



**Site Allocations and Development Management Policies Plan (SADM)**

**Publication Stage Representation Form**

For office use only

Reference No:

Date received:

**Please use this form to make Representations**

**Please return to Hertsmere Borough Council by 5pm on Monday 14 September 2015**

**By post:** Policy and Transport Team, Planning and Building Control, Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, Herts, WD6 1WA.

**By email:** local.plan@hertsmere.gov.uk

This form has three parts:

**Part A** – Personal details (only needed once).

**Part B** – Your representation(s). Please complete a separate sheet (Part B) for **every** representation you wish to make, remembering to insert your or your organisation’s name at the top of the page.

**Part C** – What information you want the Council to provide you with about future progress of SADM (only needed once).

**Please read the guidance notes at the end before completing this form. They explain the terms used and will help you make your representation(s).**

Part A	1. Personal details*	2. Agent details (if applicable)
Title	Mrs	
First name	Tricia	
Last name	Devonshire	
Job title (where relevant)	Sustainable Places Planning Advisor	
Organisation (where relevant)	Environment Agency	
Address	Apollo Court, 2 Bishops Square Business Park, St Albans Road West, Hatfield, Herts	
Post Code	AL10 9EX	
Telephone number	01707 632408	
Email address	<a href="mailto:sphatfield@environment-agency.gov.uk">sphatfield@environment-agency.gov.uk</a>	

\*If an agent is appointed, please enter the person and/or organisation being represented in column 1 and complete all contact details in column 2.



Please note that all representations received will be made publicly available and cannot be treated as confidential. This means that the names of all those making representations will be publicly available. Other personal information relating to private individuals, including Contact details, will not however be made publicly available.

<b>Part B</b>	<b>Name or organisation:</b> <span style="border: 1px solid black; padding: 2px 10px;">Environment Agency</span>	<div style="border: 1px solid black; padding: 2px;">For office use only</div> Ref No: support: object: change:
<div style="border: 1px solid black; padding: 2px; display: inline-block;"> <b>IMPORTANT: Please use a separate Part B form for each representation</b> </div>		

**3. To which part of SADM ('the Plan') does this representation relate?**

Paragraph <input style="width: 40px; height: 20px;" type="text"/>	Policy <span style="border: 1px solid black; padding: 2px 10px;">SADM1</span>	Policies Map <input style="width: 40px; height: 20px;" type="text"/>	Other part of Plan (specify)	<b>Ref H2 Gas Holders Site</b>
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**4. In relation to the part of the Plan you identified in 3, do you consider the Plan to be:** Please tick which boxes apply

4(a) Legally Compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	no comment to make	<input type="checkbox"/>
4(b) Compliant with the Duty to Co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	no comment to make	<input type="checkbox"/>
4(c) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	no comment to make	<input type="checkbox"/>

*If you have entered 'No' to 4(c), please continue to Q5. In all other circumstances, please go to Q6.*

**5. If you consider the Plan to be unsound is this because it is not:**

5(a) Positively prepared	<input type="checkbox"/>	Please tick which box(es) apply
5(b) Justified	<input type="checkbox"/>	
5(c) Effective	<input type="checkbox"/>	
5(d) Consistent with national policy	<input type="checkbox"/>	

**6. If you consider the Plan is not legally compliant or fails to comply with the Duty to Co-operate or, having regard to the criteria you ticked at 5 above relating to soundness is unsound, please give details of why. Please be as precise as possible. If you wish to comment in support of the Plan's legal compliance, compliance with the Duty to Co-operate or soundness or wish to make any other comment, please also use this box.**

We have received evidence that the flood risk Sequential Test has been applied and passed. All development is to be located within Flood Zone 1 on this site and we can now fully support this site allocation.

7. Please set out as precisely as possible what change(s) you consider necessary to make the Plan

- legally compliant or
- sound (having regard to the criteria you ticked at 5 above relating to soundness).

You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

(continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity for further submissions based on the representation you are currently making. **After this current publication stage, further submissions will only be able to be made at the Inspector's request, based on the matters and issues he/she identifies for Examination.**

8. If you do not consider the Plan to be sound and the Council is prepared to make changes to the Plan which reflect your suggested change, would you be prepared to enter into a 'Statement of Common Ground' with this Council?

Yes  No

9. If your representation is seeking a modification/change to the Plan, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination  Yes, I wish to participate at the oral Examination

10. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary:

(continue on a separate sheet/expand box if necessary)

**Please note:** the Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the oral part of the Examination.

Signature: \_\_\_\_\_

Date: 04.11.2015

**Part C**

**(Only needed once)**

Name (Print): Tricia Devonshire

If you wish to be informed of the date of the submission of the Plan to the Secretary of State, please tick this box.

If you wish to be informed of the recommendations of the Inspector appointed by the Secretary of State to carry out the independent Examination of the Plan, please tick this box.

If you wish to be informed of the adoption of the Plan by Hertsmere Borough Council please tick this box.

If you no longer wish to receive communications from the Council on SADM please tick this box.

## **Introduction**

These guidance notes have been produced to assist anyone who wishes to make a formal representation on the published Site Allocations and Development Management Policies (SADM) Policies Plan ('the Plan'). The Plan is published so that representations can be made on it prior to it being submitted to the Secretary of State for examination. An independent Planning Inspector, appointed by the Secretary of State, will examine the Plan. Any representations made during the period for representations will be submitted with the published Plan and will be considered alongside it when it is examined by the Inspector.

Representations on the Plan can be made during the period for representations which runs from 3 August 2015 to 14 September 2015.

The Planning and Compulsory Purchase Act 2004<sup>1</sup> (as amended) ('the 2004 Act') states that the purpose of the examination is to consider whether the Plan complies with legal requirements, the Duty to Cooperate, and is 'sound'. Representations supporting, objecting or commenting more generally should be made within this context.

As a general guide:

- If you want to make representations on the way in which the Council has prepared the published Plan it is likely that your comments or objections will relate to a matter of legal compliance or Duty to Cooperate.
- If it is the actual content of the Plan on which you wish to comment or to which you want to object it is likely your representation will relate to soundness i.e. whether the Plan is justified, effective or consistent with national policy.

## **Legal Compliance and Duty to Co-operate**

The Inspector will first check that the Plan meets the legal requirements under Section 20(5)(a) and the Duty to Cooperate under Section 20(5)(c) of the 2004 Act (before moving on to test for soundness).

### Legal Compliance

You should consider the following before making a representation on legal compliance:

- The Plan should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Council, setting out the documents it proposes to produce over a set period. It sets out the key stages in the production of any documents the Council proposes to bring forward for independent examination. The LDS is published on the Council's website and available at its main offices.
- The process of community involvement for the Plan should be in general accordance with the Council's Statement of Community Involvement (SCI). The SCI is a document that sets out the Council's strategy for involving the community in the preparation and

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<sup>1</sup> View the 2004 Planning Act online at <http://www.legislation.gov.uk/ukpga/2004/5/contents>

revision of planning documents and the consideration of planning applications. The SCI is also published on the Council's website and is available at its main offices.

- The Plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 ('the Regulations')<sup>2</sup>. On publication, the Council must publish the documents prescribed in the Regulations, and make them available at their main offices and on their website. The Council must also notify bodies specified in the Regulations and any persons who have requested to be notified.
- The Council is required to provide a Sustainability Appraisal Report when it publishes the Plan. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.

### Duty to Co-operate

You should consider the following before making a representation on compliance with the Duty to Co-operate:

- The Duty to Co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. Councils will be expected to provide evidence of how they have complied with any requirements arising from the Duty.
- The 2004 Act establishes that non-compliance with the Duty to Co-operate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the Duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

### **Soundness**

Soundness is explained fully in paragraph 182 of the National Planning Policy Framework (NPPF)<sup>3</sup>. The Inspector has to be satisfied that the Plan has been positively prepared, is justified, effective and consistent with national policy. To be sound the Plan should be:

- **Positively prepared** – the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the Plan should be the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

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<sup>2</sup> View the Planning Regulations online at <http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

<sup>3</sup> View the National Planning Policy Framework online at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so it does not need to be included in the Plan.
- Is what you are concerned with covered by any other policies in the Plan on which you want to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

### **General advice**

It should be emphasised that the purpose of the SADM Policies Plan are to spatially deliver the Council's adopted Core Strategy and update detailed development management policies. If you wish to make a representation seeking a change to the Plan or part of it you should make clear in what way it is not sound having regard to any / all of the

- legal compliance check,
- Duty to Cooperate and
- four tests for soundness set out above.

You should try to support your representation by evidence showing why the Plan should be changed. It will be helpful if you also say precisely how you think the Plan should be changed. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity for further submissions based on the original representation made at publication stage (i.e. the representation you are making now). After this current publication stage, further submissions will be only be able to be made at the request of the Inspector, based on the matters and issues he/she identifies for Examination.

Where there are groups who share a common view on how they wish to see the Plan changed, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

Please note: representations are only valid if your name and address are supplied. Anonymous representations cannot be considered. Respondents should also note that representations are not confidential and that they will be published on the Council's website and copies will be placed at appropriate venues across the borough for public inspection. Contact details indicated on representations from individuals will however not be made public.

Agents should state the full name of the person or organisation that they are representing. These names, and the names and contact details of Agents, will also be publicly available.