

Herefordshire Minerals and Waste Local Plan: Hearing Position Statement

Matter 1: Legal Compliance

Lichfields, on behalf of Bourne Leisure Limited

Our ref. 04051/02/NT/PM

Issued 06 October 2022

1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Lichfields on behalf of Bourne Leisure Limited ('Bourne Leisure') in relation to the Examination of the emerging Herefordshire Minerals and Waste Local Plan ('MWLP'). It responds to the Issues and Questions raised by the Inspector in relation to Matter 1 (Legal Compliance).
- 1.2 Separate submissions have been made by Bourne Leisure in respect of Matter 2 (Vision, Objectives and Spatial Strategy) and Matter 6 (Safeguarding Mineral Resources, Infrastructure and Facilities).

2.0 Questions

Q.11 – Has the Plan been prepared in compliance with the adopted Statement of Community Involvement, allowing for effective engagement of all interested parties and meeting the minimum consultation requirements set out in the Regulations?

- 2.1 We consider that the Plan has not been prepared in compliance with the adopted SCI, and also does not meet the minimum consultation requirements as set out in the Regulations.
- 2.2 Statutory consultation requirements are set by the Government in the Town and Country Planning (Local Development) (England) Regulations 2012, which sets out at para 22:
“(v) if representations were made pursuant to regulation 20, the number of representations made and a summary of the main issues raised in those representations”
- 2.3 Within the Planning Practice Guidance, paragraph 52 of the Plan Making section states that LPAs are required to submit:
“details of how the main issues raised have been addressed.”

- 2.4 Within Herefordshire Council's SCI, para 7.1 sets out the objectives of the SCI, which include:
1. *Results should be acknowledged and fully considered*
 2. *Accessible feedback should be given*
- 2.5 Paragraph 9.4 states that there is a requirement to:
- 1 "Consider all representations received within the specified 6 week period (Reg 20)"
 - 2 "Publish a summary of the representations received indicating how they have been considered and whether any changes are proposed as a result."
- 2.6 Lichfields submitted representations on behalf of Bourne Leisure in March 2019, as part of the 2019 consultation process. Further submissions were made in May 2021, on the Publication Draft MWLP.
- 2.7 There is no evidence that the representations made in May 2021 were taken into consideration by the LPA. This therefore does not accord with the adopted Statement of Community Involvement or the relevant legislation.
- 2.8 Accordingly, the plan cannot be considered to be 'legally sound'. All submissions made during the May 2021 must be published, together with details of how they were considered, and whether any changes were deemed necessary.