 - All representations will be considered fully by the Inspector, but if he/she identifies an important issue that you raise it may form part of the Matters and Issues for the Examination, and invite you to the Hearings.
 - Anyone may attend the hearings but you will only be able to speak if you are exercising your right to be heard or have been invited by the Inspector
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What Makes an Effective Representation (2)

- Clearly identify the policy or proposal you are objecting to or supporting, using the reference number given in the Plan
 - Say why you are objecting/supporting – and is the document Sound or Unsound – and, if you want to see a policy or proposal changed, say how and put forward your own alternative and the reasons for it – and does it also meet the legal requirements
 - Keep your comments as simple as possible, and organise them in a logical order
 - Concentrate on the planning issues – these are known as material considerations
 - If objecting to certain aspects of a proposal it is important to stress where you agree with the local planning authority so attention can be focused on issues of conflict
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What Makes an Effective Representation (3)

- If you are objecting to the Plan, try to show that you have understood, yet still disagree with the local planning authority
 - Where possible, identify statements, policies and proposals from other planning documents, the Plan itself and the Sustainability Appraisal which support your case
 - These other documents could be national planning policy (e.g. the NPPF), other local planning policies or other relevant technical reports and studies
 - Refer to local issues and concerns, but try to relate them to the main planning issues that you have identified. Locally prepared reports and plans may help support your arguments – and may not form part of the Council's evidence base
 - Your local knowledge is invaluable, but try not to get side-tracked onto non-material or non-planning issues. Noise disturbance and property values are typical areas to avoid
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What Makes an Effective Representation (4)

- The Inspector will not expect you to use professional planning advice, although you can choose to do that
 - However, he/she will expect you to focus on the material considerations – and we look at those in the next slide
 - It does not matter how long or short your representation is, as long as it clearly sets out what your concerns are and the reasons for them
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What are Material Considerations?

This is the phrase used for issues or objections concerning a proposal – for example, that it doesn't conform to planning policies, or that it will have an impact on an area, such as an increase in traffic, loss of open space or that it affects the character of a Conservation Area.

Matters that are not material planning considerations include devaluation of a property, the loss of a view or who the applicant or intended user is

Submission of Plan to the Secretary of State and the Examination (1)

- Following consultation on the Pre-Submission Plan, it is formally Submitted to the Planning Inspectorate
 - The Plan is accompanied by other documents including a summary of the main issues raised in the representations at the Pre-Submission stage and the representations themselves
 - As part of their assessment, the Planning Inspectorate starts the process called an Examination
 - This is a review of the Draft Submission Plan, its legal compliance and of the summary of issues raised in the representations. This assists the Inspector in identifying the Matters and Issues for the next stage of the Examination
 - The second part of the Examination is conducted by the Inspector
 - He/she will consider whether it is necessary to convene a formal hearing, known as an Examination in Public
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Submission of Plan to the Secretary of State and the Examination (2)

- In practice for the majority of Local Plan Examinations, a formal hearing will be necessary – where the Inspector listens to people giving evidence.
 - Anyone who has submitted representations to change the Local Plan can speak at the hearing if they have previously made clear their intention to exercise the right to be heard. However, it is at the Inspector's discretion whether any other persons are invited to speak.
 - Whether or not you speak at the hearing, the Inspector will consider your representations to the Plan as part of the Examination
 - The Inspector's task is to assess whether the Plan as submitted is Sound
 - This involves an assessment against each of the Soundness Tests, and the Council must demonstrate that the Plan and the way in which it has been prepared has met those Tests.
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The Examination Process

- The Examination Process can often take up to a year to complete
 - The Inspector is assisted throughout by a Programme Officer, appointed by the Council to provide administrative support for the Inspector and to provide a point of contact for people seeking information about the Examination
 - It will be the Programme Officer who provides you with updated information, for example when the Hearing Sessions will take place and whether you are invited to attend.
 - You should direct all your correspondence and queries to the Programme Officer, and **not** to the Council or the Planning Inspectorate. A separate Examination web-site is usually set up to help you.
 - The Inspector will issue Guidance Notes about how to submit written statements to the Examination, and the relevant deadlines for them
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Examination Outcomes (1)

- Following the formal Hearing, the Inspector will consider whether or not the Plan is Sound and meets the necessary legal requirements – or whether it requires changes (known as Main Modifications, rather than minor amendments such as correcting small errors) to ensure that it is Sound
 - If Main Modifications are required, the Inspector will work with the Council to draft the necessary changes and ask the Council to publish them for a period of 6 weeks for further consultation, alongside a supplementary Sustainability Appraisal statement.
 - Comments will be invited solely on the content of the proposed Main Modifications
 - The Inspector will then consider any representations received, and whether or not to reconvene the formal Hearing to discuss any matters arising
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Examination Outcomes (2)

- The last stage of the Examination is for the Inspector to prepare his/her Report, identifying any proposed Main Modifications to the Plan that are considered necessary
 - The Report is then considered by the Planning Inspectorate to ensure that it meets the standards required of such reports, before being sent to the Council for a Fact Check
 - After that process the Report is finally issued to the Council, and that marks the end of the Examination
 - On its Adoption by the Council, the Plan legally becomes part of the Development Plan
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PINS Procedural Practice in the Examination of Local Plans

Guidance document on the Examination process and on making representations

<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

JDI Consultation Software

The screenshot shows a web browser window with the URL <https://north-herts.jdi-consult.net/localplan/>. The page header features the North Hertfordshire District Council logo and a search bar. The breadcrumb trail is: Home / Planning / Planning Policy / Local Plan - Current Policy.

PLEASE NOTE: You only need to register / login if you wish to make representations.
If you haven't got an account you can **register now**.
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Current Documents Open to public consultation

Local Plan (Consultation ends: 30/11/2016 11:59 PM)

- Local Plan 2011-2031 Proposed Submission Draft

Need help? Is this your first time using the system?

Forthcoming Documents:
There are no forthcoming documents online.

Adopted Documents:
There are no adopted documents online.

Draft & Historic Documents:
Neighbourhood Plan (consultation ended: 25/05/2016 5:00 PM)

JDI Consultation Software

Heritage

13.266 Pirton has a conservation area covering much of the older part of the village, including the site of the castle, Great Green and Little Green. The parish church of St Mary is a Grade I listed building. To the west of the village in the Chilterns, High Down House is also a Grade I listed building.

Housing

13.267 No sites are allocated in Pirton by this Plan. Around 94 homes have been built or granted planning permission since 2011^[4*].

Preston

Introduction

13.268 Preston is a small village to the south of Hitchin. Historically it was part of the parish of Hitchin, becoming a separate civil parish in 1894. The parish covers the village and surrounding countryside. The village has a school, village hall, public house and a church. It is also home to a private school in the former manor house of Temple Dinsley.

13.269 At the 2011 census the population of the parish of Preston was 420 and there were 158 dwellings in the parish.

Role in settlement hierarchy

13.270 Preston is classed as a Category A village, with a boundary within which development will be allowed. The remainder of the parish is designated as Green Belt.

Heritage

13.271 The grounds of Temple Dinsley form a historic park and garden, whilst much of the village is covered by a conservation area.

Housing

13.272 One site is allocated in Preston for an estimated 21 new homes. A further 17 homes have been built or granted planning permission since 2011.

Ref	Local Housing Allocations and site specific criteria	Dwelling estimate
PR1	Land off Templars Lane	21 homes
	<ul style="list-style-type: none">Consider and mitigate against potential adverse impacts upon nearby Wain Wood SSSI;Sensitive design that considers any impacts upon the setting of Preston Conservation Area and adjacent listed buildings;Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery.	
Total allocated sites		21 homes
Completions and permissions		17 homes
Total allocated, completed and permitted		38 homes

Radwell

Introduction

13.273 Radwell is a small parish to the north of Baldock on the River Ivel and on the border with Central Bedfordshire. The village essentially comprises one street with a village hall and church but little else by way of facilities. The parish also includes the Baldock Service Station at

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North Hertfordshire Local Plan – The Next Steps

The Local Plan Proposed Submission consultation will
take place for six weeks between

19th October and 30th November 2016

Consultation webpage:

<https://north-herts.jdi-consult.net/localplan/>

We look forward to receiving your responses

Any Questions ??????

Key Contacts

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