

CABINET

17 FEBRUARY 2026

PART 1 – PUBLIC DOCUMENT

**TITLE OF REPORT: DESIGN CODE SUPPLEMENTARY PLANNING DOCUMENT –
APPROVAL FOR PUBLIC CONSULTATION**

REPORT OF NIGEL SMITH, DIRECTOR – PLACE

EXECUTIVE MEMBER FOR PLACE: CLLR DONNA WRIGHT

COUNCIL PRIORITY: THRIVING COMMUNITIES / RESPONSIBLE GROWTH /
SUSTAINABILITY

1. EXECUTIVE SUMMARY

- 1.1 We are preparing a Design Code Supplementary Planning Document (SPD) to provide additional detail and clarity to Local Plan Policy SP9 (Design and Sustainability) and other relevant policies in the Plan.
- 1.2 The SPD will provide information as to our design expectations and requirements for development in North Herts and offer good practice guidance to developers when developing proposals and policy advice to decision-makers when determining planning applications.

2. RECOMMENDATIONS

- 2.1 That the scope, structure and detailed codes drafted to date for the draft Design Code SPD, attached as Appendix A be endorsed for the purpose of the consultation only.
- 2.2 That the draft Design Code SPD be approved for a period of public consultation in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.3 That delegated authority is granted to the Director: Place in consultation with the Executive Member for Place to finalise the consultation draft, including the approval of any outstanding technical, illustrative or presentational elements, provided that no changes are made which would materially alter the policy intent, scope or effect of the draft SPD endorsed by Cabinet.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To allow the draft Design Code SPD to be progressed to public consultation so that it may be developed and eventually adopted to support the Local Plan and decisions on planning applications.

- 3.2. To support a common standard for design quality across North Herts.
- 3.3. To reinforce and deliver the Council's pledges and ambitions as set out in the Climate and Ecological Emergency declarations through design.
- 3.4. To ensure the best prospects of the Design Code SPD being finalised and approved before the Government's recently announced 'cut off' date of 30 June 2026 for planning documents of this nature to be adopted.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. To not update current guidance and rely on the existing Design SPD (2011) and / or national policy. This is not recommended. The current Design SPD is now 15 years old and does not reflect current approaches to the preparation of design guidance. It was prepared prior to the current Local Plan.
- 4.2. To not prepare the Design Code SPD within the current system and instead prepare it as a Supplementary Plan upon commencement of the new plan-making system and / or incorporate elements of it into the Local Plan review. This is not recommended. This would involve a substantial delay to completion of the project with additional stages and costs including public examination. This would delay the Council's ability to apply locally-specific guidance in the assessment of new development in the District. The Strategic Planning Matters Report of March 2024 recognised that, notwithstanding the likely requirements of the new planning system, the Design Code SPD should still be developed as an SPD in support of relevant policies in the adopted Local Plan, but with the additional aim of incorporating any work into the review of the Local Plan.
- 4.3. To wait for the next meeting of Cabinet in April 2026 to present a full draft of the Design Code SPD for approval. This is not recommended. This would delay the end of any consultation period until June 2026 and would not allow sufficient time to consider responses, update the document and re-present a final version to Cabinet for approval.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Executive Member for Place and the cross-party Strategic Planning Project Board have been briefed on the proposed content of the Design Code SPD and the programme for consultation on the draft SPD.
- 5.2. Internal and external consultation with relevant officers and Members across Council departments, and residents, has taken place in developing the draft SPD for consultation, including
 - Member Workshops and Site Visits
 - Specialist Working Groups (with external consultants, officers and HCC officers)
 - Residents Design Forum

A statement explaining how the draft SPD has been informed by stakeholder engagement will be published alongside any consultation. While extensive informal engagement has informed the preparation of the draft SPD, this does not replace the statutory public consultation process. All representations received during the statutory consultation period will be conscientiously considered and may result in further amendments to the SPD prior to it being presented to Cabinet for adoption.

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 19 September 2025.

7. BACKGROUND

- 7.1. The National Planning Policy Framework (NPPF) and associated Guidance 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 Design Code SPD with a broad scope that would consider design quality across the District for new developments and Masterplans.
- 7.3. The Local Plan, adopted in November 2022, contains policies with implications for design. The main policy 'hooks' that link to the ability for the Council to seek quality design in developments is in Local Plan Policy SP9: Design and Sustainability and Policy D1: Sustainable design.
- 7.4. Policy SP9: Design and Sustainability contains an overarching aspiration for new development to be well designed and located and to respond positively to its local context. Criterion c) contains a suite of broad design principles for significant development, based on national policy guidance. Policy D1: Sustainable design, builds upon the intentions of Policy SP9 in terms of design quality and sets out similar (but simpler) aspirations applicable to all development, consistent with the nature and scale of the scheme.
- 7.5. This 'principles-based' approach does not provide detailed technical requirements or fully reflect the aspirations of the present day and the direction of travel that the Council and Government are taking in terms of design quality and standards.
- 7.6. Prior to Christmas, the Government provided further detail on their proposed roll-out of a new plan-making system. These were reported to Cabinet in January 2026. Importantly, in this context, the Government proposals include a 'cut-off' date of 30 June 2026 for the adoption of Supplementary Planning Documents under current legislation and regulations. This has required work on the Design Code SPD to be accelerated to ensure that consultation, consideration of responses and re-presentation to Cabinet for approval might be accommodated within this timeframe.

8. RELEVANT CONSIDERATIONS

- 8.1. This is the draft stage of the SPD and incorporates advice on a range of changes in national policy and guidance relating to design, in particular taking account of the National Design Guide, the National Model Design Code advice published by Government and the draft Place and Design Planning Practice Guidance (published last week).
- 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 design quality 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. For the avoidance of doubt, the Design Code SPD does not introduce new planning policy. It provides detailed guidance to support and amplify existing adopted Local Plan policies, in particular Policies SP9 (Design and Sustainability) and D1 (Sustainable Design). The SPD will be applied as guidance and as a material consideration in decision-making, consistent with national planning policy and guidance.
- 8.3. The draft Design Code SPD adopts a 'comply or justify' approach which requires developers to fully justify their decisions should a design element be considered undeliverable, putting the onus on the developer.
- 8.4. The SPD adopts seven main place objectives for design across the District. These have been informed by extensive engagement with the Council's professional planners, key stakeholders (including Hertfordshire County Council), elected Councillors and a representative Residents' Design Forum. The objectives reflect the key design priorities for North Herts identified through these workstreams:
 - Exceptional Open Space
 - Sociable Streets
 - Equitable Neighbourhoods
 - Well-Integrated Development
 - Contextual Buildings
 - Convivial Communities
 - Efficient Use of Land
- 8.5. The draft SPD is structured to set out its overall purpose, summarise how it has been informed by community engagement, establish the place objectives and set out detailed design code requirements. Forty elements of code have been identified for inclusion. This includes detailed technical guidance on matters such as street hierarchy, open spaces in new developments and parking provision.
- 8.6. The significant majority of these have been completed and are included in the working draft document attached as Appendix A giving Cabinet a clear picture of the direction of travel and intended approach. Work to finalise the remaining codes, diagrams and reference imagery is ongoing and a verbal update will be provided. Delegated authority is requested for final approval of any outstanding matters prior to consultation.
- 8.7. This approach is necessary to provide the best opportunity to complete the project ahead of the recently announced June 2026 'cut-off' (see 4.2 above).

- 8.8. As written, the codes in the draft SPD focus upon matters which are mainly applicable to major development. The Council intends to increase the breadth of advice for differing scales of development in time. But it is considered that it is most important to deal with major development given the scale of development that is coming forward in the District.
- 8.9. The working draft SPD is attached at Appendix A and the accompanying SEA Screening Determination at Appendix B (see Environmental Implications section below). The draft SPD will be updated, as appropriate, following consultation responses and other relevant matters prior to its adoption.
- 8.10. Subject to approval by Cabinet, the draft SPD will be made available for public consultation for a period of four weeks commencing early March 2026. The intention is that any comments received will inform a final version of the SPD which would then be re-presented to Cabinet for approval and adoption in advance of the 30 June 2026 deadline.
- 8.11. Should the Council not adopt the SPD by 30 June 2026, the legislation changes and this would mean that we would have to re-draft the document as a Supplementary Plan. The details of the requirements for the content and approval process for Supplementary Plans, however, remain unknown including the requirement for possible examination of the document and the ultimate delays that this would involve.
- 8.12. Cabinet had previously resolved (September 2024) to support the production of a Transport & Parking SPD. The Design Code SPD has been scoped to include proposed codes and requirements relating to road layouts and parking (both for cars and cycles). The impending changes to the plan-making process mean it is no longer possible to pursue a standalone SPD on this subject. The requirement for further guidance on these matters will be kept under review.

9. LEGAL IMPLICATIONS

- 9.1. Under the Terms of Reference for Cabinet, paragraph 5.7.18 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: Place. 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 regulations make provisions for consultation on Supplementary Planning Documents, including that this should be for a minimum period of four weeks.
- 9.4. 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. The intent is to complete this SPD under the current regulatory regime and ahead of the 'cut-off' of 30 June 2026.

9.5. The approval sought at this stage is limited to endorsement of the draft SPD for public consultation. No decision is being taken at this meeting to adopt the SPD. Following consultation, any material amendments and the final SPD will be reported back to Cabinet for consideration and decision in accordance with the Council's Constitution.

10. FINANCIAL IMPLICATIONS

10.1. The general costs of preparing Supplementary Planning Documents are met through existing staff resources and specific revenue budgets. In January 2026, Cabinet approved a carry forward of the projected remaining revenue balance of £83k into the next financial year as part of the Q2 Revenue Monitoring report. This includes the balance of funding for a current, fixed-term post and finalisation of the project as a web-based resource by Summer 2026.

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. The risks associated with not preparing a Design Code SPD include:

- lack of clarity and uncertainty to case officers and applicants when negotiating and determining planning applications;
- lack of consistency with the emerging Local Plan as well as national planning policy and guidance; and
- a risk of not securing the maximum range of design quality in development for the District.

11.3. The Design Code SPD will 'pave the way' for design guidance associated with the forthcoming Local Plan Review. The risk entry for this project, reported as part of the Council Delivery Plan, includes:

- Inadequate guidance leads to scheme outcomes that do not appropriately respond to, or contribute towards, corporate objectives and priorities of climate change, environment, economy and place; and
- Poor scheme outcomes that do not appropriately respond to local character and context.

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. An Equality Impact Assessment has been completed and concludes that there are positive impacts to our communities as a result of the work of the SPD. The assessment is attached at Appendix E.

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 B and concludes that the Design Code SPD is not likely to have ‘significant environmental effects’ beyond the adopted Local Plan policies which have been subject to an SA and SEA.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no new human resource implications arising from this report. Work on the Design Code SPD is supported by establishment staff supplemented by a fixed-term post funded from the project revenue budget.

16. APPENDICES

Appendix A: Working Draft Design Code SPD

Appendix B: SEA Screening Opinion

Appendix C: Stage 1 Summary Report

Appendix D: Stage 2 Summary Report

Appendix E: Equalities Impact Assessment Report

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18. BACKGROUND PAPERS

- 18.1 Report to Cabinet March 2021 – Local Plan Implementation
- 18.2 Report to Cabinet March 2024 – Strategic Planning Matters
- 18.3 Report to Cabinet September 2024 – Sustainability SPD
- 18.4 Report to Cabinet January 2026 – Local Plan next steps