

CABINET

16 JANUARY 2024

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: Local Plan Review

REPORT OF: Ian Fullstone, Service Director - Regulatory

EXECUTIVE MEMBER: Cllr Ruth Brown, Executive Member for Planning and Transport

COUNCIL PRIORITY: PEOPLE FIRST / SUSTAINABILITY / A BRIGHTER FUTURE TOGETHER

1. EXECUTIVE SUMMARY

- 1.1 The current North Hertfordshire Local Plan 2011-2031 (NHLP) was adopted in November 2022. Notwithstanding the statutory five-year period for carrying out a review of a local plan to determine whether an update is required, the NHLP contains Policy IMR2 which committed the Council to determine whether the Plan needs to be updated in part or in whole by the end of 2023.
- 1.2 A review of the policies of the NHLP has now been carried out which has concluded that there is a need for a full update of the Local Plan (Appendix A). This is supported by a completed Planning Advisory Service (PAS) toolkit assessment which reaches a similar conclusion (Appendix B). Cabinet is requested to note the review of the policies and agree to undertake the full update of the NHLP.

2. RECOMMENDATIONS

- 2.1. That Cabinet note the results of the review of the policies of the NHLP set out in Appendix A and the PAS toolkit in Appendix B.
- 2.2. That Cabinet agree that a full review and update of the NHLP is undertaken.
- 2.3. That work commences during 2024/25 on updating the technical studies needed to provide a robust evidence base to inform an update of the Local Plan and early community engagement take place.

- 2.4. That a further report on the detailed scope of the update and the timetable for its preparation, submission and examination is prepared at the earliest opportunity once the implications of the new National Planning Policy Framework (NPPF) are better understood and the statutory framework required to implement the reforms has been approved.

Note for recommendation 2.4: *A revised version of the NPPF was published in December 2023. The Government intends to undertake a subsequent, fuller review of the NPPF to accompany implementation of the Levelling Up and Regeneration Act. The recommendation refers to this latter review process.*

3. REASONS FOR RECOMMENDATIONS

- 3.1. To ensure that North Herts Council fulfils its commitments as set out in Policy IMR2 of the North Herts Local Plan which requires the Council to undertake a whole plan review by the end of 2023 to determine whether the plan needs to be updated either in whole or in part.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. Alternative options have been considered in relation to two key factors:
- The breadth of any review (including whether to undertake one at all); and
 - The timetable for implementing the findings of any review.

No Update (1)

- 4.2. An option would be to not conduct or not give effect to this review at all, disregarding the requirements as set out in the Inspectors Report and Policy IMR2. The preparation of a Local Plan is a significant undertaking; the Local Plan 2011-2031 took 10 years to complete and incurred external costs of approximately £1.6m.
- 4.3. There has historically been a lack of intervention by the Secretary of State (SoS) against Local Authorities who have delayed or been slow to progress Local Plans. For example, the Secretary of State, in November 2018, had 'particular cause for concern' over the progress of 15 Local Plans at Local Authorities across the country. Of these 15 Local

Authorities, only three received intervention programmes from the government's Chief Planner and their team of experts. In addition, we can see more locally that where Local Plans have not been updated, despite commitments in the Local Plan Policy framework to do so, there have previously been little to no meaningful consequences.

- 4.4. However, alongside publication of the revised NPPF in December 2023, the SoS wrote to seven local authorities directing them to revise their local plan timetables as well as issuing a direction to prevent West Berkshire Council from withdrawing its emerging local plan, following similar directions issued to other Councils in September and October 2023. This perhaps suggests a more interventionist approach and / or greater exercise of the SoS' powers than previously.
- 4.5. Regardless of the likelihood of SoS intervention, this approach would carry with it a significant amount of risk and would damage the reputation of the Council. It would leave the Council without up-to-date policies in some essential areas, in particular housing delivery, and would likely result in applications needing to be judged against national policies for these areas. These have previously included a 'presumption in favour of development'. This would lead to a loss of control over the quality of housing development, and potentially an increase in the number, length, and complexity of planning appeals. This option is not recommended.

No Update (2)

- 4.6. A further option would be to conduct the review but conclude the Local Plan 2011-2031 remains up-to-date and that no further work is required. This option is not recommended by officers for the reasons set out in this report and its appendices.

Partial Update

- 4.7. Another alternative option is to conclude that only some limited policies need updating and undertake a partial update of the Local Plan. This might focus, for example, on policies that addressed certain matters or priorities such as the Climate and Ecological Emergency declarations.
- 4.8. This approach would ensure that the updated policies would have weight in determining planning applications. However, the absence of up-to-date policy in other areas could

mean that the 'presumption in favour of sustainable development' in the National Planning Policy Framework (NPPF) is invoked, which will mean that development should be approved unless the much more general policies in the NPPF would indicate otherwise.

- 4.9. Officers' view is that it is not practical or reasonable to try and 'isolate' certain issues from the wider conclusions in this report, either in terms of this initial review or any subsequent update.

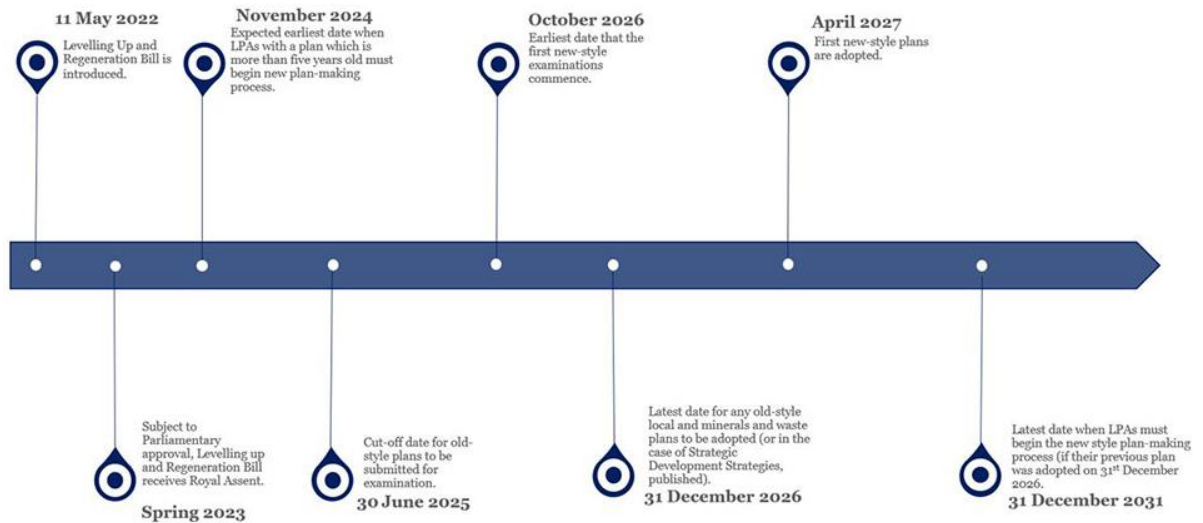
Update under Transitional Arrangements (1)

- 4.10. Transitional arrangements were consulted on in December 2022 and proposed that any current style plan update would need to be submitted for Examination by June 2025 and then adopted by 31 December 2026. The Government has confirmed its intention to implement this timetable, contingent on Parliamentary approval of relevant regulations.
- 4.11. A plan prepared in this way would be tested against the current statutory framework and examination tests, including the Duty to Cooperate. This would be (broadly speaking) the same approach as for the current Local Plan. Plans not submitted by this date would need to be in a new format focussing on development amount, site allocations and design guidance with development management policies being prescribed nationally.
- 4.12. Progressing any review to this timetable is not recommended. There are insufficient resources allocated to the Strategic Planning team, either in terms of staff or budget, to achieve the preparation, submission and examination of a revised plan to this timeframe.
- 4.13. This approach would also likely be incompatible with the intended approaches of surrounding authorities such as East Hertfordshire, Luton and Stevenage to their own Local Plan reviews. It would leave North Herts 'out of sync' in terms of preparing joint evidence and / or under a legal obligation to resolve issues with surrounding authorities *ahead* of them setting out their own positions.

Update under Transitional Arrangements (2)

- 4.14. Under the new regime, plans would be required to be completed within 30 months of starting. There is an intention, as set out in the Plan Making Reforms Implementation Consultation, that expert plan-making support will be provided to a first, small cohort of

around ten ‘front runner’ authorities to prepare the new-style Local Plans from November 2024.



- 4.15. Whilst there are opportunities to be a forerunner in the new Plan Making Reforms, potentially including Government assistance in funding and resourcing, it is officers’ professional judgement that we should not take part on this occasion. This is due to the relatively small-scale nature of the Strategic Planning Team, the need to complete projects associated with implementation of the current plan during 2024/5 and the lack of financial investment in the expected levels of software that would be required to complete such a large piece of work in such short timescales.
- 4.16. Previously when Local Authorities have ‘gone first’ there have been significant failure rates as the new system ‘bedded in’. This was the case, for example following publication of the 2012 NPPF where a number of plans failed to meet the legal Duty to Co-operate or the examination tests. As such, there is no guarantee that going first will result in the successful adoption of a sound plan in the first instance.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. Executive Members and Deputies have been briefed on the relevant matters in this report.
- 5.2. The Strategic Planning Project Board were briefed and informally consulted in November 2023 on the relevant matters and recommendations set out in this report.

5.3. Overview and Scrutiny Committee will consider this matter at their meeting of 8 January 2024.

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 October 2023.

7. BACKGROUND

7.1. Whilst paragraph 33 of the National Planning Policy Framework¹ (NPPF), details the need for local plans to be reviewed once every five years, North Herts Council are required, in accordance with Policy IMR2 of the NHLP, to undertake a review of its Local Plan by the end of 2023.

7.2. The National Planning Practice Guidance² (NPPG) provides further guidance stating '*The National Planning Policy Framework is clear that strategic policies should be prepared over a minimum 15-year period and a local planning authority should be planning for the full plan period. Policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years. The review process is a method to ensure that a plan and the policies within remains effective. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Due weight should be given to relevant policies in existing plans according to their consistency with the National Planning Policy Framework. It will be up to the decision-maker to decide the weight to give to the policies.*' (paragraph 64 Reference ID: 61-064-20190315).

'A local planning authority can review specific policies on an individual basis. Updates to the plan or certain policies within it must follow the plan-making procedure; including preparation, publication, and examination by the Planning Inspectorate on behalf of the Secretary of State.' (paragraph 69 Reference ID: 61-069-20190723).

7.3. Correspondingly, the NPPG states '*If a local planning authority decides that they do not need to update their policies, they must publish the reasons for this decision within 5 years*

¹ [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/66262/nppf-2019.pdf)

² [Plan-making - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/66262/nppg-2019.pdf)

of the adoption date of the plan. A local planning authority will not necessarily need to revise their entire plan in whole and may publish a list of which policies they will update and which policies they consider do not need updating.' (paragraph 70 Reference ID: 61-070-20190315).

- 7.4. Notwithstanding the five-year timeframe referred to in the NPPF and NPPG, North Herts is required to assess whether its Local Plan needs updating by the end of 2023 accounting for the points set out above.
- 7.5. It is important to be clear at this stage that the review of the Local Plan is only to consider whether the Plan needs updating due to the circumstances in which the Plan was prepared are no longer relevant or have changed, including consideration of national policy and local change.
- 7.6. The review does not decide what planning policy approaches any update to the Local Plan should take; this will be for the Council's future consideration if it is decided that an update is needed.

Reforms to the planning system

Levelling-Up and Regeneration Act³

- 7.7. The Levelling-Up and Regeneration Bill received Royal Assent on 26 October 2023 bringing in new laws *'to speed up the planning system, hold developers to account, cut bureaucracy and encourage more councils to put in pace plans to enable the building of new homes'*⁴.
- 7.8. The intention of the Act is to *'ensure new development is built more beautifully, produces more local infrastructure...is shaped by local people's democratic wishes, enhances the environment, and creates neighbourhoods where people want to live and work'*⁵.
- 7.9. Measures in the Act will change the planning system in a number of ways including:
 - Putting local people at the heart of development – making it easier to put Local Plans in place and requiring design codes that set out where homes will be built and how

³ [Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-consultation-on-implementation-of-plan-making-reforms)

⁴ [New laws to speed up planning, build homes and level up - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/new-laws-to-speed-up-planning-build-homes-and-level-up)

⁵ [New laws to speed up planning, build homes and level up - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/new-laws-to-speed-up-planning-build-homes-and-level-up)

they will look. These plans will deliver more homes in a way that works for communities;

- Boosting local services – requiring developers to deliver vital infrastructure. This will put an end to lifeless edge-of-town developments with no community assets and ensure developers deliver the schools, doctors surgeries and public services that communities need and expect;
- Encouraging developers to get building – giving communities updates on the progress of development and giving councils the chance to consider slow build-out rates when approving planning.

7.10. Other key planning related sections of the Act, which do not yet have an agreed commencement date include:

- The content of development plans and spatial strategies, to be included under the new system of plan-making;
- A streamlined 30-month plan-making system, including supplementary development plans and area-wide design codes forming part of the development plan, formal repealing of the duty to cooperate, and voluntary joint spatial strategies.

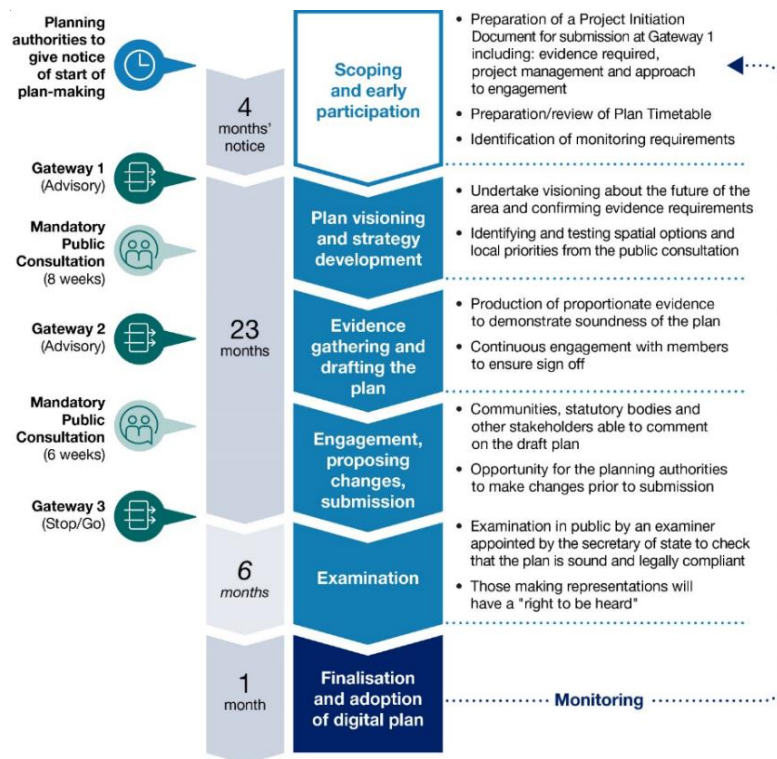


Figure 1 – The new 30-month plan timeframe

7.11. Within the plan-making reforms consultation⁶, that took place earlier this year, was a proposed approach to the roll out and transition from the current to the future plan-making system (contingent upon Royal Assent of the Levelling Up and Regeneration Bill and Parliamentary approval of the relevant regulations):

- The last date to submit a local plan for examination under the current system is 30 June 2025 to be adopted by 31 December 2026 (paragraph 235)
- A phased roll out for the new plan-making system
 - Small cohort of around ten ‘front runner’ authorities could start plan-making from autumn 2024 (paragraph 244)
 - From 30 June 2025 the remaining authorities would be (paragraph 245)
 - Ranked chronologically by the date that they have most recently adopted a plan containing strategic policies;
 - Grouped together sequentially into groups of up to 25 authorities;
 - Each group allocated a 6-month plan-making commencement window (a ‘wave’), within which plan making should start.

NB. North Herts may well find itself grouped with other authorities based on housing market areas, county boundaries or rural/urban complexities. In which case, we may well find ourselves grouped with East Herts and Stevenage, both of whom are in the process of undertaking reviews of their Local Plans also.

- Alternatively, allow authorities to begin plan-making earlier than these dates with the wave acting as a final ‘back stop’. Although risks have been identified such as losing the benefit of putting authorities into waves if a high number decide to start the process in the same period and overwhelming the professional capacity in this sector

7.12. The consultation goes on to assess the matter around up-to-date plans and considers that *‘where a plan has been found sound subject to an early update requirement, and the Inspector has given a deadline to submit an updated plan within the first 30 months of the new system going live, this deadline will be extended to 30 months after the new system*

⁶ [Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms - GOV.UK \(www.gov.uk\)](https://www.gov.uk/levelling-up-and-regeneration-bill-consultation)

goes live. This will ensure that local planning authorities are protected from the risk of speculative development while preparing their new plan’.

- 7.13. Whilst North Herts has been required to review its Local Plan to determine whether the plan needs to be updated either in whole or in part, by the end of 2023, we have not been given a deadline by which an updated plan should be submitted. However, we are not in the position of the Local Plan becoming more than 5 years old during the expected first 30 months of the new system, where, in such instances, the Plan will continue to be considered ‘up-to-date’ for decision-making purposes for 30 months after the new system starts.
- 7.14. The reforms to the planning system are wide ranging and there remains a lot of detail that has not been confirmed. There will need to be a comprehensive set of secondary legislation to implement the reforms, as well as changes to national policy and guidance. These changes are therefore likely to have a significant bearing on the process, scope, and approach of any update to the NHLP.

Policy Context

- 7.15. The North Hertfordshire Local Plan (NHLP) was adopted by Council on 8th November 2022. Since that point, the Local Plan has formed part of the statutory Development Plan for the District which is the ‘starting point’ for considering the determination of planning applications within North Hertfordshire.
- 7.16. The examination of the NHLP was an exceptionally long process and, as part of that process, the Inspector recommended a modification to the Local Plan which involved the inclusion of Policy IMR2 which required North Herts to undertake an early review.
- 7.17. Policy IMR2 of the Local Plan states that:

Policy IMR2: Local plan early review

The Council will undertake a whole plan review of the Local Plan 2011-2031 by the end of 2023 at the latest. This will determine whether this Plan needs to be updated either in whole or in part. All policies will be reviewed but with particular regard paid to the following matters that were specifically identified during the preparation and examination of this plan:

- Housing requirements for the District and wider housing market areas;
- Housing delivery having regard to the progress and implementation of the Strategic Housing Sites and Local Housing Allocations identified in this plan and the rates of development being achieved measured against the stepped approach and housing trajectory set out in this plan;
- The safeguarded land to the West of Stevenage;
- The outcomes of the process(es) to comprehensively explore new settlement options in the District;
- Gypsy and Traveller provision
- The identification of needs for retail, leisure, office and other main town centre uses;
- Options for long-term secondary education provision in the Stevenage area; and
- Broad alignment with the statutory five-year time limit for reviews of the East Hertfordshire and Stevenage local plans (required by November 2023 and May 2024 respectively) to allow co-ordinated consideration of the above matters.

The review will have regard to up-to-date information and be conducted in line with Government policy and statutory requirements. Subject to the outcomes of that review, a new plan or policies will be prepared to a new time horizon of at least 2041.

The review will also serve to build upon existing strong, working relationships with adjoining and nearby authorities and may result in the preparation of a joint plan or policies based upon wider functional geographies.

- 7.18. There is a statutory requirement that policies in Local Plans should be assessed at least once every five years and that reviews should be completed no longer than five years from the adoption date of the Plan, taking account of changing circumstances affecting the area (local change), or any relevant changes in national policy.
- 7.19. However, North Hertfordshire Council was directed by the Inspector to include a policy to undertake an early review of the Local Plan by the end of 2023 at the latest. Such a review should determine whether there is a need to update the Local Plan in full or in part. A review of the policies in the NHLP is therefore required by the Local Plan to begin to be

undertaken by 31st December 2023. Work began on reviewing the policies in summer 2023 and the outcome of the review of those policies is set out in Appendix A.

8. RELEVANT CONSIDERATIONS

8.1 Updating the Local Plan would ensure that:

- The District benefits from having an up-to-date Development Plan against which all planning decisions are made;
- The policies in the Plan are updated to capture the best current practice available, the latest evidence base and would also offer the opportunity to support key corporate objectives;
- Stakeholder engagement is at the heart of Plan-making and any update would involve and integrate feedback from key stakeholders across the District, alongside statutory public consultation involving our communities;
- An updated evidence base provides better decision-making and ensures planning is directly supporting the need of the community. Opportunities to update evidence will also assist other departments; responsibilities and workstreams where there is shared evidence, in particular Economic Development and Housing;
- The Council can defend its planning decision robustly, reducing the likelihood of costly planning inquiries and appeals;
- A fit for purpose spatial strategy in the Local Plan will limit the amount of speculative planning applications received and ensure that any development is Plan-led; allowing for infrastructure to be planned proactively through direct liaison with infrastructure providers throughout the process and can reduce piecemeal development in unsustainable locations.

Review of the North Herts Local Plan

8.1 A technical review of the policies in the NHLP has been completed by Officers (Appendix A) based on the current NPPF and NPPG. Paragraph 64 of the NPPG⁷ states that *'the authority can consider information such as (but not exclusively):*

- *conformity with national planning policy;*

⁷ [Plan-making - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

- *changes to local circumstances; such as a change in Local Housing Need;*
- *their Housing Delivery Test performance;*
- *whether the authority can demonstrate a 5 year supply of deliverable sites for housing;*
- *whether issues have arisen that may impact on the deliverability of key site allocations;*
- *their appeals performance;*
- *success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report;*
- *the impact of changes to higher tier plans;*
- *plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need;*
- *significant economic changes that may impact on viability.; and*
- *whether any new social, environmental, or economic priorities may have arisen.*

8.2 Paragraph 68 of the NPPG⁸ goes on to state that ‘a local planning authority may need to gather new evidence to inform their review. Proportionate, relevant and up-to-date evidence should be used to justify a decision not to update policies. We expect authorities to have due regard to the Duty to Cooperate when undertaking a review to assess if they need updating’.

8.3 Much of the evidence for the NHLP dates to 2016, when it was submitted for examination. Whilst some elements of evidence may still be fit for purpose, such as landscape character appraisals, other evidence will need to be updated, for example social and economic elements,

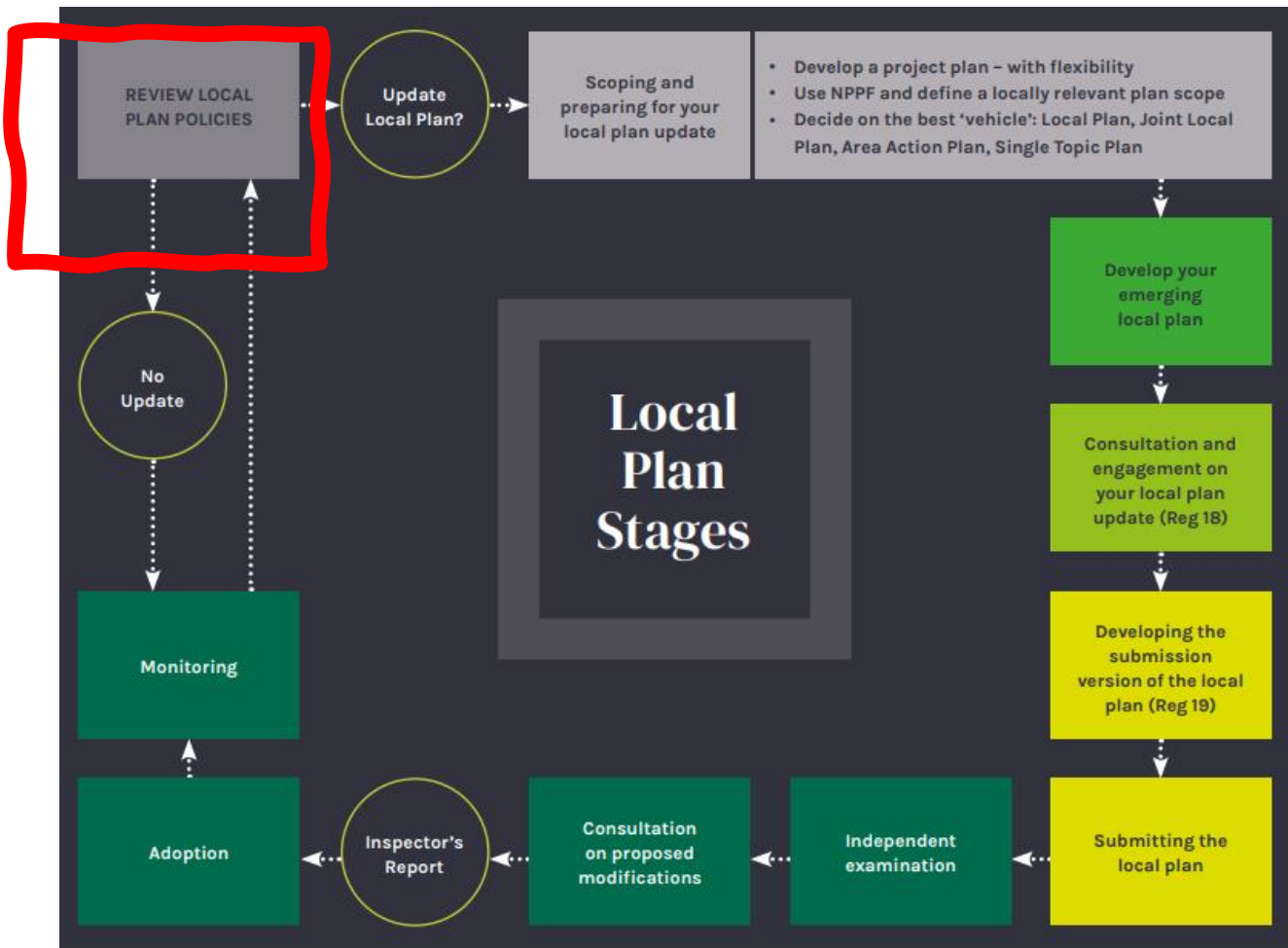
8.4 The review of the NHLP has been carried out using:

- An assessment of the policies in the Local Plan with regard to the current NPPF and NPPG and consideration of any changes in local circumstances (Appendix A)
- The Local Plan Route Mapper Toolkit⁹ produced by PAS (Appendix B)

⁸ [Plan-making - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

⁹ [PAS Local Plan Route Mapper v2.0.pdf](#)

Figure 2 – PAS Local Plan review process



8.5 The assessment of the policies in the Local Plan (Appendix A) indicates officers' view that many of the policies require some form of updating. It should be noted that this assessment reflects a point in time, is limited to consideration of the current policies in the Plan and will need to be repeated once the content of the new NPPF and proposed National Development Management Policies (NDMP) become apparent.

8.6 Appendix A does not identify any new policy areas that may need to be included or developed as part of the Local Plan update. Nor does it identify policies that will be updated or added in line with the priorities identified by North Herts or corporate objectives. It is also expected that the majority of supporting text will also need redrafting. However, these steps would follow on from an initial decision that an update should take place.

8.7 Appendix B is the completed PAS Local Plan Route Mapper Toolkit. It indicates officers' view that the NHLP requires updating for a number of reasons including:

- That, at the time of writing, there is a little over seven years remaining in the Plan period (to March 2031) versus the NPPF / NPPG advice that Plans should look at least fifteen years into the future;
- The potential requirement to identify new sites for development to ensure that the Council can demonstrate a five-year housing land supply.
- The ongoing requirement to address affordable housing targets .
- The need to maximise opportunities for jobs growth and to take account of changing economic circumstances.
- Changes in the environmental context including the Council’s declaration of climate emergency and the requirement for biodiversity net gain.
- A number of the development management policies will also need clarification and updating to reflect changes in national policy/local changes, including the requirement to draw up design codes and guidance.

8.8 Section B of the Toolkit notes a number of factors that should be considered to determine whether the Local Plan should be updated. In considering these factors we conclude that a full update of the spatial strategy and spatial policies (and potentially non-strategic policies) need updating.

8.9 However, it should be noted that it is difficult to answer these questions until the implications of the planning reforms, outlined above, become clearer.

Evidence Base

8.10 As details of the new plan-making system emerges, it is recommended that the Council proactively commences work on updating the Local Plan evidence base so that the Council is in a strong position to commence formal stages at the earliest opportunity, once determined by the plan-making reforms as detailed above.

8.11 Updating the existing evidence base will also provide the Council with an opportunity to address issues that have greater prominence since the preparation of the NHLP. Including

- Climate change
- Design
- Sustainability
- Biodiversity

- Affordable Housing
- Use Classes

8.12 As work commences on an update of the Local Plan, the Strategic Planning Project Board will informally work with officers on the scope and breadth of issues to be addressed in the Local Plan. This will inform any future reports to Cabinet.

Conclusion

8.13 It is recommended that Cabinet note the results of the review. Appendix A sets out which policies have been judged as needing to be updated as a result of the local plan review.

8.14 There will be opportunities to bring other policies within the scope of the update over time if emerging evidence suggests that this will be necessary.

8.15 In addition to the individual policies, the overall spatial strategy is likely to require an update to account for changing development levels.

8.16 Furthermore, the level of infrastructure required to meet changing development levels will need a new infrastructure delivery plan, which will be integral to the plan and will set out how the broad range of infrastructure will be delivered.

8.17 The option proposed is that the Council proceeds with a full update of the NHLP based on the results of the local plan review (Appendix A).

8.18 The Local Plan update, through setting out the way North Hertfordshire will develop beyond the current plan end date of 2031, will contribute to the following priorities in the Council Plan 2022/27:

- People first – People make North Herts work. We value all our residents, businesses, staff, contractors, councillors, and other partners and place them at the heart of everything we do.
- Sustainability – We recognise the challenges our towns and district as a whole face and are committed to delivering services which are relevant and sustainable. In doing so we will place our environmental responsibilities, as well as sound financial planning, at the centre of our policymaking.
- A brighter future together - We are far-sighted and plan for the long term to secure the best outcomes for our people, towns and villages, and the local economy, ensuring North Herts continues to thrive.

- 8.19 It is recommended that the final scope of the update and its associated timetable should be determined once the implications of the proposed changes to the NPPF and statutory framework has been approved.
- 8.20 Whilst the scope of the NHLP update is yet to be determined, what is clear at this stage is that under the new system a strong evidence base will still be expected to inform and support local plans, and that evidence will remain an important part of plan-making and monitoring.
- 8.21 Therefore, the Strategic Planning Team should focus on starting to update the evidence base and other preparatory work needed to support an update to the NHLP, particularly in light of the Government's intended 30-month plan-making timetable.

9. LEGAL IMPLICATIONS

- 9.1. The current legal framework for the preparation of Local Plans is set out in the Planning & Compulsory Purchase Act 2004 (PCPA) and associated regulations (as amended).
- 9.2. Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)¹⁰, local planning authorities must review their Local Plans within five years of the adoption date.
- 9.3. The enactment of relevant sections of the Levelling Up & Regeneration Act and associated secondary legislation, will likely, through amendments to the PCPA and associated regulations, set the statutory framework for the preparation of the new Plan. However, this is yet to be confirmed.
- 9.4. The adopted North Hertfordshire Local Plan 2011-2031 forms part of the statutory Development Plan for the District. Section 38(6) of the PCPA states that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.5. Any decision to review the Local Plan does not affect its Development Plan status, or automatically render it 'out of date' for decision-making purposes. The current Local Plan remains the starting point for consideration of planning applications in North Hertfordshire until such time as any replacement Plan is prepared, examined and adopted.

¹⁰ [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

9.6. Emerging policies in any new Plan may become a material consideration as they progress through the system.

10. FINANCIAL IMPLICATIONS

10.1. Local Plans can be a significant cost to Councils. The overall external costs of producing the NHLP were approximately £1.6m. Key costs associated with the Local Plan review that are borne by the Council include (but are not necessarily limited to):

- Staffing;
- Expert support to the Council (e.g. technical specialist consultants, evidence base studies, legal advice);
- IT programmes and packages;
- Process costs, including stakeholder and community engagement; and
- The Planning Inspectorate (i.e. the examining Inspector).

10.2. Staffing matters are covered under the Human Resource Implications section below.

10.3. It is anticipated that the cost of any review would not be as high due to, inter alia, having a relatively recent plan to build upon as opposed to effectively 'starting from scratch'. The Council has previously approved two growth bids in the budgets for 2021/22 and 2022/23, each for £60k per year over a five-year period (i.e. £600k in total). A third tranche of resource has been included as a Revenue Investment Proposal in the upcoming budget for 2024/25. If approved, this third tranche of resource requested will provide a total working budget of £780k.

10.4. Unspent funds will be requested to be carried forward to mitigate the need for significant growth bids in future years as any review of the Plan progresses towards key stages such as pre-examination consultation and examination.

10.5. Costs will be controlled by undertaking as much of the technical and engagement work as possible in house, where appropriate in terms of capacity and expertise, and ensuring that evidence prepared for the examination enables it to be carried out in the most efficient manner.

10.6. The Council does need to update and adopt more appropriate digital technology to enable work relating to the evidence base and community engagement throughout the Local Plan update process. This will be undertaken in line with the Council's evolving Digital Strategy.

- 10.7. Officers will also explore options to set charges for and / or recover costs from (potential) beneficiaries from the Plan review. This could include charges, Planning Performance Agreements or similar for landowners wishing to submit sites for potential development to (partially) cover costs associated with site assessment and the ratification of supporting technical evidence, such as ecology or landscape studies.

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. Local Plan Delivery and Review is identified as a Corporate Risk. This risk was last updated in November 2023. This identified a Risk Score of 5 and the following risks:

- 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;
- Adverse appeal findings on other/non-Local Plan sites if progress on the Local Plan Review is delayed or stalled; and
- Government intervention if inadequate progress is made upon Local Plan Review.

- 11.3 These risks are minimised by having an up to date development plan which fulfils the requirements of legislation.

12. EQUALITIES IMPLICATIONS

- 12.1. There are no direct equality, diversity, or inclusion implications in this report. An Equalities Impact Assessment (EqIA) will be carried out for the NHLP 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 direct Environmental impacts or requirements that apply to this report; this is a procedural decision.
- 14.2. Subject to the (potential) changes in the regulatory framework outlined above, it is expected that any replacement Local Plan will need to be accompanied by comprehensive environmental assessments which consider the social, economic and environmental implications of proposed policies and allocations. These will be set out in any relevant future reports.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1. Reviewing the NHLP will require a fully staffed Strategic Planning Team to enable the Council to comply with the Governments proposed reduced 30-month timetable towards adoption. There have been challenges recruiting staff and these will likely continue, therefore the use of agency staff and consultants will most likely be required going forward.
- 15.2. In recent years, both permanent and fixed-term posts have been added to the Planning Service in anticipation of the work associated with implementing the current NHLP followed by the review. Further bids for an additional fixed-term planning officer and technical / administrative support are included as Revenue Investment Proposals in the budget for 2024/25.

16. APPENDICES

- 16.1. Appendix A – Review of Local Plan Policies
- 16.2. Appendix B – PAS Local Plan Route Mapper Toolkit

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

18.1 [Extraordinary Full Council, 8 November 2022: Adoption of the North Hertfordshire Local Plan 2011-2031](#)