

# **East Herts Council Report**

## **Executive**

**Date of Meeting: 1 September 2020**

**Report by: Cllr Haysey, Leader of the Council and Cllr Goodeve,  
Executive Member for Planning and Growth**

**Report title: Sustainability Supplementary Planning Document-  
Draft for consultation**

**Ward(s) affected: All**

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## **Summary**

- To seek Members' approval to publish the draft Sustainability Supplementary Planning Document (SPD) for consultation.
- To agree that a Strategic Environmental Assessment (SEA) of the emerging Sustainability Supplementary Planning Document (SPD) is not required.

## **RECOMMENDATIONS FOR Executive:**

- (a) That the Sustainability Supplementary Planning Document (SPD), as detailed at Appendix A to this report, be agreed and published for a four-week period of public consultation; and**
- (b) That in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 it has been determined that a Strategic Environmental Assessment of the emerging Sustainability Supplementary Planning Document (SPD) is not required as it is unlikely to have significant environmental effects beyond the District Plan policies.**

## **1.0 Proposal(s)**

- 1.1 The Sustainability Supplementary Planning Document (SPD) is being prepared to provide guidance on the implementation of adopted District Plan (2018) policies related to climate change and sustainable design and construction, in order to improve the environmental sustainability of new development.
- 1.2 Once adopted it will be a material consideration in the determination of planning applications and it will replace the air quality planning guidance (2016).

## **2.0 Background**

- 2.1 Climate change is a key challenge facing society. In 2019 the Government amended legislation to adopt a new target for the UK: net zero greenhouse gas emissions by 2050. As Members will recall, this Council demonstrated its commitment to addressing climate change locally in July 2019, when it declared a climate change motion, with the goal that both the Council and East Herts District will be carbon neutral by 2030. The development of a Sustainability Supplementary Planning Document (SPD) is one of the measures identified to help achieve this target.
- 2.2 Buildings are responsible for almost half of UK carbon emissions, half of the water consumption, about one third of landfill waste and about a quarter of all raw materials used in the economy. The design and construction of new buildings, and the spaces around the buildings, therefore has a key role in delivering sustainable development, which is at the heart of the planning system. Designing and constructing development to improve its environmental performance will reduce the environmental impact of new development and address climate change.
- 2.3 Planned growth for East Herts provides an exciting opportunity to create sustainable new development. The District Plan (2018) incorporates a suite of policies to help ensure that new development in the district reduces its environmental impact- minimising carbon emissions, flood risk, pollution and pressure

on resources. Supplementary Planning Documents are documents which add further detail to the policies in the development plan. This SPD has been produced to expand particularly on the following District Plan policies:

- **Design:** DES4 Design of Development
- **Transport:** TRA1 Sustainable Transport;
- **Natural Environment:** NE1 International, National and Locally Designated Nature Conservation Sites; NE2 Sites or Features or Nature Conservation Interest (Non-Designated); NE3 Species and Habitats
- **Climate Change:** CC1 Climate Change Adaption; CC2 Climate Change Mitigation; Policy CC3 Renewable and Low Carbon Energy
- **Water:** WAT4 Efficient Use of Water Resource; WAT5 Sustainable Drainage
- **Pollution:** EQ2 Noise; EQ3 Light Pollution; EQ4 Air Quality

2.4 A copy of the draft SPD is attached as **Appendix A**.

### **3.0 Reasons**

3.1 Planning has a clear role in helping to deliver climate change targets. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to ensure planning policies are designed to contribute to the mitigation of, and adaption to, climate change,

3.2 The National Planning Policy Framework (NPPF) states that planning and development should contribute toward the environmental objective of sustainable development, which includes making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change. Section 14 makes it clear planning must address climate change.

## Purpose of the SPD

- 3.3 The purpose of this SPD is to support the implementation of District Plan policies by providing technical guidance on sustainable design and construction to improve the environmental sustainability of new development. As such, it will contribute towards both the national and local commitment to addressing climate change.
- 3.4 The key aims of the SPD are to provide transparent, holistic guidance for applicants, with more detail about District Plan policy requirements and expectations. By requiring submission of a sustainability checklist the SPD will ensure applicants consistently submit relevant information to demonstrate compliance with policy. It will also help officers and councillors assess the environmental credentials of developments and encourage developers to go further than current policy, to demonstrate excellence in sustainable development.
- 3.5 Legally, the SPD is subordinate to the adopted District Plan (2018). It cannot introduce new compulsory targets that would change District Plan policy requirement otherwise the Council could be at risk from legal challenge. Targets, including the transition towards net zero carbon development will be considered as part of the review of the District Plan. Work on the evidence base for the Review will start later in the year and the aim is to commission consultants to develop evidence that supports how District Plan policies respond to the Climate Change challenge and delivery of net zero development.
- 3.6 This SPD helps the transition to higher targets by setting out more detail on how to achieve environmental sustainability and how to exceed current policy. The requirement for submission of a qualitative checklist also provides a stronger implementation mechanism. Developers will have to consistently demonstrate how they have addressed each checklist criteria and submitted relevant evidence. This will provide greater transparency about if/how developments comply with, or exceed, policy across a range of environmental topics.

- 3.7 It should be noted, that in addition to this SPD, the developers in the Gilston Area will be encouraged to meet the aspirations of the Harlow and Gilston Garden Town (HGGT) Sustainability Guidance. Once finalised and following Executive/Council approval the HGGT Guidance will become a material consideration for planning decisions in the Garden Town.
- 3.8 The two documents can be used together successfully. They are both underpinned by the same sustainability principles and the completion of the Sustainability SPD checklist requires sustainability issues to be addressed (and evidence submitted), which is consistent with the HGGT Guidance. However, the Sustainability SPD provides more information about standards and submission requirements than the HGGT Guidance, particularly in some topics, such as biodiversity, air quality mitigation and waste. Therefore, it is important that development in the Gilston Area complies with the Sustainability SPD as well as the HGGT guidance.
- 3.9 The SPD's primary focus is to ensure policy requirements are implemented, but it also encourages good practice and compliance with stronger energy targets. The HGGT Guidance will use incentives associated with the scale of development and Garden Town design process to encourage developers to meet the higher quantitative targets in the Guidance.

#### Content of the SPD

- 3.10 The SPD addresses a range of topics, to encourage a more prudent use of resources, protect environmental assets, mitigate the impact of climate change and adapt to its impacts. The eight sections are as follows:
- **Design led approach**- Provides a framework for the SPD by promoting the importance of an overarching, holistic approach to environmental sustainability and the design process, in order to create high quality places.
  - **Energy and Carbon**- Explains how to reduce carbon emissions and create more energy efficient

developments, incorporating renewable technologies.

- **Climate Change Adaptation**- Explains how to mitigate overheating and increased risk of flooding.
- **Water efficiency**- Explains how to reduce the use of mains water.
- **Pollution**- Explains how to address air, light and noise pollution.
- **Sustainable transport**- Explains how to design development to reduce the need to travel and incorporate sustainable transport options.
- **Biodiversity**- Explains how to conserve and enhance biodiversity.
- **Waste**- Explains how to reduce construction waste and design schemes that allow occupants to manage waste sustainably.

3.11 Each section provides an overview of the national and local policy context; practical topic guidance on how to achieve, and where possible exceed, policy requirements; details about the relevant submission requirement (e.g. statement or survey); and a checklist that applicants must submit as part of their application, to demonstrate compliance with the SPD. A combined checklist for submission is attached as Appendix A of the SPD.

3.12 Electric vehicle charging points is identified as an important sustainability issue in this SPD. However provision requirements will be addressed in the forthcoming Vehicle Parking SPD. The production of this SPD is running slightly behind this SPD, but the aim is that both documents will be adopted at the same time in early 2021.

#### Strategic Environmental Assessment

3.13 Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects,

must be subject to an environmental assessment. It is therefore a requirement that the Council undertakes a Screening Assessment to determine whether the draft Sustainability SPD should be subject to a Strategic Environmental Assessment.

- 3.14 The Regulations require that the Council consults three statutory bodies in reaching this determination. Consultation has therefore been carried out with the Environment Agency, Natural England and Historic England. At the time of writing this report, The Environment Agency has confirmed that they agree an SEA is not required. No other responses have been received, though no contrary view is anticipated.
- 3.15 The Screening Statement attached at **Appendix B** is therefore provided in draft, pending the receipt of consultation responses.

#### **4.0 Options**

- 4.1 Option 1-Not producing the SPD - The current approach will continue, where officers rely solely on the District Plan policies to assess the environmental sustainability of new development. These policies set high level principles but don't provide technical guidance on how these issues should be addressed in practice. As such there can be a wide variation in how the policy is interpreted and the type of evidence submitted to demonstrate policy compliance varies, which lacks consistency and transparency. Choosing not to produce an SPD also fails to support the Council's aim to achieve carbon neutrality in the District by 2030 and essentially mean waiting until revisions to the District Plan are in place.
- 4.2 Option 2- Producing SPD - Will support the transition towards carbon neutrality by trying to raise the environmental performance of new development now and not waiting several years for policy revisions in the District Plan to be adopted. The District Plan policies seek to address climate change and protect the environment, but the SPD will support the implementation of these principles in practice. The provision of technical guidance to systematically explain how the policy requirements should be applied will increase transparency. By taking a holistic

approach, setting clear expectations about what the Council expects from developers and the type of evidence that must be submitted to demonstrate policy compliance, the SPD will also encourage a more consistent and efficient decision-making process.

## **5.0 Risks**

- 5.1 The draft SPD will help to increase the environmental sustainability of new development in East Herts and help address climate change.

## **6.0 Implications/Consultations**

- 6.1 As part of the scoping of the Sustainability SPD, a number of stakeholders have influenced the scope and content of the SPD. Planning and the Sustainability SPD were discussed in January 2020 at the Community and Stakeholder Climate Change Event. Feedback from stakeholders at the event and subsequently made it clear that development must be more sustainable and that planning has a key role in ensuring that compulsory standards are introduced and enforced. Discussion about the SPD favoured covering a range of topics, with particular emphasis on energy reduction, and ensuring developers were held accountable. The topics addressed within this SPD have been informed by this feedback. Whilst, the SPD cannot introduce mandatory targets, clear implementation measures have been included.
- 6.2 Early feedback from developers suggests support for the topics and themes identified in the SPD, although highlight that proposals may be effected by feasibility and viability issues in some circumstances. Consideration of how requirements work should also take into account of national policy and building regulations. The SPD acknowledges feasibility and viability considerations and takes the national context into account.
- 6.3 It is intended that the draft SPD will be published for a four-week period of consultation commencing in September 2020. The consultation will meet all the statutory requirements, including:



- Placing the consultation documents on the Council's website for the duration of the consultation;
- Notifying relevant consultees by email or letter.

6.4 As a result of current advice from the Government on Covid 19, making hard copies of the consultation documents available at the Council's offices in Hertford and Bishop's Stortford, and at libraries across the district is not currently mandatory. In line with Government advice, the Statement of Community Involvement has been temporarily updated to clarify that whilst the Council offices and other deposit locations in East Herts remain closed, documents will be available on the website. If the offices and libraries are open at the time of the consultation, copies will be made available at these locations.

6.5 A draft consultation statement has been produced, as detailed at **Appendix C**. This outlines the statutory requirements and summarises early engagement with stakeholders. Following the 4 week public consultation, a final version of the SPD will be produced. At the same time the statement of consultation will be expanded, setting out who was consulted during the preparation of the SPD; a summary of the main issues raised; and how those issues have been addressed in the SPD. It is currently anticipated that the final SPD will be presented to Members in January 2021.

### **Community Safety**

No

### **Data Protection**

No

### **Equalities**

No

## **Environmental Sustainability**

Yes the SPD aims to improve the environmental sustainability

## **Financial**

No

## **Health and Safety**

No

## **Human Resources**

No

## **Human Rights**

No

## **Legal**

The SPD is not introducing new legal requirements.

## **Specific Wards**

No

## **7.0 Background papers, appendices and other relevant material**

7.1 East Herts District Plan October 2018:

- Chapter 17 Design and Landscape
- Chapter 18 Transport
- Chapter 20 Natural Environment
- Chapter 22 Climate Change
- Chapter 23 Water
- Chapter 24 Environmental Quality

<https://www.eastherts.gov.uk/districtplan>

7.2 **Appendix A:** Sustainability Supplementary Planning Document.

7.3 **Appendix B:** Draft Strategic Environmental Assessment

Screening Report

## 7.4 **Appendix C:** Consultation Statement

### **Contact Member**

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