

WELWYN HATFIELD BOROUGH COUNCIL  
CHPP – 8 SEPTEMBER 2016  
REPORT OF THE DIRECTOR (GOVERNANCE)

LOCAL DEVELOPMENT SCHEME (LDS) FOR WELWYN HATFIELD LOCAL PLAN

**1 Executive Summary**

- 1.1 This report proposes a revised Local Development Scheme (LDS) timetable for the preparation of the Welwyn Hatfield Local Plan. The LDS is the Council's official timetable for the preparation and adoption of the Local Plan and other planning documents for the borough.
- 1.2 The revised timetable reflects the estimated amount of time it will take to analyse representations to the Proposed Submission version of the Local Plan which is currently underway, the requirement to consider the issues raised, decide whether any modifications need to be made and obtain Full Council approval to submit the Local Plan.

**2 Recommendation(s)**

- 2.1 That Cabinet Housing and Planning Panel agrees the revised LDS and recommends that it be adopted by Cabinet on 4 October 2016.

**3 Background**

- 3.1 Since the first LDS was prepared in 2005 there have been a number of changes to the planning system and decisions by the Council in the light of consultation responses which have resulted in changes to the Local Plan timetable. The last version of the Local Development Scheme was agreed by this Panel in September 2015.
- 3.2 The programme needs to be amended to allow sufficient time to review the representations received to the Proposed Submission Local Plan and to consider whether any changes need to be made prior to submitting the Plan. This impacts on the likely date of the examination and subsequent adoption of the Local Plan.

**4 Explanation**

- 4.1 The last consultation document received 6,000 representations which took several months to process and analyse the issues raised. It is intended to provide less detailed summaries which are more focused upon the main issues raised in the responses where they relate to the soundness of the Local Plan. However, it is considered unlikely that the Council will be in a position to submit the Plan for examination by the end of 2016.
- 4.2 The use of shorter summaries which concentrate on the main issues will help both Members and the Planning Inspector determine whether or not modifications need to be made to make the plan sound. Minor modifications can

be forwarded to the Inspectorate without further consultation whilst major modifications would require another round of public consultation.

- 4.3 The LDS is attached to this report as Appendix A and has been prepared on the premise that the Council do not make any major modifications prior to submission. Should Members decide to make major modifications to the plan or should the representations take longer than anticipated to consider the timetable will need to be revisited.
- 4.4 One of the procedural requirements for the Local Plan is that it is prepared in accordance with the LDS although the timing of the examination is outside the control of the Council. The revised timetable indicates that the Local Plan will be submitted in March 2017 with an examination in summer 2017 and adoption towards the end of 2017.
- 4.5 The Planning Inspectorate advises that examinations should take place within 10-14 weeks following submission. However it should be noted that Stevenage's examination is not expected to commence until early 2017 some 5-6 months after submitting whilst St. Albans have been advised that there will be a need for a pre-hearing meeting to consider issues of soundness and duty to co-operate.

## **5 Link to Corporate Priorities**

- 5.1 The Council's Business Plan 2015-2018 contains corporate priorities to meet the borough's housing need, help build a strong local economy, protect and enhance the environment and maintain a safe and healthy community.

## **6 Legal Implications**

- 6.1 Section 15 of the Planning & Compulsory Purchase Act 2014 as amended by Section 111 of the Localism Act 2011 and Section 34 of the Town & Country Planning (Local Planning) (England) Regulations 2012 set out a requirement for councils to produce a LDS for the preparation and adoption of their Local Plan and other planning documents.

## **7 Financial Implications**

- 7.1 There are no financial implications associated with the preparation and adoption of a revised LDS.
- 7.2 The cost of preparing the Local Plan is anticipated within the Planning Policy budget for 2016/17. A one-off growth bid of £100,000 has been agreed in the existing budget for 2016/17 to cover the cost of public examination which will need to be reassigned to 2017/18.

## **8 Risk Management Implications**

- 8.1 Once the Local Plan or other planning document has been submitted to the Government for independent inspection, one of the legal tests of whether it is sound is whether or not it has been prepared in accordance with the LDS.
- 8.2 The government has indicated that it will intervene where local authorities have failed to produce a local plan by early 2017. The proposed LDS timetable will result in a submitted plan by early 2017. It is considered highly unlikely that the government would intervene where a plan has been submitted by early 2017 and is progressing towards public examination.

8.3 A Risk Assessment relating to the Local Plan timetable is set out in the LDS.

## **9 Security & Terrorism Implication(s)**

9.1 There are no security and terrorism implications arising directly as a result of this report.

## **10 Procurement Implication(s)**

10.1 There are no procurement implications arising directly as a result of this report.

## **11 Climate Change Implications**

11.1 There are no climate change implications associated with the preparation and adoption of a revised LDS.

## **12 Policy Implications**

12.1 The LDS is not a planning policy document in itself, but does set out a timetable for preparing and adopting the Local Plan and other planning documents.

12.2 The preparation and adoption of a new Local Plan and other planning documents will replace existing planning policies in the adopted District Plan and will establish new policies to be used to determine planning applications. It should also be noted that emerging policies gain weight as they progress through the Local Plan process. This means that the Council will be able to treat emerging policies as a material consideration in the determination of planning applications, with the degree of weight dependent on the status of the Local Plan, whether there have been objections relevant to the proposal and the relevance of that policy to the issue in hand.

## **13 Equalities and Diversity**

13.1 There are no equalities or diversity implications associated with the revised LDS timetable.

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Appendices  
Appendix A Local Development Scheme