

**Appendix 2 Table of responses to public consultation on Welwyn Hatfield proposed local eligibility criteria**

**Question 1. Residency**

<b>Comments</b>	<b>Main issues</b>	<b>Changes sought</b>	<b>Council response</b>
<p>Introduction of a local connection test could be contrary to EU law.</p> <p>Last year, in Ireland, it was ruled that local planning regulations that gave any sort of preference to locals was most likely to be in breach of well-established legal precedent. Many counties in Ireland have subsequently removed their “Local Connection” requirement from planning applications.</p> <p>Has the Council WH considered the “Flemish Case” and, if so, why does it feel able to introduce a local connection test in light of this ruling.</p>	<p>The introduction of local eligibility tests in Welwyn Hatfield could be contrary to European legislation.</p>	<p>None stated</p>	<p>The Council has sought Counsel advice in relation to the issue raised. The conclusion was that the representation does not raise any issues which prevent the adoption of a local connection test. The use of a local connection test is explicitly sanctioned in England by both primary and secondary legislation. Further, a person’s presence on the register is not a material planning consideration for the purposes of determining an individual planning application. This situation is therefore plainly distinguishable from the cases that the representation drew attention to.</p>

**Question 2. Family Connection**

<b>Comments</b>	<b>Main issues</b>	<b>Changes sought</b>	<b>Council Response</b>
None received			

**Question 3. Employment**

<b>Comments</b>	<b>Main issues</b>	<b>Changes sought</b>	<b>Council Response</b>
None received			

**Question 4. Armed Forces**

<b>Comments</b>	<b>Main issues</b>	<b>Changes sought</b>	<b>Council Response</b>
None received			

**Question 5. Financial Resources**

<b>Comments</b>	<b>Main issues</b>	<b>Changes sought</b>	<b>Council Response</b>
None received			