

East Herts Council Report

Meeting of the Executive

Date of meeting: Tuesday 3 October 2023

Report by: Councillor Vicky Glover-Ward – Executive Member for Planning and Growth

Report title: Review of the East Herts District Plan 2018

Ward(s) affected: All Wards

Summary – The East Herts District Plan was adopted in October 2018. There is a statutory requirement to consider whether a review of the District Plan is required within five years from its adoption (i.e., by the end of October 2023). This report assesses this requirement and concludes that the District Plan needs updating.

RECOMMENDATIONS FOR EXECUTIVE that the following be recommended to Council for approval:

- a) Having assessed the East Herts District Plan 2018 in accordance with regulation 10A of The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, it is agreed that, in order that the Council can continue to fulfil its statutory duties, the District Plan needs updating;**
- b) Work commences during 2023/24 on updating the technical studies needed to provide a robust evidence base to inform an update of the District Plan;**
- c) A 'Call for Sites' is undertaken during 2023/24;**

- d) The District Planning Executive Panel is re-convened with membership drawn from the Executive in accordance with paragraph 8.5.2 of the Constitution;**
- e) An engagement strategy is prepared which sets out the Council's approach to consulting and engaging the community and stakeholders;**
- f) A further report on the detailed scope of the update and the timetable for its preparation is prepared at the earliest opportunity once the implications of the new National Planning Policy Framework (NPPF) are better understood, the Levelling-up and Regeneration Bill has received Royal Assent, and the statutory framework required to implement the reforms has been approved.**

1.0 Proposal(s)

- 1.1 There is a statutory requirement that policies in Local Plans should be assessed to see whether they need updating at least once every five years. Reviews should be completed no later than five years from the adoption date of a plan and should take into account changing circumstances affecting the area (local changes), or any relevant changes in national policy.
- 1.2 This report assesses whether the East Herts District Plan 2018 needs updating and any necessary actions arising from that assessment.

2.0 Background

- 2.1 The National Planning Policy Framework (NPPF)¹ sets out that the planning system should be genuinely plan-led. Up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social, and environmental priorities; and a platform for local people to shape their surroundings.
- 2.2 The current East Herts District Plan was adopted in October 2018 following a successful examination in public. This has meant that planning in East Herts has over the last five-years been 'plan led' with a clear framework for addressing the district's housing needs and other economic, social, and environmental priorities. Having a spatial strategy in place has meant that the Council has been able to manage growth, ensuring that it is delivered in a sustainable and balanced manner meeting objectively assessed needs for new homes, jobs and infrastructure, whilst making sure that the natural and built environment is protected and enhanced.
- 2.3 Since the adoption of the District Plan, 3,567 dwellings have been delivered; of these 997 were affordable homes (April 2019 – April 2023). The Council has also continued its trend of annual improvements on the Housing Delivery Test. Last year (2022) the Council was able to demonstrate a 130% delivery rate meaning that the Council is not only meeting its housing need but also addressing the undersupply of previous years.
- 2.4 Overall, the District Plan housing trajectory has been, and continues to be, delivered broadly in line with what was anticipated in 2018 and the communities of East Herts are

¹ [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/publishing.service.gov.uk)

benefitting from much needed housing and associated infrastructure. In 2022/23 alone nearly £3-million of S.106 money was allocated to individual projects or uses across the district.

2.5 The benefits of having an up-to-date and clear framework in place cannot be underestimated. Given that the District Plan is now nearly five years old, and to ensure that it continues to be effective for our communities, it is vital that, in line with national guidance, the Council considers whether an update of the Plan is required to take account of changing circumstances.

2.6 Updating the District 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 District Plan are updated to capture the best current practice available, the latest evidence base and also 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 work-streams where there is shared-evidence in particular Economic Development and Housing.
- The Council can defend its planning decisions robustly, reducing the likelihood of costly planning inquires and appeals.

- A fit for purpose spatial strategy in the District Plan will limit the amount of speculative planning applications received and ensure that any development is Plan-led. Plan-led growth allows infrastructure to be planned for proactively via direct liaison with infrastructure providers throughout the process and can reduce piecemeal development in unsustainable locations.
- The joint-administration has the opportunity to work collaboratively to establish joint goals and objectives that could then be reflected within the strategy of an updated Plan and policies.

3.0 Reason(s)

- 3.1 Paragraph 33 of the National Planning Policy Framework (NPPF)² states that: *“Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.”*
- 3.2 The National Planning Practice Guidance (NPPG)³ provides further guidance: *“Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)*

² [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/publishing-service)

³ [Plan-making - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

local planning authorities must review local plans, and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. Most plans are likely to require updating in whole or in part at least every 5 years. Reviews should be proportionate to the issues in hand..." (paragraph 62).

"The NPPF 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).

"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).

- 3.3 Furthermore the NPPG states that: *"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 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).

- 3.4 Therefore the Council is required to assess whether the District Plan needs updating by the end of October 2023. It is important to be clear at this stage that the review of the District Plan is only to consider whether the plan needs updating because the circumstances in which the plan was prepared are no longer relevant or have changed. This includes consideration of national policy and the supporting evidence that justified its policies and allocations. Importantly, it does not decide what planning policy approaches any update to the District Plan should take. This will be for the Council’s future consideration if it is decided that an update is needed.
- 3.5 Whilst reviewing a plan would normally be a relatively straight forward process, this is not currently the case due to significant uncertainty around the Government’s proposed reforms to the planning system. These changes are summarised below.

Summary of proposed reforms to the planning system

Planning White Paper:

- 3.6 Published in August 2020, a series of proposals in the White Paper were set out that would seek to ‘radically’ reform the planning system; ensuring that it is ‘fit for purpose’. The focus was on a system that is streamlined and modernised (fit for the 21st Century), with a new focus on design and sustainability, but which also ensured that more land is made available for development.

3.7 The White Paper set out that the Duty to Cooperate, the requirement for a five-year land supply, the tests of soundness and sustainability appraisals would all be abolished. Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable of no more than 30 months in total for key stages of the process, and there will be sanctions for those who fail to do so.

Levelling Up White Paper:

3.8 Published in February 2022, the Levelling Up White Paper provides minimal detail on planning reform, but states that local plans will be made simpler and shorter, and that the Government is developing models for a new infrastructure levy which will enable local authorities to capture value from development more efficiently.

3.9 Wider changes to the planning system will secure enhanced social and economic outcomes by fostering beautiful places; improving democracy and engagement in planning decisions; supporting environmental protection, including support for the transition to Net Zero; and securing clear benefits for neighbourhoods and local people through a stronger say over where homes are built and what they look like.

Levelling-Up and Regeneration Bill:

3.10 Published in May 2022, this replaces the standalone Planning Bill, which was previously promised. The Bill seeks to improve the planning system by giving communities a louder voice and ensuring that developments are *'beautiful, green and accompanied by new infrastructure and affordable housing'* to support the regeneration of towns and cities where it is needed

most. The Bill will give effect to a number of measures first proposed in the Levelling Up White Paper.

Reforms to National Planning Policy Consultation:

- 3.11 Published in December 2022, this consultation sought views on the government's approach to updating the National Planning Policy Framework (NPPF)⁴.
- 3.12 As set out above, the February 2022 Levelling Up White Paper reiterated the government's commitment to making improvements to the planning system, by giving communities a stronger say over where homes are built and what they look like. The Levelling-up and Regeneration Bill (the Bill) which is currently before Parliament will put the foundations in place for delivering this by creating a plan-led system with a stronger voice for communities.
- 3.13 Whilst the Bill begins to put communities at the heart of the planning system, further changes are also needed to national policy and guidance. The Reforms to National Planning Policy consultation set out the government's proposed changes which will help deliver this wider change.
- 3.14 The changes are wide ranging and include, inter alia, specific proposals which make clear how housing figures should be derived and applied so that communities can respond to local circumstances.
- 3.15 Alongside specific changes, the consultation also seeks views on a wider range of proposals, particularly focused on making sure the planning system capitalises on opportunities to

⁴ The Council submitted a response to the consultation in February 2023. The Council's response can be found here: [Decision - Levelling-up and Regeneration Bill Reforms to National Planning Policy \(NKD23/04\) - East Herts District Council](#)

support the natural environment, responds to climate change, and delivers on levelling up of economic opportunity.

- 3.16 The consultation also set out the envisaged role for National Development Management Policies. These are intended to save plan-makers from having to repeat nationally important policies in their own plans so that, in theory, plans can be quicker to produce and focus on locally relevant policies.
- 3.17 Finally, the consultation set out proposed changes to the plan-making system. Subject to parliamentary approval, it is anticipated that these plan-making reforms will be implemented from late 2024.

Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms:

- 3.18 Published on the 25 July 2023, the consultation seeks views on the government's proposals to implement the parts of the Levelling-up and Regeneration Bill which relate to plan-making.
- 3.19 The consultation runs from the 25 July to 18 October 2023, and confirms, subject to Royal Assent of the Levelling-up and Regeneration Bill, certain key plan-making transitional milestone dates, which were consulted on in December 2022. The main proposals will:
- Make the role and content of plans clearer – plans will be simpler, shorter and more visual. The repetition of policies across plans will be eliminated and a new suite of national development management policies⁵ will cover common planning considerations.

⁵ A suite of NDMPs will be consulted on separately.

- Speed up the process for preparing a plan – plans will be prepared and adopted over 30 months.
- Ensure local communities are engaged – planning authorities will be required to undertake two periods of public consultation. There will also be a requirement to ‘notify’ and ‘invite’ early participation on matters that might shape the direction of the plan. There will be a strengthened role for a strategic vision, which will be developed collaboratively with communities and stakeholders.
- Make the most of digital technology.

3.20 It is anticipated that new-style plans will be prepared over a 30-month period, as set out in the below flow diagram:

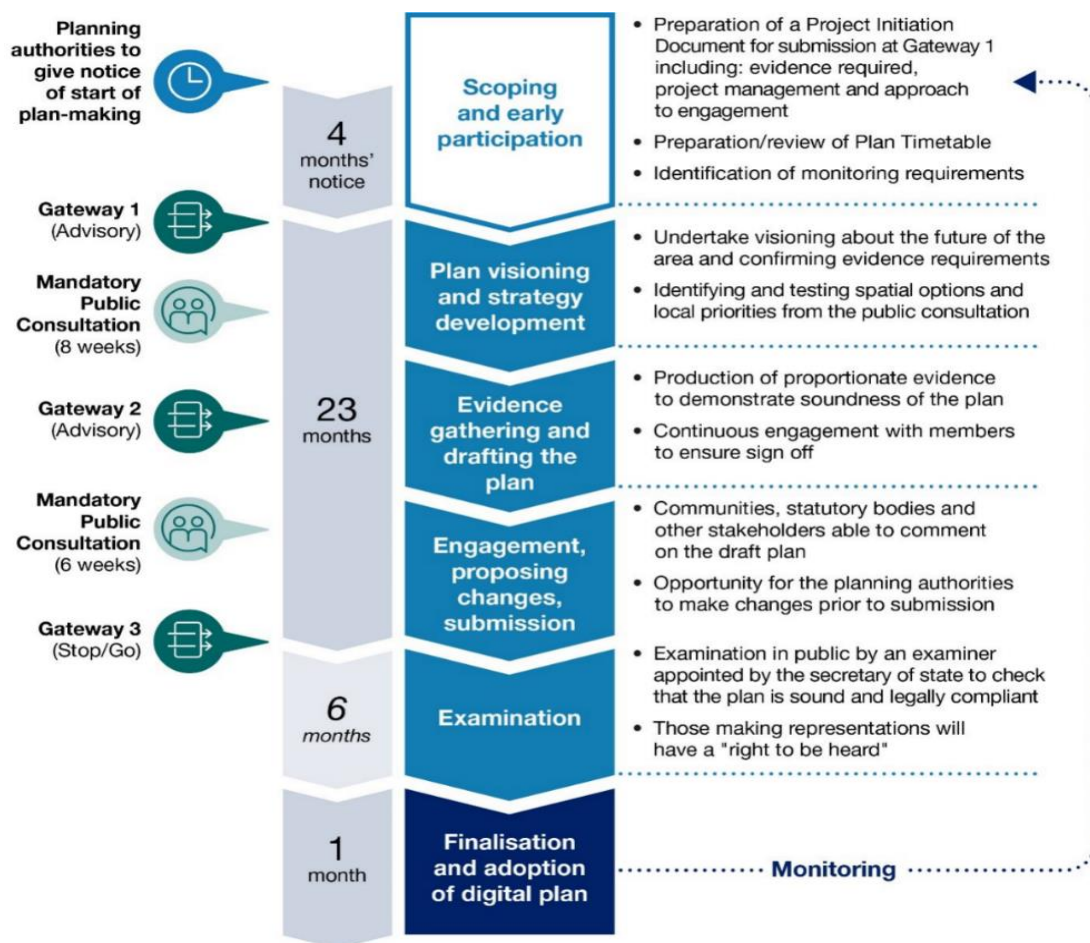


Figure 1 - Process to Make a Local Plan

3.21 The consultation also sets out proposed arrangements for moving from the current plans system to the new one. The government intends to have in place the required regulations, policy and guidance by Autumn 2024 to enable the preparation of the first new-style local plans.

Conclusion:

3.22 As set out above, the proposed reforms to the planning system are wide ranging. There is still a lot of detail that remains to be seen while political opposition and parliamentary timetables mean that we are still some way from any proposed changes becoming a formal part of the planning system, with no guarantee that they will all become law. There will then need to be a comprehensive suite 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 East Herts District Plan.

Review of the East Herts District Plan 2018

3.23 The review of the District Plan 2018 set out in this report and appendices is based on the current NPPF (2021) and NPPG. It can be updated as the planning reforms referred to above reach a stage where they can be given significant weight. Paragraph 65 of the NPPG indicates that, in reviewing a plan, an authority can consider information such as (but not exclusively):

- *conformity with national planning policy;*
- *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.*

3.24 Paragraph 68 of the NPPG states 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 and to have due regard to the Duty to Cooperate.

3.25 The East Herts District Plan 2018 was based on evidence gathered mainly in the period from 2013 to 2017. Some elements relating to the physical environment may remain fit for purpose (e.g., landscape character appraisals), but other evidence such as on social and economic matters will need to be updated (see below).

3.26 Officers have undertaken a review of the District Plan 2018 using:

- Consultation with Duty to Co-operate bodies including Hertfordshire County Council, Essex County Council, neighbouring local planning authorities and statutory/public bodies;
- An assessment of the consistency of the policies in the District Plan 2018 with the current NPPF (2021) and NPPG;
- Information available regarding changes in local circumstances; and
- The Local Plan Route Mapper Toolkit produced by PAS in October 2021.

3.27 **Appendix 1** sets out a summary of responses received to date from the Duty to Co-operate bodies. The discussions have generally focussed on the importance of updating the Council's evidence base to take account of local changes and updates to national policy. Duty to Co-operate discussions will continue throughout the process of updating the District Plan.

3.28 **Appendix 2** provides a comprehensive assessment of the policies in the District Plan 2018 against current national policy set out in the NPPF (2021) and the NPPG, along with changes in local circumstances. This indicates that, while the policies are broadly consistent with the NPPF, many will require some form of updating. It should be noted that this assessment reflects a point in time and the process will need to be repeated once the content of the new NPPF and proposed National Development Management Policies become clearer, as this may remove the need to include certain policies unless there are specific local matters that should be addressed. The update of the District Plan will also need to take account of changes to relevant legislation, such as the Environment Act 2021 and the Building

Regulations. Updated evidence may also result in further changes being required.

3.29 It should be noted that Appendix 2 does not identify where the supporting text to each policy will need updating and, due to the time elapsed since drafting of the District Plan 2018, it is likely that the majority of supporting text will need re-drafting.

3.30 Likewise, Appendix 2 does not include the following:

- Any new policy areas that may need to be included or developed in an update of the District Plan.
- Policies that should be updated to incorporate the latest evidence, best practice, updated strategies, and new requirements of statutory consultees.
- Policies that will be reviewed or added due to the priorities identified by the Council or corporate objectives.

3.31 **Appendix 3** is the completed PAS Local Plan Route Mapper Toolkit, which draws on the information in Appendix 1 and Appendix 2. It indicates that an update to the District Plan 2018 is required for a number of reasons, including the following:

- The significant change in local housing need arising from the standard method (see Appendix 4 for more information).
- 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 which have increased since the District Plan was adopted in 2018.
- 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.

3.32 Having assessed in detail the policies in the District Plan 2018 it is concluded that an update is required. In terms of the scope of that update, the PAS toolkit suggests that if any of the following statements apply a full, rather than partial, update will be needed:

1. The policies update is likely to lead to a material change in the housing requirement which in turn has implications for other plan requirements / the overall evidence base.
2. The growth strategy and / or spatial distribution of growth set out in the current plan is not fit for purpose and a policies update is likely to involve a change to this.
3. The policies update is likely to affect more than a single strategic site or one or more strategic policies that will have consequential impacts on other policies of the plan.

3.33 It is difficult to answer these questions until the implications of the planning reforms outlined above become clearer. Potential changes to strategic housing requirements are clearly a key factor in considering the scope of the District Plan review. The NPPF (paragraph 61) requires that the local housing need figure calculated using the standard method should be the starting point for considering housing requirements (unless an alternative approach is justified in exceptional circumstances).

3.34 **Appendix 4** explains the background to the current District Plan 2018 housing requirement of 839 dwellings/year, and the updated housing need figure of 1,112 dwellings/year which would arise from the standard method. Paragraph 62 of the NPPG states that local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method.

3.35 The District Plan 2018 was adopted prior to the standard method being implemented, and the local housing need requirement is significantly lower than the standard method requirement. This supports the conclusion that the plan needs updating and that this is likely to be a full update. However, the implications of this will require careful consideration in the context of the emerging planning reforms and a detailed assessment of constraints and capacity, in due course.

Evidence Base

3.36 As details of the new plan-making system continue to emerge, it is recommended that the Council proactively commences work on updating the District Plan evidence base so that the Council is in a strong position to commence formal stages at the earliest opportunity from Autumn 2024 (when the new plan-making is anticipated to commence).

3.37 Updating the existing evidence base, will also provide the Council with an opportunity to address issues that have risen to greater prominence since the District Plan 2018 was prepared. These include:

Climate Change – The importance of tackling climate change has risen in the national agenda since the adoption of the District Plan in 2018. In 2019 the Government amended the Climate Change Act to commit the UK to net zero greenhouse gas emissions by 2050. Subsequently, changes to the building regulations came into force in June 2022, which require new homes to reduce carbon emissions by 30% and non-domestic buildings to reduce emissions by 27%.

The Council has recently made a declaration of climate emergency (Council, 26th July 2023⁶) and it has become clear that action to mitigate against climate change and adapt to its impacts must be embedded and integrated into all aspects of policy preparation, including through a review of the District Plan.

Design - Revised national policies state that local authorities must draw up design codes and guidance as part of their local plans or as a standalone policy document. Paragraph 129 of the NPPF states that, to "carry weight in decision-making", design guides and codes "should be produced either as part of a [development] plan or as supplementary planning documents".

Improvements to the Environment - The update to the NPPF in 2021 emphasised the importance of trees for enhancing the quality and character of the urban area and addressing climate change. Paragraph 131 states that planning policies and decisions should ensure that streets are tree lined and that opportunities are taken to ensure trees are incorporated elsewhere in developments.

⁶<http://democracy.eastherts.gov.uk/documents/s63110/Declaration%20of%20a%20Climate%20Emergency%20and%20the%20councils%20response.pdf?J=4>

Biodiversity - The Environment Act in 2021 introduced a mandatory requirement for biodiversity net gain and local nature recovery strategies. Development proposals will need to deliver a minimum 10% net gain using a biodiversity metric and approval of a biodiversity net gain plan. This will start to come into force for some planning applications from November 2023.

Affordable Housing - The current District Plan sets out the affordable housing need over the period 2011-2033, of 217 dwellings per annum. Work commissioned in 2021 and completed in 2022 concluded that the annual need for affordable housing in East Herts had risen since the District Plan was adopted. The work concluded that there was a total need of 3,784 affordable dwellings over the period 2021-2033, or 315 per annum. It should be noted that this increase in growth is largely due to the shorter period to address the backlog of need alongside the introduction of those aspiring to own being considered as potentially being in affordable housing need.

Use Classes - The current District Plan uses outdated Use Classes, which were subsequently updated on 1 September 2020. Inter alia, the changes provide for three new use classes - Class E, Class F.1 and F.2.

These amendments allow far greater flexibility to change uses within town centres without the need to obtain planning permission. The new approach aims to promote the vitality and viability of town centres by allowing more diversification in a way that can respond to rapid changes in the retail and leisure sectors. This does mean however that local planning

authorities will need to re-think their policy/strategies for town centres with less emphasis on retail as a key attraction.

- 3.38 An audit of existing evidence is currently being undertaken to identify gaps and to consider where these can be filled using in-house capacity and skills, and where external consultants will need to be commissioned.
- 3.39 The proposed planning reforms suggest a more streamlined plan-making process with less stringent tests of soundness, which may reduce the scope and cost of the necessary evidence base. Consideration will also be given to opportunities to commission work jointly with other neighbouring authorities.

Call for Sites

- 3.40 Councils must be able to demonstrate that they have an adequate supply of housing to meet their needs in both the short term (i.e., being able to identify a rolling 5-year supply) and in the longer term, with a strategy to meet needs across the whole of the plan period. Whilst the Council's local housing need figure going forward has not yet been determined, it is anticipated that there could be a requirement to accommodate some additional growth. It is therefore recommended that a 'Call for Sites' is undertaken so that the Council can demonstrate that it is able to meet its identified needs.
- 3.41 A 'Call for Sites' is an opportunity for landowners, developers, agents and site promoters to submit sites which may be considered to have the potential for future development. The call for sites exercise will not determine the strategy or whether

a site *should* be allocated for development. However, it is important that a 'Call for Sites' takes place as it will help identify a potential pool of sites for further consideration through a range of technical work to assess their sustainability, suitability and deliverability.

- 3.42 A 'Call for Sites' does not relate solely to housing development, but could, for example, include other proposals for Gypsies and Travellers, employment, open space, and land for biodiversity offsetting.

District Planning Executive Panel

- 3.43 As work commences on a review of the District Plan it is recommended that the District Planning Executive Panel is reconvened.
- 3.44 The constitution sets out at paragraph 8.5.2 that *'The District Planning Executive Panel (herein referred to as 'the Panel' in this section) will be appointed annually by the Executive and membership will be drawn from the Executive only.'*
- 3.45 The remit of the Panel is to make recommendations to Council, via the Executive, on issues associated with the East Herts District Plan. The Panel was previously made up of the Leader and two other Executive Members. However, all Councillors were invited to attend and participate, and the related discussions enabled all members to gain a far greater understanding of the processes and challenges faced in developing a robust strategy and policies.

Conclusion

- 3.46 The review of the policies in the current District Plan using the combined mechanisms of the PAS Toolkit, assessment of consistency with the NPPF, and engagement with Duty to Cooperate bodies, concludes that the Plan requires updating.
- 3.47 Furthermore, it is likely that this will need to be a full, rather than partial, review of the Plan. This is largely because of the need to consider potential changes to housing requirements and the implications for other aspects of the Plan, along with the need to ensure that all policies are consistent with the latest NPPF and legislation. It will also allow the Council to give greater emphasis to climate change mitigation and adaptation and to design quality.
- 3.48 It is recommended that decisions on the final scope of the update and its associated timetable should be made when the implications of the proposed changes to the NPPF are better understood, the Levelling-up and Regeneration Bill has received Royal Assent, and the statutory framework required to implement the reforms has been approved.
- 3.49 However, while the scope of the District Plan update has 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, allowing planning authorities to develop robust and effective plans and allowing communities and other stakeholders to understand the decisions that have been made.
- 3.50 It is therefore considered that the focus in 2023/24 should be on starting to update the evidence base and other preparatory

work needed to support an update to the District Plan, including a Call for Sites. This will enable work on updating the District Plan to progress quickly when the new plan-making system formally commences from Autumn 2024. Given the Government is currently proposing a 30 month plan-making timetable, it is particularly important that preparatory work is started soon, to help the Council meet these ambitious timescales.

4.0 Options

- 4.1 The Council is legally required to assess whether a review of its District Plan is required no later than five years from the date of adoption under the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.

5.0 Risks

- 5.1 There are a number of risks associated with not undertaking an update of the District Plan.
- 5.2 Without an up-to-date District Plan it will be difficult for the Council to challenge planning applications from developers and proposals may result in unsustainable, unplanned, piecemeal development across the district without the required supporting infrastructure such as roads, schools, healthcare facilities etc.
- 5.3 The costs of fighting appeals resulting from refused applications in unsuitable speculative locations should not be underestimated, both in monetary and staff resource terms, as

previous experience in the district prior to adoption of the District Plan has shown. Such costs are also not currently budgeted for but would need to be met by the Council.

- 5.4 To continue to demonstrate a five-year land supply, the Council must ensure that its housing needs are being met. Key to meeting its needs is understanding the current supply of housing and whether the supply will meet those future needs. Failure to demonstrate a five-year land supply could result in the Council losing control of certain decisions and increases the likelihood of speculative planning applications and subsequent appeals and the associated costly hearings and inquiries, as outlined above. The likely success rate at such appeals could also be negatively impacted by a lack of five-year supply or ability to demonstrate a sufficient supply of future housing sites.

6.0 Implications/Consultations

- 6.1 An engagement strategy will be prepared for the review of the District Plan⁷. As well as traditional consultation and engagement methods this will also consider opportunities for greater use of digital technologies as advocated in the proposed planning reforms and will also seek to reach all communities.

Community Safety

No

⁷ The Levelling-up and Regeneration Bill removes the requirement to prepare a Statement of Community Involvement (SCI). Instead, the Council's approach to engagement and consultation should set out in the Project Initiation Document.

Data Protection

No

Equalities

There are no direct equality, diversity, or inclusion implications in this report. An Equalities Impact Assessment (EqIA) will be carried out of the District Plan update in accordance with The Equality Act 2010.

Environmental Sustainability

A review of the District Plan will allow the Council to put climate change mitigation and adaptation at the heart of the development plan to contribute to meeting the Council's environmental and sustainability objectives.

Financial

Reviewing the District Plan will require a fully staffed Planning Policy Team to enable the Council to comply with the Government's proposed reduced 30 month timetable towards adoption.

Other costs are associated with the technical work required in the production of a robust evidence base to underpin the plan, and other process costs, including stakeholder and community engagement, as well as the cost of the examination.

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

The Council holds a reserve to cover costs related to the District Plan. The existing reserve is around £460K (which includes £400K of New Homes Bonus which the Council agreed could be set aside to meet costs in November 2022). Other costs will be met from the existing budget arrangement of £100K per year.

Costs will be refined and where possible reduced, including by taking a proportionate approach to commissioning evidence while meeting Government requirements, and exploring opportunities for joint commissioning of technical work with other neighbouring authorities, as appropriate.

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Policies in local plans should be reviewed to assess whether they need updating at least once every five years and should be updated as necessary⁸. Reviews should be completed no later than five years from the adoption date of a plan and should take into account changing circumstances affecting the area (local changes), or any relevant changes in national policy.

Specific Wards

All

7.0 Background papers, appendices and other relevant material

7.1 Appendix 1 – Summary of responses from Duty to Cooperate bodies.

⁸ Reviews at least every five years are a legal requirement for all local plans – see Regulation 10A of [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2017/1000/regs/10a)

- 7.2 Appendix 2 – Compliance of District Plan 2018 policies with the NPPF (2021) and NPPG.
- 7.3 Appendix 3 – Completed PAS Local Plan Route Mapper Toolkit.
- 7.4 Appendix 4 – Changes to local housing need.

Contact Member

Executive Member for Planning and Growth -

Cllr Vicky Glover-Ward

vicky.glover-ward@eastherts.gov.uk

Contact Officer

Head of Planning and Building Control – Sara Saunders

Contact Tel. No. 01992 531656

sara.saunders@eastherts.gov.uk

Report Authors

Claire Sime – Service Manager (Planning Policy, Design and Conservation)

claire.sime@eastherts.gov.uk

George Pavey – Team Leader (Planning Policy)

george.pavey@eastherts.gov.uk