

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL – 14 MARCH 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

HERTFORDSHIRE DEVELOPMENT QUALITY CHARTER

1 **Executive Summary**

- 1.1 This report presents the Hertfordshire Development Quality Charter for the Panel's consideration and onward recommendation for endorsement by Cabinet.
- 1.2 The Hertfordshire Growth Board has recently published and endorsed the Hertfordshire Development Quality Charter, which seeks to achieve higher quality and more sustainable development in the county.
- 1.3 The Hertfordshire Development Quality Charter contains sections on design, sustainability, technical information and implementation, all of which have been summarised in this report. The full document is attached at Appendix A.
- 1.4 The Charter is open to councils, housing associations, landowners and developers that are building in Hertfordshire. Upon endorsing or signing the Charter, organisations are committed to aiming to achieve pledges relating to design and sustainability.

2 **Recommendation(s)**

- 2.1 That Cabinet Planning and Parking Panel recommends to Cabinet that the Hertfordshire Development Quality Charter be endorsed as a material consideration in the determination of planning applications by the Council, as Local Planning Authority.
- 2.2 If unanimously agreed by the Panel, for the decision to be taken by the executive member using their delegated powers under paragraph 18.1(b) of the Cabinet procedure rules.

3 **Explanation**

- 3.1 There is more emphasis than ever to achieve a high standard of new development in Hertfordshire. Most Hertfordshire councils have recently declared a climate emergency, committing to reducing emissions and many have set a target to achieve net zero within a targeted year.
- 3.2 The built environment is responsible for approximately 25% of greenhouse gas emissions, and households have remained the highest contributors to overall UK greenhouse gas emissions per year since 2015. Therefore, improving energy efficiency in new development is fundamental to lowering greenhouse gas emissions in the built environment and is also key to reducing greenhouse gas produced by households.

- 3.3 The creation of more energy efficient buildings has had a raised profile in recent years, such as the proposed Future Homes Standard and Future Buildings Standard. However, whilst building regulations require new development to achieve minimum specifications relating to sustainability, such as energy efficiency and water consumption, they do not yet set high standards and are not very ambitious despite the known scale of the climate crisis. The most radical reduction in emissions produced by new homes in terms of building regulations is not due to come into force until 2025, and there are no confirmed plans to tighten building regulations for non-domestic buildings.
- 3.4 Creating a high quality of design for new development is also important in order to create places that are safe, sustainable and desirable to live in. The creation of poorly designed development can have negative impacts on people's lives, its surrounding areas and supporting facilities. These negative impacts often create concerns from people about new development, leading to opposition.
- 3.5 The Hertfordshire Development Quality Charter is a document created by the Hertfordshire Growth Board, which intends to improve sustainability and design for new development in the county. The Charter introduces certain pledges relating to design and sustainability, and parties who sign or endorse the Charter will commit to achieving. These pledges are as follows:
- All developers must submit a design and access statement to demonstrate compliance with national and local planning policies, the National Model Design Code and local design codes.
 - Major sites will submit a masterplan, which must be agreed in advance of or alongside a planning application.
 - Major sites will be informed by community engagement and a design review panel as part of the pre-application and planning application process.
 - Major sites must explain the long-term stewardship strategy for their development.
 - Developers must incorporate environmental management systems, considerate construction, social value and construction skills development into their business models.
 - All developments should achieve at least 10% biodiversity net gain for at least 30 years, in accordance with the DEFRA toolkit.
 - Developers must identify a sustainability standard that exceeds minimum current building regulations as part of their planning application and then use an industry-recognised process to demonstrate compliance with that standard upon completion of their development.
- 3.6 Local Planning Authorities are able to endorse the Charter in some form. This may include endorsing it as a material consideration in the determination of planning applications and/or incorporating it into planning policies, design policies and local design codes. The Charter has already been endorsed by Dacorum, St Albans and Watford Councils, and in February 2024 the Cabinet of Hertfordshire County Council agreed to sign the Charter.
- 3.7 In the case of Welwyn Hatfield Borough Council, it is considered to become a material consideration that may be taken into account when determining planning applications. The pledges supplement policies in the Welwyn Hatfield Local Plan by complying with existing with planning and design policies and seek to achieve

higher standards of sustainability than existing minimums set by building regulations.

- 3.8 The requirements of the Charter are not substantially different to those set out in the Council's new Local Plan and, therefore, may not have a significant additional impact on the nature of the decisions which are made.
- 3.9 The scope of what can constitute a material consideration is very wide, it is for the decision maker to decide what weight is to be given to a material consideration in each case and it should be noted that, at the time of writing, only two developers have formally signed the Charter.
- 3.10 It is recommended that the Panel recommends that the Hertfordshire Development Quality Charter be endorsed by Cabinet for use in the determination of planning applications.

Implications

4 Legal Implication(s)

- 4.1 The Hertfordshire Development Quality Charter will become a material consideration in the determination of planning applications.

5 Financial Implication(s)

- 5.1 There are no financial implications for the Council.

6 Risk Management Implications

- 6.1 The risks related to this proposal are:
- 6.2 Raising expectations. Whilst the endorsement of the Charter will make it a material consideration in the determination of planning applications, the weight it carries during determination and potentially during appeals is likely to be small. However, it is the discretion of the decision maker to determine how much weight the Charter carries.

7 Security and Terrorism Implication(s)

- 7.1 There are no known security and terrorism implications in relation to the proposals set out in this report.

8 Procurement Implication(s)

- 8.1 There are no known procurement implications in relation to the proposals set out in this report.

9 Climate Change Implication(s)

- 9.1 The Climate Change Act of 2008 established a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% by 2050 against 1990 levels. Endorsing the Charter has the potential to reduce emissions from new

development in the borough, lowering the emissions produced during the use of domestic and non-domestic buildings.

- 9.2 Welwyn Hatfield Borough Council declared a Climate Emergency in 2019 and the production of more sustainable new buildings in the borough will contribute to combatting the climate crisis.

10 Human Resources Implication(s)

- 10.1 There are no human resource implications in relation to the proposals set out in this report.

11 Health and Wellbeing Implication(s)

- 11.1 Better designed places, as set out by the pledges in the Charter, has the potential to create better living environments by producing places which contribute to physical and mental wellbeing.

12 Equality and Diversity

- 12.1 An EqIA was not completed because this report does not propose changes to existing service-related policies or the development of new service-related policies.

13 Link to Corporate Business Plan and Council Priorities

- 13.1 The subject of this report is linked to the Council's recently agreed Corporate Priorities '*Homes to be Proud of*' and '*Action on Climate Change*' by seeking high quality homes for all and planning for future homes in the right places, and by providing additional requirements related to the creation of high quality and sustainable buildings.

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Appendix A – Hertfordshire Development Quality Charter Document