

CABINET
14 MARCH 2023

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: Sustainability SPD – Overview

REPORT OF: *Service Director - Regulatory*

EXECUTIVE MEMBER: *Cllr Ruth Brown, Executive Member for Planning & Transport*

COUNCIL PRIORITY: SUSTAINABILITY

1. EXECUTIVE SUMMARY

We are preparing a Sustainability Supplementary Planning Document (SPD) to provide additional detail and clarity to Local Plan Policy SP1 (Sustainable Development in North Hertfordshire) and other relevant policies in the Plan.

The SPD will provide information as to our sustainability expectations for development in North Herts and offer guidance to developers and case officers when determining planning applications.

This SPD is the first of three SPD's that will address overarching sustainability in North Herts and will be followed by Biodiversity and Design SPD's.

2. RECOMMENDATIONS

- 2.1. That the proposed structure and breadth of the draft Sustainability SPD be approved.
- 2.2. That the issues and points raised by the Cabinet Panel on the Environment be noted.
- 2.3. That, for the purposes of developing the draft SPD, Cabinet endorse the principles of:
 - i. A tiered approach to assessing the sustainability of new buildings in terms of both built fabric and operational efficiency; and
 - ii. investigation of the application of parking standards, both residential and non-residential, with a view to reducing or offsetting them where appropriate.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To allow the Sustainability SPD to be progressed so that it may be publicly consulted upon with a view to being adopted in due course following its presentation and approval by Cabinet.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. The Council could decide to not progress the draft Sustainability SPD. However, given the Climate Emergency that the Council passed on 21 May 2019 combined with the extraordinary timescale of the Local Plan Examination and its subsequent adoption on 8 November 2022, the policies adopted within The Plan require additional guidance on their interpretation to properly reflect the profile of sustainability.
- 4.2. This accords with the decision made by Cabinet in March 2021 which set out the revised and updated programme of SPD's to support the Council's corporate priorities.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Cabinet Panel on the Environment was presented with an outline structure developed by the Strategic Planning Team. The structure was discussed, and the following issues were requested to be included in the draft document which will be considered by officers in consultation with the Executive Member and Deputy.
 - No mains gas supply to new properties
 - A minimum of 40cm insulation in walls
 - The orientation of buildings should maximise solar gain
 - The inclusion of circularity, and recognition of the circular economy
- 5.2. Internal consultation with relevant officers across Council departments have been involved in developing the draft SPD outline.
- 5.3. The Executive Member and Deputy have been briefed regularly on the issues within this report.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 23 January 2023.

7. BACKGROUND

- 7.1. The National Planning Policy Framework (NPPF) defines Supplementary Planning Documents (SPDs) as documents which add further detail to the policies in the development plan. SPDs are capable of being a material consideration in planning decisions but are not part of the statutory Development Plan. SPDs are not subject to an independent examination but are required to undergo public consultation.
- 7.2. Following a review of the Council's planning guidance, it was identified that the Council's sustainability guidance should be prioritised for revision because Policy SP1 in the adopted Local Plan does not fully reflect current aspirations for sustainability.
- 7.3. To ensure that all the relevant aspects of sustainability are addressed in the SPD, we have decided to frontload the usual process to give Members the opportunity to input into the document to make certain that all the elements of sustainability that are felt to be relevant to North Herts are included prior to the drafting of the document.

- 7.4. The Local Plan contains policies with implications for sustainability. The main policy 'hooks' that link to the ability for the Council to seek sustainability in developments is in Local Plan Policy SP1: Sustainable development in North Hertfordshire and Policy D1: Sustainable design.
- 7.5. Policy SP1: Sustainable development in North Hertfordshire, criterion c), in particular, seeks to encourage sustainable development within North Herts. However, it does not fully reflect the aspirations of the present day and the direction of travel that the Council is taking in terms of climate change and sustainability. The SPD would build upon and expand this criterion by providing more robust guidance for developers to ensure that North Herts can achieve an improved level of sustainability in its developments.

Policy SP1: Sustainable development in North Hertfordshire
<p>This Plan supports the principles of sustainable development within North Hertfordshire. We will:</p> <ul style="list-style-type: none"> a) Maintain the role of key settlements within and adjoining the District as the main focus for housing, employment and new development making use of previously developed land where possible; b) Ensure the long-term vitality of the District's villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities; c) Grant planning permission for proposals that, individually or cumulatively: <ul style="list-style-type: none"> i. deliver an appropriate mix of homes, jobs and facilities that contribute towards the targets and aspirations in this Plan; ii. create high-quality developments that respect and improve their surroundings and provide opportunities for healthy lifestyle choices; iii. provide the necessary infrastructure required to support an increasing population; iv. protect key elements of North Hertfordshire's environment including biodiversity, important landscapes, heritage assets and green infrastructure (including the water environment); and v. secure any necessary mitigation measures that reduce the impact of development, including on climate change; and d) Support neighbourhood plans and other local planning initiatives where they are in general conformity with the strategic policies of this Local Plan.

- 7.6. Policy D1: Sustainable design, builds upon the intentions of Policy SP1 in terms of sustainable development, but the SPD will provide more detail about how this can be achieved and the standards which the Council will be requiring.

Policy D1: Sustainable design

Planning permission will be granted provided that development proposals:

- a) Respond positively to the site's local context;
- b) Take all reasonable opportunities, consistent with the nature and scale of the scheme, to:
 - i. create or enhance public realm;
 - ii. optimise the potential of the site by incorporating Sustainable Drainage Systems (SuDS);
 - iii. reduce energy consumption and waste;
 - iv. retain existing vegetation and propose appropriate new planting;
 - v. maximise accessibility, legibility and physical and social connectivity both internally and with neighbouring areas;
 - vi. future proof for changes in technology and lifestyle;
 - vii. design-out opportunities for crime and anti-social behaviour; and
 - viii. minimise the visual impact of street furniture and parking provision;
- c) Have regard to the Design SPD, and any other relevant guidance;
- d) Within Letchworth Garden City have regard to the Letchworth Garden City Design Principles contained in Appendix 5; and
- e) For residential schemes, meet or exceed the nationally described space standards and optional water efficiency standards.

7.7. It is worth noting, also, that since the North Herts Local Plan was examined, other authorities, notably Bath and North East Somerset, have adopted what effectively amounts to a series of net-zero policies in a partial review of their Local Plan. The Inspectors report noted that restrictive Government guidance on plan-making was still in force but has now been “overtaken by events”.

7.8. The commentary in the report is helpful in framing our SPD and the interpretation of our Policies SP1 and D1 for reducing impacts on climate change and delivering energy efficiency.

8. RELEVANT CONSIDERATIONS

8.1. The draft Sustainability SPD will seek to incorporate a range of both technical guidance and any specific guidance for North Herts. This includes:

- Energy Efficiency
 - Site layout and design
 - Building orientation
 - Thermal mass
 - Natural ventilation
 - Insulation
 - Airtightness
 - Solar gain
 - Glare
 - Solar panels
 - Ground source heat pumps
 - Air source heat pumps
 - Biomass
 - Hydroelectric power
 - Wind energy
- Low Carbon and Renewable Energy
 - Passive Design
 - Electric Vehicle Charging Points
 - Waste

- Materials
- Water Use
 - Reducing water use
 - Rainwater harvesting
 - Greywater re-use
- Adaptation to Climate Change
 - Sustainable Drainage Systems
- Zero Carbon
- Zero Waste
- Sustainable Transport
- Sustainable Materials
- Land Use and Wildlife
- Culture and Community
- Health and Wellbeing

- 8.2. Subject to approval by Cabinet on the direction of travel, it is intended that these subject areas are expanded upon, and the draft SPD will be worked up in advance of its consideration by Cabinet and subsequent public consultation later in the year.
- 8.3. Some of this guidance relatively generic. However, there are opportunities to develop North Herts specific approaches. In particular, the interpretation of the extent of sustainable transport and what this could look like in North Herts. For example, residential parking standards are set out in the Local Plan but do not necessarily require on plot provision and/or allow for reductions in certain circumstances.
- 8.4. The Sustainability SPD provides the opportunity to explore this area further, e.g. the consideration of car clubs, communal off-plot parking that might be repurposed if individual car ownership declines over time, mobility hubs, demand-responsive transport, accessibility standards. The implementation of such facilities might allow for parking provision reductions to be supported and/or allow standards to be met in part or offset by other forms of provision
- 8.5. The SPD also offers the opportunity to incorporate a sustainability standards approach similar to the approach adopted by Harlow Gilston Garden Town (set out below)

Minimum Requirements (Low Quality)	Net Zero-Carbon by 2050 (Medium Quality)	Net Zero-Carbon by 2030 (Garden Town High Quality)
These are policy-compliant / Building Regulations compliant, but do not meet Climate Declaration targets	These targets meet ultimate goal, but 20 years slower	These targets meet HGGT goal and Climate Declarations
This sets out what HGGT consider low quality standards / outcomes	This sets out what HGGT consider medium quality standards/ outcomes	This sets out what HGGT consider high quality standards/ outcomes
Outline Planning Submission	Outline Planning Submission	Outline Planning Submission

- 8.6. These standards would be adapted to e.g. current building regs, the timescales and ambitions in the Council's Climate Change Emergency Declaration and Climate Change Strategy

9. LEGAL IMPLICATIONS

- 9.1. Under the Terms of Reference for Cabinet Paragraph 5.6.18 of the Constitution states that the Cabinet should exercise the Council's functions as Local Planning Authority except where functions are reserved by law to the responsibility of the Council or delegated to the Service Director: Regulatory.

- 9.2. The statutory basis for Supplementary Planning Documents and their preparation is set out by a range of acts and associated regulations including the Planning and Compulsory Purchase Act 2004 (as amended) and the Localism Act 2011. Detailed requirements for the preparation of SPDs, including requirements for consultation, are stipulated in the Town and Country Planning (Local Planning) (England) Regulations 2012).

10. FINANCIAL IMPLICATIONS

- 10.1. The general costs of preparing Supplementary Planning Documents are met through existing revenue budgets.

11. RISK IMPLICATIONS

- 11.1. There are no new risk implications arising from this report. The Council has changed how it sets and monitors risks, as reported to Cabinet in March 2022. This will see a shift to strategic risks based on key projects such as the Local Plan.

- 11.2. The risks associated with not producing a Sustainability SPD include:

- lack of clarity and uncertainty to case officers and applicants when negotiating and determining planning applications;
- lack of consistency with the Local Plan as well as national planning policy and guidance; and
- a risk of not securing the maximum range and / or amount of sustainability measures possible.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

- 12.2. There are not considered to be any direct equality issues arising from this report. Future individual schemes or considerations may well be subject to appropriate review to ensure they comply with latest equality legislative need. Any risks and opportunities identified will also be subject to assessment for impact on those that share a protected characteristic.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. The SPD will have positive environmental implications, securing sustainable development for a range of measures including, but not limited to: biodiversity net gain, sustainable travel, renewable energy and climate change adaptations and mitigations.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no new human resource implications arising from the contents of this report.

16. APPENDICES

16.1 None

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18. BACKGROUND PAPERS

18.1 [North Herts Local Plan, November 2023](#)

18.2 [Cabinet Report, 16 March 2021](#)

18.3 [Inspectors Report to Bath and North East Somerset Council](#)