

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL – 15 AUGUST 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

THE WELWYN HATFIELD LOCAL PLAN REVIEW

1 Executive Summary

- 1.1 The current Welwyn Hatfield Local Plan 2016 - 2036 (WHLP) was adopted in October 2023. The WHLP contains Policy SP2 which commits the Council to undertake a review of the plan, to be submitted for examination no later than October 2026.
- 1.2 An initial review of the policies of the WHLP has been carried out which has concluded there is a need for a full review and update of the Local Plan (Appendix A), as opposed to a more limited review and update. This is supported by a completed Planning Advisory Service (PAS) toolkit assessment (Appendix B).
- 1.3 A reformed plan-making system set out in the Levelling Up and Regeneration Act (2023) is intended to be introduced from summer or autumn 2025. The deadline for submitting plans under the current system requires plans to be submitted no later than December 2026.
- 1.4 The requirement to undertake a review of the plan is such that it will be progressed under the current plan making system, although this will be kept under review. An indicative timetable has been prepared which includes early stakeholder and community engagement to inform a vision.

2 Recommendation

- 2.1 That Cabinet Planning and Parking Panel recommends to Cabinet that:
 - a) A local plan (full review) is prepared; and,
 - b) As part of the early scoping of the new local plan, public engagement take place inviting reflections regarding the current opportunities and challenges facing the borough, the arrangements for this engagement will be agreed by the Assistant Director (Planning) in consultation with the Executive Member.

3 Explanation

- 3.1 The current Welwyn Hatfield Local Plan was adopted in October 2023. It contains Policy SP2 which commits the Council to undertake a review of the plan, this review is to commence no later than one year after the adoption of the plan [by October 2024] and for an updated or replacement plan to be submitted for examination no later than three years after the date of adoption of the plan [by October 2026].
- 3.2 The examination of the now adopted Local Plan identified a Full Objectively Assessed Housing Need (FOAHN) for the borough of 15,200 dwellings between 2016 and 2036 (an average of 760 dwellings per annum), a supply of 13,400 dwellings over the plan period 2016-36 was able to be demonstrated resulting in a

shortfall against the requirement. The need for a review is triggered as the current Local Plan does not provide homes for the plan period to 2036.

- 3.3 The requirement for the review as set out in the Local Plan, does not determine what planning policy approaches any update to the Local Plan should take, this will be for the Council to decide, specifically whether the Local Plan requires updating in part or in whole.
- 3.4 It is not the case that the new plan will need to meet the shortfall between the FOAHN (15,200 homes) and the identified supply (13,400), any new or updated plan will need to be in line with the current National Planning Policy Framework (NPPF) and use the Government's standard method to inform housing need.

Local Plan Review

3.5 Local Plans, prepared by a local planning authority in consultation with its community, set out a vision and a framework for the future development of an area. Once in place, Local Plans become part of the statutory development plan. The statutory development plan for the area is the starting point for determining local planning applications. The following is a list of some of the benefits that an updated Local Plan will bring, this is not an exhaustive list:

- The Borough would continue to benefit from having an up-to-date Development Plan against which all planning decisions are made, unless material considerations indicate otherwise.
- The policies in the Local Plan would be 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 Borough, alongside statutory public consultation involving our communities.
- An updated evidence base provides better decision-making and ensures planning is directly supporting the needs of the community. Opportunities to update evidence will also assist other departments; responsibilities and workstreams where there is shared evidence, in particular Housing.
- The Council can continue to defend its planning decisions robustly, reducing the likelihood of costly planning inquiries and appeals.
- Speculative planning applications received are appropriately managed and ensure that any development is Plan-led; allowing for infrastructure to continue to be planned proactively through direct liaison with infrastructure providers throughout the process and can reduce piecemeal development in unsustainable locations.

3.6 A review of the policies in the WHLP 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;*
- *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.*

3.7 Notwithstanding the WHLP was recently adopted, much of the evidence for the WHLP dates prior to 2017, when the (then) Draft Local Plan 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.

3.8 The review of the WHLP 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 Toolkit produced by PAS (Appendix B)

3.9 The assessments support officers' view that many of the policies 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 (NDMP) become clear.

Reforms to the planning system

3.10 The Levelling-Up and Regeneration Act (LURA) received Royal Assent on 26 October 2023. It is the Government's intention to implement the new plan-making system as set out in the LURA from summer or autumn 2025.¹

3.11 The Government's consultation on proposed reforms to the National Planning Policy Framework (July 2024) sets out that plans that are not subject to transitional arrangements will need to be submitted for examination under the provisions of the existing 2004 Act no later than December 2026.

3.12 The commitment to review the plan, specifically to have submitted an updated or replacement plan for examination no later than three years after the date of adoption of the plan [by October 2026] requires the plan to be prepared under the existing 2004 Act system. Although, this will be kept under review as further details of the Government's intentions around plan-making reform are published in due course.

Indicative Local Plan timetable

3.13 An indicative timetable informed by the known stages of the proposed reformed plan-

¹ [Proposed reforms to the National Planning Policy Framework](#)

making system is set out in Table 1. The timetable (and activities) should be treated as indicative at this early stage in the plan-making process.

Plan-making stage	Description	Timetable
Pre-production	Early engagement	Autumn 2024
Consultation (plan preparation) Regulation 18 of the T&CP (LP) (England) Regulations 2012	The LPA notifies certain specified bodies or persons of the subject of a local plan which the LPA propose to prepare and invites representations about what that local plan ought to contain.	Summer 2025
Publication and Representations Regulations 19 and 20	Make available the proposed submission documents and a statement of representation procedure. Any person may make representations about the Local Plan the LPA proposes to submit to the Secretary of State by a specified date.	Spring 2026
Submission to the Secretary of State Regulation 22	Submit the Local Plan to the Secretary of State for examination along with certain prescribed documents/statements including copies of the representations made at Regulation 20.	October 2026
Independent Examination Regulations 23 and 24	The Local Plan is independently examined by an Inspector appointed by the Secretary of State.	November 2026 to April 2027
Publication of Inspector's Report Regulation 25	The LPA publishes the recommendations of the Inspector	May 2027`
Adoption Regulation 26	The LPA adopts the Local Plan, makes it available and sends the adoption statement to certain persons	June 2027

3.14 The Council as Local Planning Authority is required to prepare, maintain, and make available to the public, a Local Development Scheme (LDS)². An LDS sets out the timetable to produce the Council's Development Plan Documents. It enables 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. A proposed LDS is the subject of a separate report.

Early Community and Stakeholder Engagement

3.15 It is an established practice that as part of the preparation of a local plan, local planning authorities invite statutory consultees and other stakeholders with an interest in the area to make representations on what the Local Plan should contain, and to take these representations into account when preparing the new Local Plan.

3.16 As a precursor to a formal consultation on the new Local Plan, it is proposed to hold an initial high-level engagement exercise to understand opportunities and challenges facing the borough as a place, but without, at this stage, getting into discussions about numbers of new homes, locations of development.

3.17 The engagement is to be framed around broad themes such as 'living', 'working', 'environment' and 'Movement'. The objective is to gain an understanding of the

² [Section 15 Planning and Compulsory Purchase Act 2004](#)

Borough's current challenges and opportunities and to gain an in-depth, theme-based understanding of how the Borough works today.

- 3.18 To support the engagement, a "Place Portrait" of the borough has been produced and designed to be a user-focused, interactive online dashboard, which enables consultees to establish a clear understanding of place and interrogate datasets without requiring technical expertise. The tool follows the Government's focus on the digitisation of planning and will allow users to easily and simply access layers information and data to help them to identify the different issues affecting the area as a whole and its constituent parts.
- 3.19 Under each broad theme, stakeholders and the wider community will be invited to contribute an analysis of the borough's challenges and opportunities. The engagement will also invite respondents to say what their ambition for the Borough is.
- 3.20 The engagement will have a digital focus utilising a consultation portal and new 'Place Portrait' dashboard. The engagement will make it clear that the inputs will inform our thinking ahead of further work to consider Local Plan Review and be reported back to CPPP and Cabinet.

Alternative options considered

- 3.21 An alternative 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 SP2. Although the Secretary of State has powers to intervene when Local Plan preparation has been delayed or been slow to progress, to date these powers have been used on few occasions. However, this approach would carry with it a significant amount of risk and would damage the reputation of the Council. Unless the review is commenced 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 matters such as the location and quality of housing development, and potentially an increase in the number, length, and complexity of planning appeals. This option is not recommended.
- 3.22 Another alternative option is to conclude that only a limited number of policies need to be reviewed and undertake a partial update of the Local Plan. This might focus, for example, on the submission of additional housing sites. This approach would ensure that the updated policies would have weight in determining planning applications as it would 'tackle the root cause' of the need to undertake the review. 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. This option is not recommended.
- 3.23 As stated earlier in the report, reforms to the planning system are to come in due course. An option that has been considered is progressing the WHLP review under the new plan-making system. However, to await the necessary regulations and secondary legislation would mean the starting of plan making being delayed and significant risk in leaving the Council without up-to-date policies in some essential areas. This option is not recommended.

4 Legal Implication(s)

- 4.1 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). Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), local planning authorities must review their Local Plans within five years of the adoption date. However, as stated the adoption of the WHLP includes a commitment to an early review.
- 4.2 The enactment of relevant sections of the Levelling Up & Regeneration Act and associated secondary legislation, will likely, through amendments to the Planning & Compulsory Purchase Act 2004 and associated regulations, set the statutory framework for the preparation of the new Plan. However, this is yet to be confirmed.
- 4.3 The adopted Welwyn Hatfield Local Plan 2016 – 2036 forms part of the statutory Development Plan for the Borough. Section 38(6) of the PCPA states that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Any decision to review the Local Plan does not affect its Development Plan status. The current Local Plan is the starting point for consideration of planning applications in Welwyn Hatfield. Emerging policies in any new Plan may become a material consideration as they progress through the system.

5 Financial Implication(s)

- 5.1 Local Plan preparation is a significant cost to Council. The unique circumstances and length of examination of the recently adopted Local Plan 2016 is not considered a benchmark of the likely cost of a review of the plan. Typically, the overall cost of produce a Local Plan is £1.5m. Key costs associated with the Local Plan review include but are not limited to:
- Staffing
 - Expert support to the Council (e.g. specialist consultants, evidence base studies, legal representation and advice);
 - Process costs, including stakeholder and community engagement; and
 - The Planning Inspectorate (i.e. the examining Inspector).

6 Risk Management Implications

- 6.1 As outlined above, commencing review of the Local Plan will help to protect local planning authorities from speculative development by safeguarding policies of the adopted Local Plan whilst the review takes place.
- 6.2 Should a review not take place this 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 and increase the likelihood of speculative development.

7 Security & Terrorism Implication(s)

- 7.1 There are no security and terrorism implications as a direct result of producing the Local Plan

8 Procurement Implication(s)

8.1 There are no procurement implications arising from this report.

9 Climate Change Implication(s)

9.1 Review of the local plan provides an opportunity for the Council to place greater emphasis on climate change and to amend and/or introduce policies which are better able to address the challenges climate change brings to the Borough.

10 Policy Implications

10.1 Policy implications will arise from the review of the Local Plan, they do not arise directly in the Local Development Scheme, which sets out the timetable for the production of the Local Plan.

11 Human Resources Implications

11.1 The Planning Policy team has the responsibility to service, support and facilitate the Council's plan-making activity. The approach taken towards plan-making, both in the short-term and across the longer-term will have implications on the level of resourcing required.

11.2 The review the WHLP is a significant undertaking for the Planning Policy and Implementation Team, particularly to comply with the Governments proposed reduced 30-month timetable towards adoption.

11.3 In recent years, both permanent and fixed-term posts have been added to the Planning Service during the preparation of the now adopted WHLP. At this early stage the work associated with the review is considered to be met through the existing team structure. As more details of the new planning system are known it maybe necessary to seek additional fixed-term planning officer and technical / administrative support.

12 Link to Corporate Priorities

12.1 The subject of this report is linked to the Council's agreed Corporate Priorities including running an effective council and creating opportunities for our communities.

13 Equalities and Diversity

13.1 The report does not propose changes to existing Welwyn Hatfield Borough Council service-related policies or the development of new service-related policies. Accordingly, an Equalities Impact Assessment has not been completed.

Appendices:

Appendix A Local Plan Review Policy compliance assessment

Appendix B Planning Advisory Service (PAS) toolkit assessment