Site Allocations and Development Management (SADM) Policies Plan:
Consultation on proposed revised Open Spaces section

REPRESENTATION FORM

For office use
Reference No:

Date received:

Please use this form to make Representations and return it to Hertsmere Borough Council by 5pm on MONDAY 21 MARCH 2016

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

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

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)
Representations must only relate to the revised Open Spaces section which is proposed to replace the Green Spaces section in the Submitted version of the Plan. This includes revisions to Policies SADM35 Major Green Space and SADM36 Local Green Space and the sites to which the revised policies are proposed to apply.
Details are available on the Council's website
https://www.hertsmere.gov.uk/openspaceconsultation
and at Deposit Points across the Borough.
THERE IS NO NEED TO REPEAT REPRESENTATIONS THAT YOU SUBMITTED AT PRE-SUBMISSION STAGE (AUGUST/SEPTEMBER 2015)

This form has three parts:
Part A – Personal details (only needed once)
Part B – Your representation (use a separate Part B for each representation you make).
Part C – What information you want to receive about future progress of SADM

Part A	**1. Personal details***	**2. Agent details (if applicable)**
Title	Mr	
First name	Granville	
Last name	Taylor	
Job title (if relevant)	Chairman	
Organisation (if relevant)	Bushey Museum Property Trust	
Address	C/O Bushey Museum Rudolph Road Bushey	
Post Code	WD23 3HW	
Telephone	[redacted]	
Email address		

*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.

Part B

For office use only
Ref No:
support:
object:
change:

IMPORTANT: Please use a separate Part B form for each representation

Name or organisation:

Bushey Museum Property Trust

3. To which part of the proposed revised section on Open Spaces does this representation relate?

Policy SADM35		**Site (Specify)**	**The Paddock BH 007**
Policy SADM36	✓	**Supporting text (Specify paragraph(s))**	**7.6, 7.8-7.15 of document HBC/1 Feb 2016**

4a. In relation to the part of the revised Open Spaces section of the Plan you identified in 3, do you consider the Plan to be Legally compliant? ***(see Guidance Notes for what this means)***

(Please tick which boxes apply)

Yes		**No**		**No comment to make**	✓

4b. In relation to the part of the Plan you identified in 3, do you consider the Plan to be Sound? ***(see Guidance Notes for what this means)***

Yes		**No**	✓	**No comment to make**	

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

5. If you consider the revised Open Spaces section of the Plan to be unsound is this because it is not:

(Please tick which box(es) apply)

5(a) Positively prepared	
5(b) Justified	✓
5(c) Effective	
5(d) Consistent with national policy	✓

(see Guidance Notes for what these terms mean)

6. If you consider the revised Open Spaces section of the Plan to be unsound, please give details of why (having regard to the criteria you ticked at 5 above). Please be as precise as possible.

If you wish to comment in support of the revised Open Spaces section of the Plan or wish to make any other comment related to this section, please also use this box.

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

The area of land known as the Paddocks, Elstree Road, Bushey (reference BH 007) should not be designated a Local Green Space as it fails to meet the criteria set out in the National Planning Policy Framework and is therefore unsound. In addition, the evidence provided by Hertsmere Borough Council to justify designation is incorrect and therefore fails to meet the threshold for designation under the Council's revised scoring mechanism, making the SADM unsound. The detailed reasons and evidence for this are contained in the attached document.

7. Please set out as precisely as possibly <u>what change(s)</u> to the revised Open Spaces section of the Plan you consider necessary to make the Plan sound (having regard to the criteria you ticked at 5 above).

You will need to say <u>why</u> this change will make the Plan 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)

The plan can be made sound by removing the area of land known as the Paddocks, Elstree Road, Bushey (reference BH 007) from the list of sites that are proposed to be designated as Local Green Spaces.

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 stage, further submissions will only be able to be made at the Inspector's request, based on the matters and issues he identifies for Examination.***

8. If your representation is seeking a modification/change to the revised Open Spaces section of the Plan, do you consider it necessary to participate at the oral part of the Examination (the Hearing)?

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

9. 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)

The designation of the Paddock, Elstree Road, Bushey, as a Local Green Space severely constrains the use of the site, which will affect the assets and future income of the Bushey Museum Property Trust, the owner of the site. It is essential that the Trust takes all the opportunities available to it to protect its assets, including making oral representations, as required by Charity Law.

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. Please note written representations carry the same weight as those made orally at a hearing.*

Signature: [redacted] **Date:** 17/3/16

Part C (Only needed once)

Name (Print):

✓	**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.

GUIDANCE NOTES for the Site Allocations and Development Management Policies Plan (SADM) Representation Form

Proposed Revised Open Spaces section of Submitted SADM – including changes to Submitted Policies SADM35 Major Green Space and SADM36 Local Green Space

Introduction

These guidance notes have been produced to assist anyone who wishes to make a formal representation on the proposed revised Open Spaces section of the Site Allocations and Development Management Policies Plan (SADM) ('the Plan'), including proposed changes to Policies SADM35 Major Green Space and SADM36 Local Green Space, the sites covered by these revised policies, and revised supporting text. An independent Planning Inspector, appointed by the Secretary of State, is already examining the Plan as a whole.

Representations on the proposed revised Open Spaces section of the Plan can be made during the period for representations which runs from Monday 22 February 2016 to Monday 21 March 2016. Representations should ONLY relate to this section of the Plan.

Any representations on these proposed changes made during the period for representations will be submitted to the Inspector and will be considered by him alongside the proposed revised Open Spaces section in the Plan.

The Planning and Compulsory Purchase Act 2004[1] (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'. *(The Duty to Cooperate only applies up to the point at which a Plan is submitted to the Secretary of State. As this took place in November 2015 representations should no longer refer to this test.)* 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 changes to the submitted Plan it is likely that your comments or objections will relate to a matter of legal compliance.
- If it is the actual content of the changes 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.

[1] View the 2004 Planning Act online at http://www.legislation.gov.uk/ukpga/2004/5/contents

Legal Compliance

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 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')[2]. 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.

Soundness

Soundness is explained fully in paragraph 182 of the National Planning Policy Framework (NPPF)[3]. 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.

[2] View the Planning Regulations online at http://www.legislation.gov.uk/uksi/2012/767/contents/made

[3] View the National Planning Policy Framework online at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

If you think the revised Open Spaces section 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 is 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 revised Open Spaces section of the Plan you should make clear in what way it is not sound having regard to any / all of the

- legal compliance check,
- four tests for soundness set out above.

You should try to support your representation by evidence showing why the revised Open Spaces section of the Plan should be changed. It will be helpful if you also say precisely how you think the revised Open Space section of 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.

Where there are groups who share a common view on how they wish to see the revised Open Spaces section of 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. Individual residents' personal contact information will however be removed before responses are uploaded to the website

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.