

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL – 17 OCTOBER 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

SUSTAINABILITY SUPPLEMENTARY PLANNING DOCUMENT (SPD) FOR PUBLIC
CONSULTATION

1. Executive Summary

- 1.1 This report presents the Draft Sustainability Supplementary Planning Document (SPD) for the Panel's consideration and onward recommendation for approval to consult by Cabinet.
- 1.2 Achieving sustainable development is a fundamental objective of local and national planning policy. Whilst it is accepted that development is needed to accommodate for growth, there is more pressure than ever to deliver development that consumes less energy, produces fewer emissions and utilises less of the earth's natural resources.
- 1.3 A Draft Sustainability Supplementary Planning Document (SPD) has been prepared to provide additional information on sustainability expectations for development proposals within the borough and encourage higher standards.
- 1.4 The SPD is intended to be used by applicants and decision makers to provide clarity on what sustainability measures are required in the Welwyn Hatfield Local Plan 2016 – 2036 and secondary legislation and provides guidance on good sustainability practice for development that exceeds national and local policy/legislation.
- 1.5 The Draft Sustainability SPD (Appendix A) will be circulated to members of Climate Change Panel for comment by 25 October, and a verbal update will be given to Cabinet.

2. Recommendation(s)

- 2.1 That the Panel recommends to Cabinet that:
 - The Draft Sustainability SPD (Appendix A) be subject to public consultation for a period of six weeks.
 - The associated SEA/HRA Screening Report is consulted upon with the consultation bodies/nature conservation body for a period of six weeks.

- That any subsequent minor amendments and editing changes, arising from this meeting or engagement with Climate Change Panel, that do not materially affect the content prior to consultation be delegated to Assistant Director (Planning) in consultation with the Executive Member for Planning.

3. Explanation

- 3.1 The built environment is responsible for approximately 25% of greenhouse gas emissions in the UK. There is great importance in improving energy efficiency and reducing emissions in new and existing development for domestic and non-domestic properties to contribute to the overall goal of slowing down the effects of climate change along with mitigating the impacts of climate change.
- 3.2 The National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG) define SPDs as documents which add further detail to the policies in the development plan and are capable of being a material consideration in planning decisions. However, they do not form part of the development plan and cannot introduce policies as they have not been viability tested.
- 3.3 The Welwyn Hatfield Local Plan 2016 – 2036 (WHLP) is based on the 2012 version of the NPPF, and did not have as much of a focus on climate change and sustainability. In the present day, there is considerably more focus on the impact of climate change and the impact development can have on the environment.
- 3.4 In addition to this, Welwyn Hatfield Borough Council recognised the negative effects of climate change and declared a climate emergency in 2019. In support of this, the Council set targets to be net zero as an organisation by 2030 and as a borough by 2050. The Council has also updated the Corporate Priorities, to reflect our climate ambition, and have 'Action on Climate' as a key priority.
- 3.5 The WHLP contains some policies with implications for sustainability. The main policy 'hooks' that allow the Council to seek sustainability in development proposals are SP10 (Sustainable Design and Construction) and SADM13 (Sustainability Requirements). However, as previously mentioned, the WHLP was created under an older framework and the policies in the WHLP do not fully reflect the Council's current aspirations for sustainability.
- 3.6 The SPD seeks to add further detail to the existing policies in the WHLP and provide further guidance for applicants to help achieve an increased level of sustainability in development proposals within the borough. An SPD can be used as a material consideration in the determination of planning applications, meaning this SPD, following any future adoption, can ensure that sustainability principles are addressed more effectively.
- 3.7 The SPD is in draft form and incorporates local plan/legislative requirements, best practice and advice on topics such as energy efficiency, passive design, active travel, drainage and flood risk, water efficiency, climate adaptation and EV charging. There is also further information on retrofitting and the methods that can be utilised to improve the energy efficiency of existing buildings. Whilst identifying what retrofitting methods can and cannot be achieved through Permitted Development Rights is outside the scope of this SPD, additional guidance on retrofitting will be provided on the Council's website in due course.

- 3.8 The Draft Sustainability SPD has been written by officers in the Planning Policy team. However, there has been close collaboration with Development Management officers and the Climate Change officer within Welwyn Hatfield Borough Council, as well as additional collaboration from Hertfordshire County Council officers working within the Growth and Environment team to provide further guidance and critique.
- 3.9 The SPD follows a '*proposals must, should and could*' approach for criteria within the document topics:
- '*Proposals must*' identifies a minimum requirement stated in policy or legislation;
 - '*Proposals should*' identifies something which is widely accepted as best practice in the built environment industry; and
 - '*Proposals could*' identifies something which is more aspirational and can be seen as an exemplary example of sustainability
- 3.10 It is proposed that efforts to go beyond policy, such as meeting '*proposals should*' or '*proposals could*', would be given a positive consideration in the planning balance when planning applications are being determined. It is important to note however that this will be decided on a case-by-case basis by the decision maker.
- 3.11 A Sustainability Checklist has also been created in tandem with the Sustainability SPD, which is proposed to be completed and submitted by the applicant and then reviewed by officers as part of the application process. It is intended that this will capture key information in one place and enable decision makers to better assess the sustainability credentials of larger development proposals. However, it is also intended that the SPD can be used as a good practice guidance for small-scale development proposals.
- 3.12 The Draft Sustainability SPD (Appendix A) will be circulated to members of Climate Change Panel for comment by 25 October, and a verbal update will be given to Cabinet.
- 3.13 The draft SPD is attached at Appendix A and the accompanying SEA/HRA Screening Report at Appendix B. The mandatory duration requirement for consultation on any SPD is no less than four weeks. However, in order to allow time for responses to the SPD, a consultation period of six weeks is proposed. The community and other stakeholders, including statutory bodies, will be notified of the consultation and details for submitting representations. The appropriate consultation bodies/nature conservation body will also be consulted on the SEA/HRA Screening Report. Regulations require this consultation be for a period of five weeks but it is proposed for six weeks to align with the consultation on the SPD.
- 3.14 A statement will be prepared following the consultation in line with The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended. The draft SPD may also be updated, as appropriate, following consideration of consultation responses and other relevant matters prior to adoption.

- 3.15 Following the consideration of responses and any appropriate modifications, a final version of the SPD will be re-presented to this committee. The committee will be asked to recommend to Cabinet and Council that the SPD be adopted.

4. Link to Corporate Priorities

- 4.1 The potential future adoption of a Sustainability SPD is linked to the Council's 'Action on Climate Change' priority as it will seek to mitigate the environmental impact caused by development and promote a higher level of sustainability for future developments. It is also linked to the Council's 'Homes to be proud of' as it will seek to deliver more sustainable housing.

5. Financial Implication(s)

- 5.1 The production of this consultation document and associated public consultation will be met from existing budgets.

6. Legal Implication(s)

- 6.1 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 Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The need to determine whether an SPD requires a Strategic Environmental Assessment is required under The Environmental Assessment of Plans and Programmes Regulations 2004 and the need to determine whether an SPD requires a Habitats Regulation Assessment is required under the Conservation of Habitats and Species Regulations 2017.

7. Climate Change Implication(s)

- 7.1 No climate change implications are expected as a result of this consultation. However, any future adoption of a Sustainability SPD will potentially see the reduction of energy consumption and carbon emissions from new development, either directly through operational use or indirectly. There is also a topic on Climate Change Adaptation, which will seek to mitigate and protect future development from any implications arising due to a changing climate.

8. Security and Terrorism Implication(s)

- 8.1 There are no security and terrorism implications arising directly as a result of this report.

9. Equality and Diversity

- 9.1 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.

10. Procurement Implication(s)

- 10.1 There are no procurement implications arising directly as a result of this report.

11. Risk Management Implications

11.1 Although there are no risk management implications arising from this report, any future adoption of a Sustainability SPD will encourage development proposals to achieve higher levels of sustainability, as the implementation of sustainable principles above existing legislation and local plan policy may be promoted as a material consideration in the planning process.

11.2 Not adopting a Sustainability SPD could result in fewer development proposals seeking to implement sustainability principles above existing legislation and local plan policy compared to having an adopted SPD.

11.3 Policy Implication(s)

11.4 The Draft Sustainability SPD seeks to expand and provide guidance on existing local plan policies by stating minimum policy requirements relating to different sustainability topics. It also seeks to provide guidance on existing legislation i.e. Building Regulations. The Draft Sustainability SPD does not introduce any new policy or requirements outside of existing local plan policy or legislation.

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Date	October 2024

Appendices:

Appendix A: Draft Sustainability Supplementary Planning Document, September 2024

Appendix B: Draft Sustainability SPD SEA/HRA Screening Report, September 2024