

Executive

Date of Meeting: 19 February 2021

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

**Report title: Sustainability Supplementary Planning Document-
Final for Adoption**

Ward(s) affected: All

Summary

- To outline the results of the public consultation on the draft Sustainability Supplementary Planning Document (SPD) and seek Members' agreement to adopt a revised document.

RECOMMENDATIONS FOR Executive to recommend to Council:

- (a) That the responses to the consultation be noted and the officer responses and proposed changes to the Sustainability Supplementary Planning Document (SPD) be supported;**
- (b) That the Sustainability Supplementary Planning Document (SPD), as detailed at Appendix A to this report, be agreed for adoption; and**
- (c) That in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 it has been determined that a Strategic Environmental Assessment of the 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) has been 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. It will be a material consideration in the determination of planning applications and it will replace the air quality planning guidance (2016).

- 1.2 Following public consultation, the Council has amended the SPD to reflect the issues raised.

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 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 District Plan (2018) policies that help ensure new development in the district reduces its environmental impact- minimising carbon emissions, flood risk, pollution and pressure on resources:
 - **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

2.3 The purpose of this SPD is to support the implementation of District Plan (2018) 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.

2.4 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.

2.5 Members will recall that public consultation on a draft version of the SPD, for a period of four weeks, was agreed at Executive on 1st September 2020. The consultation subsequently took place between 10 September and 8 October 2020.

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 adaptation 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.

3.3 The SPD provides guidance on 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.

3.4 The SPD's primary focus is to ensure policy requirements are implemented, but it also encourages good practice and compliance with stronger energy targets. Legally, the SPD is subordinate to the adopted District Plan (2018) so cannot introduce new compulsory targets that would change District

Plan policy requirement.

- 3.5 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 District Plan policies and the SPD. A combined checklist for submission is attached as Appendix A of the SPD and will be added to the local validation checklist.
- 3.6 The purpose of the checklist is to provide an overarching framework for assessing the environmental sustainability scheme. It does not replace other application submission requirements but aims to help facilitate the assessment of different, often overlapping, strands of sustainability.
- 3.7 It should be noted, that in addition to this SPD, the developers in the Gilston Area will also 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.

Consultation

- 3.8 The draft SPD was subject to public consultation in accordance with the Town and Country Planning (Local Planning) (England) 2012 (as amended) and the Council's adopted Statement of Community Involvement (2019), as temporarily revised in May 2020 due to Covid-19 restrictions.
- 3.9 A total of 182 responses were received from 38 consultees. Most consultees were supportive of the purpose and scope of the SPD, with 20 comments expressly supporting the document. Thirty four representations raised objections to elements within the SPD and nearly 70% of the responses provided comments on various aspects of the SPD. Many of the comments and objections were seeking amendments.

3.10 The main issues raised in the responses are summarised below:

- Minor changes to the topic guidance- most of the comments seek additional detail or clarity about various aspects of the eight topic sections and propose minor amendments to the text.
- Inclusion of mandatory targets- Some comments would like mandatory targets included in the SPD, although a number recognise why this is not possible.
- Submission requirements are too onerous- Several developers are concerned that the carbon reduction template and sustainability checklist require too much detail or exceed requirements in the District Plan, particularly for outline planning applications.

3.11 Officers have considered these issues in full and made amendments where they add value to the SPD. In a number of cases, changes to the SPD have been made to add detail or clarity about a technical sustainable design and construction principle or submission requirement. More information has also been added in terms of how and when to complete the checklist, to provide applicants with more clarity. Likewise, changes to the carbon template have been made to reflect the practicalities of calculating carbon reduction emissions.

3.12 It should also be noted that in January 2021, the Government confirmed its intention to significantly improve energy efficiency standards in building regulations, with the first uplift of 31% above current regulation for new homes, proposed in December 2021 (to be implemented in 2022). These proposals will help reduce the carbon emissions from new development in East Herts and improve the use of the low and zero carbon approaches encouraged in the SPD. The energy and carbon reduction section of the SPD has been updated to include reference to the proposed regulatory changes.

3.13 The issues raised as part of the consultation; the officer responses and the proposed amendments to the SPD are included in the statement of consultation, attached as

Appendix B. For clarity, a proposed modification document has also been attached as **Appendix C**, so that it is easier to see where the changes are within the SPD.

- 3.14 Members are therefore invited to agree these officer responses; the proposed modifications; and the adoption of the final document. A copy of the Sustainability SPD is attached as **Appendix A**.

Strategic Environmental Assessment

- 3.15 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.
- 3.16 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. All three organisations have confirmed that they have no comment on the Council's draft Screening Statement.
- 3.17 Therefore, the final Screening Statement is attached in **Appendix D**. It concludes that the draft SPD is unlikely to have significant environmental, social or economic effects beyond those of the District Plan policies it supplements; does not create new policies and only serves to provide useful guidance on how to effectively and consistently implement the District Plan policies and therefore does not require a Strategic Environmental Assessment.

4.0 Options

- 4.1 Option 1-Not adopting 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- Adopting the 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 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 The draft SPD was subject to a four week public consultation as detailed above.

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:** Consultation Statement

7.4 **Appendix C:** Proposed Modification document

7.5 **Appendix D:** Strategic Environmental Assessment Screening Report

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