

Part I

Item No:

Main author: Carol Hyland

Executive Member: Councillor Rose Grewal

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

THE WELWYN HATFIELD LOCAL DEVELOPMENT SCHEME 2024

1 Executive Summary

- 1.1 Local Planning authorities are required under the Planning and Compulsory Purchase Act 2004 (as amended) to prepare and maintain a Local Development Scheme.
- 1.2 Attached to this report is the Local Development Scheme that sets out the key milestones for the production of the Council's Local Plan Review.
- 1.3 This scheme will be kept under review and amended as and when the Council considers it appropriate to do so.
- 1.4 To bring the scheme into effect, the authority must resolve that the scheme is to have effect and in the resolution specify the date from which the scheme is to have effect¹.
- 1.5 The scheme must be made available to the public and should be published on the authority's website. A copy should be sent to the Secretary of State's department.

2 Recommendation

- 2.1 That the Cabinet Planning and Parking Panel recommends to Cabinet that:
 - a) Cabinet notes the timetable outlined at Table 1 in the attached Local Development Scheme and resolves to bring the Local Development Scheme into effect on the 23rd September 2024 subject to the council's constitutional provisions.
 - b) Cabinet agrees to the Local Development Scheme being published on the Council's website.
 - c) Cabinet agrees to a copy of the Local Development Scheme being sent to the Secretary of State to comply with the Written Ministerial Statement of 19 December 2023.

3 Explanation

- 3.1 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.
- 3.2 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.
- 3.3 The Planning and Compulsory Purchase Act further requires Development Plan Documents to be prepared in accordance with the Local Development Scheme.

¹ S15 (7): [Planning and Compulsory Purchase Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

- 3.4 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).
- 3.5 The planning authority must make available to the public the up-to-date text of the LDS, a copy of any amendments to the LDS, and up to date information showing the state of the authority's compliance (or non-compliance) with the timetable within it.
- 3.6 In the context of a Ministerial Statement made by the Secretary of State for the Department of Housing, Levelling Up and Communities², the Planning Advisory Service believes that all local planning authorities are being asked to review their Local Development Scheme so that it reflects the most up to date timetable for producing their local plan. The scheme should be published on the authority's website and a copy should be sent to the Secretary of State's department.³
- 3.7 The Council's most recent LDS was published in July 2023. This set out the timetable for the preparation of what is now the adopted Welwyn Hatfield Local Plan (2016-2036).
- 3.8 The LDS attached to this report at Appendix A, (including the Timetable at Table 1 within the LDS), will replace the previous version.

The Local Plan Review

- 3.9 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 to assess whether policies need updating taking into account changing circumstances affecting the area, or any relevant changes to national policy.
- 3.10 Policy SP 2 of the Welwyn Hatfield Local Plan 2016-2036, (adopted October 2023), states that the Council will undertake an early review, commencing no later than one year after the adoption of the plan, with an updated or replacement plan being submitted for examination no later than three years after the plan's adoption. The need for this early review arises as the plan does not make provision for the full objectively assessed need for housing over the full plan period
- 3.11 However, a separate report, on the same CPPP agenda as this report, explains that there is a need for a full review and update to the Local Plan, rather than a limited review.

Prospective plan-making reforms

- 3.12 The Levelling-Up and Regeneration Act 2023 paves the way for reforms to the plan-making system, subject to parliamentary approval of the relevant regulations, alongside the publication of national policy and guidance.
- 3.13 These expected reforms include a streamlined 30-month local plan production timetable, alongside three 'Gateway Assessments' to ensure that plans set off in the right direction, comply with legal and procedural requirements, where possible support the early resolution of potential soundness issues, and to monitor and track progress.

² [Written statements - Written questions, answers and statements - UK Parliament](#)

³ [Local Plans Update December 2023 | Local Government Association](#)

- 3.14 Recent announcements⁴ indicate the (new) Government's intention to implement the new plan-making system from summer or autumn 2025. The Government intends to publish further details of its intentions around plan-making in due course.

The Welwyn Hatfield Local Development Scheme (2024)

- 3.15 The LDS, attached to this report at Appendix A, sets out the key plan-making stages and the proposed timetable for the preparation and adoption of the Welwyn Hatfield Local Plan Review, under the current statutory framework. The scheme will be kept under review and amended at a future date, as and when appropriate.
- 3.16 The LDS does not set out the timetable for the preparation of either the Waste and Minerals Local Plan or for any Neighbourhood Plans.
- 3.17 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. For Neighbourhood Plans, it is the responsibility of qualifying bodies 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..

4 Legal Implications

- 4.1 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.
- 4.2 If an LPA has not prepared a local development scheme, the Secretary of State can prepare a local development plan scheme for the LPA and direct the LPA to bring that scheme into effect.
- 4.3 The Secretary of State can direct LPAs to make amendments to their LDS, if such an amendment is required to ensure effective coverage of the LPA's geographical area, or a particular subject area, by their local plan.
- 4.4 Section 19 of the Planning and Compulsory Purchase Act requires Development Plan Documents to be prepared in accordance with the Local Development Scheme.
- 4.5 The Planning and Regeneration Act 2023 paves the way for reforms to the plan-making system. The Government's current stated intention is to implement the new system from summer or autumn 2025. This will be contingent upon Parliamentary approval of the relevant regulations.

5 Financial Implications

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

6 Risk Management Implications

- 6.1 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

⁴ Chapter 12, paragraph 11: [Proposed reforms to the NPPF and other changes to the planning system](#)

such a direction. By resolving to bring the LDS into effect, the Council manages the risk of such intervention.

6.2 The LDS will be kept under review and updated as and when appropriate.

7 Security & Terrorism Implications

7.1 There are no security and terrorism implications arising from this report.

8 Procurement Implications

8.1 There are no procurement implications arising from this report.

9 Climate Change Implications

9.1 There are no climate implications arising from the LDS. Such matters will be considered as part of the Local Plan Review.

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 There are no Human Resources Implications arising from this report.

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.

Equalities and Diversity

12.2 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.

Appendix A: The Welwyn Hatfield Borough Council Local Development Scheme (2024).