

Folkestone & Hythe District Council

Local Development Scheme 2019

Contents

	<i>Page</i>
1. Introduction	3
2. The Development Plan Process	4
3. Development Plan Documents	5
4. Profile of Emerging Planning Policy Documents	10
5. Evidence Base	17
6. Monitoring and Review	18
7. Further Information	19

Appendices

Appendix 1. Timetable Illustration

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1. Introduction

- 1.1 This document is Folkestone & Hythe District Council's Local Development Scheme. As part of the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008 and Localism Act 2011) each local planning authority must prepare a Local Development Scheme for their area.
- 1.2 A Local Development Scheme (LDS) is a project management document used to maintain an up-to-date and relevant planning strategy. The LDS sets out the council's timetable for preparation and adoption of future development plan documents. The LDS is intended to provide information to interested parties to help them participate in the plan-making process.
- 1.3 This LDS, which comes into effect on [date], updates and replaces the LDS approved in October 2016.
- 1.4 The LDS gives interested parties and local residents information concerning:
 - The documents the council will be preparing;
 - The subject matter and geographical area to which these documents relate; and
 - The projected timetable for their preparation and adoption.

2. The Development Plan Process

2.1 National planning policy, set out in the National Planning Policy Framework (NPPF, 2018) puts a new emphasis on the continual review and updating of local plans. NPPF paragraph 33 states that:

“Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change in the near future.”

2.2 The NPPF defines a local plan as a plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. This includes development plan documents adopted under the Planning and Compulsory Purchase Act¹.

2.3 In addition to development plan documents, the council also prepares the following:

- Authority Monitoring Report (AMR) - As well as reporting on the development that has taken place within the district, the AMR also sets out progress with the preparation of the documents that make up the development plan;
- Statement of Community Involvement (SCI) – The SCI sets out how the council will involve the local community in planning decisions; and
- Local Development Scheme (LDS) (this document) – The LDS sets out the programme for preparing planning documents.

2.4 The development plan for Folkestone & Hythe district currently comprises the following documents:

- The Shepway District Council Core Strategy², adopted in September 2013;
- The Shepway Policies Map 2013 adopted alongside the Core Strategy; and
- Saved policies in the Shepway District Council Local Plan Review (2006).

¹ See NPPF, Annex 2: Glossary.

² On 1 April 2018, the local authority changed its name from Shepway District Council to Folkestone & Hythe District Council.

3. Development Plan Documents

2013 Core Strategy Local Plan

- 3.1 The Core Strategy was adopted in September 2013. The Core Strategy is the over-arching policy document from which future planning policies in the Places and Policies Local Plan (for specific purposes, topics and areas) have been developed. It covers the plan period 2006/07 to 2030/31 and sets out objectives for the district's development and identifies land for strategic development, including housing allocations at Folkestone Seafront and Shornccliffe Garrison. Specific policies are included in the Spatial Strategy and Core Strategy Delivery sections. This is preceded by a Delivering Sustainable Development policy, reflecting the 'presumption of sustainable development' set out in the NPPF.
- 3.2 The Core Strategy is currently supplemented by remaining detailed guidance in 'saved' policies from the Shepway District Local Plan Review. Appendix 5 of the Core Strategy sets out the continuing saved Local Plan (2006) policies that effectively support the Core Strategy. The last paragraph of each Core Strategy sub-section sets out which of the 2006 policies are replaced (a further tranche of deletions having taken place in 2009).

Supporting Documents

- 3.3 There is no longer a requirement for local planning authorities to specify the timetables for producing other planning documents such as Supplementary Planning Documents (SPDs), the Community Infrastructure Levy (CIL) and the Statement of Community Involvement (SCI) in the LDS. However the council is aware that this timetabling is useful so, when applicable, details will be made available for information purposes through the council's website.
- 3.4 SPDs expand or add details to policies in development plan documents. The NPPF states that SPDs are particularly useful in setting out guidance related to design: *"To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design."*³
- 3.5 The following topic SPDs currently support the development plan:
- Shepway Affordable Housing SPD;
 - Kent Design Guide 2005/06 SPD; and
 - Sandgate Design Statement 2013 SPD.
- 3.6 The Affordable Housing SPD predates but still helps deliver Core Strategy policy CSD1; for example through providing guidelines on tenure mix and financial calculations. This SPD could potentially be updated within the LDS period, but as confirmed in Core Strategy paragraph 5.6, it still applies.

³ NPPF, paragraph 126.

- 3.7 The Sandgate Village Design Statement was adopted as SPD in 2013 and is applicable to planning applications in Sandgate Parish. Sandgate Parish Council is currently updating the SPD to take account of recent developments and new government policy. A revised version of the SPD was agreed by Cabinet in November 2018 and consultation on the SPD is taking place between 10 January and 7 February 2019. The revised document will then be amended as necessary and the final version will be approved by the council for making decisions on planning applications within the parish.
- 3.8 These SPDs provide additional guidance to adopted policies and should be accorded weight in development management decisions. Other development briefs and policy documents are also available to assist with planning decisions at the local level.
- 3.9 Following Habitats Regulations Assessment, consistent with policy CSD4, the Core Strategy also set out provisions for a Sustainable Access Strategy at Dungeness. The Dungeness Sustainable Access and Recreation Management Strategy (SARMS) is currently being prepared, in partnership with a number of different stakeholders.
- 3.10 The Statement of Community Involvement (SCI) sets out how public engagement will shape planning in the district. The council's SCI was adopted on 22 February 2007.

Places and Policies Local Plan (in progress)

- 3.11 The Places and Policies Local Plan (PPLP) is one of the documents that will, when adopted, form part of the development plan. The allocations and policies within this plan cover the whole district and will be used to consider the suitability of development proposals. The plan covers the period from 2006/07 to 2030/31, in line with the adopted Core Strategy.
- 3.12 The Places and Policies Local Plan sits below the Core Strategy and has two main functions:
- To allocate land for future development to meet Core Strategy requirements for residential, employment, community and other needs; and
 - To provide development management policies that will be used to assess planning applications and guide future development.
- 3.13 When the plan is adopted, it will replace the saved policies in the 2006 Shepway District Local Plan. (The 2006 Local Plan policies that will be replaced on adoption of this plan are set out in Appendix 2 of the PPLP).
- 3.14 The Places and Policies Local Plan has gone through a number of consultation stages in its development. Most recently, the Submission Draft Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and was subject to a six-week period of public consultation that closed on 19 March 2018.

- 3.15 Additional work had to be undertaken on the plan's Habitats Regulations Assessment, following a judgement in the European court (known as 'People Over Wind'), which delayed progress with the plan against the previous LDS timetable.
- 3.16 Following this additional work, the plan was submitted to the Secretary of State for examination on 28 September 2018 and public hearings will be held before an independent Planning Inspector. If found 'sound' by the Planning Inspector, the plan can then be adopted by the council and used in the development management process.

Core Strategy Review (in progress)

- 3.17 The Core Strategy Review is an update of the adopted 2013 Core Strategy. Some of the 2013 policies remain as in the 2013 plan, except for some minor changes to reflect new government policy and guidance. In addition, policies for strategic sites (Folkestone Seafront and Shorncliffe Garrison) have been left largely unaltered; even though planning permissions are in place for these sites, the policies are still needed to guide any subsequent phases of the developments.
- 3.18 The main changes to the plan are:
- **District housing requirement** – The housing requirement has been increased from a minimum of 350 new homes a year (and a target of 400 homes a year) in the 2013 Core Strategy to 676 new homes a year or 12,845 homes in total. This follows the introduction of a new national methodology for calculating housing need. This is reflected in revised Policy SS2: Housing and the Economy Growth Strategy;
 - **Affordable housing provision** - The level of affordable housing provision has been set at 22 per cent of market developments, following the findings of the council's Strategic Housing Market Assessment. This is planned to increase the delivery of affordable homes from 100 a year (set in the 2013 Core Strategy) to 139 a year. This is set out in Policy CSD1: Balanced Neighbourhoods;
 - **New Garden Settlement in the North Downs** – Following the new development requirements, the revised plan identifies a location for a new garden settlement in the North Downs Area at Westenhanger to the south of the M20 and High Speed 1 railway line. The new garden settlement will provide a minimum of 6,375 new homes over the plan period, with the potential for further growth after 2037, up to a total of 8,000-10,000 homes. Detailed requirements are set out in four policies: Policy SS6: Development Requirements; Policy SS7: Place-Shaping Principles; Policy SS8: Sustainability and Healthy New Town Principles; and Policy SS9: Infrastructure, Delivery and Management;
 - **Sellindge Strategy** – The policy for Sellindge includes proposals for further expansion to the east and west. This takes growth from the current level of 250 new homes in the 2013 Core Strategy to a total of 600 new homes in the Review. Policy CSD9: Sellindge Strategy sets out detailed requirements for the different phases of development.

- 3.19 An initial consultation on the draft Core Strategy Review (Regulation 18) was undertaken from 29 March 2018 to 18 May 2018. The standard six week period was extended to allow for the Easter bank holidays.
- 3.20 Following the close of the consultation, the consultation comments have been reviewed and amendments have been made to the plan.
- 3.21 A new version of the plan has been produced (Regulation 19) and was approved by the council's Cabinet on 14 November 2018. The Regulation 19 Core Strategy Review will be put out for consultation beginning in January 2019. Following this consultation, the Core Strategy Review will be submitted to the Secretary of State for examination and public hearings will be held before an independent Planning Inspector. If found 'sound' by the Planning Inspector, the plan can then be adopted by the council and used to decide planning applications.

Amendments to the Community Infrastructure Levy Charging Schedule (in progress)

- 3.22 The Community Infrastructure Levy (CIL) is a fixed charge on certain types of new development, payable on a square metre basis. It is intended to pay for strategic infrastructure requirements identified on a published list (known as a Regulation 123 list). Specific pieces of infrastructure related directly to a particular site may also be sought through Section 106 and Section 278 (highways) legal agreements.
- 3.23 The council adopted a CIL Charging Schedule in July 2016, which came into operation on 1 August 2016. This sets out different charges for residential and retail developments in different areas of Folkestone & Hythe district. The adopted CIL Charging Schedule exempted certain areas of strategic development from CIL charges, so that a full suite of infrastructure improvements could be secured through Section 106 and Section 278 legal agreements. Exempted areas reflect the strategic development sites allocated in the 2013 Core Strategy: Folkestone Harbour and Seafront, Shorncliffe Garrison, New Romney Masterplan sites and Sellindge.
- 3.24 Limited amendments will be sought to the adopted CIL Charging Schedule so that the proposed allocations in the emerging Core Strategy Review are also exempt from CIL charges, specifically the policy allocations for the new garden town and amended allocations at Sellindge. This will enable a comprehensive range of infrastructure improvements to be secured, linked to particular phases of the development through legal agreements.

Neighbourhood Plans

- 3.25 Local communities can produce Neighbourhood Plans, setting out policies on the development and use of land in their area. Plans are subject to consultation and assessed by an independent Examiner. Once the examination has taken place, registered voters living in the area have an opportunity to vote whether to bring the Neighbourhood Plan into force. If the referendum is successful, the

plan will be brought into force and used to determine planning applications in the parish or neighbourhood area. The local planning authority has a duty to support the process.

3.26 As Neighbourhood Plans are not prepared by the council and their timetables are dependent on the progress made by the communities drafting them, they are not included in the LDS. At the time of writing, the following Neighbourhood Plan areas have been approved within the district:

- Hythe;
- Lympne;
- New Romney;
- Sellindge; and
- St Mary in the Marsh.

3.27 Of the five areas only St Mary in the Marsh has progressed with drafting a Neighbourhood Plan. The Neighbourhood Plan was submitted for independent examination in late 2017, and the Examiner recommended a number of modifications.

3.28 These modifications were made to the Neighbourhood Plan and the plan was then taken to referendum on 8 November 2018. The result of the referendum was a vote in favour of bringing the plan into force (see table below). The council is now proceeding to adopt the plan and it will be used to decide relevant planning applications within St Mary in the Marsh parish.

Results of the St Mary in the Marsh Neighbourhood Plan referendum (8 November 2018)	
Results	Votes recorded
The total number of votes cast in favour of a Yes	477 (87.20%)
The total number of votes cast in favour of a No	69 (12.61%)
Total number of ballot papers issued	547

4. Profile of Emerging Planning Policy Documents

- 4.1 This section of the LDS provides details about the preparation and content of the council's Places and Policies Local Plan and Core Strategy Review. Although Community Infrastructure Levy (CIL) Charging Schedules are not formally part of the development plan for an area, information is also included about amendments to the district's CIL Charging Schedule.
- 4.2 The tables on the following pages set out details of these planning documents, their purpose, coverage and an indicative timetable for their preparation. Community engagement has/will be carried out according to the council's adopted Statement of Community Involvement.
- 4.3 The indicative timetables reflect the current programme and priorities, and this will be kept under review. The programme is shown in the chart in Appendix 1.

Profile of Emerging Planning Policy Documents	Page
1. Places and Policies Local Plan	11
2. Folkestone & Hythe District Policies Map	12
3. Core Strategy Review	13
4. Amendments to the Community Infrastructure Levy Charging Schedule	14
5. Authority Monitoring Report	15

1. Places & Policies Local Plan	
Role / Subject	<p>The second part of the development plan, flowing from the adopted 2013 Core Strategy, the Places and Policies Local Plan identifies allocations for development and sets out detailed development management policies. Part one of the plan covers specific 'Places' (sites for development for housing, employment and other uses) and part two contains generic 'Policies' (general policies for determining planning applications). The Places and Policies Local Plan follows the 2013 Core Strategy plan period (2006/07 to 2030/31).</p> <p>The Places and Policies Local Plan allocates small- and medium-sized sites to deliver the development requirements set out in the Core Strategy (supplementing the Core Strategy's strategic allocations). New housing sites are allocated at places identified in the settlement hierarchy; there are also new local environmental and economic designations (including policies to support the identified town/local centres in the 2013 Core Strategy).</p> <p>On adoption, the plan and its revised development management policies will replace the remaining saved policies in the Shepway Local Plan Review 2006.</p> <p>The plan has been assessed through the Sustainability Appraisal and Habitats Regulations Assessment processes.</p>
Coverage	Folkestone & Hythe District
Status	Local Plan document
Plan period	2006/07-2030/31
Timetable:	
Evidence gathering	Complete
Public consultation on preferred options	October-November 2016
Public consultation on submission draft plan	February-March 2018
Submission for Examination in Public	September 2018*
Adoption (if found 'sound' at Examination)	July 2019*
<i>*After submission the timetable is determined by the Planning Inspectorate (PINS)</i>	

2. Folkestone & Hythe District Policies Map	
Role / Subject	<p>The map showing the extent of all geographic (sub-district) Local Plan policies (for example settlement boundaries, site-specific allocations, retail frontages, key local environmental characteristics and others designations).</p> <p>Formerly known as the Proposals Map, the Policies Map was adopted in its current form in 2013 alongside the 2013 Core Strategy, and is available to view on the council's website.</p> <p>The Policies Map must reflect the Local Plan and therefore the 2013 version will be replaced on adoption of the Places & Policies Local Plan. Milestones in its production and drafting will therefore reflect those set out above; although an independent integrated mapping resource (as opposed to individual changes) may not be produced in the early stages.</p>
Coverage	Folkestone & Hythe District
Status	Local Plan document
Plan period	2006/07-2030/31 (updated as plans are revised)
Timetable:	
Consultation on preferred options (Regulation 18)	October-November 2016
Consultation on submission draft plan (Regulation 19)	February-March 2018
Submission for Examination in Public	September 2018*
Adoption (if found 'sound' at Examination)	July 2019*
<i>*After submission the timetable is determined by the Planning Inspectorate (PINS)</i>	

3. Core Strategy Review	
Role / Subject	<p>The Core Strategy Review will set out the overall long-term planning strategy for the district. The current Core Strategy covers the period to 2030/31; the Core Strategy Review will identify how additional housing and employment needs will be met over an extended plan period to 2036/37.</p> <p>The Core Strategy Review will set out the framework for future homes and economic development, together with strategic site allocations and environmental policies. While some policies are largely unchanged from the 2013 Core Strategy, the Review includes proposals for a new garden settlement in the North Downs Area, as well as further expansion at Sellindge.</p> <p>Local planning authorities must review their local plans at least once every five years, and update them as necessary. The approach to the Core Strategy Review is therefore to review sections and policies that need to be amended now; further changes may be needed in the future, but these can be addressed in the next review. Updates take into account new development requirements for the district, as well as changes to national policy, with the new National Planning Policy Framework (2018) and updated Planning Practice Guidance.</p> <p>The plan is being assessed through the Sustainability Appraisal and Habitats Regulations Assessment processes.</p>
Coverage	Folkestone & Hythe District
Status	Local Plan document
Plan period	2018/19-2036/37
Timetable:	
Consultation on preferred options (Regulation 18)	March-May 2018
Consultation on submission draft plan (Regulation 19)	January-March 2019
Submission for Examination in Public	April 2019*
Adoption (if found 'sound' at Examination)	November 2019*
<i>*After submission the timetable is determined by the Planning Inspectorate (PINS)</i>	

4. Amendments to Community Infrastructure Levy Charging Schedule	
Role / Subject	<p>The Community Infrastructure Levy (CIL) Charging Schedule for Folkestone & Hythe district was approved in July 2016 and charges came into operation in August 2016. Charging schedules are not formally part of the development plan for an area, but charging schedules and relevant development plans should inform and generally be consistent with each other.</p> <p>The Charging Schedule for Folkestone & Hythe district sets out different charges for residential and retail development, for different areas of the district. Charges are based on a rate per square metre of development.</p> <p>There are a number of exemptions where CIL will not be charged, where infrastructure contributions will instead be secured through Section 106 and Section 278 (highways) legal agreements, reflecting the strategic development sites in the 2013 Core Strategy:</p> <ul style="list-style-type: none"> • Folkestone Harbour and Seafront; • Shorncliffe Garrison; • New Romney Masterplan sites; and • Sellindge. <p>Given proposals in the Core Strategy Review, limited amendments will be made to the CIL Charging Schedule to exempt the policy allocations for the new garden settlement and revised Sellindge policy from CIL, consistent with current strategic development sites in the 2013 Core Strategy.</p>
Coverage	Folkestone & Hythe District
Status	Local Plan document
Plan period	2018/19-2036/37
Timetable:	
Consultation on Preliminary Draft Charging Schedule	January-March 2019
Consultation on Draft Charging Schedule	June-July 2019
Submission for Examination	August 2019
Adoption (if found 'sound' at Examination)	December 2019*
<i>*After submission the timetable is determined by the Planning Inspectorate (PINS)</i>	

5. Authority Monitoring Report (AMR)	
Role / Subject	<p>The Authority Monitoring Report (AMR) is produced periodically (annually or more frequently) to assess the effectiveness of local plan policies. It assesses whether targets are being achieved, both in terms of the performance of existing policies (including the amount and type of development) and progress in the delivering the documents set out in the Local Development Scheme.</p> <p>The AMR can also report on other matters, including:</p> <ul style="list-style-type: none"> • Details of the district's performance against the requirement to maintain a five year supply of deliverable housing sites; • Actions for local plan production under the Duty to Cooperate; and • Meeting the requirements to report money collected and spent through the Community Infrastructure Levy (CIL). The 2018 AMR is to report on the first full financial year applicable.
Coverage	Folkestone & Hythe District
Status	Evidence
Timetable	
Survey and data collection	April-August annually
Drafting AMR	September-November annually
AMR published	December-January annually

5. Evidence Base

- 5.1 National policy requires that local planning policies are based on evidence that is “adequate and proportionate, focused tightly on supporting and justifying the policies concerned ...” (NPPF, paragraph 31). A significant amount of evidence has already been collected and prepared to support preparation of the council’s development plan documents. Further studies will be carried out if needed to maintain up-to-date and proportionate evidence.
- 5.2 The evidence base informing the council’s Places and Policies Local Plan and other development plan documents is available on the council’s website⁴. A list of previous evidence documents can also be viewed on the evidence base webpages.
- 5.3 A number of studies to inform the Places and Policies Local Plan and Core Strategy Review are required to meet statutory requirements, namely Sustainability Appraisal and Appropriate Assessment/Habitats Regulations Assessment. An outline of these is provided below.

Sustainability Appraisal

- 5.4 Sustainability is at the heart of the planning process. Under the Planning and Compulsory Purchase Act (2004) it is a requirement that local plans are subject to a process of Sustainability Appraisal that also meets the requirements of the Strategic Environmental Assessment (SEA) Directive. Sustainability appraisal is a process that looks at how proposed development affects social, economic and environmental considerations. Sustainability appraisal needs to identify how mitigation measures may be used to remove or reduce any adverse impacts that could result from new development.

Appropriate Assessment and Habitats Regulations

- 5.5 Under European legislation there is a requirement to consider whether development proposals would be likely to have an adverse impact on any internationally designated sites (either individually or in combination with any other plans or projects) and, where necessary, to devise appropriate mitigation.
- 5.6 Sustainability appraisal and Appropriate Assessment/Habitats Regulations Assessment are iterative processes and should inform each stage of the local plan. Associated reports can be accessed on the council’s evidence base webpage or through enquiries to the Planning Policy team.

⁴ See the following link: <https://www.folkestone-hythe.gov.uk/planning/planning-policy/local-plan/places-policies/evidence>

6. Monitoring and Review

- 6.1 The proposed timetable for the preparation of Folkestone & Hythe district's development plan documents is set out in Appendix 1. The timetable is considered to be challenging but achievable; the council has, for example, made rapid progress with the Core Strategy Review, from initial consultation in March/May 2018 to submission consultation in January 2019.
- 6.2 However in preparing any plan there are risks and uncertainties from external factors, such as:
- New planning policies and guidance being introduced by government, particularly regarding requirements for housing provision;
 - Unexpected outcomes of engagement with key stakeholders and the public (such as an abnormally large volume of comments at consultation stages, or demands for further technical evidence); and
 - Maintaining capacity within the council if staff leave, presenting difficulties given current skills shortages in the planning profession.
- 6.3 Monitoring and review of the LDS will be carried out through the Authority Monitoring Report (AMR). This is important to enable communities and interested parties to be aware of progress.

7. Further Information

- 7.1 This LDS can be downloaded from the council's website.⁵

How to register on our consultation database

- 7.2 The council encourages the use of digital technology for consultation. The best way to stay informed about progress with preparing planning policy documents is to be registered on the consultation database. This way, you will receive direct email notification of all upcoming consultation events.
- 7.3 You may already be registered (for example, as a result of an individual response to a previous planning consultation). If you are not sure whether you are already registered, you can check by telephoning 01303 853000 and asking to speak to a member of the Planning Policy team or by emailing planning.policy@folkestone-hythe.gov.uk.
- 7.4 If you are not already registered, you can do this by going to the council's consultation portal (see www.folkestone-hythe.gov.uk/consultations) and clicking on the 'Login/Register' button at the top right of the screen. Alternatively, if you do not have access to the internet, or you have any difficulty in registering, you can contact us using the details below:

Planning Policy
Folkestone & Hythe District Council
Civic Centre
Castle Hill Avenue
Folkestone
CT20 2QY

⁵ See: <https://www.folkestone-hythe.gov.uk/planning/planning-policy/developing-planning-policy>

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Appendix 1: Local Development Scheme Timetable

Document	2018				2019				2020			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Places and Policies Local Plan	D	R19	C	S	H R R A							
Core Strategy Review	E		R18	D/C		R19	C	S	H R A			
CIL Charging Schedule			E		PDCS	D/C		DCS	C	S	R A	

Key	
E/D/C	Evidence gathering / drafting plan / assessing consultation responses, assessing site submissions
R.18	Consultation on Regulation 18 Draft plan
R.19	Consultation – Regulation 19 Draft (Submission)
PDCS	Consultation – CIL Preliminary Draft Charging Schedule
DCS	Consultation – CIL Draft Charging Schedule
S	Submission of plan to the Secretary of State (Planning Inspectorate)
H	Examination in public (including hearings)
R	Examination in public – receipt of Inspector’s Report
A	Adoption of plan