

# HEREFORDSHIRE UNITARY DEVELOPMENT PLAN (UDP): REPRESENTATIONS TO THE REVISED DEPOSIT DRAFT

## PROGRAMME AREA RESPONSIBILITY: ENVIRONMENT

CABINET

9TH SEPTEMBER, 2004

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### Wards Affected

County-wide

### Purpose

To agree a method for considering representations to the Revised Deposit Draft UDP.

### Key Decision

This is not a key decision.

### Recommendation

**THAT the UDP Working Group be re-convened to allow initial consideration of representations made to the Revised Deposit Draft UDP, advising Cabinet accordingly.**

### Reasons

All duly made representations to the Plan at this stage have to be considered by the local planning authority. A method is required to facilitate Cabinet's consideration of the response which would then be proposed to Council. This method should provide for the incorporation of the views of Planning and Scrutiny Committees.

### Considerations

1. During the UDP's revised deposit period in May/June 2004 some 1,413 representations were made on the changes made to the original deposit draft Plan.
2. The purpose of the Council's consideration of representations at this stage in the process is to establish a formal response, so that the Council's position at Inquiry is clear. The main factors will of course be the degree and content of opposition to changes which the Council has made to meet original objections submitted in 2002.
3. In order to facilitate consideration of representations received, it is proposed to re-convene the UDP Working Group. This Group was established by Cabinet in 2003 to consider representations to the original draft Plan, under the chairmanship of the Cabinet Member (Environment). As before, the Group would tackle the bulk of the detailed work needed to progress the Plan at this stage. It is proposed that as before the Group comprises:
  - Cabinet Members for Environment (Chairman) and Highways and Transportation

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Further information on the subject of this report is available from David Nicholson, Forward Planning Manager on 01432 261952

- Chairman and Vice Chairman of Environment Scrutiny Committee
  - Chairman and Vice Chairman of Planning Committee
4. The views of local members on representations affecting sites in their wards will be sought as part of the process.
  5. Representations will need to be considered through the Group, Cabinet and Council in November before the commencement of the Public Inquiry in February 2005.
  6. The statutory Plan making process provides no opportunity to change the version of the Plan that will be before the Inspector at the Public Inquiry in February 2005. This will be the Revised Deposit Draft. Further changes may be proposed and consulted on, but these could only be incorporated into the Plan at the Modifications stage, after the Inquiry. They would then be open to formal objection, risking a further public inquiry. Reflecting this risk, Government guidance is that such changes should only be made in exceptional circumstances. In addition, the timetable to the UDP Inquiry would have to be considered if the Council resolved to make such changes at this stage.

## **Risk Management**

Consideration of representations to the Revised Deposit Draft Plan is a statutory requirement in the plan making process with the risk of High Court challenge if this aspect is not discharged thoroughly.

## **Consultees**

None

## **Background Papers**

None identified.