

# LDS



Local Development Scheme

May 2016

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East Herts District Council

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# 1. Introduction

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- 1.1 The preparation of a Local Development Scheme (LDS) is a statutory requirement that was introduced in the Planning and Compulsory Purchase Act (2004). The LDS identifies all planning documents that the Council wishes to produce and the timeframe for their preparation.
- 1.2 The LDS should include the timeline for preparation of any Local Development Documents (LDD's) the Council is preparing. LDD's include Development Plan Documents (DPD's), Supplementary Planning Document's (SPD's) and the Council's Statement of Community Involvement (SCI). At present the Council is proposing a single DPD, namely the East Herts District Plan.
- 1.3 The Council does have a suite of SPD's which it will be reviewing, as appropriate, in due course. The Council's SCI was adopted in March 2013.
- 1.4 This LDS will supersede the previous version dated December 2013.

## 2. The East Herts District Plan

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- 2.1 The District Plan sets out the framework for guiding development in East Herts. It describes the Council's spatial vision for the District and includes strategic policies to deliver the homes, jobs and infrastructure that is required.
- 2.2 The District Plan also contains development management policies that address the following topic areas:
  - Housing
  - Economy
  - Retail and Town Centres
  - Design and Landscape
  - Transport
  - Community Facilities, Leisure and Recreation
  - Natural Environment
  - Heritage Assets
  - Climate Change
  - Water
  - Environmental Quality

2.3 The Policies Map illustrates geographically how and where the policies in the District Plan apply across the district. An updated Policies Map will be presented at the same time the District Plan is published.

## 3. Timeline

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- 3.1 The East Herts District Plan is not a one-off event but instead contains various stages of preparation and consultation. This enables the Council to fine-tune its plans and policies in response to comments from the community and other stakeholders.
- 3.2 The following stages of plan-making have already been undertaken:
- *Awareness Raising – (2008-2009)* The preliminary stage of preparation including initial background work and community and stakeholder engagement.
  - *Issues and Options – (Sept-Nov 2010)* Public consultation setting out the issues facing East Herts and presenting a series of options to deal with those issues within the document.
  - *Preferred Options – (Feb-April 2014) (Regulation 18)* Public consultation on the draft version of the document.
- 3.3 The timeline for the remaining stages of District Plan preparation is set out below, against the regulatory milestones contained within the Town and Country Planning (Local Planning) Regulations 2012. An explanation of the regulatory stages is contained in Appendix A.

<b>Stage</b>	<b>Regulation</b>	<b>Timeline</b>
Preparation	-	On-going to September 2016
Publication	19	October 2016
Submission	22	March 2017
Examination Hearing Start	24	June 2017
Receipt of Inspectors Report	25	October 2017
Adoption	26	December 2017

- 3.4 After the Plan is submitted the timeline will be dependent upon the Planning Inspectorate which examines the plan on behalf of the Secretary of State. There is scope for the final half of the timeline (Examination onwards) to be delayed, given the number of plans that are expected to be submitted to the Planning Inspectorate by March 2017.

## 4. Risk Assessment

4.1 The efficient and timely progression of the East Herts District Plan is of paramount importance, therefore a number risks, and any mitigation measures that can be applied to ensure that the preparation of the District Plan runs in accordance with the timetable in this LDS, have been noted below.

	<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Comment</b>	<b>Mitigation Measures</b>
1	Change in National Policy or Legislation	High	Medium	Numerous changes to national planning policy, planning practice guidance and the recent publication of the Housing and Planning Bill have raised a number of issues that still need to be resolved.	The Council carefully monitors new policy and legislation and will prioritise managing any key impacts. The District Plan will reflect the most up-to-date policy position.
2	Council fails to agree District Plan for consultation / submission / adoption	Low	High	Local Plans are highly complex with a number of issues being difficult to resolve without compromise.	Ensuring Member engagement throughout the preparation process so that Members understand and agree to both the preparation process and proposals.
3	Planning Policy team resource diverted from District Plan work.	Low	High	The Council has a team working on the District Plan. However, the team also supports other areas of work and there could be pressure to undertake other activities which are non-critical to success of the District Plan at examination.	Agree priorities and staff resourcing. Priority will lie with the District Plan and other responsibilities can commence after submission date.
4	Failure to agree critical cross boundary strategic planning issues with prescribed Duty to Co-operate bodies.	Medium	High	Ensure early and active engagement with prescribed Duty to Co-Operate bodies.	Follow Planning Advisory Service template DtC Statement including actively seeking input to key technical documents. Discuss with Planning Inspectorate prior to submission if disagreement remains.

	<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Comment</b>	<b>Mitigation Measures</b>
5	Planning Inspectorate takes longer than one year to examine the District Plan	High	Medium	A large number of plans are expected to be submitted by other Local Planning Authorities in early 2017 and it is unclear whether the Inspectorate is adequately resourced to manage this.	Monitor the situation and communicate with the Inspectorate.
6	Key component of evidence-base found unsound at examination. (e.g. OAN etc.)	Low	High	Local Plans are highly complex; the evidence base behind a Local Plan is equally complex and will face scrutiny from a number of different stakeholders at examination.	Ensure the District Plan evidence is based on an objective analysis of the most up-to-date data available.
7	Last-minute adjustments and uncertainty due to late challenges to the evidence base.	Low	High	This could result in the plan being found unsound at examination in public.	The timing of publication has been put back in order to enable frontloading of the evidence work and communication with key stakeholders.
8	Legal Challenge to District Plan mounted	Low	Medium	Financial cost and delays to adoption of the District Plan.	Ensure the District Plan is produced in accordance with regulations, tests of soundness and based on objective analysis of planning issues.
9	Legal Challenge to District Plan Successful	Low	High		

## Appendix A – Explanation of the Regulatory Stages

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The key stages in production of Local Plans are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 are as follows:

- **Preparation** ([Regulation 18](#)): this is the main consultation opportunity on the draft District Plan, following which further amendments and adjustments may be made to take account of feedback received. It is important to publish key evidence studies and undertake constructive engagement during this stage and prior to this consultation in order to comply with the Duty to Co-operate.
- **Publication** ([Regulation 19](#)): this is the final opportunity for comment on the District Plan prior to submission of the Plan for examination. No further changes may be made to this document after this stage. It is not a full public consultation and will not be accompanied by the full range of publicity and participation opportunities undertaken as part of the Regulation 18 consultation, but the ‘general’ and ‘specific’ consultation bodies must be notified of the availability of the documents. The Council must collect all responses and compile a Statement of Representations to submit to the Planning Inspectorate.
- **Submission** ([Regulation 22](#)): this is the dispatch of the required documents to the Planning Inspectorate for Examination. The Government has indicated that it wants all Local Planning Authorities to submit their Local Plans by ‘early 2017’.
- **Consideration of representations by the appointed person** ([Regulation 23](#)): before examining the District Plan the Inspector must consider the comments (‘representations’) made on the plan by interested parties.
- **Examination in Public** ([Regulation 24](#)): a Planning Inspector will consider the documents submitted and issue a report which states whether he or she considers the District Plan to be ‘sound’. The inspector can recommend ‘main modifications’ to the submitted plan.
- **Receipt of the Inspector’s Report** ([Regulation 25](#)): if the Inspector recommends that the plan is ‘sound’, then the Council may proceed to adopt the plan as policy. Exceptionally, if the plan is not found sound, then the Council may withdraw it under Regulation 27.
- **Adoption** ([Regulation 26](#)): following receipt of the Inspector’s final report, the Council may adopt the District Plan as a material consideration in the consideration of planning applications under Section 23 of the Planning and Compulsory Purchase Act 2004.