

**CABINET**  
**10 September 2024**

**\*PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: SUSTAINABILITY SPD**

REPORT OF: IAN FULLSTONE, SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: CLLR DANIEL ALLEN, EXECUTIVE MEMBER FOR PLANNING AND TRANSPORT

COUNCIL PRIORITY: PEOPLE FIRST / SUSTAINABILITY / A BRIGHTER FUTURE TOGETHER

**1. EXECUTIVE SUMMARY**

- 1.1 We have prepared a Sustainability Supplementary Planning Document (SPD) to provide additional detail and clarity to the North Herts Local Plan Policy SP1: Sustainable Development in North Hertfordshire, and other relevant policies in the Plan.
- 1.2 The SPD provides information about our sustainability expectations for development in the District, offering good practice guidance to residents and developers when developing proposals, and policy advice to case officers when determining planning applications.
- 1.3 The SPD has been revised to take account of representations received during the public consultation on the draft Sustainability SPD between 4 January and 16 February 2024 following consultation approval from Cabinet in December 2023.
- 1.4 This SPD follows the adoption of the Developer Contributions SPD in February 2023 that will help address overarching sustainability in North Herts.

**2. RECOMMENDATIONS**

- 2.1 That the Sustainability SPD, attached as Appendix A to this report, be adopted.
- 2.2 That delegated authority is granted to the Service Director – Regulatory, in consultation with the Executive Member for Planning and Transport, to make any minor non-material corrections (including but not limited to cosmetic additions or presentational alterations) to the adopted Sustainability SPD as considered necessary for publication and publicity in accordance with the relevant regulations.
- 2.3 That, to support the recommendation in 2.1, Cabinet resolve to pursue the preparation of a separate Parking and Transport SPD contrary to the previous resolution to incorporate it into the Sustainability SPD in July 2021.

### **3. REASONS FOR RECOMMENDATIONS**

- 3.1 To allow the Sustainability SPD to be adopted to support the delivery of the policies in the adopted Local Plan and ensure the securing of sustainable development in the District.
- 3.2 To encourage higher standards of design quality and sustainability across the District responding directly to the Council's pledges and ambitions as set out in the Climate Emergency and Ecological Emergency declarations.

### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 None. The SPD has been consulted upon following Cabinet's December 2023 resolution, amended, where appropriate, in response to representations, and is ready for adoption in line with the relevant regulations.

### **5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

- 5.1 The Executive Member for Planning and Transport have been briefed on the matters set out above.
- 5.2 Internal consultation with relevant officers across Council departments have been involved in developing the SPD, including in relation to the most recent updates.
- 5.3 Consultation with Members and the Strategic Planning Project Board took place on the 16<sup>th</sup> of July 2024 during which the final draft of the SPD was presented. The Project Board was very supportive of the SPD and welcomed the revised format and changes made since the original draft.
- 5.4 Consultation previously took place with the Cabinet Panel on the Environment upon the scope of the SPD in February 2023 with an update on the draft version of the document presented in September 2023. The comments received regarding the scope of the SPD and sustainable building standards have informed the final draft of the SPD, resulting in improvements to the SPD in terms of its scope and the range of sustainable buildings standards it covers.
- 5.5 A public consultation on the SPD was carried out between 4 January and 16 February 2024. The results of the public consultation can be found in Appendix B (Regulation 12 Statement of Consultation).
- 5.6 The final draft has also been reviewed by XCO<sub>2</sub> who are specialist Sustainability and Energy consultants and have previously advised HCC on such matters. This has provided a sense-check of the SPD checklists and ensured that they are more robust, easier to implement and verify.

### **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 12 December 2023.

## **7. BACKGROUND**

- 7.1 The National Planning Policy Framework (NPPF) and associated Guidance (NPPG) 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 and cannot introduce new planning policies. SPDs are not subject to an independent examination but are required to undergo public consultation.
- 7.2 In March 2021, Members considered a comprehensive report on implementation of the Local Plan. They resolved, among other matters, to support the production of a Sustainability SPD with a broad scope that would consider issues including energy efficiency and carbon reduction, climate change adaptation and health and well-being.
- 7.3 In July 2017 Cabinet resolved that the Local Plan should be supported by a number of SPDs including a Parking and Transport SPD. Subsequently in March 2021, Cabinet resolved that the previously envisaged Parking & Transport SPD would be incorporated into the Sustainability SPD. Whilst the current Sustainability SPD includes a Sustainable Travel section; there is still further technical information and guidance that would benefit from a separate Transport & Parking SPD and the intention, subject to recommendation 2.3 being approved, is that this will be produced in a separate document.
- 7.4 It was identified that the Council's sustainability guidance should be prioritised for revision because Policy SP1 in the Local Plan did not fully reflect current aspirations for sustainability in the District.
- 7.5 The Local Plan, adopted in November 2022, contains policies with implications for sustainability. The main policy 'hooks' that enable the Council to seek sustainability in developments is in Local Plan Policy SP1: Sustainable development in North Hertfordshire and Policy D1: Sustainable design.
- 7.6 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 that the Council is taking in terms of climate change and sustainability.

### Policy SP1: Sustainable development in North Hertfordshire

This Plan supports the principles of sustainable development within North Hertfordshire. We will:

- 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:
  - 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.

7.7 Policy D1: Sustainable design, builds upon the intentions of Policy SP1 in terms of sustainable development.

#### **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.

- 7.8 The Council declared a climate emergency in May 2019 and an ecological emergency in July 2023. A Climate Change Strategy (2022-2027) was subsequently developed. This established a framework for action to tackle climate change in the District. It identified that tackling the climate emergency requires action across a number of different and complex environmental issues, ranging from: carbon reduction; water conservation, cleaner air, healthy and active travel, biodiversity loss, greener spaces, adapting to global heating, warm homes, reducing waste and growing the green and circular economy.
- 7.9 North Herts is a member of the Hertfordshire Growth Board; a partnership made up of the County Council, the 10 district and borough councils, the NHS Hertfordshire & West Essex Integrated Care System, Homes England and Hertfordshire Local Enterprise Partnership. It has been formed to proactively respond to the challenges and opportunities of planned growth across the County. This includes working closely with the Hertfordshire Climate Change and Sustainability Partnership to deliver upon individual and collective climate change objectives.
- 7.10 The Council endorsed the Hertfordshire Growth Board's Development Quality Charter (in December 2023) which sets out a series of Design Pledges and a sustainability pledge. The Growth Board has requested that the County's Local Planning Authorities individually support the Charter and set out any local criteria or thresholds for its application. This is separate to, but potentially complements, any decision on the Sustainability SPD.

7.11 Following the resolution of Cabinet in December 2023, a draft form of the Sustainability SPD has been through a six-week period of public consultation. This ran from 09:00 on 4 January 2024 to 17:00 on 16 February 2024. The results of this public consultation are outlined within Appendix B: Regulation 12 Statement of Consultation and has informed the final version of the document shown in Appendix A: Sustainability SPD.

## **8. RELEVANT CONSIDERATIONS**

- 8.1 This SPD incorporates advice on a range of changes in national policy and guidance such as the mandatory biodiversity net gain<sup>1</sup> and Local Nature Recovery Strategy<sup>2</sup> statutory guidance.
- 8.2 The SPD addresses the policy criteria identified above by providing more robust guidance for developers to ensure that North Herts can achieve an improved level of sustainability in its developments. The SPD will ensure that these matters are addressed effectively in new developments and, following any future adoption, will be a material consideration in the determination of planning applications.
- 8.3 The SPD covers a range of sustainability topics including zero carbon, energy efficiency, waste reduction, water efficiency, green infrastructure, wildlife and biodiversity conservation and climate change mitigation and adaptation. These are grouped into eight sustainability themes.
- 8.4 It also sets three standards of sustainability: bronze, silver and gold where bronze is the baseline (policy and buildings regs) requirement. Developers will be encouraged to achieve higher sustainability standard (silver or gold) – for applications achieving the higher standards, this will be a positive consideration in the planning balance.
- 8.5 Once adopted, the SPD will be a material consideration in the determination of planning applications.
- 8.6 The SPD covers all scales of development except householder applications. The Council receives approximately 1,800 planning applications per year and it is important to ensure that its advice can be applied in a proportionate manner. Imposing an additional layer of checks and advice to all development could create both additional burdens on local residents seeking to make relatively small-scale changes to their homes as well as having resource implications for the Council in terms of checking every application and seeking compliance with any measures through construction and delivery.
- 8.7 After considering the consultation responses and discussions with the Development Management Team, the Sustainability SPD is to be applied in different ways dependent on the scale and nature of the development:
  - a. Small-scale development such as householder applications are excluded.
  - b. For minor residential development (less than 10 dwellings) and minor non-residential development (less than 1000m<sup>2</sup> floor area / less than 0.5ha plot); the SPD will be used as a self-assessment checklist. Applicants will be expected to complete and submit the required information which will be subject to review by officers as part of the application process.

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<sup>1</sup> The Environment Act 2021 [Schd. 14](#).

<sup>2</sup> DEFRA [Local nature recovery strategy statutory guidance](#)

- c. For residential schemes of 10-99 dwellings and non-residential schemes (greater than 1000m<sup>2</sup> floor area/ more than 0.5ha in area); applicants are required to provide a Sustainability and Energy Statement from a qualified entity (e.g. Architect or Consultant) as a formal assessment of the sustainability credentials of the development which is examined and reported on by officers as part of the application process.
  - d. For major schemes of 100 plus dwellings, the application should include an Energy Statement and a Sustainability Statement from a certified assessor which will be secured, where required and appropriate, by planning conditions or other measures.
- 8.8 The SPD has been updated taking into account representations received through the consultation process, internal discussions with development management and HCC. The SPD is attached at Appendix A. The SEA Screening Determination is attached at Appendix C. This has been updated to reflect the responses received during the statutory consultation.
- 8.9 Subject to approval by Cabinet, the SPD will be adopted and will be a material consideration in planning decisions.

## **9. LEGAL IMPLICATIONS**

- 9.1 Under the Terms of Reference for Cabinet, paragraph 5.7.18 of the Constitution states that the Cabinet should exercise the Council's functions as Local Planning Authority except to the extent that those functions are by law the responsibility of the Council or delegated to the Service Director: Regulatory. This includes the preparation and adoption of SPDs which do not form part of the Council Policy Framework
- 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 (as amended).
- 9.3 The Levelling Up and Regeneration Act received Royal Assent in November 2023. Once relevant provisions are enacted, SPDs will be abolished and replaced by Supplementary Plans which will be required to go through a more formal process of preparation and examination. There are presently no dates for commencement, the issuing of associated secondary legislation (regulations) or detail of any transitional arrangements. This will be monitored and reported on as required through the regular Strategic Planning Matters report and / or any future reports on this and other SPDs.

## **10. FINANCIAL IMPLICATIONS**

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

## **11. RISK IMPLICATIONS**

- 11.1 Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2 There are no new risk implications arising from this report.
- 11.3 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; and
  - Delay in achieving Net Zero targets.

## **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 Supplementary Planning Documents (SPD) must be ‘screened’ to determine whether statutory environmental assessment is required which would consider the social, economic and environmental implications of proposed policies and allocations. A screening opinion is attached at Appendix C and concludes that the Sustainability SPD is not likely to have ‘significant environmental effects’ beyond the adopted Local Plan policies which have been subject to an SA and SEA. The statutory consultees (the Environment Agency, Natural England and Historic England) were consulted on the SEA screening determination between January and February 2024. The two responses received (from Natural England and Historic England) agreed that the SPD does not require an SEA.
- 14.2 The ‘parent’ policies in the Local Plan were subject to statutory environmental assessment (Sustainability Appraisal).
- 14.3 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 Appendix A –Sustainability SPD

16.2 Appendix B – Statement of Consultation

16.3 Appendix C – SEA Screening determination

## **17. CONTACT OFFICERS**

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## **18. BACKGROUND PAPERS**

[Review of North Hertfordshire Planning Guidance report to Cabinet, 25 July 2017](#)

[Local Plan Implementation report Cabinet, 16 March 2021](#)

[Local Plan adoption](#)