

Draft Sustainability Supplementary Planning Document (SPD)

Statement of Consultation

August 2024

1. Introduction

- 1.1. This consultation statement has been prepared in accordance with Regulation 12 of [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#).
- 1.2. The statement sets out who, when and how interested parties were consulted when preparing the draft Sustainability Supplementary Planning Document (SPD).
- 1.3. The statement also summarises the representations received and how they have influenced the SPD.
- 1.4. The document that this statement refers to is the Sustainability Supplementary Planning Document (SPD).
- 1.5. The Sustainability SPD provides additional detail and clarity to adopted Local Plan Policy SP1 (Sustainable Development in North Hertfordshire) and other relevant policies in the Plan.
- 1.6. The aim of the document is to provide information pertaining to our sustainability expectations for development in North Herts and offer guidance to developers and case officers when determining planning applications.
- 1.7. A significant number of planning policies within the Local Plan 2011-2031 are relevant to delivering growth in a sustainable manner including the requirement for avoidance of adverse environmental effects and for measures to mitigate potential unavoidable impacts. The main policy “hook” for sustainable development is policy SP1: Sustainable Development in North Hertfordshire.

2. Preparation of the Sustainability SPD

- 2.1. The Sustainability SPD was developed in 2023 and published for consultation between the 4 January and 16 February 2024.
- 2.2. Information on the consultation undertaken on the draft SPD is outlined below.

Consultation the Sustainability SPD

- 2.3. Informal consultation included consultation 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. Further internal consultation was undertaken with Development Management Planning officers including a Workshop to refine the SPD, provide greater clarity and resolve any outstanding issues. The comments received regarding the scope of the SPD and sustainable building standards have informed the current draft, resulting in improvements to the SPD in terms of its scope and the range of sustainable buildings standards it covers.
- 2.4. The draft SPD was [approved for consultation at Cabinet on 12 December 2023](#) and the consultation ran from 4 January to 16 February 2024. The responses to this consultation can be found at Appendix A.

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- 2.5. An SEA Screening Determination was produced at this stage that identified that the draft SPD did not require an SEA to be undertaken.

3. Consultation Methodology

- 3.1. Notifications were sent (by email and post) to a wide range of statutory and non-statutory consultees, developers, parish and town councils, landowners, and those who have registered interest in relevant policies of the Local Plan 2011-2031. The consultation was also published on the North Hertfordshire District Council website and on social media platforms.
- 3.2. The consultation was held between 4 January and 16 February 2024 and ran for six weeks.
- 3.3. The document was available to view on the Council's website as well as at the Council Offices during normal opening hours.
- 3.4. Representations were received through the Council's online portal and by email.

4. Issues Raised

- 4.1. Appendix A shows the consultation responses received between 4 January and 16 February 2024.

5. Recommendation

- 5.1. Following the formal consultations, all recommendations have been fully considered. Some have been actioned to rectify any discrepancies, others to provide clarity on the intention of a particular section. Where not pertinent to the specific aims of the SPD, or where requests for alterations were too specific for the broad nature and remit of the SPD, the proposed modifications have not been actioned.
- 5.2. Following a wide consultation and review of representations, it is recommended that the SPD, as modified under the powers of S23(1) of the Planning and Compulsory Purchase Act 2004 (as amended), is presented to Cabinet with a resolution to adopt.

Appendix A: January – February 2024 consultation responses

Comment ID	Section/ topic	Summary of comments	Actions
17548	Scope of SPD	It is important that SPD does not go beyond policy requirements, is clear about what constitutes compliance and exceedance and how this is to be measured/assessed.	<p>The SPD’s bronze level represents policy compliance (building regulations, national / local policy, and guidance).</p> <p>The silver and gold levels represent higher sustainability benchmarks (exceedance of current minimum policy requirements).</p> <p>A paragraph clarifying the sustainability benchmarks has been added. The appendices have been removed (except for a new glossary) and the requirements for different types of development are now included under each of the individual sustainability themes.</p>
		What incentive is there for developers to achieve silver and gold standards, and what is the purpose of the three-tiered approach? This must be clarified if the SPD is to be effective.	<p>Developers are encouraged to achieve higher than minimum (bronze) sustainability standards. More sustainable developments would be better aligned with Net Zero targets and are likely to be more attractive to potential buyers (attracting a premium) helping reduce occupiers’ energy bills and providing greater comfort. Building to higher sustainability standards now avoids the need for costly retrofitting in future.</p> <p>Exemplar schemes achieving high standards of sustainability maybe publicised on our website and would be considered favourably in decision making.</p>
		Clarification of approach is required to ensure “bronze” does not go beyond the policy requirements of the newly adopted Local Plan.	<p>The SPD does not seek to introduce new policy requirements. Bronze level is intended to be the minimum requirement which meets adopted policy, national legislation, and the building regulations. This issue has been clarified in the revised SPD.</p>

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Comment ID	Section/ topic	Summary of comments	Actions
		<p>There is a need to ensure the document does not place unnecessary financial burdens on applicants. We consider that the document is very onerous on smaller scale developments. Potentially onerous requirements include:</p>	<p>The SPD has been revised to simplify requirements for smaller schemes and householder applications are no longer included in the SPD.</p>
		<ul style="list-style-type: none"> • Requirement for Design & Access Statement for minor residential developments not currently required/ justified. 	<p>Replaced with an 'Energy & Sustainability Statement' for minor development.</p> <p>Major schemes will be required to submit both an Energy Statement and a Sustainability Statement.</p>
		<ul style="list-style-type: none"> • A blanket requirement for Air Quality Assessments would be costly and time consuming. Minor development likely to generate negligible change in air quality. 	<p>This section has been removed – requirements are now merged with the Sustainable Travel theme.</p>
		<ul style="list-style-type: none"> • The requirement for open space enhancement plans is too onerous on small schemes. 	<p>Requirement removed for bronze level for minor residential development. This section is now within the Healthy Placemaking theme.</p>
		<ul style="list-style-type: none"> • Surface water drainage strategies can and should be required by condition for smaller schemes, as these are costly and should not be required before planning permission is granted. 	<p>Currently drainage conditions are usually imposed when the request comes from HCC (as the lead local flood authority LLFA) or the Environment Agency (EA). HCC provides summary guidance for developers on this issue. Note that Schedule 3 of the Flood & Water Management Act seeks the incorporation of SuDS into new developments. Although this is not currently implemented in England, DEFRA has said that it will be implemented in 2024. Given the surface water flood risk in the District we believe it is important to address this issue in the SPD.</p>

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6		<ul style="list-style-type: none"> Site waste management plans should not be necessary for smaller scale development. 	HCC as the Waste Planning Authority expects to see a Site Waste Management Plan (SWMP) to support major developments (e.g. a large residential scheme or a large commercial complex). In the revised SPD this requirement has been removed for minor applications. Applicants are encouraged (to achieve SPD levels silver/gold) to submit a circular economy statement demonstrating the extent of recycling of non-hazardous construction waste and minimising diversion to landfill.
	Pre-application requirements	The document links to GLA's whole life carbon assessment (WLCA) template to be used at pre application stage and then throughout the life of an application and its implementation. Using this template in the North Hertfordshire policy context has not been explained or justified.	<p>The Local Plan does not include the requirement for whole life carbon assessment. Therefore, this will not be required for bronze level which represents policy compliance.</p> <p>The SPD now links to RICS guidance and template. The GLA template was included as an example, applicants can use alternative templates if they follow a nationally recognised assessment methodology namely BS EN15978 (Sustainability of construction works Assessment of environmental performance of buildings calculation method). The revised document now includes reference to Part Z; the new, industry proposed addendum to the building regulations.</p>
	Application process	The Natural England process journey diagram on p.68 illustrating how to incorporate GI into development does not differentiate between different types and scales. Many of these requirements will be inappropriate for all but larger schemes.	The requirements have been revised; bronze level represents current policy requirements. Applications seeking to achieve higher levels of sustainability are required to follow NE's GI principles and include key aspects of healthy placemaking as outlined in the NHS Putting Health into Place guidance. Additional requirements also added for urban greening / Green Flag Award attainment.
	Document layout	Document layout would be improved by use of paragraph numbers.	Paragraphs are now numbered.

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	Materials and embodied carbon	Illustration on P.18 is based on Passivhaus standard, requiring developers to seek Passivhaus certification will result in additional build cost that might impact site feasibility.	<p>'Bronze' level requires compliance with the building regulations and policy. Whilst there may be cost implications associated with achieving higher standards, dwellings achieving higher sustainability standards are likely to attract a price premium, reduce energy demand (and energy bills) and provide greater levels of comfort and carbon savings.</p> <p>The SPD now includes alternatives to LETI/ Passivhaus in the form of the relevant BREEAM credits.</p>
	Zero Waste	Pre-Demolition/Refurbishment Audits: To support reuse of existing buildings and materials on site, the SPD could promote the adoption of pre-demolition and pre-refurbishment audits so that the applicant identifies existing materials on site suitable for re-use in any proposed scheme.	Pre-demolition audits have been added to the SPD
	Zero waste: Embodied carbon	The integration of embodied carbon into local policy is supported as a principle but it is noted that there is no reference to embodied or whole life carbon in the Local Plan. Pages 18 – 19 discuss embodied carbon (forming part of whole life carbon). Additionally, whilst the principles stated are sound, it would be helpful to have some form of table for aspirational kgCO ₂ e/ m ² (A1-A5) and (A-C, excl. B6 & B7). It appears in this case that the requirements of the SPD go beyond Local Plan policy compliance.	<p>This section has been revised and additional illustrations added to clarify embedded carbon, whole life carbon and operational carbon.</p> <p>The requirement for Whole Life Carbon Assessment is now removed for 'bronze' level but retained for 'silver and 'gold' standards. The checklists have been clarified.</p> <p>SPD bronze level represents compliance with current policy requirements. Whilst WLCA for bronze level applicants are encouraged to consider it including ways of minimising total carbon footprint.</p>
	Whole life Carbon Assessment	The diagram on Page 21 is useful, but perhaps some annotations on what is 'embodied' what is 'operational' and what is 'whole life cycle' carbon would be helpful.	

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		<p>There is reference to the GLA reporting sheet for whole life cycle carbon emissions on page 20. Note that this is only currently required for use in London for major schemes and likely to be too detailed and financially onerous to achieve within North Hertfordshire, particularly for smaller schemes.</p> <p>Additionally, if the GLA reporting sheet is used, there should also be reference to the methodology provided by the GLA to complete this document. Finally, are North Herts requesting applicants follow RICS or GLA methodology? They are similar but can have a notable impact on overall results. Details of the methodology required should be stated.</p> <p>Costs to complete all stages of the WLCA spreadsheet for a small scheme likely be in the region of £4-10k with fair amount of work at each stage. additional energy modelling (TM54) is required costs might also be in the region of £2-6k. This level of increased cost is very significant for small developers.</p>	<p>WLCA is not required for bronze level though applicants are encouraged to consider it. The GLA assessment is based on BS EN15978 and the RICS PS methodology. This section has been revised and the SPD now includes links to the RICS guidance and methodology. Applicants can use alternative templates as long as they follow a nationally recognised assessment methodology namely BS EN15978 (Sustainability of construction works Assessment of environmental performance of buildings calculation method).</p>
	Passive design and energy efficiency	<p>Carbon offset: No details of the carbon offset arrangements are stated. Are these to be secured through S106? What is the proposed cost per tonne CO2? Are you seeking offset for Regulated and unregulated (As computer use is considered unregulated)? What is the proposed offset period in years? Have carbon offset projects been identified to spend money received? Do developers have the option to specify how they would like to offset their carbon or will this be managed by North Herts?</p>	<p>The SPD focuses on improving fabric efficiency and reducing energy demand (e.g. through optimum building orientation/ design). Carbon sequestration through tree planting, green roofs and walls is also discussed in the SPD.</p> <p>Applicants submitting WLCA can use GLA guidance or make other reasonable estimates as long as this is clearly justified in the assessment.</p> <p>Offsets can be secured through S106 or project specific agreements - Projects to funded can be discussed with the LPA where applicants intend to include a WLCA.</p> <p>No changes made.</p>

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		<p>Building fabric: As noted on p.34, there is a reference to utilising energy efficient materials. This is good but without target U-Values it is difficult to define what 'energy efficient materials' look like. Perhaps a table of acceptable U-Values as set out in Part L (2021) BR and then a target set of U-Values to encourage developers to exceed Part L requirements?</p>	<p>Bronze level requires compliance with the building regulations (part L) which specify U-values, air tightness etc.</p> <p>Silver level has been revised; proposals will need to demonstrate specific % improvements (in terms of CO2 emissions) on BR part L.</p> <p>Gold standard revised and now refers to Passivhaus or LETI or RIBA 2030 standards.</p>
		<p>Ventilation: p.37, figure references 'wind-driven ventilation' which is technically sound, but it may make more sense to align passive ventilation definitions with Part O (2021) BR, which refers to wind-driven as 'cross-ventilation' – this would also then encourage developers to refer to the Part O guidance note and support overheating mitigation methods.</p>	<p>An introductory paragraph referring to the part O of the Building Regulations has been added to this section of the SPD with a link to Approved Document O.</p>
		<p>Energy Saving Measures: Two methods of energy reduction referred to in Part L (2021) but not referenced in this document are Wastewater Heat Recovery Systems (WWHRS) and Mechanical Ventilation with Heat Recovery (MVHR). It would be useful to include reference to these as they are very useful methods to achieve regulated carbon reduction.</p>	<p>New section added "Energy saving measures" added describing MHVR and WWHRS with links to Building Regulations guidance. MVHR is also mentioned in section under the Mixed mode cooling section. MHVR would be required for proposals seeking to achieve higher sustainability levels such Passivhaus.</p>
		<p>Ventilation (p.40) mixed mode cooling should also reference summer bypass function.</p>	<p>Reference to mechanical ventilation with heat recovery systems (MVHR) with summer bypass function added to the SPD (under Mixed mode cooling)</p>
	Water conservation	<p>Water efficiency: 110 lpd is a good target for residential use. Most local planning documents do not ask for a water efficiency standard less than this, however worth noting that, subject to clarifying what the bronze, silver and gold standards mean, perhaps as a higher level aspiration you could request 105 lpp/pd, as is required in the London Plan for residential development.</p>	<p>The bronze standard is the current policy requirement which is 110lpd. Given that we are in a water stressed area where most of the water is from groundwater sources, the silver and gold standards have been further tightened in the revised SPD. This issue was also highlighted as an important issue by the Environment Agency's representations which called for higher water efficiency standards.</p>

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	On-Site Low carbon and renewable energy	Solar Thermal: p.42 – there is reference to Solar Thermal and Solar Photovoltaic which may contain an error. The section titled ‘Solar Photovoltaic – Thermal’ heading seems superfluous here.	Error corrected the section now refers to Solar thermal heating. Header deleted
		Air Source Heat Pumps: Section on p.43 states that ‘ASHPs are designed to work in combination with other heating systems’ – from our experience, this would only be in a commercial setting, where you are using an air-to-air system. In residential applications, an air-to-water system is more than sufficient with no additional heating systems required. It may be worth clarifying this.	This section has been clarified accordingly.
		A summary table of all measures listed in this section would be useful to illustrate what each. It might also be helpful to have a section in the table that sets out constraints, i.e. are ASHPs / PV allowed in all developments in North Herts, even if in conservation areas?	This section has been revised to clarify measures. Chapter 4 considers historic buildings and conservation area constraints in more details. No action.
	Transport	We suggest reference is made at the start of the Transport Section to HCC LTP4. Roads in Hertfordshire will be obsolete soon. HCC’s Place & Movement Planning and Design Guidance document maybe more relevant. Would recommend that the Parking SPD is also updated and changed from minimum to maximum standards in line with all/most other Hertfordshire authorities. The draft SPD states: “Parking provision with development proposals should link in with a Sustainable Travel Strategy and include EV charging points.” This statement seems somewhat contradictory of the 2011 parking policy which is minimum rather than maximum numbers for residential development	Section revised and now includes references (and links) to LPT4 and ‘Place & Movement Planning and Design Guidance’ (Sustainable Travel section). Noted. No action This refers to the need to take holistic approach on parking provision, sustainable travel and EV charging i.e. for these elements to be considered in the round rather than individually. The section and checklists have revised/ simplified to clarify requirements.

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	Transport	With regard to refuse collection, deliveries and removals, the draft SPD includes reference to the National Design Guide we suggest that a more applicable document to reference would be the Manual for Streets. This provides far more detailed and technical information.	Added reference and link to Manual for Street. TrThe section has been revised and condensed in the to avoid duplication of existing policy.
	Appx A – Passive design and energy efficiency	It would make more sense to have an energy and sustainability statement to accompany all applications of over 10 units, as opposed to capturing elements in the Design and Access Statement.	Changed to Energy & Sustainability Statement.
		The ‘Bronze’ standard here would enable major developments to utilise gas boilers, as they are still permissible under Part L (2021), provided WWHRS and PV are installed. Does this align with the ambition of the SPD?	The SPD cannot introduce new policy therefore the bronze standard equates to current policy / building regulations. The SPD seeks to encourage developers to achieve the higher silver or gold standards which require better fabric performance, more sustainable means of space and water heating (e.g. air source heat pumps), energy recovery technologies and renewable energy.
		Worth considering omitting reference to Future Homes as this could change or may not be adopted.	Reference to Future Homes standard removed and replaced by the % of dwelling’s energy needs required to be met by on-site renewables (e.g. solar panels).

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	Appx A – On site low carbon and renewable energy	Silver and gold standards need clarifying, generally planning documents request a carbon reduction over building regulations, rather than a % of renewable energy generation. Is the % of renewable energy relevant to the SAP calculation's estimate of annual energy consumption? Is the % reduction per dwelling, or site wide? The Gold Standard might be very difficult to achieve, as most dwellings do not have sufficient roof space to accommodate solar that would generate 50%.	<p>This section has been revised.</p> <p>Bronze is current policy and building regulation (including any future PV requirement as indicated in the recent Future Homes consultation Option 1).</p> <p>Requirements have been revised and silver level now requires 75% (100% for gold) based on the assumption that space heating and hot water would be supplied by low carbon technology such as ASHPs.</p> <p>It is envisaged that a combination of photovoltaic panels (PV), heat pumps and solar thermal would provide the greatest benefit to new developments.</p> <p>The gold standard has been moved up to 100% to be consistent with LETI requirement/ match gold levels under other topics relating to energy and carbon.</p>
		By using 'Renewable Energy' and not including 'Low Carbon' in the categories, measures such as ASHPs are excluded, as Solar PV and Solar Thermal are classed as renewable, but ASHPs rely on grid- electricity and so are 'low-carbon'.	As discussed above, the overall space and water heating demand is expected to be reduced through other measures promoted in the SPD such passive design/ solar gain, high fabric efficiency, use of ASHPs, and heat recovery. This means that the overall energy demand to be met by PV is substantially reduced making it easier to meet Silver or Gold standards.
		Finally, this wording could be interpreted to require occupants to purchase renewable energy, rather than installing measures on site to achieve this reduction.	The section refers to on-site renewable energy
		Instead of renewable energy %, we propose that the SPD requires development to achieve % carbon reductions over the BR notional dwelling at staggered percentages.	Agree, this suggestion has been implemented in the revised SPD.

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Comment ID	Section/ topic	Summary of comments	Actions
	Appx A – Materials reclaimed	This can support the WLCA requirement. Definition to the ‘silver’ and ‘gold’ standard could be reviewed, to include % of material replacements, rather than using terminology such as ‘significant proportion’.	This section has been thoroughly revised to clarify requirements.
	Appx A – Whole Life Carbon Assessment	Requiring all developments to complete all stages of the GLA WLCA will incur significant financial cost to schemes in the remit of around ~£4-10k.	Requirement removed for bronze level.
	Whole Life Carbon Assessment s	The ‘Silver’ scores are extracted from the GLA benchmark targets – as benchmarks, most developments achieve these without any consideration for embodied carbon reduction. Consider reviewing targets in line with the aspirational targets.	The targets have been revised for silver and gold and LETI equivalents added. This is no longer required for bronze level.
	Minor residential applications	The same principles mentioned above are applicable to this set of appendices. The only additional point to note is that requiring minor applications to follow the GLA’s methodology on Whole Life Cycle Carbon reporting would significantly increase the costs associated with planning submission and construction. Instead, perhaps one embodied carbon assessment should be completed in conjunction with any Energy and Sustainability statement submitted.	Requirement amended for minor developments – the WLCA will be required as part of the energy statement – demonstrating achievement for LETI bands under levels silver and gold. This is no longer required for bronze level.
	Appendix C&D minor and major non- residential applications	The same principles mentioned above are applicable to this set of appendices. Requesting BREEAM Outstanding needs further clarification and investigation as part of the Gold Standard. Will developments be required to obtain BREEAM certification? Or is the purpose to achieve as many BREEAM credits as possible with regard to energy? If the SPD is requesting development here to achieve BREEAM Outstanding, then it must be noted that the BREEAM consultancy fees will be in the region of £15-30k and this would likely increase build costs by around 5% to build to the appropriate standard.	The requirements is removed for bronze level and retained for silver and gold levels for major non-residential developments. For minor non-residential development the requirement is removed for bronze.

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	General comment	As a consultant team we think that the principles of the SPD are to be fully supported, however at the moment it is not clear enough how compliance can be achieved, and the burden on small developers is likely to be disproportionate and discourage investment. Clarification and adjustment is required to ensure that the document can be complied with and easily followed, without view for any conjecture.	The SPD has been updated in accordance with consultation representations received. Adjustments and simplifications of requirements have been made in accordance with the comments you and other representations have made.
		It might be useful to consider structuring the elements around energy efficiency and renewables using the energy hierarchy, with a section for 'Be Lean', 'Be Clean' and 'Be Green' with targets set in each chapter relevant to the appropriate stage of the energy hierarchy, as opposed to having the targets and requirements relating to energy being contained at various different sections. This could then be relayed in the appendices table.	Noted, please refer to above comment. No action
	Example financial implication for a scheme of 5 residential units	A development of 5x detached dwellings would incur additional costs in region of £5,500 to 10,500 (for energy & sustainability statement and WLCA). Carbon offset payments of £4000-£8000 could be incurred.	The SPD's bronze level has been revised and represents policy and building regulations compliance which should not incur additional costs. It anticipated that more sustainable homes would attract a price premium as they are likely to save on energy bills and carbon footprint and avoid the need for costly retrofits in future.

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00228	Ch. 1 Introduction	<p>Policy context Table 1: Recommendation to include the guidance documents listed below in the table under the section for 'Water' or 'Adaptation to Climate Change' or as you otherwise seem fit.</p> <ul style="list-style-type: none"> • Planning Practice Guidance (PPG) • Water Resources Act 1991 • North Herts Climate Change Strategy 2022-2027 • Thames River Basin District Flood Risk Management Plan 2021-2027 • Flood and Coastal Erosion Risk Management Strategy Roadmap to 2026 • North Hertfordshire District Council – SFRA Update (2016) • Thames Water Drainage and Wastewater Management Plan (DWMP) • The Environment Improvement Plan (EIP) 2023 for England • Third National Adaptation Programme (NAP3) • Water Resources South East (WRSE) Revised Draft Plan • National Flood and Coastal Erosion Risk Management Strategy for England • Water Framework Directive 2017 • CIRIA SuDS manual • Sustainable Drainage Systems: Non-Statutory Technical Standards • Environment Agency's approach to Groundwater Protection 	<p>These have been added to Table 1.</p>
	Ch.2 Objectives	<p>Climate change mitigation: We are keen to see more discussion around the increase in flood events due to the 'wetter winters' as mentioned.</p>	<p>The adopted Local Plan followed the sequential test approach when allocating sites for development. Flood risk is discussed at length in the SPD in Ch.2 and Ch.3.</p>

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		We are pleased to see the recommendations for the district's climate change commitments as produced by the Tyndall Centre for Climate Change and Research. However, we are keen to see how the Council plans to prepare for the mitigation of climate change effects such as flood risk in more detail. More specifically on how this would affect existing development and influence the location and design of future developments.	Mitigation measures such as the sequential test approach, FRAs, SuDS, GI and Property Flood Resilience are also discussed in the SPD. No action
	Land use and wildlife	Biodiversity Net Gain Given that the BNG requirements have come into effect as of 12 February 2024, it is important to ensure development applications meet statutory requirements.	Biodiversity sections updated to reflect the mandatory requirement for BNG.
		We recommend the inclusion of blue spaces and corridors in urban area, that provide critical refuge for wildlife in areas with limited habitat diversity. We recommend making changes to the text referencing the North Herts Local Plan ' <i>... and 'new green infrastructure will have enhanced the network of green corridors linking settlements to the open countryside, providing greater opportunities for healthy lifestyles'</i> to include blue spaces/networks, wider aquatic systems and riparian corridors. Where possible, we recommend the inclusion of blue spaces in addition to green spaces, to make the text more supportive of BNG's goal. This would avoid harmful/compensatory processes and favour forward planning development proposals which incorporate BNG from the outset.	References to blue spaces and corridors have added throughout the revised SPD.

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		<p>We recommend the inclusion of the following points to the Biodiversity net gain measures:</p> <ul style="list-style-type: none"> • Ensuring development is set back at least 10m from a waterbody to protect the critical riparian buffer zone supporting several aquatic and terrestrial species. • A habitat management and monitoring plan (HMMP) will also be required alongside BNG submissions. This will give a detailed schedule of: <ul style="list-style-type: none"> • The plan to manage the off-site gains or significant on-site enhancements, taking into account any legal restrictions and requirements. • When and how habitats will be monitored. • When and how habitats will be reported. • When and how management proposals will be reviewed. • How habitats will be restored if the management plan is not working • Note: The management and monitoring period lasts for 30 years. <p>Additional Note: Please replace wildflowers with 'native wildflowers' where stated.</p>	<p>Section revised to include</p> <p>Section text updated to ensure it include:</p> <ul style="list-style-type: none"> • 10m buffers from water bodies • Habitat management plans • The 30-year management and monitoring requirement <p>Changed to 'native wildflowers'</p>

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	Herts Local Nature Recovery Strategy	<p>In line with the Governments Environmental Improvement Plan (2023), consideration should be given to how targets will be met within the Borough. This includes:</p> <ul style="list-style-type: none"> • Strengthening: ensure effective policy and statutory safeguards and powers are in place to improve management for nature, prevent degradation and ensure appropriate access for people. • Extending and creating: designate new protected areas and restore or create wildlife rich habitat outside of these. • Investing: invest in habitat restoration across our protected areas and beyond. • All development and strategies within the district should align with the objectives and priorities of the Hertfordshire LNRS, so as to support the delivery of above points. 	<p>Section updated to reflect this representation including reference to HCC's Local Nature Recovery Strategy. This is also part of the check lists in the appendices.</p>
	Protecting Chalk Streams & Rivers	<p>Protecting Chalk Streams & Rivers - We are pleased to see considerations for chalk streams and emphasis made on identifying opportunities for de-culverting heavily modified water bodies. We would recommend including the benefits of natural flood management schemes that promote soft landscaping while improving biodiversity and reducing flood risk.</p>	<p>Noted - this is discussed in Section 5 (Promoting Biodiversity) SPD.</p>
		<p>It is important to note that, as a statutory consultee we will object to planning applications that do not assess the proximity of the development to main rivers, in particular chalk streams. Developments must be evidenced to not be a detriment to the watercourse, and where it cannot be demonstrated otherwise, needs to provide a betterment.</p>	<p>This point has been added to the text in this section.</p>

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		<p>We would recommend the wording around restoration/denaturalisation of watercourses to be stronger. We would encourage placing a requirement on developments adjacent to watercourses to enhance and restore the habitat should the Red Line Boundary be within 10 metres of a main river. This would help achieve the following objectives of the Water Framework Directive 2017 as already identified in Policy NE10 North Herts Local Plan (2011-2031).</p> <p>a) Prevent deterioration of the status of each body of surface water;</p> <p>b) Protect enhance and restore each body of surface water with the aim of achieving</p> <p>good ecological status and good surface water chemical status.</p>	<p>If the river is not included in the boundary of the development site responsibility falls on the riparian owner (not developer) to enhance the river. No action</p>
		<p>It is important to emphasise that areas with Chalk streams are groundwater sensitive; therefore, we encourage developments in these areas to protect the groundwater resources and use construction methods which minimise the amount of de-watering needed. Under the Water Act 2005 (implemented in 2018) de-watering is licensable and it may be difficult for developers to obtain an abstraction licence from us in such areas.</p>	<p>Text updated to reflect this point</p>
		<p>LPA is encouraged to review the following document CaBA CSRG Strategy MAIN REPORT FINAL. This document is a valuable resource for a Catchment Based Approach (CaBa) Chalk strategy. Please refer to Section 7.3 'Planning and development – recommended development rules for chalk streams' for further guidance.</p>	<p>Noted – This applies to policy making and is considered in adopted policies and will be considered in future policy reviews. The SPD includes measures such as SuDS and higher water efficiency measures.</p>
	Ch3. Technical and general guidance	<p>North Hertfordshire is an area where much of its water comes from groundwater sources and hence any new developments should be designed with water efficiency in mind. We recommend adding a section specifically highlighting the risks to controlled waters, including groundwater.</p>	<p>Added emphasis on importance of protecting groundwater sources in this section in the revised SPD.</p>

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Comment ID	Section/ topic	Summary of comments	Actions
		Please refer to our Approach to Groundwater Protection for more information on the additional controls and restrictions for the protection of groundwater in sensitive areas, including chalk aquifers. In our comments above we have highlighted, within several sections, the need to protect groundwater from contamination. Consideration should be given when introducing new technology or drainage systems.	Noted – see above. Reference and link to the Approach to ground water protection guidance added has been added.
	On-Site Low Carbon and Renewable Energy	<p>Ground Source Heat pumps</p> <p>The SPD refers to two basic forms of ground source heat pumps. The first form can be further broken down to subcategories as highlighted below: open loop systems that use two boreholes, abstracting water from one borehole and re-injecting into the second borehole. closed loop system where the fluid is passed down through a pipe and back up to the surface without contact with the groundwater. Closed loop systems require less regulation, open loop systems require more regulation from us and are not suitable in all cases. It should be noted that both closed and open loop systems pose environmental impacts by causing temperature changes within the ground. This can cause interference between systems if a large density of GSHC schemes are in close proximity making them less effective. In open loop systems, where there is direct contact with groundwater these temperature changes can cause groundwater mounding and changes in groundwater flow which could negatively impact areas of high groundwater level.</p>	Noted and explanatory text added in this section. Reference to EA guidance “Environmental good practice guide for ground source heating and cooling” has been added.
	Water use	Rainwater harvesting – we recommend the inclusion of benefits in mitigating flood risk and reference to Environment Agency, 2010. Energy and carbon implication of rainwater harvesting and greywater recycling.	This has been added to the revised document.

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	Adaptation to Climate Change	Our Adaptation report, Living Better with a Changing Climate (2021), shows that England will inevitably face significant climate impacts, and that early action is essential. We recommend incorporating relevant information from the report into this section. Please note that climate change allowances vary for different catchments and developers must use the appropriate ones to assess their proposal for the effects of fluvial flooding, now and in the future. These are calculated based on the vulnerability of the development; therefore the development must assess fluvial flood risk on a case-by- case basis.	This information has been added to this section
		This section suggests that policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts. One of the measures highlighted is the provision for relocating vulnerable development in the future. We are keen to see how the council is going to implement this. Although this is not unheard of, the council should address the logistical and practical obstacles to implement this. If explored, we should be consulted at the earliest possible opportunity through our charged pre-app service.	Noted – the SPD seeks to provide guidance on Local Plan policies. The development sites allocated in the adopted local plan have been subject to the sequential test approach. No further action required in the SPD.
	Flood risk	We would like to see the mention of Property Flood Resilience (PFR) here, and how this can be an effective form of resilience to climate change.	Reference to PFR Added in this section.
		We are generally disappointed with this section of the SPD as it makes no reference to climate-change adaptation measures. It appears to focus on flood-risk aspects in relation to new developments and does not mention existing properties, redevelopments, change of use etc.	The SPD discusses adaptation measures extensively including SuDS, FRAs, green and blue infrastructure etc and has been updated to include the recommendations you have made in your representations. Development sites allocated in the local plan have undergone a sequential test approach are located in areas of low flood risk.

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Comment ID	Section/ topic	Summary of comments	Actions
		Paragraph 1 should be reworded to include ‘Developments will be refused planning permission where they increase the risk of flooding to others’. This is supported by Paragraph 170 of the NPPF.	Paragraph amended accordingly
		While the sequential approach is mentioned, it is important to emphasise that developments should be steered away from floodplains and watercourses in accordance with ‘Policy NE7: Reducing Flood Risk’ in the North Herts Local Plan (2011- 2031). This is to ensure that the integrity of riverbanks is not negatively affected, and watercourses and functional floodplain areas are accessible during flood incidents and blockages.	Noted
		Paragraph 1 also states that “Development is directed to areas at lowest risk of flooding and policy.” This sentence seems incomplete. Paragraph 2 states that “Measures must be taken to ensure development does not increase the risk of flooding for nearby communities.” Please ensure to include developments must seek to reduce flood risk.	Paragraph corrected and amended accordingly
		Further, we would like to remind North Herts Council to keep their Strategic Flood Risk Assessment up-to-date. The SFRA is a ‘live’ document that should be reviewed and updated regularly to ensure that the modelling, data, and guidance used is in line with national and local policy.	Noted. No action
		We encourage ongoing engagement with us, not only as a statutory consultee and regulator, but also as a partner in maintaining and improving the environment. We can seek to provide early technical advice on various aspects of development, such as flood risk alleviation schemes, planning proposals and river restoration projects.	Noted. No action
	SuDS	While SuDS is largely for the benefit of surface water flooding, it can also help reduce flooding from fluvial sources, such as Ordinary Watercourses and Main Rivers.	Noted. The SPD also states that SuDS proposed must approved by HCC (the SAB). This will ensure that SuDS proposed are appropriately designed and located. No action.

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Comment ID	Section/ topic	Summary of comments	Actions
		<p>We are pleased to see references made to SuDS features like swales, attenuation basins and retention ponds, however it is important to note that these features need to be appropriately located to avoid a negative impact on the floodplain of rivers. Ideally, such features should not be located in a floodplain or immediately next to a watercourse, as it limits their effectiveness and, in some cases, increases flood risks. Additionally SuDS help to slow the flow and reduce surface water run-off into rivers, which help reduce high flood events. Thus, it is a highly effective preventive measure in mitigating flood risk and should be enforced as per Schedule 3 of 'The Flood and Water Management Act 2010'. SuDS will also reduce contaminants within surface water runoff from entering the watercourse.</p>	<p>The SPD discusses the ways in which SuDS can mitigate flood risk by reducing flow rate and surface run-off and reduce contaminants as well as provide biodiversity and amenity benefits. No action</p>
		<p>In the section 'SuDS best practice guidance' we recommend reference to be made to the time of concentration i.e. the time it takes from when rainfalls to when it discharges. In piped conveyance systems, this can be significantly shortened. This impacts the downstream receptor and ultimately increases the risk of flooding.</p>	<p>Information added in this section</p>
		<p>We recommend the table 'SuDS Checklist' to be reworked to ensure that discharge method, rate of discharge, volume of run-off and time of concentration is considered individually at each level. As it stands, we are concerned that the categorisation of developments as bronze, silver and gold is not compliant with the NPPF.</p>	<p>The checklist has been revised following discussions with HCC. We have added the requirement of the SuDS to be approved y HCC as the SAB which will ensure SuDS are appropriately designed.</p>
		<p>We would also recommend including 'confirmation must be sought from the wastewater provider that there is adequate capacity in the network and that development will be phased in line with any necessary upgrades' across all ratings of the SuDS checklist. This is in alignment with Policy NE10 in the North Herts Local Plan (2011-2031) that states 'new developments must demonstrate that there is adequate capacity in the wastewater infrastructure for the scope of the intended building use'.</p>	<p>Noted this is already in adopted policy NE10 of the NHLP. No action</p>

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Comment ID	Section/ topic	Summary of comments	Actions
		We encourage the use of infiltration SuDS as this is a sustainable approach to surface water management that mimics natural processes. However, the use of infiltration SuDS is not appropriate on all sites and in all locations. Infiltration SuDS should not be constructed in contaminated ground and should not be used where infiltration can re- mobilise contaminants already within soils to pollute groundwater. Where peak seasonal groundwater levels are shallow this may constrain the potential for infiltration drainage or the choice of infiltration SuDS due to a requirement to maintain a minimum unsaturated zone thickness beneath the infiltration level.	Information added in this section in the revised document.
		The use of deep infiltration systems such as boreholes is not routinely acceptable and will only be approved where there are no other feasible disposal options such as shallow infiltration systems or drainage fields/mounds and where the developer demonstrates no unacceptable pollution risk to groundwater; if approved they may require an environmental permit.	Information added in this section.
		In all cases the SUDs train should provide sufficient water quality treatment in line with the land use of the drainage catchment and sensitivity of the receiving groundwater body. We recommend that the following guidance be referenced: <ul style="list-style-type: none"> • The Environment Agency's Approach to Groundwater Protection, particularly statements G1 and G9 to G13. • CIRIA C753 SUDS Manual. • Susdrain website: Sustainable Drainage Systems: Non-Statutory Technical Standards guidance 	Information added to this section with references and links.
	Water efficiency	We are pleased that the SPD has rightly acknowledged that North Hertfordshire's water supply is operating under severe water stress. Given the current and future strains on regional water resources, it is imperative that per capita water use in North Hertfordshire is at its most efficient.	Noted – no action.

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Comment ID	Section/ topic	Summary of comments	Actions
		There is limited mention in the SPD on efficiency targets for non-residential developments in the area. Any non-domestic development should also seek to be as water efficient as possible using the BREEAM standards. For non-residential developments, we would recommend that the current gold standard to be the minimum bronze standard.	Requirements for non-residential development have been added based on achieving BREEAM credits/ RIBA standards with specific consumption figures quoted.
		For non-residential developments, we would recommend that the current gold standard to be the minimum bronze standard.	This requirements have been strengthened in the revised SPD.
		We are pleased to see that the council has set a minimum (Bronze) standard for residential water efficiency of 110 litre per head per day (page 66). We welcome that the 'gold' standard would be the achievement of 80 litres per head per day.	Noted, these have been further tightened in the revised SPD.
		Policy NE10 in the North Herts Local Plan states that new developments must demonstrate that there is adequate capacity in the public water supply for the scope of the intended building use. The SPD fails to address this requirement.	The SPD is to be considered alongside the local plan. It is not the intention for the SPD to repeat all local plan policy requirements in the SPD.
		We recommend that an additional requirement be added to the water efficiency bronze/silver/gold checklist stating that - across all ratings - confirmation must be sought from the public water supplier that there is adequate capacity in the public water supply for the intended building use.	Noted – this is already a requirement in the adopted Local Plan.
		This SPD should refer to the water company's Water Resources Management Plan (WRMP) and the need to assess whether the water company can source developments from a sustainable source. The LPA should discuss non-domestic demand carefully with the water company as they have the power to refuse non-domestic growth that compromises the security of the domestic supply.	Noted and reference (and link) to the WRMP is now included in the SPD.

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Comment ID	Section/ topic	Summary of comments	Actions
		<p>Developments have the potential to increase demand for water and result in increased abstraction from groundwater sources. All growth from new developments must be able to be supplied with water from sustainable abstractions and water companies may need to put new strategic plans in place to accommodate further growth. The long-term viability of supplying new developments should be considered, and the phasing of growth should link to the timings of any planned new strategic schemes. Additionally, the cumulative impacts of growth in the wider area should also be considered.</p>	<p>Noted</p>
		<p>We are pleased to see that the SPD provides recommendations on how higher water efficiency might be achieved and has included information on a ‘fittings based’ approach (Page 66) and on rainwater/greywater harvesting and recycling (Page 59 and 66). We recommend that water efficiency gains can be further encouraged by demonstrating the additional environmental, sustainability and efficiencies gains that they can deliver. For example: Demand management measures, particularly those that reduce hot water use, have significant potential to save water and energy, and reduce the carbon footprint throughout the water system. This could result in a reduction of greenhouse gas emissions, and household utility bills.</p>	<p>Noted – hot water energy saving and associated carbon reduction is considered elsewhere within the SPD.</p>
		<p>As recognised in North Herts Local Plan (2011-2031) Policy NE10, the SPD must ensure that developments will not negatively affect any Water Framework Directive (WFD) waterbodies. The document focuses on medium to long terms environmental improvement, but it is important to consider how the growth plan addresses deterioration under WFD, given that it is a primary driver used to measure environmental impact.</p>	<p>Growth plans are considered in the Local Plan. This is outside the scope of the SPD. No action</p>

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		The WFD is aimed at maintaining and improving the aquatic environment, including controls on water abstraction. Authorising states like the councils are required to refuse authorisation for a development where it could result in deterioration of the status of a water body or jeopardise the attainment of good surface water status. Additionally, the council should take measures to enhance the environment, supporting waterbodies in meeting their objectives as already reflected in North Herts Local Plan (2011-2031) Policy NE10. The objectives for each water body are publicly available via the Catchment Data Explorer.	Noted
Hertfordshire County Council (by email)	General comments	The Hertfordshire Growth Board have prepared a series of mission statements covering; World Class Economy, Digital Access for All, Transport for Hertfordshire, Right Homes, Right Places, Healthy Places for All and Sustainable County. It would be beneficial for the SPD to refer to the missions as relevant.	Table 1 has been updated to include some of the HGB documents referred to.
	Specific comments	Pg 6 The last sentence of the opening paragraph currently reads 'managing the flood risk'. Suggest this be changed to 'managing the risk of flooding' or 'managing flood risk'.	Corrected
		Pg 11, Table 1 – the NPPF may now be relevant to more sections -energy use/low carbon? Also the table switches between National Planning Policy Framework and the NPPF.	Table 1 updated accordingly
		The document may benefit from referencing the National Planning Practice Guidance (NPPG). There have also been recent Written Ministerial Statement (WMS).	NPPG and WMS (23 Dec. 23) added to table 1.
		Pg 16 the Tyndall report and the SPD make recommendations regarding 'shipping and aviation' however, this may not be relevant to North Herts and so would benefit from some explanation.	Section re written to clarify this point
Pg23 Hertfordshire Ecology is now known as 'Hertfordshire LEADS'. The link provided is also broken.	Link and reference corrected.		

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Comment ID	Section/ topic	Summary of comments	Actions
		Pg25 'bat boxes, bird feeders, insect hotels, insect hibernation houses' cannot be accounted for in the BNG metric and therefore have no impact on a BNG unit score of a site. So while they may be best practice for enhancing the biodiversity of a site generally they are not best practice for achieving high quality BNG according to the metric. Admittedly a minor point.	This point has been clarified
		Pg25 Local Nature Recovery Strategy section doesn't mention the Local Nature Recovery Strategy and references Nature Recovery Networks which is not a term that sees a lot of usage.	Section updated as suggested in this representation
		Pg25 The bottom of the page references 'the Local Nature Partnership'. The reference should be changed to the Hertfordshire Nature Recovery Partnership.	Reference changed accordingly
		Pg26 This process map is now out of date. It has now been confirmed that a Biodiversity Gain Plan needs to include confirmation of a site being legally secured and added to the national register and does not need to be submitted prior to determination of a planning application.	Process diagram removed.
		The SPD does not define how North Herts will determine Strategic Significance areas for BNG calculations until the LNRS is in place. There is no requirement to do this but it will be of interest to developers and a clear policy will speed up the assessment of applications. Is this listed elsewhere? If not, Hertfordshire LEADS recommend using the Hertfordshire Ecological Network Map provided by HERC.	SPD updated to include further details on LNRS and reference to Hertfordshire Ecological Network Map provided by HERC.
		Pg 44 Dry biomass 'The most common source of dry biomass is wood 'form' forests'. Should this sentence read 'from' rather than form?	Sentence corrected to 'from'

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Comment ID	Section/ topic	Summary of comments	Actions
	Air Quality	Pg 54 Air Quality: the inclusion of the paragraph stating “Children are more vulnerable to the effects of air pollution therefore play/ recreation spaces should be located such as to minimize exposure to air pollution” is a well thought out addition focussing on more at risk individuals and whole life course health impact. As noted in HCC’s Air Quality JSNA those living in more deprived areas, which highlights those who may have limited personal funds available, are also more at risk to air pollutants. As such it is suggested that this paragraph could be expanded to follow the evidence in this area and extend to affordable housing contribution locations on any site, care/residential homes, and health sites (e.g. position these in areas likely to receive best air quality within the development site).	This section has been condensed and is now merged with Sustainable Travel section and checklists.
		The paragraph which states “Development design should prioritise sustainable and active travel modes to help reduce reliance on private cars (see transport section)” is welcomed.	Noted
		HCC Public Health wider determinants service area advocates using a Healthy Streets Approach to promote sustainable travel mode. Referencing this and expressing a desire for developers to present development which has taken on board a Healthy Streets approach is required.	The section has been merged into sustainable travel and condensed. We feel the revised checklists for this section to be appropriate. No action
	Transport	There is the potential for the SPD to go further and request all developments over a certain size to score the streets proposed using a Healthy Streets Design Check. A minimum score threshold for new streets could be proposed. In addition, requiring development to contribute to the network of streets the proposed development will feed into to uplift the existing locality street score is suggested for inclusion. This is to ensure that the wider area has relevant improvements required to reduce barriers to sustainable travel in the proposal area to encourage these modes to occur both on and off the development land parcel. This approach supports the travel plan aspect of the SPD by promoting confidence that sustainable mode share is likely to be adopted widely.	The section has been merged into sustainable travel and condensed. We feel the revised checklists for this section to be appropriate. No action