

East Herts Council Report

Executive

Date of meeting: Tuesday 3 September 2024

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

Report title: East Herts Local Development Scheme

Ward(s) affected: All Wards

Summary – Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended)¹ requires local planning authorities to prepare, maintain and make available to the public, a Local Development Scheme, or timetable, for the production of its development plan documents. In accordance with this requirement, this report presents a timetable for the production of the Council's District Plan Review.

RECOMMENDATIONS FOR EXECUTIVE: To recommend to Council that:

- a) the East Herts Local Development Scheme, attached at Appendix 'A', be agreed to take effect from October 2024; and**
- b) the Local Development Scheme is published on the Council's website.**

¹ [Planning and Compulsory Purchase Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

1.0 Proposal(s)

- 1.1 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 production of its development plan documents.
- 1.2 This reports presents an updated LDS which includes a timetable for the production of the Council's District Plan Review.

2.0 Background

- 2.1 A Local Development Scheme (LDS) sets out the timetable for the production of the Council's development plan document(s), 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.
- 2.2 The Planning and Compulsory Purchase Act further requires development plan documents to be prepared in accordance with the Local Development Scheme.
- 2.3 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 by the Secretary of State).
- 2.4 The Council's most recent LDS was agreed in July 2020. The LDS attached at **Appendix A** to this report will replace the previous version.

3.0 Reason(s)

- 3.1 Local Planning Authorities are required to complete a review of their local plans at least once every 5-years from the adoption date of a plan. This is to ensure that policies remain relevant, taking into account matters such as changes to local circumstances, conformity with national planning policy, significant economic changes that may impact on 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.
- 3.2 In October 2023, the Council agreed that the District Plan 2018 needs updating², and that a timetable for its preparation should be prepared once the implications of the plan-making reforms are better understood.
- 3.3 The benefits of having an up-to-date plan cannot be underestimated. 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.
- 3.4 Whilst the Levelling-Up and Regeneration Act 2023 paves the way for reforms to the plan-making system, there is still some uncertainty about when the new system will be implemented. It is, however, considered important for the Council to set out a clear direction of travel.

² [Review of the East Herts District Plan 2018.pdf](#)

- 3.5 The new government has recently published a consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system³. This consultation suggests that the new plan-making system as set out in the Levelling-up and Regeneration Act 2023 will now be implemented from summer or autumn 2025.
- 3.6 The timetable set out in the LDS attached at **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.
- 3.7 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.
- 3.8 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.
- 3.9 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.

4.0 Options

- 4.1 The Council is legally required to prepare, maintain and make available to the public, a Local Development Scheme.

³ [Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system)

5.0 Risks

- 5.1 In accordance with Section 15(3A) of the Planning and Compulsory Purchase Act 2004, if a local planning authority has not prepared a local development scheme, the Secretary of State may prepare a local development scheme for the authority and direct the authority to bring the scheme into effect. The local planning authority must comply with such a direction. By resolving to bring the LDS into effect, the Council manages the risk of such intervention.
- 5.2 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.

6.0 Implications/Consultations

- 6.1 An engagement strategy will be prepared as part of the Project Initiation Document for the District Plan Review.
- 6.2 As well as traditional consultation and engagement methods this will also consider opportunities for greater use of digital technologies as advocated in the planning reforms and will also seek to reach all communities.

Community Safety

There are no community safety implications arising from this report.

Data Protection

There are no data protection implications arising from this report.

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 Review 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

The District Plan Review and other planning documents are being produced from existing budgets, including reserves that have been safeguarded for this purpose.

Health and Safety

There are no health and safety implications arising from this report.

Human Resources

There are no human resources implications arising from this report.

Human Rights

There are no human rights implications arising from this report.

Legal

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.

Section 19 of the Planning and Compulsory Purchase Act requires Development Plan Documents to be prepared in accordance with the Local Development Scheme.

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.

Specific Wards

All

7.0 Background papers, appendices and other relevant material

7.1 Appendix 1 – East Herts Local Development Scheme

Contact Member

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