

CABINET

14 JANUARY 2025

*PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: LOCAL PLAN – LOCAL DEVELOPMENT SCHEME

REPORT OF: DEBORAH COATES, PRINCIPAL STRATEGIC PLANNING OFFICER

EXECUTIVE MEMBER: CLLR DANIEL ALLEN, INTERIM EXECUTIVE MEMBER FOR PLANNING AND TRANSPORT

COUNCIL PRIORITY: THRIVING COMMUNITIES / ACCESSIBLE SERVICES / RESPONSIBLE GROWTH / SUSTAINABILITY

1. EXECUTIVE SUMMARY

This report provides an update on progress following Cabinet's resolution to proceed with a full review and update of the North Herts Local Plan (NHLP) in January 2024. It seeks the approval of an updated Local Development Scheme (LDS). The LDS is a statutory document that sets out a Council's timetable for preparing its Local Plan.

Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) requires Local Planning Authorities to prepare, maintain and make available to the public, a Local Development Scheme, or timetable, for the preparation of its Development Plan Documents. In accordance with this requirement, this report presents a timetable for the preparation of our Local Plan Update.

2. RECOMMENDATIONS

- 2.1. That the Local Development Scheme, attached at Appendix A, be approved.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To provide an up-to-date timetable on the production of an updated Local Plan in accordance with the requirements of national legislation and policy.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. To continue waiting for Government to provide further information and regulation in line with the January 2024 Cabinet resolution. This is not recommended for the reasons set out in the report.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. Strategic Planning Project Board were consulted on, and endorsed, the proposed LDS in November 2024. They were also advised of the key issues discussed in this report.
- 5.2. The Executive Member has been kept up to date with the development of the LDS.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 13 December 2024.

7. BACKGROUND

- 7.1. All local planning authorities have a statutory duty to prepare and maintain a Local Plan for their area and to review and update this as required. There is also a legal requirement to prepare and maintain a timetable for preparation of the Plan. This is known as a Local Development Scheme (LDS).
- 7.2. The LDS sets out the timetable for the preparation of the Council's Development Plan document(s) (the legal name for the Local Plan), enabling those with an interest in the plan-making process to understand which documents are to be prepared for the area and at what stages they will be able to participate.
- 7.3. The Planning and Compulsory Purchase Act further requires Development Plan documents to be prepared in accordance with the LDS.
- 7.4. So that it is kept up to date, a local planning authority must revise its LDS at a time it considers appropriate, or as otherwise directed to do so otherwise by the Secretary of State.
- 7.5. The Council's most recent LDS was approved in November 2022. This relates to the preparation and adoption of the current Local Plan. The LDS attached in Appendix A to this report will replace that previous version.

8. RELEVANT CONSIDERATIONS

- 8.1. Local Planning Authorities are required to complete a review of their Local Plan at least once every 5 years from the adoption date of the Plan. This is to ensure that policies remain relevant, taking into account matters such as changes in local circumstances, conformity with national planning policy, significant economic changes that may impact upon viability, whether issues have arisen which impact on the deliverability of key site allocations, and whether any new social, environmental or economic priorities may have arisen.
- 8.2. A report on the review and update of the current Local Plan 2011-2031 was presented to Cabinet in January 2024. This followed the requirements in Policy IMR2 of the NHLP, which committed the Council to determine whether the Local Plan required updating in part or in whole by the end of 2023.
- 8.3. In January 2024 [Cabinet resolved](#) that:
- A full review and update of the NHLP is undertaken;
 - Work commenced during 2024/25 on updating the technical studies and early community engagement; and
 - A further report on the detailed scope of the update and the timetable for the review be prepared once Government reforms had been implemented.

- 8.4. The Cabinet report was prepared in the context of proposed reforms to the plan-making system [consulted upon by the previous Conservative Government](#), complementing the Levelling Up and Regeneration Act 2023.
- 8.5. Following the change of Government, the proposed reforms have, to date, not been published or therefore implemented.
- 8.6. In the intervening time, we have begun to undertake updates to evidence and policy documents that will support and inform the Local Plan update, including:
- Green Belt Review Update
 - Landscape Review Update
 - Town Centre Strategies/Retail Demand Update (presented to Project Board October 2024)
 - [Strategic Housing Market Assessment Update](#)
 - Developer Contributions Supplementary Plan Document (SPD) Update
 - [Sustainability SPD](#) (Adopted Sept 2024)
 - Gypsy and Traveller Accommodation Assessment
 - Design Code scoping.
- 8.7. This has been supplemented by work on the 'back office' required to support the review. Procurement is ongoing to deliver updated IT platforms that will support, in particular, site assessment and public engagement. Relevant sections of the website (which are presently focussed on the preparation and examination of the current NHLP) are in the process of being overhauled and updated. All contacts on the existing consultation database are being contacted and reviewed to comply with data protection requirements.
- 8.8. As above, the January Cabinet resolution stated the Update should progress once anticipated reforms had been implemented. However, there is a balance to be struck between:
- waiting for this clarity from a new Government on a timescale that could change;
 - ensuring that the Council maintains an up-to-date Local Plan;
 - addressing the implications of the newly published National Planning Policy Framework;
 - ensuring residents and stakeholders remain informed about the Council's progress and intentions; and
 - the risks of progressing work which could require adjustment to fit any new statutory framework, regulations and guidance or, at worst, be abortive.
- 8.9. The new Government's [consultation on revisions to the National Planning Policy Framework](#) stated:

It is currently our intention to implement the new plan-making system as set out in the Levelling- up and Regeneration Act from summer or autumn 2025. We anticipate that all current system plans that are not subject to the transitional arrangements set out above will need to be submitted for examination under the existing 2004 Act system no later than December 2026. This, coupled with the transitional arrangements, represent a significant extension to the previous proposals, with the potential to benefit plans that are at earlier stages of

preparation, and providing more time for local planning authorities to reflect on the revised NPPF and progress positive plans that will stand up to scrutiny at examination. Further details of the Government's intentions around plan-making reform will be published in due course.

- 8.10. The [NPPF 2024](#) was updated on 12 December 2024, reflecting the changes proposed in the consultation document earlier in the year. Details of the changes are set out in the Strategic Planning Matters Report to this meeting. For the purposes of this report, it is particularly important to particularly highlight changes which have been made in relation to housing and Green Belt policy.
- 8.11. However, this latest NPPF update does not address the wider reforms trailed by the previous Government and set out in Paragraph 8.9 above. The notes that accompany the latest NPPF say the Government “intend to consult intend on future policy changes...in Spring 2025”.
- 8.12. The timetable set out in the LDS, attached in Appendix A, therefore assumes that the relevant secondary legislation will be published by September 2025. If this has not occurred, then the timetable set out in the LDS may be subject to change. Other factors which might affect the timetable are set out in the implications sections below.
- 8.13. Officers are of the view that, even if the new Government departs from some of the details previously consulted upon, the plan-making process is unlikely to significantly change from the general principles of:
- An evidence-based approach
 - Phases of community and stakeholder engagement with increasing levels of detail at each stage; and
 - Formal examination of the Council’s proposed plan by Government or other (semi-) independent body.
- 8.14. Officers are also of the view that progressing the Update and publishing a timetable for its completion *in advance* of formal implementation of any reform outweighs the risks of not doing so. This has regard to the above, the current plan end date of 2031 and the fact that a number of areas of the current plan ‘lag behind’ current evidence and / or national and local priorities and ambitions.
- 8.15. Accounting for the anticipated Regulations, we have considered a reasonable expected timeframe for the development and production of the Local Plan update. This is set out in the attached Local Development Scheme.
- 8.16. In short, the LDS intends the Council to follow the 30-month timeframe and key steps set out in previous Government’s consultation document. Following its stages means that we would be looking to have our Local Plan examined and adopted towards the end of 2027 (i.e. post-reform under the ‘new’ system as endorsed by Cabinet as a general approach). The key stages and dates anticipated by the LDS are:

Scoping and early participation	2024 – 2025
Gateway 1	September 2025
Public consultation (Regulation 18 of the T&CP (LP) (England) Regulations 2012)	October - November 2025

Evidence gathering - This stage will include a Call for Sites	2024 - 2026
Gateway 2	September 2026
Public consultation (Regulation 19 and 20 of the T&CP (LP) (England) Regulations 2012)	October - November 2026
Gateway 3	February 2027
Submission to the Secretary of State (Regulation 22 of the T&CP (LP) (England) Regulations 2012)	March 2027
Independent Examination (Regulation 23 and 24 of the T&CP (LP) (England) Regulations 2012)	March – November 2027
Publication of Inspectors Report (Regulation 25 of the T&CP (LP) (England) Regulations 2012)	November 2027
Adoption (Regulation 26 of the T&CP (LP) (England) Regulations 2012)	December 2027

- 8.17. It should be noted that Hertfordshire County Council is the Waste and Minerals Planning Authority for the county and is responsible for preparing, maintaining and publishing an LDS for the Waste and Minerals Local Plan.
- 8.18. For Neighbourhood Plans, it is the responsibility of qualifying bodies (the town and parish councils) to ensure that the wider community is kept informed of its neighbourhood planning proposals, the opportunities to be involved in shaping an emerging neighbourhood plan and when views can be made throughout the process.
- 8.19. The LDS does not therefore set out the timetable for the preparation of either the Waste and Minerals Local Plan or for any Neighbourhood Plans.

9. LEGAL IMPLICATIONS

- 9.1. Local Development Schemes are governed largely by Section 15 of the Planning and Compulsory Purchase Act 2004 (PCPA) (as amended).
- 9.2. Section 15(1) of the PCPA 2004 requires local planning authorities to prepare and maintain their LDS.
- 9.3. Section 15(7) PCPA 2004 requires local authorities to update their LDS in response to changing circumstances and revise them accordingly.
- 9.4. Section 15(8) PCPA 2004 requires local authorities to make their LDS available to the public, with amendments made clear.
- 9.5. Section 19(1) PCPA 2004 requires Development Plan Documents to be prepared in accordance with the LDS.

- 9.6. The Levelling Up and Regeneration Act 2023 paves the way for reforms to the plan-making process. It is currently the Government's intention to implement the new plan-making system as set out in the Levelling Up and Regeneration Act from summer or autumn 2025.

10. FINANCIAL IMPLICATIONS

- 10.1. The Local Plan Update and other planning documents are being produced from existing budgets including reserves that have been safeguarded for this purpose.
- 10.2. Bids have been approved in previous years' Revenue Budgets to support the Local Plan Review. These are spread over the period to 2028/29. The narrative accompanying the most recent bid, in the 2024/25 budget stated:

Following adoption of the current Local Plan in November 2022, the costs of its preparation have been finalised with total external (i.e. non-staff) revenue costs of £1.5m incurred from the commencement of work on the Local Plan in 2013. It is anticipated that the cost of the review will not be as high due to, inter alia, having a relatively recent plan to build upon. This third tranche of resource requested will provide a total working budget of £780k and should mitigate the need for significant growth bids in future years as any review of the Plan progresses.

- 10.1. The Council's Medium Term Financial Strategy (MTFS) was subsequently updated in September 2024. This identifies a requirement to deliver additional net savings of £2.5m across the organisation by 2027/28 and sets an expectation that the Local Plan Review will now be delivered from within existing resources.
- 10.2. As set out in the budget narrative, although the cost of the Review is expected to be lower than for the current Local Plan, there was still an acknowledgement that the front-loading of the budget requests was to "*mitigate the need for significant growth bids in future years*" rather than necessarily representing a fully costed or funded estimate of the project.
- 10.3. The MTFS potentially imposes a spending constraint which may have a bearing on the Council's ability to deliver the Local Plan Review in line with the LDS. In broad terms, the costs of a Local Plan increase as it makes progress through the stages. The pre-submission plan (or equivalent; the 2nd stage of consultation identified in paragraph 8.16) should be supported by a full evidence base. The examination phase can incur significant costs in legal representation and inspector fees, recognising the previous Government's proposal to significantly streamline this element.
- 10.4. Spend, and any impacts upon the LDS timetable, will be monitored on an on-going basis. This will include reporting to the Strategic Planning Project Board as part of their informal oversight role. Any year-on-year underspends have been carried forward into the next financial year. Dependent on progress, it may be necessary to reprofile the approved budget bids. Sensible steps will be taken to minimise external costs including the preparation of evidence studies in-house where this is achievable within the staffing capacity and professional competence of the team. Some specialist areas of evidence necessitate external advice from experts in their field and / or benefit from being independently assessed by third parties.

11. RISK IMPLICATIONS

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. In accordance with Section 15(3A) of the Planning and Compulsory Purchase Act 2004, if a local planning authority has not prepared a LDS, the Secretary of State may prepare a LDS for the authority and direct the authority to bring the scheme into effect. The LPA must comply with such a direction. By resolving to bring the DS into effect, the Council manages the risk of such intervention,
- 11.3. The LDS will be kept under review and updated as and when appropriate and replaced as necessary by a 'Local Plan Timetable' or as otherwise required, once the relevant regulations relating to plan-making reforms national policy and guidance have been brought into effect.
- 11.4. The Local Plan Review is a key project in the Council Delivery Plan. These projects have specific risk entries as part of the Council's corporate risk monitoring approach. This is regularly updated and reported to Overview and Scrutiny Committee. Key risks include:
 - Inadequate guidance leads to scheme outcomes that do not appropriately respond to, or contribute towards, corporate objectives and priorities of climate change, environment, economy and place.
 - Poor scheme outcomes that do not appropriately respond to local character and context.
 - Failure to retain/recruit sufficiently experienced officers to implement required programme of work.
 - Failure to secure funding to resource the process.
 - Failure to obtain political and / or Government approval at key stages or gateways
 - Adverse appeal findings on other/non-Local Plan sites if progress on the Local Plan Review is delayed or stalled.
 - Government fails to provide regulations and guidance in a timely fashion
 - Government introduce different or new or substantive reforms to the planning system and / or national policy
 - Government intervention if inadequate progress is made upon Local Plan Review.
- 11.5. Controls and mitigations include reporting to the internal Project Board and ongoing monitoring of workload and service-wide budgets to ensure sufficient resources.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

- 12.2. There are no direct equality, diversity or inclusion implications in this report. An Equalities Impact Assessment will be carried out for the Local Plan Update in accordance with The Equality Act 2010.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report update.
- 14.2. However, the update of the Local Plan will allow the Council to put climate change mitigation and adaptation at the heart of the Development Plan to contribute to meeting the Councils environmental and sustainability objectives.
- 14.3. The Local Plan Review will be subject to statutory requirements to consider its environmental effects.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1. The timetable set out in the LDS is subject to our Strategic Planning Team being fully resourced and staffed.
- 15.2. Currently the Strategic Planning Team is understaffed and whilst efforts have been made to recruit into vacant posts, we have not been successful. This is a known issue within Planning Departments across Local Authorities, and we are not unique in this sense. The most recent attempt to recruit identified a suitable candidate. However, we were unable to offer a sufficiently competitive salary and benefit package that was compatible with current staffing structure and pay grades.
- 15.3. The consequence of not being fully staffed may ultimately have an impact on the delivery of the timeline of the Local Plan Update and the meeting of the key milestones set out in the document. The timetable will be kept under review in line with resource availability and updated as appropriate.

16. APPENDICES

Appendix A – Local Development Scheme

17. CONTACT OFFICERS

Ian Fullstone, Service Director of Regulatory

01462 474480 ian.fullstone@north-herts.gov.uk

Debbie Coates, Principal Strategic Planning Officer

01462 474353 deborah.coates@north-herts.gov.uk

Nigel Smith, Strategic Planning Manager

01462 474847 nigel.smith@north-herts.gov.uk

Jodie Penfold, Group Accountant

01462 474332 jodie.penfold@north-herts.gov.uk

Rebecca Webb, HR Services Manager

01462 474481 rebecca.webb@north-herts.gov.uk

Reuben Ayavoo, Policy and Communities Manager

01462 474212 reuben.ayavoo@north-herts.gov.uk

Douglas Trail-Stevenson, Property Lawyer

01462 474653 douglas.trail-stevenson@north-herts.gov.uk

18. BACKGROUND PAPERS

Jan 2024 Cabinet Report