

Planning and Economic Development
Civic Offices
Elstree Way
Borehamwood
Herts.
WD6 1WA
Tel: 020 8207 2277
Email: local.plan@hertsmere.gov.uk



HERTSMERE

Local Development Scheme



Introduction

1.1 The Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008 and Localism Act 2011) requires a Local Planning Authority to prepare and maintain a Local Development Scheme (LDS). The main purpose of the LDS is to inform the community and other partners of the documents that are being prepared and the envisaged timescales for their preparation, including the stages during which public consultation will take place.

1.2 The February 2025 LDS supersedes the previous version dated November 2023 and it will continue to be reviewed on a regular basis. The current Development Plan consists of adopted local plan documents, Hertfordshire County Council prepared documents relating to minerals and waste and made Neighbourhood Development Plans.

1.3 The current Hertsmere Local Plan (2012-2017) is made up of four parts:

1. Core Strategy – adopted 2013.
2. Elstree Way Corridor Area Action Plan – adopted 2015.
3. Site Allocations and Development Management (SADM) Policies Plan document – adopted 2016.
4. Policies Map.

This four part Local Plan will be superseded by the new Hertsmere Local Plan on adoption.

1.4 A number of mineral and waste statutory planning documents are prepared by the County Council as the Waste and Mineral Local Planning Authority:

1. Hertfordshire Minerals Local Plan Review 2002-2016 (adopted March 2007);
2. Hertfordshire Waste Core Strategy and Development Management Policies (adopted November 2012); and
3. Hertfordshire Waste Site Allocations Document (adopted July 2014).

1.5 Progress and timescales for updating the current adopted documents can be found in the relevant LDS produced by HCC via their website:

<https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/planning-in-hertfordshire/minerals-and-waste-planning/minerals-andwaste-planning.asp>

- 1.6 The overall Development Plan for the Borough also consists of ‘made’ (adopted) Neighbourhood Development Plans, which at the time of drafting include:
- Radlett Neighbourhood Development Plan (made 2021) (Aldenham Parish Council).
 - Shenley Neighbourhood Development Plan (made 2021) (Shenley Parish Council).
- 1.7 Underpinned by the Neighbourhood Planning (General) Regulations 2012 (as amended) and the Neighbourhood Planning Act 2017 (as amended), Neighbourhood planning has been introduced by the government as a way for local communities to shape the future of the places where they live and work at the most local level.
- 1.8 In addition to made plans in July 2022 a Neighbourhood Area was designated for the Borehamwood Town Council area following a request by the Town Council, and work to prepare a Neighbourhood Plan has commenced.

New Hertsmere Local Plan

- 2.1 Hertsmere Borough Council is currently reviewing elements of the local plan for which it has direct responsibility.

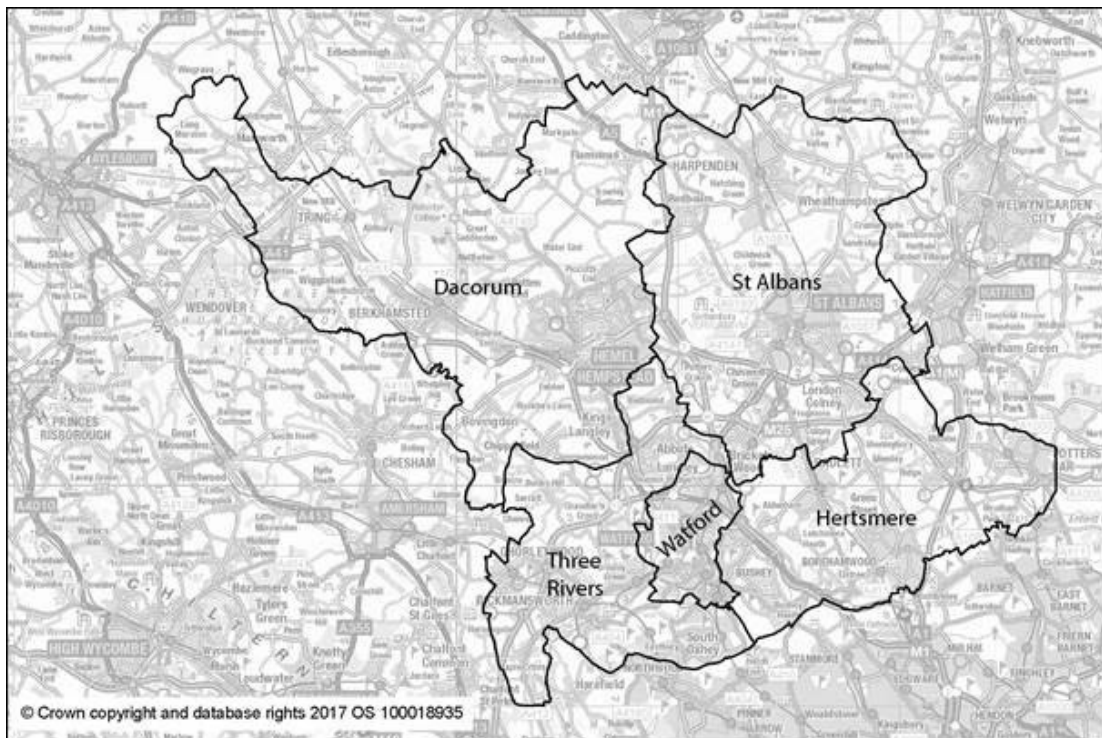
New Hertsmere Local Plan

- 2.2 The Council has been working on the preparation of a new Local Plan, with the following consultation and engagement undertaken to date under Regulation 18 of the The Town and Country Planning (Local Planning) (England) Regulations 2012:
- Late 2016 – Local Plan launch and ‘call for sites’
 - November/December 2017 - Issues and Options consultation
 - October / December 2018 – ‘Potential sites for housing and employment’ engagement
 - March 2021 – additional employment ‘call for sites’
 - November / December 2021 – draft Regulation 18 Local Plan consultation
 - April/May 2024 – draft Regulation 18 Local Plan consultation
- 2.3 The next steps for the emerging Hertsmere Local Plan are set out in the next section which includes a detailed timetable.

South West Hertfordshire Joint Strategic Plan

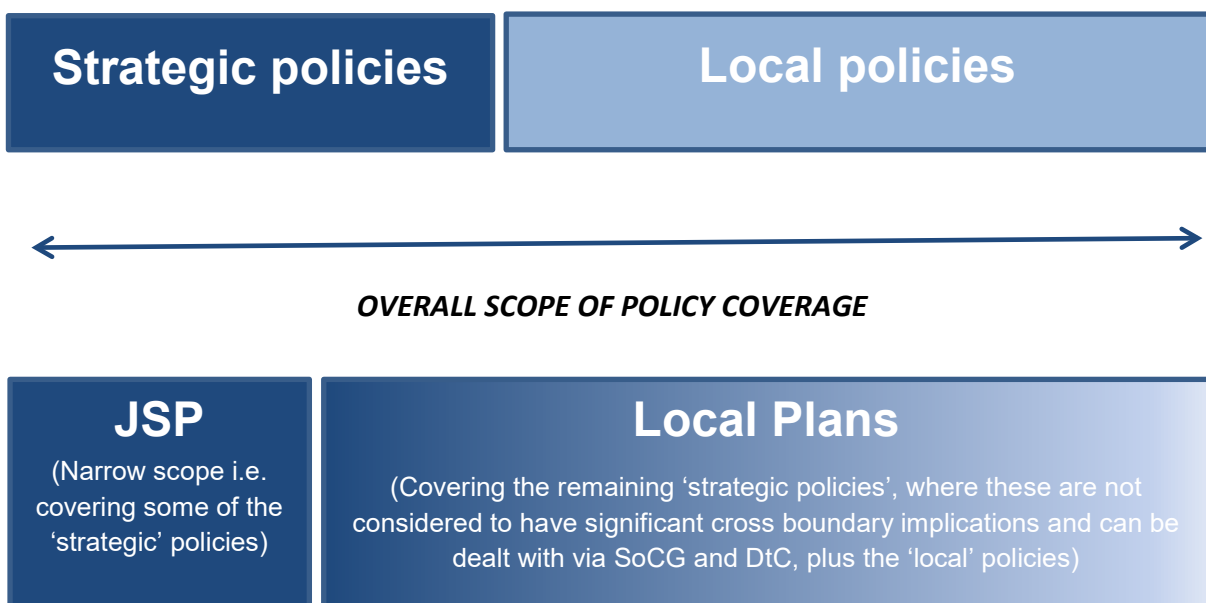
- 2.4 Neighbouring authorities are increasingly being encouraged by Government to work together to provide the homes, jobs and infrastructure where people want to live.
- 2.5 In Spring 2018, Dacorum, Hertsmere, St Albans, Three Rivers, and Watford Councils gave formal endorsement to begin work on a statutory Joint Strategic Plan (JSP) for South West Hertfordshire (see Figure 1 below). An initial Memorandum of Understanding has been agreed and work on the JSP will progress aligned to an agreed Statement of Common Ground (SoCG), which is currently being prepared by the joint authorities.

Figure 1: Extent of South West Hertfordshire Joint Strategic Plan Area



2.6 Each council will still be responsible for preparing its own Local Plan, but the JSP will provide the platform to consider how the challenges of growth in the wider South West Hertfordshire area can be addressed longer term (i.e. to 2050). Figure 2 below illustrates how these two key planning documents will fit together. A summary of expected plan content and governance arrangements is set out in Appendix B (iii).

Figure 2: Relationship between the JSP and the Local Plan



- 2.7 By working together, the South West Herts Councils will also be in a stronger position to deliver, and better fund essential local transport links, health services and educational facilities that local people want to see alongside new homes and jobs.
- 2.8 An initial consultation, (*South West Hertfordshire 2050 – Realising our Potential*) was undertaken in late 2022. Further information on the JSP is available on the Council's website:
- [South West Herts Joint Strategic Plan - Hertsmere Borough Council](#)

Local Plan Programme

- 2.9 The estimated programme for the Local Plan has been set out in **CHART A** below. This chart details the overall aspirational programme for the Local Plan process from now until formal adoption by the Council. It should be noted that whilst it is the aim of the Council to achieve these timelines a number of external factors can impact the completions of various stages of the programme and can subsequently lengthen the overall programme timeframe.
- 2.10 **CHART B** takes a detailed look at the background work and interrelated processes associated with the drafting of the Local Plan. The chart aims to show the iterative process of drafting the Local Plan with the support and input of the evidence base in the form of technical studies, applicable Master Plans and feedback received as part of the consultations. It should be noted that whilst the chart includes some of the Local Plan information sources, this is not an exhaustive list and further evidence and information can be derived from other sources.
- 2.11 The charts (A and B) clearly show that based on the amount of work and evidence required to produce a Regulation 19 Local Plan that will be robust enough to continue through to adoption 12 months of work will be required. This will also include work done internally and externally by various consultants.

CHART B – Detailed timeline of work involved in the Local Plan drafting

Local Plan Timeframe	2025												2026											
	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
	Master Plans (Borehamwood & Potters Bar)			P	P	D	D	D	D	D	D	D	D											
Technical Studies			P	P	D	D	D	D	D	D	D	D	D	D	D									
Drafting of Local Plan (policies, infrastructure and allocations)								D	D	I	I	I	I	I	I	D/I								
Collation of all full plan material															I									
Key: P = Procurement D = Drafting I = Incorporation																								

Risk Assessment

Key

Red = high impact / likelihood (4) (total 9+)

Amber = medium impact / likelihood (2, 3) (total 6-8)

Green = low impact / likelihood (1) (total 1-5)

Score = Likelihood multiplied by Impact (3 x 2 = 6)

Risk	Owner	Comment	Likelihood	Impact	Score	Mitigation Measures	Likelihood	Impact	Score	
1	Preparation of Local Plan fails to meet key project milestones.	Planning Strategy Team	Potential reasons set out below.	3	3	9	Project management and monitoring of progress against the Local Development Scheme (LDS). Progress reviewed within department on weekly basis. Fortnightly updates to Local Plan Progress Group (Head of Planning, Planning Strategy Manager, Chief Officers, Portfolio Holder for Planning and Leader of the Council) with action taken as necessary. Progress on LDS timetable reported and any necessary changes made as necessary to timetable.	2	2	4
2	Changes in national policy and regulations which require a significant alteration to emerging plan content.	Planning Strategy Manager / Planning Policy Team Leader	There have been significant recent changes to national planning policy and associated guidance, particularly in relation the 'grey belt', mandatory housing requirements and changes to the 'standard methodology' for calculating local housing need, all of which need to be reflected when preparing the new Local Plan to ensure it can be found 'sound.' These will impact significantly on the strategic policy requirements in the Local Plan. Further changes are expected to the NPPF in relation	4	4	16	The LDS has been updated. The Council's Green Belt Assessment will be updated in light of the new 'grey belt' definition and associated government policy guidance. The significant uplift in the housing requirement necessitates updates to the Local Plan strategy including a new focus on brownfield regeneration in central Borehamwood and Potters Bar. Given the scale of growth associated with increased and mandatory housing figures, there will need to be an updated Local Plan strategy, compared to that previously consulted on. There will be even greater importance placed on identifying and addressing	4	3	12

Risk	Owner	Comment	Likelihood	Impact	Score	Mitigation Measures	Likelihood	Impact	Score	
		to national Development Management policies.				<p>infrastructure requirements to mitigate against the impact, as part of a robust and up to date evidence base.</p> <p>Advice has previously been obtained from the Planning Advisory Service (PAS) and consultants Intelligent Plans and Examinations. Early engagement with the Planning Inspectorate will also be sought so that any key concerns can be identified and addressed prior to Local Plan submission.</p>				
3	Lack of suitably experienced staff or staff diverted onto other priorities	Planning Strategy Manager/ Planning Policy Team Leader	Difficulties recruiting and retaining suitably qualified Planning Officers continue to be experienced. This has been exacerbated by Covid-19 which has impacted on recruitment decisions, working practices and impacted on the ability to replace and retain outgoing staff.	4	4	16	<p>Should usual mechanisms of direct recruitment to fill vacant posts not prove successful, the continued use of temporary staff and /or consultants to take on specialist areas of work and extend the capacity of the Planning Strategy team will be needed. Avoiding such an approach could be constrained by wider Council policies on vacancies, hybrid working and recruitment and available financial resources, even though the Local Plan is recognised as a corporate priority.</p> <p>Atkins have previously been appointed to provide specialist technical advice/capacity on strategic sites on a call-on/call-off basis but the continued use of such an approach has significant resource implications.</p>	3	4	12
4	Implications of English Devolution	Head of Planning and	Government proposals to introduce spatial development strategies across current local	3	2	6	The government has signalled that individual districts should continue to prioritise their Local Plans, notwithstanding devolution proposals.	3	2	6

Risk	Owner	Comment	Likelihood	Impact	Score	Mitigation Measures	Likelihood	Impact	Score
proposals on Local Plans	Economic Development / Planning Strategy Manager	authority boundaries and to replace two tier local government with Unitary authorities covering a larger geography will impact on individual districts' plan making work.				Whilst local government reorganisation has the potential to cause disruption, pausing work on Local Plans is not an option. The fact that South West Hertfordshire already has an emerging Joint Strategic Plan (JSP) ought to be beneficial to Hertsmere given the Council's involvement in the JSP process since its inception.			
5 Delays to decision making process	Chief Officers / Head of Planning and Economic Development	Delays may be experienced due to: need for additional technical work arising from national policy changes; internal reporting and democratic processes; internal consultation processes; and/or timetabling of meetings; continued uncertainties caused by electoral cycles and local government reorganisation; local political decisions; Local political objections. In the case of a Joint Strategic Plan, this risk may be increased due to the need for agreement across several local planning authorities with their own reporting processes.	3	4	12	<p>Agreeing the timetable for the LP process through this LDS will enable meetings to be appropriately timetabled to allow timely decision making. Internal reporting processes need to be clearly understood and changes to constitution and scheme of delegation may enable some streamlining of more minor aspects of plan making process; a balance needs to be found between the scope of Local Plan public consultations and the need to maintain progress on the preparation of the plan. Some streamlining of internal reporting processes and stages may also want to be considered. Important that internal and external Service Legal Agreements are in place where required.</p> <p>'Special' meetings of Cabinet and Executive can be arranged in certain circumstances. Meetings of the Member Planning Panel could provide more scope for cross-party agreement on technical matters given that government is now mandating that housing need is met in full.</p> <p>The establishment of the Local Plan Progress Group (see Risk No.1) will help.</p> <p>Continued member training and understanding of strategic planning issues and sound legal advice from Counsel to help guide members through the decision-making process.</p>	3	3	9

Risk	Owner	Comment	Likelihood	Impact	Score	Mitigation Measures	Likelihood	Impact	Score	
6	Lack of buy-in or support from the local community and stakeholders	Head of Planning and Economic Development	Although it is the content rather than volume of representations on the Local Plan which are material to the consideration of planning matters, a high number of objections can still have the effect of placing pressure on the local authority to change or delay the plan. There may be a lack of local buy-in if town centre regeneration plans are based on a significant uplift in density. New plan may include new sites for which consultation comments at Regulation 19 stage will need to be focused upon Tests of Soundness. This leaves little to no opportunities for the Council to address concerns at this 'final' stage of plan-making.	3	3	9	Five rounds of public consultation have been undertaken at Regulation 18 stage but on differing strategies and the ability to secure a high level of public support will need to be balanced against other considerations including government intervention and new national policy. Mandatory housing numbers mean many more sites, including green belt and grey belt, may need to be allocated, regardless of community concerns around the principle of green belt release. Any substantive changes arising from public consultation will need to be fully evidenced and justified. Demonstrating that the required infrastructure can be put in place will help address some of the local concerns to be expected from a new focus on town centre development.	3	2	6
7	Failure to agree critical cross boundary strategic planning and infrastructure issues with prescribed Duty to Co-operate bodies.	Head of Planning and Economic Development / Portfolio Holder for Planning	Process has evolved and potential cross-boundary disputes are more likely to be addressed through the Joint Strategic Plan. English devolution proposals, mandating cross-boundary plans, ought to ensure momentum and resourcing for such plans is maintained. However, identifying infrastructure requirements over the plan period, given evolving and sometimes inconsistent position or competing priorities / responsibilities of service providers, continues to present some significant challenges. The need for effective engagement from individual infrastructure and	3	4	12	Discussions regarding what comprises the key strategic planning issues for the area have already taken place between the SW Herts authorities. Risks relating to how these issues will be addressed will be reduced through the production of a Statement of Common Ground and subsequent Joint Strategic Plan with Dacorum, Three Rivers, St Albans and Watford Councils (with support from the County Council and Hertfordshire LEP). Regular engagement with HCC and other DtC bodies, including the CCG, will help minimise any wider issues arising, or enable them to be addressed earlier on in the plan-making process. However, matters may now need to be escalated more quickly within those organisations at an earlier stage than has previously been the case; ultimately, some issues may ultimately need to be resolved at examination. In the long term, the creation of unitary authorities may, if this occurs, assist in identifying	2	3	6

Risk	Owner	Comment	Likelihood	Impact	Score	Mitigation Measures	Likelihood	Impact	Score	
		service providers should also be acknowledged.				infrastructure needs across local authority areas and securing the funding required for its delivery.				
8	Government intervention	Head of Planning and Economic Development	Although the Planning and Compulsory Purchase Act 2004 already provided the Secretary of State with the scope to intervene, the current government has signalled its intention to step in a wider range of circumstances and replace the intervention criteria in the 2017 Housing White Paper. Ultimately, this could lead to the Secretary of State taking over plan making in the area. This would mean loss of local control over the process although, it would not necessarily speed up the process significantly.	2	4	8	Publishing an updated LDS with a clear timescale towards publication of a Regulation 19 plan and submission of for public examination will demonstrate that the Council remains committed to producing a new Local Plan. Continued officer engagement with officials from MHCLG and PINS will also assist. Ultimately, however, were the Secretary of State to signal her/his intention to intervene, there will still be scope for the local authority to put forward any exceptional circumstances for the Minister to consider in relation to any intervention act.	1	4	4
9	Pressure on financial resources	Head of Planning and Economic Development / Finance	Budget initially agreed in 2017. Important that Local Plan is and remains a corporate priority. Direct and indirect impact of Covid-19, cost of living crisis and risk of inflation, on Council resources overall remains an issue and had, for example, previously resulted in a freeze on direct recruitment. Difficulties in the County Council entering into three way PPAs with the borough Council and site promoters. Given the significant and often rising costs associated with Local Plan preparation, a revised Local Plan strategy which fails at public examination may lead to greater external scrutiny over the prudent use of Council funds.	4	4	16	Budgetary provision was initially made for plan-making work based on projected costs identified in 2017. However, technical work needs to be kept up to date and the length of public examinations and cost of defending any subsequent legal challenges could add significantly to the amount required. 'additional burdens' and pro-actively seeking out other payments from Government (e.g. applying to funding pot for Green Belt technical work) and increased planning application fees may help to mitigate the anticipated shortfall, although due to financial pressures this money may not all be available to support the Council's planning functions. Further funding may also be sought from Government in future to support continued preparation of the JSP. Ensuring that decisions on the Local Plan work programme are guided by technical and legal advice will reduce the likelihood of abortive costs being incurred.	2	4	8

Risk	Owner	Comment	Likelihood	Impact	Score	Mitigation Measures	Likelihood	Impact	Score	
		The lifespan of local plan evidence is limited and the Council will need to be clear it has the short to medium term financial strategy to move effectively from plan development to plan submission / examination and any revisions to the plan as directed by the appointed planning inspector.				<p>Continue to commission joint technical work wherever possible.</p> <p>Need to ensure Local Plan has its own budget line to ensure effective monitoring. Grants and payments received by the Planning Strategy team for work on non-Local Plan work (e.g. Neighbourhood Planning, LDO) need to be ring-fenced/carried over at year-end.</p> <p>Planning Performance Agreements (PPAs) with strategic site promoters will also help ensure necessary team capacity and skills.</p>				
10	Capacity of Planning Inspectorate (PINs) and other statutory consultees	Planning Strategy Manager/ Planning Policy Team Leader	The capacity of the Planning Inspectorate and other statutory consultees to provide detailed planning advice continues to be a challenge. The increased number of public examinations, following the rush by some authorities to submit their plans within the three month deadline to avoid the new NPPF provisions, will have resource implications on the Inspectorate. The increased likelihood that the government will intervene elsewhere where there are plan making delays is also likely to lead to an increased number of local plan examinations over coming years, further impacting on the ability of the Inspectorate to schedule examinations. The risk is largely outside the Council's control. However, once a plan is submitted for examination, it is treated as published and so at least not subject to any potential delay interventions by government.	3	2	6	The scope to mitigate this is limited although the publication of an updated local plan timetable in a revised LDS will help PINS to schedule and allocate an Inspector at the earliest opportunity. The proposed timetables for the Hertsmere Local Plan and the JSP have been aligned to run 'one after the other' which opens the possibility of securing a Planning Inspector whom may be able to examine both plans in due course. However, PINS resourcing is outside of Council's control.	2	2	4

Risk	Owner	Comment	Likelihood	Impact	Score	Mitigation Measures	Likelihood	Impact	Score	
11	Failure of external parties to meet project deadlines	Planning Policy Team Leader	There will be a need, either as a result of insufficient internal officer capacity, or the need to bring in specialist skills, for some work relating to the Local Plan to be carried out by external consultancies or organisations (such as Herts CC). A significant change in national policy (e.g. introduction of grey belt) may result in a surge of specialist work needing to be commissioned from a small pool of consultants who do not have the capacity to undertake the work as quickly as required. Some specialised areas of work (including sport and recreation and Gypsy and Traveller accommodation needs assessments) have a very limited set of consultants to support plan evidence development. These studies are also undertaken at specific times in the year to provide robust evidence.	3	4	12	<p>Work quality and project work timetables will be controlled through normal procurement processes and contract conditions. Atkins previously appointed to provide additional resource for specialist technical advice. Planning Performance Agreements are being set up to project manage/resource technical consideration of promoted sites. Subject to agreement from procurement /legal, consider direct awards for consultancy work.</p> <p>Updates or additional consultancy work in specialist fields will need to be procured in a timely manner to allow for seasonal considerations and availability of specialist consultants.</p>	3	3	9
12	Local Plan found 'unsound'	Head of Planning and Economic Development / Planning Strategy Manager/ Planning Policy Team Leader	Local Plans, including strategic site allocations, must be underpinned by detailed evidence. This evidence will face detailed scrutiny from the Planning Inspector and other stakeholders during the independent examination process. Inspectors have been now been advised by government to be less 'pragmatic' and not extend local plan examinations by continuously requiring substantial changes to plans i.e. they should be found unsound earlier in the examination	3	4	12	<p>Risk is reduced by ensuring that the Council's decision-making regarding the content of its Local Plan is firmly based on the technical evidence which emerges, as well as appropriate levels of public consultation, particularly where significant changes to the Local Plan strategy are proposed. This includes evidence regarding the suitability of individual strategic sites.</p> <p>Appropriate joint working arrangements with adjoining local planning authorities in line with the 'duty to co-operate' will continue to be essential.</p> <p>The soundness of the Local Plan will also continue to be guided by close liaison with the adjoining local planning authorities, statutory</p>	2	4	8

Risk	Owner	Comment	Likelihood	Impact	Score	Mitigation Measures	Likelihood	Impact	Score	
		<p>There are potentially significant financial and reputational risks arising from a plan being found unsound, as well significant land use implications (in terms of the presumption in favour of sustainable development) where there is no up to date plan and speculative development continues to shape land use change in the borough.</p> <p>Placing a clear focus upon a next stage move to a Regulation 19 stage plan (final position plan) from the previous Regulation 18 partial plan consultation places a risk on plan soundness. This is particularly acute if major strategy and site changes emerge at Regulation 19 stage, all of which will need to be justified and effective.</p>				<p>bodies, PINS, the availability of a robust evidence base and well-audited stakeholder and community engagement systems.</p> <p>Specialist external legal advice and a pre-submission review by PINS will be taken as and when necessary to help guide key decision-making.</p> <p>The introduction of a further Regulation 18 Draft Plan stage should help ensure soundness issues are raised at an earlier point in the overall process than if the Council had processed straight to a Regulation 19 Publication plan as previously intended.</p>				
13	Legal challenge	Planning Strategy Manager	<p>This would result in financial costs, and if successful, could result in all or part of the plan being quashed.</p> <p>Procedural irregularities may be subject to Judicial Review. The Council will need to ensure a robust approach to site assessment and allocation / non-allocation.</p>	2	4	8	<p>The likelihood of a successful legal challenge is substantially reduced where the Local Plan is prepared in accordance with relevant regulations, effective public consultation has been undertaken, the Plan is strongly aligned to the conclusions of the evidence that underpins it and the plan-making authority can demonstrate it has met the necessary ‘tests of soundness.’</p> <p>Specialist external legal advice will continue to be taken at key stages and if any threats of challenge are made through the plan-making process. It is important that Members continue to be aware of the legal advice and the risks associated with legal challenge recognising that (a) the need to avoid pre-determination applies to both Local</p>	2	3	6

Risk	Owner	Comment	Likelihood	Impact	Score	Mitigation Measures	Likelihood	Impact	Score	
						Plan matters and individual planning applications and (b) undertaking public consultation, where significant changes are proposed to the Local Plan strategy, reduces the level of risk .				
14	Information Technology	Planning Strategy Manager/Planning Policy Team Leader / IDS	As the requirements and expectations increase for the digitalisation of Local Plans, effective IT systems to support this process – including GIS and public consultation platforms – need to be in place. There is an increased reliance on external contractors and suppliers to provide this but it has not always delivered on time or to the required standard.	3	3	9	Regular liaison with IDS and in the case of public consultation software, the Corporate Communications team is important so that problems and solutions can be identified quickly. It will be necessary to ensure sufficient resources are invested in new software and hardware, including required licenses and appropriate levels of technical support.	2	3	6