

## Three Rivers District Council Planning (Development Management) Frequently Asked Questions

The Planning Department at Three Rivers District Council is responsible for helping to protect the local urban and rural environments in the district. From small householder extensions to major urban developments, planning regulates development to ensure that our towns, villages and countryside are not subjected to inappropriate development. Most new buildings or major changes to buildings need planning permission. Less significant works may not require planning permission but you can contact the Planning Department to discuss any development within the District on 01923 776611. We provide a Duty Planning Officer service at Three Rivers House Mondays to Fridays between 10am-1pm if your query cannot be answered by the Frequently Asked Questions below.

Please note that hyperlinks are provided to take you directly to the relevant website pages where possible.

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### **GENERAL QUERIES**

1. *What is planning permission and when is it required?*

Planning permission is the formal approval given by the Local Planning Authority (the local Council) that allows a proposed development to proceed.

Planning permission is required for “development”. This includes building, engineering or mining operations; and material changes of use to land or buildings. Therefore a proposal to erect or alter a building, change the use of a building or land, form a vehicle access, or carry out work that can be described as an engineering operation, may require planning permission. There are specific categories of minor or insignificant development for which permission is automatically granted, known as “permitted development”, (see question 4 below).

2. *What types of application are there?*

There are three types of planning application: Outline, Reserved Matters and Full. A full application is the most common and will include full details of the proposals, including detailed drawings showing the site and the proposed works. Householder extensions which require planning permission should be submitted as full applications.

An outline application can be submitted to establish the principle of the proposed development and is often used for larger developments. Such an application will contain a broad outline of the size and scale of development, but will not necessarily include

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detailed drawings. Where outline planning permission has been granted, a “Reserved Matters” application must be submitted for approval of the detailed plans before the development starts.

Almost all permissions, regardless of type, are granted subject to conditions. Conditions help to regulate the development or use of land, for example by requiring that the development be built in accordance with approved plans, or that a building may only be used for a particular purpose. Conditions can limit the duration of permission, or require certain things to be done before development can start.

### 3. *How long does planning permission last for?*

The duration of full planning permission lasts for three years from the date of the decision notice. Once a planning approval has been commenced and building works have started there is no time limit for the development to be completed, (unless a completion notice is served, in which case the permission will cease to have effect after a specified date).

Where outline planning permission has been granted, any further details for approval (Reserved Matters) have to be submitted no later than three years from the date of the outline permission. The development must be begun no later than two years from the date of approval of the last Reserved Matter.

### 4. *What is permitted development?*

Certain limited forms of development can be carried out without the need to make an application to the Council. Examples of permitted development include small single storey rear extensions, some loft conversions and small outbuildings (depending on scale and location). The Government has also made certain types of renewable energy microgeneration equipment permitted development. However, some non-permeable hardstandings to the front of a dwelling now require full planning permission.

Permitted development rights are set out in the Town and Country Planning (General Permitted Development) Order 1995 and amendments of October 2008, which introduced new rules in respect of householder development. The changes are intended to make it easier to improve a dwelling by relaxing planning controls on smaller extensions. The Government has recently released [Technical Guidance](#) in addition to the guidance provided by [Planning Portal's Interactive House](#). Further information on permitted development is available on the [Three Rivers District Council](#) website.

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### 5. *How can I establish my permitted development rights?*

You can establish whether your proposal is permitted development by submitting an application for a Certificate of Lawfulness to the Council. For such applications the Council does not assess the planning merits of the development but merely whether the proposals are lawful.

Please note that in some instances (particularly on modern housing estates or conservation areas), permitted development rights may have been removed and full planning permission is required.

Guidance notes and application forms for applying for a Certificate of Lawfulness can be found on the [Three Rivers District Council](#) website. Refer to the [Planning Portal](#) website for details about how to appeal a Certificate of Lawfulness should the application be refused.

### **MAKING AN APPLICATION**

### 6. *How do I apply for permission and what is the process?*

You apply to your local Council for planning permission by completing a relevant application form and submitting plans and the appropriate fee. (Other documentation may also be required – refer to Question 11). Applications can be submitted either electronically via the [Planning Portal](#) website, or downloaded from the Three Rivers District Council website and submitted in hard copy. You may wish to appoint an agent to submit the application on your behalf.

Further details about the general planning process are available on the [Planning Portal](#) website and details about applying to Three Rivers District Council can be found on the [Three Rivers District Council](#) website.

### 7. *How much is the planning fee?*

A list of current Planning Application fees is available on the [Three Rivers District Council](#) website. Alternatively, to establish the correct fee for proposed works contact Planning Administration on 01923 776611.

### 8. *How many copies of plans are required for an application?*

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Three Rivers District Council requires applications to include 4 copies of all documents when submitted in hard copy. Alternately, applications can be received on-line via the Planning Portal.

### 9. *What kind of detail do you require on the plans?*

All submitted plans must be drawn to an appropriate scale and of a reasonable standard, so an architect or surveyor's help may be needed. The plans should show the following, as a minimum, for an application to be accepted as valid:

- Location Plan (1:1250 or 1:2500 Ordnance Survey Map can be supplied by the Council to private individuals for this purpose only - there is a charge) showing at least two named roads and the site outlined in red.
- Block Plan (1:200 or 1:500 is ideal) showing the proposed development in relation to neighbouring properties (with all new work shown hatched).
- Elevations (all sides including existing and proposed).
- Floor Plans (all floors including existing and proposed).
- Sections may also be required in some cases.

### 10. *Do I need an architect to draw my plans accompanying an application?*

The Council will accept plans that have not been prepared by an architect providing they are accurately scaled and all relevant drawings are submitted with the application. The Validation Checklist can be found on the [Three Rivers District Council](#) website.

### 11. *What other documents am I required to submit?*

For household development located in a Conservation Area or affecting a Listed Building, a Design and Access Statement must also be submitted. The purpose of the Statement is to allow the applicant to explain and justify their proposal. Design and Access Statements are also required for other, generally larger developments and Change of Use applications where there is operational development. Guidance about what is required for a Design and Access Statement can be found on the [Three Rivers District Council](#) website.

Further documents may also be required for larger developments, including tree surveys, energy audits and flood risk assessments. For the full list of documents required to register an application see the Validation Checklist on the [Three Rivers District Council](#) website prior to submitting your application.

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### CONSULTATION ON APPLICATIONS

12. *Who is consulted on an application?*

Planning legislation requires all applications to be subject to some form of consultation before they can be decided on (although public consultation is not required for Certificate of Lawfulness applications). This is carried out in several ways and may include individual letters; posting a site notice; or an advertisement in the local paper and on the Council's website. Parish Councils are always consulted. Other statutory bodies (i.e. the Highways Authority, Environment Agency, conservation/wildlife bodies) may be consulted if relevant to the application. The Council sends consultation letters to people who live in or own properties adjacent to the application site. For larger development and those affecting Listed Buildings or in Conservation Areas, a site notice will be erected and an advert placed in the local press.

All applications are listed outside Three Rivers House every week and on the Council website. Consultees are given a 21 day period to pass comment on an application.

13. *Can you tell me which neighbours were notified of the application?*

We will send consultation letters to people who live in or own properties adjacent to the application site but a wider area may be consulted for larger applications. Please contact the Customer Service Centre on 01923 776611 if you want to establish whether a particular address has been consulted on an application.

Everyone has the right to comment on any current application, whether they are directly affected or not. We encourage you to get involved in planning issues that are proposed in your area. We welcome all comments about an application, whether they are for or against it. All objections/comments must be made in writing or by email by the consultation expiry date, 21 days after notification.

14. *How can I find out what planning applications have been submitted?*

All applications are listed each week on the Council's website, on the notice board outside Three Rivers House and on other Council noticeboards around the district. The [Three Rivers District Council](#) website also provides details for all current planning applications within the District on Public Access. You can search by property address or planning application reference number. Larger applications and those affecting Conservation Areas, Listed Buildings, Public Rights of Way and applications by the Council are also advertised in the Watford Observer weekly.

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### 15. *How can I object to a planning application?*

You can make a representation on an application in one of the following ways:

- In writing to the Director of Community and Environmental Services at Three Rivers District Council, Three Rivers House, Northway, Rickmansworth, Herts WD3 1RL.
- By email to [enquiries@threerivers.gov.uk](mailto:enquiries@threerivers.gov.uk) (with the subject heading: “comments on planning application [*insert application number*]”).
- Alternately, you can submit your comments on-line via Public Access on the [Three Rivers District Council](#) website. You will first need to enter the application reference number or address to find the application details.

It is important that you give the application number and address of the property that you are referring to.

We must receive comments on an application within 21 days of the date of the notice letter, site notice, press advert and website notice. The consultation expiry date can be found via Public Access or by calling the Customer Service Centre on 01923 776611.

The public can look at all the letters we receive by reviewing the file at Three Rivers House, Monday-Thursday between 8.30am and 5.30pm and Friday 8.30am-5pm (and these will be available for viewing online in the near future).

### 16. *What comments will be taken into account?*

Not all comments will be taken into account when considering a planning application. Valid objections include those relating to:

- Harm to the green belt and countryside;
- Traffic and highway safety issues;
- The size or effect of a new building;
- Loss of privacy or being uncomfortably close;
- Increase in noise, disturbance or smell;
- Conflict with Council planning policies.

The following reasons are invalid objections that cannot be considered when making a decision on a planning application:

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- The loss of value to a property;
- Loss of private view;
- The effect of building work;
- Disagreements about boundaries;
- Objections based on moral, racial or religious views;
- The plans break a private agreement.

17. *Have you received my objection letter and also my neighbour's objection?*

You can find out whether we have received your objection letter by contacting the Customer Service Centre on 01923 776611. Alternatively if you would like to view objection letters received for a particular application the application file is available for public view at Three Rivers District House Monday to Thursday between 8.30am and 5.30pm and Friday 8.30am to 5.00pm.

There are some developments that do not need planning permission from us because they are classified as 'permitted development' under the rules set by Government. In these cases, no public consultation is carried out. (See questions 4 and 5 above).

18. *Why was I not consulted about a development that I feel impacts upon me and my property?*

The Council has a statutory obligation to consult immediate adjoining owners or occupiers to an application site. If you are aggrieved about the manner in which an application has been dealt with, follow the Council's complaint procedure as outlined on the [Three Rivers District Council](#) website. Following this procedure, if you remain dissatisfied, you can complain to the Local Government Ombudsman who can investigate whether the Council has dealt with a case in accordance with its own procedures. However, the Ombudsman cannot review the merits of a particular decision or reverse a decision.

### **PLANNING DECISIONS**

19. *How long does it take for a decision on a planning application to be determined?*

The vast majority of applications are determined within 8 weeks. More complex applications may run beyond this timeframe but if so we will contact you to let you know.

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### 20. *How are planning applications determined?*

Planning applications are decided in accordance with the Council's Local Development Plan unless there is very good reason not to do so. When deciding whether a planning application is in line with its Development Plan, the LPA will consider the following:

- The number, size, layout, siting and external appearance of buildings
- The infrastructure available – e.g. roads and water supply – and proposed means of access
- Any landscaping requirements
- The proposed use of the development
- The likely impact on the surrounding area

National Policies such as Planning policy statements and circulars are also material considerations.

A copy of the Local Plan 1996-2011 can be found on the [Three Rivers District Council](#) website.

### 21. *Who decides my planning application?*

Minor planning applications are usually decided under delegated powers by the senior planning officer after taking into account any comments received. Otherwise, a planning officer will present a recommended decision to a planning committee – made up of elected councillors. Only the councillors can vote on the application and they might not follow the recommendation of the planning officer. However any decision they make must be based on the approved plans and policies of the Local Development Plan. Once a decision has been reached, the LPA must give either a summary of its reasons for granting permission, or detailed reasons for a refusal.

### 22. *Can I attend and have my views heard at a Development Control/ Planning Committee meeting?*

Any member of the public can attend Planning Committee meetings where the larger and more complex cases are determined by the Planning Committee. You can also speak at a Committee meeting about a planning application you're interested in. If you would like to speak, you need to register just before the start of the meeting. One speaker is allowed in support of an application and one against for a maximum of 3 minutes. More information about speaking at Planning Committee meetings is provided on the [Three Rivers District Council](#) website.

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Planning Committee meetings take place once a month at Three Rivers House in Rickmansworth. Dates for forthcoming meetings can be found on the [Three Rivers District Council](#) website.

23. *My planning application has been refused. What, if anything can I do?*

A formal decision notice will be sent to you, or your agents, within a few days of the decision being made. This notice will include the reason(s) why your application has been refused. You may wish to contact the Case Officer to discuss whether or not a revised application may be acceptable prior to considering an appeal. Only the applicant can appeal against the decision of the Council and the appeal must be submitted within either three months of the decision notice for householder appeals or six months for all other appeals.

For more information on the planning appeals process and procedures contact The Planning Inspectorate on 0117 372 6372 or visit the [Planning Inspectorate](#) or [Planning Portal website](#).

24. *How is an appeal determined?*

A planning appeal is determined by an independent Inspector appointed by the Planning Inspectorate, a central Government body acting on behalf of the Secretary of State. The Inspector will assess the merits of the case and how it fits within local and national planning policy.

Most applications are determined by Written Representations procedure, where a decision is reached on the basis of written materials submitted by the parties. An expedited process exists for householder appeals. Those appeals dealing with more complex issues are usually considered at an Informal Hearing or formal Public Inquiry.

For further guidance refer to the [Planning Inspectorate](#) website.

25. *What is the appeal Public Inquiry/Informal hearing date?*

For information on a Public Inquiry and/or Informal Hearing please contact Planning Administration on 01923 776611. It is also possible to track the progress of a Planning appeal through the [Planning Portal website](#).

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### **SITE CONSTRAINTS**

26. *How can I find out about previous planning applications on a particular site?*

The Council's website provides planning history for all sites within Three Rivers District. Go to [Public Access Planning On-Line](#) on the Three Rivers District Council website to search the planning history and constraints of a property. You can search by property address or planning application reference number.

27. *What is a Listed Building and what difference does this make to applying for planning permission?*

A Listed Building is a building or other structure officially designated by Central Government as being of special architectural, historical or cultural significance. A Listed Building may not be demolished, extended or altered without special permission from the Council and such permission is additional to any planning consent required. Some buildings, although they might not qualify for national listing, might be of local architectural or historical importance.

Refer to the [Three Rivers District Council](#) website for more information about Listed Buildings in Three Rivers. To discuss development proposals affecting a Listed Building contact Christian Brady (Mondays and Thursdays) or Steve Farrell (Tuesdays and Wednesdays) on 01923 776611.

28. *What is the effect of Conservation Area designation?*

A Conservation Area is a place of special architectural or historical interest, the character or appearance of which it is desirable to preserve or enhance. The effect of designation is to impose additional requirements on residents to obtain consent and permission for certain works, such as Conservation Area Consent.

A summary of conservation areas can be found on the [Three Rivers District Council website](#). To find out whether a building is in a conservation area, check the Council's 'Public Access' facility (under 'Constraints'). Alternatively check with Planning Policy officers at the Council.

For proposals affecting Conservation Areas contact Steve Farrell (Tuesdays and Wednesday) on 01923 776611. At all other times contact the Duty Planning Officer between 10am-1pm Monday-Fridays. For general enquiries contact the Local Plans section on 01923 776611.

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29. *What is an Article 4 Direction and how does it impact on my property?*

Article 4 Directions are issued by the Council in circumstances where specific control over development is required, primarily where the character of an area of acknowledged importance would be threatened. They are therefore more commonly applied to Conservation Areas. The effect of an Article 4 Direction is to remove Permitted Development rights, so that planning permission is need for specific minor works that do not require planning permission elsewhere. See the [Three Rivers District Council](#) website for further details about Conservation Areas and Article 4 Directions in Three Rivers.

30. *What other permissions may be required e.g. Conservation Area Consent, works to trees?*

Other types of consent obtained from the Local Planning Authority include:

### Listed Building Consent

If you wish to undertake internal or external alterations which affect the character of a listed building or extend or demolish part or all of a Listed Building you will require Listed Building Consent. Listed Building Consent may also be required for any works to buildings within the grounds of a Listed Building.

### Conservation Area Consent

If you wish to demolish all or part of a wall or building that is within a Conservation Area, you may require Conservation Area Consent for the demolition.

### Tree Preservation Orders

You will require consent to lop, reduce, top or fell a tree or uproot or prune a root system that is protected by a Tree Preservation Order. In addition, trees in Conservation Areas are protected by the requirement to give the Local Planning Authority prior notice of any tree works; and many other trees are protected by conditions attached to planning permissions.

### Advertisement Consent

The display or illumination of an advertisement or sign may require advertisement consent. This includes signs on shop frontages.

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### **GARDEN GRABBING**

31. *What is garden grabbing and what is the Council's policy on it?*

'Garden grabbing' or 'backland development' refers to the practice where the gardens of large, often detached properties are subdivided and a new property and access are formed on the annexed area of garden.

Changes to planning legislation were made in June 2010, whereby residential gardens are no longer defined as 'previously developed land'. This makes it easier for the Council to prevent unwanted development on gardens in order to protect the character of neighbourhoods. The Three Rivers Local Plan 1996-2011 contains a policy against inappropriate forms of backland or infill development and the change to national policy reinforces the stance of the Council on such forms of development. This ensures that new developments are appropriate and reflect the prevailing pattern of housing development locally, whilst not harming the character and amenity of the area generally.

### **RECENT CHANGES TO LEGISLATION**

32. *Are there any changes that I should be aware of?*

On 1 October 2010, The Town and Country (Development Management Procedure) Order 2010 came into force. The Order consolidates the rules for dealing with planning applications and replaces the legislation contained in the General Development Procedure Order 1995.

Planning policy and the material effect of the law remain largely the same, with two small changes:

- a. In certain circumstances, applicants with a partially implemented outline planning permission will be able to apply for a replacement planning permission with a new time limit. To qualify, it must have been clearly intended at the time of the initial decision that the development would be implemented in phases AND that one or more of those phases have commenced.

For all other outline planning permissions, the rules on time limits for implementation remain the same (see Question 3 above).

- b. The Planning Inspectorate will no longer have jurisdiction to determine appeals against applications submitted for non-material amendments to planning permissions.

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### ENFORCEMENT

33. *What happens if I carry out work without approval?*

Whilst it is not an offence to undertake development without the requisite planning permission, it may still constitute a contravention of planning laws and the Council has the power to enforce those laws. If it is brought to the Council's attention that development is taking place without permission, the Planning Enforcement Team will investigate the allegation and further action may be taken.

34. *What matters can the Council investigate?*

Planning laws are designed to control the development and use of land and buildings in the public interest. The function of the Enforcement Team is to bring unauthorised development - development without the necessary planning permission - under control.

The Enforcement Team will investigate when:

- Development is commenced or a change of use occurs without the relevant planning permission;
- There is a failure to comply with planning conditions or the terms of an agreement attached to a planning permission or listed building consent;
- Demolition or alteration to Listed Buildings or buildings within Conservation Areas takes place without consent;
- Works are undertaken to protected trees and hedgerows without consent or proper notice;
- Advertisements are displayed without consent.

The Enforcement Team will not get involved with neighbour disputes, investigation of land ownership or boundary disputes.

35. *What can I do if I suspect a breach of planning control?*

You can contact the Planning Enforcement Officers by telephone (01923 776611), in writing (addressed to Development Control, Three Rivers District Council, Three Rivers House, Northway, Rickmansworth, Herts WD3 1RL), or by personal visit to the Council offices. Investigations are carried out on a confidential basis and your details will not be revealed. Unless an informant has good reason for not giving their details, anonymous allegations will not normally be investigated.

In order to properly investigate an alleged breach of planning control, the Council will require details of the property; the nature of your concern; the details of any harm caused as a result of the alleged breach; the time/date it began and the details of the person responsible.

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### 36. *What happens to my allegation?*

On receipt of your allegation a new investigation file will be opened and you will receive a letter of acknowledgement outlining the process of investigation. An officer from the Enforcement Team will endeavour to make a site visit within 10 working days of receipt of the allegation and thereafter establish if there has been a breach of planning control. If you have asked to be kept informed of the progress of the investigation, we will notify you of our findings and any actions we propose to take. On conclusion of the investigation you will be informed of the outcome and what if any, action has been taken.

### 37. *What happens if a breach of planning control is found?*

When it is clear that there has been a breach of planning control, we will draw this to the attention of the person responsible and advise them of the following possible courses of action:

- a. If the breach is minor with no significant effects then no further action is likely to be taken.
- b. If the development is in line with Local Plan Policies, the Council will usually invite a 'retrospective' application for planning permission or advertisement consent.
- c. If too much time has passed since the breach occurred for us to take enforcement action, we may invite an application for a Certificate of Lawful Development.
- d. If permission is unlikely to be granted, the Council will ask for the use or works to cease, or unauthorised development to be removed, voluntarily.
- e. As a last resort formal notices can be issued.

The use of a formal notice is a discretionary power that will only be pursued where the Council is satisfied that it is expedient to do so in the interests of public amenity. In such cases the Council may serve an Enforcement Notice, a Breach of Condition Notice, or a Stop notice, or a combination of these depending on the circumstances. The failure to comply with the requirements of a notice is an offence and summary conviction can result in a fine or even a prison sentence.

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### **BUILDING REGULATIONS**

Most types of building work are controllable under the Building Regulations. Building Regulations are a set of standards for the design and construction building work to ensure the health and safety of people in and around buildings. There are also requirements to ensure that fuel and power is conserved and facilities are provided for people, including those with disabilities, to access and move around inside buildings. Further information is available from the [Building Control Section](#) on 01923 776611

38. *What is the difference between planning permission and building regulations approval?*

Building Regulations approval is a separate matter from obtaining Planning Permission for your work, and in many cases both types of approval will be required.

Planning seeks to guide the way our towns, cities and countryside develop. This includes the use of land & buildings, the appearance of buildings, landscaping considerations, highway access and the impact that the development will have on the general environment. Building Regulations approval deals with the design and construction standards of a building in terms of the health and safety of persons using that building.

For many types of building work, separate permission under both regimes will be required. For other building work, such as internal alterations, Buildings Regulations approval will probably be needed, but Planning permission may not be.

Within Three Rivers District Council, Building Regulations are dealt with by the Building Control Team and Planning is dealt with by the Planning (Development Management) Team. Both are contactable on 01923 776611.

39. *What is the building control history for the site?*

For information on a particular property's Building Control history please use the Public Access search application on the [Three Rivers District Council](#) website or contact the Building Control department on 01923 776611 between 8.30am-10.00am and 2.30pm-4.00pm Monday to Friday.

40. *How deep are the foundations, will they hold another storey?*

Foundations depths and requirements depend on a number of different factors. In order to assess the suitability of existing foundations for additional structures you should contact a building professional (builder, structural engineer) and dig a trial hole to the

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expose the current foundations. Then contact the Building Control Department on 01923 776611 between 8.30am-10.00am and 2.30pm-4.00pm Monday to Friday to speak with an officer to discuss your options further.

41. *Do any drains run through my property and if so are they public or private?*

We recommend that you contact the Building Control Department on 01923 776611 between 8.30am-10.00am and 2.30pm-4.00pm Monday to Friday. Information on the location of public sewers is also available from Thames Water 0845 8502777.

### **PLANNING POLICY**

42. *At what stage is your Local Development Framework at?*

The Council undertook Issues and Options stage consultations on the Core Strategy in 2006 and 2007. Further Preferred Options Consultation took place in 2009, and the Core Strategy Proposed Submission was published for consultation in June 2010. On 6 July 2010, the Government announced that it was revoking Regional Spatial Strategies. This means that the Council is now able to set its own targets for housing and pitches for Gypsies and Travellers through the Core Strategy which will require further consultation.

Two Supplementary Planning Documents (SPDs) were published in December 2007 in relation to Open Space, Amenity Space and Children's Play Space; and Sustainable Communities.

All Local Development Framework documents are available on line in the Local Development Framework section of the [Three Rivers District Council](#) website. For further information, contact the Local Plans section on 01923 776611.

43. *What is the next LDF consultation and when?*

Consultation on changes to the target for housing and pitches for Gypsies and Travellers will take place in October 2010. Site Allocations Issues and Options consultation will take place in November 2010 to look at sites for education, retail, cemeteries, employment and open spaces.

Further information on the production of the Local Development Framework is contained within the Local Development Scheme which can be viewed at the [Three Rivers District Council](#) website.