

EXAMINATION OF THE HERTSMERE SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN

Note from the Inspector to all representors and other interested persons

I am sure you will be aware that a number of public hearings had been programmed to run over 3 days commencing on Tuesday 16th February 2016 as part of my examination of the Hertsmere Site Allocations and Development Management Plan. Unfortunately, just over 2 weeks ago I was hit by a severe attack of sciatica which means that I am unable to put any weight on my left leg, nor can I sit for any length of time in comfort. My GP has arranged for an MRI scan next Tuesday and I have to plan my work programme on the assumption that I will be unable to travel for 6 weeks or so. Last week, I was forced to take the difficult decision to postpone the hearings until a later date. Consequently, I asked Mrs Helen Wilson, the Programme Officer, to inform the Hertsmere Borough Council and as many participants as possible of the need for postponement. I also asked her to ascertain from the Council when it might be possible to hold the hearings, as soon as possible after the Easter weekend.

It would have been desirable to avoid the school holiday period but that does not start until 1st April and will continue until 18th April. Also, the impending local council elections limit room availability. I have, therefore, agreed with Hertsmere Borough Council that the hearings will start on Tuesday 12th April and will last for up to 3 days. The Council will shortly be issuing a formal notice of the revised start date for the hearings as required by Regulation 24 of the Local Planning (England) Regulations 2012.

I sincerely regret that I have had to postpone the hearings at relatively short notice. I apologise for the inconvenience this will have caused for some of you, but I am hopeful that it will not cause undue delay in the final delivery of my report to the Council. This is because the hearings form only a small part of the total proceedings. I now have before me not only the original representations but the statements submitted in response to my identification of Matters, Issues and initial Questions (MIQs) for the examination. In particular, I have recently received a very full written response to the MIQs from Hertsmere Borough Council.¹ I have also received some rejoinders to the Council's initial responses on site-specific issues as contained in Document SD04a and the Council's final reply to them in Document HBC/1. Therefore, I already have much of the information I need to be able to proceed with the writing of the report, which will have reached an advanced stage before the hearings take place. It will assist in narrowing down the issues needing to be discussed at the hearings themselves.

¹ This may be viewed at <http://www.hwa.uk.com/site/wp-content/uploads/2015/11/Documents-list-8-2-16.pdf>
Document HBC/1

One of the most controversial proposals in the plan, at least as measured by the number of representations relating to it, is the designation of an area of land in Bushey, known as 'The Paddock', as a Local Green Space (LGS) under policy SADM36. I raised a more general issue with the Council about the criteria used for the identification of such areas and the justification for them taking account of paragraph 77 of the National Planning Framework. It is stated in that paragraph that the Local Green Space designation will not be appropriate for most green areas or open space and it sets strict criteria for their identification. I had doubts as to whether the inclusion of over 60 areas as Local Green Space in the submitted plan was sound on that basis. Consequently, I asked the Council to re-consider the evidential basis for the policy. I also questioned the wording of policy SADM35.

The outcome is that the Council has, in document HBC/1, suggested that the list of Local Green Spaces be reduced to 9 sites only which, they submit, meet revised criteria taking account of NPPF paragraph 77. One of those 9 sites is the Paddock. Under the Council's suggested changes all of the other sites identified as LGS in the submitted plan would be subject to a revised policy SADM35. I have to decide whether the plan would be sound with the revised policy and whether there is adequate justification for the remaining 9 sites to be designated as Local Green Spaces.

This is would be a significant change to the plan. I have agreed with the Council that the suggested changes to open space policies SADM35 and 36 should be consulted upon. The postponement of the hearings provides a window of opportunity for the consultation to be carried out although the timescale will allow only 4 weeks, rather than the customary 6 weeks, for the purpose. The consultation will commence on 22nd February and all further representations should be received by 21st March. Representations are sought only in respect of the proposed changes, including the reduction in the number of LGS sites. It will be open to anyone to make representations, not just those who made representations on the pre-submission plan in August and September 2015. As it appears likely that I will be recommending modifications to the submitted plan with regard to the LGS in order to make the plan sound, holding a consultation now will reduce the likelihood of having to re-open the hearings to consider any representations on the draft main modifications, thus minimising any delay.

Over the next month I will be reviewing the written submissions in respect of those issues for which the representor(s) have exercised their right to a public hearing. However, as I have stated previously, it is not the purpose of any such hearing for me to consider an 'objection' to the plan. Indeed, the focus of the whole examination is for me to consider whether the submitted plan is sound and, if it is not, whether it can be made sound by modification. With that in mind I will, at the earliest opportunity, provide guidance to intended hearing

participants as to the outstanding issues and questions which I consider are relevant to the soundness of the plan. In particular, some of the more detailed site-specific representations do not bear on soundness and I will indicate accordingly. Equally, I will indicate the initial questions for which I now have adequate information for me to come to a conclusion on soundness and for which I do not seek further elaboration by way of a hearing.

After 21st March the Programme Officer will be drawing up a final timetable for the hearings starting on 12th April. This will need to be finalised on or before 1st April. In view of the lapse of time it is requested that all those representors included in the original hearings programme re-affirm, by 24th March at the latest, their wish to appear before me. Please bear in mind that representations made in writing will carry equal weight to those discussed at a hearing.

Finally, I wish to emphasise that my aim is to minimise any delay in the examination process which results from the unfortunate need to postpone next week's hearings. I hope it does not spoil anyone's Easter holidays.

John R Mattocks

Inspector

12th February 2016