



## **EXECUTIVE MEMBER DELEGATED POWERS DECISION NOTICE**

### **LOCAL GOVERNMENT ACT 2000 SECTION 9E**

#### **1 DETAILS OF EXECUTIVE MEMBER TAKING THE DECISION**

Cllr Rose Grewal

#### **2 TITLE OF REPORT**

Sustainability Supplementary Planning Document (SPD) adoption

#### **3 DECISION TAKEN**

To agree the Sustainability Supplementary Planning Document (SPD)

#### **4 IF URGENT, REASONS FOR URGENCY**

n/a

#### **5 DETAILS OF OTHER EXECUTIVE MEMBER(S) CONSULTED**

5.1 At the meeting of Cabinet Planning and Parking Panel (CPPP) on the 18 February 2025, members unanimously agreed the recommendation that:

- The Sustainability SPD (Appendix A) be adopted.
- That providing a completed checklist be encouraged for major applications and that the information required should form part of any pre-application discussions.
- That delegated authority be given to the Assistant Director (Planning) in association with the Executive Member for Planning to make any minor modifications in the future to reflect changes to legislation, best practice or technological developments, provided that the changes do not materially affect the approach or requirements of the SPD.

Name Cllr Rose Grewal

Signature [REDACTED] \_\_\_\_\_

Date this decision was taken 26 February 2025

Date of circulation/publication of this decision 27 February 2025

#### **6 EXPLANATION/BACKGROUND**

6.1 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.

- 6.2 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.
- 6.3 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 as it might if written today. In the present day, there is considerably more focus on the impact of climate change and the impact development can have on the environment.
- 6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 The SPD 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. Whilst important in making development more sustainable, retrofitting – and specifically what retrofitting methods can and cannot be achieved through Permitted Development Rights - is outside the scope of this SPD, so additional guidance on retrofitting will be provided on the Council's website in due course.
- 6.8 The 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 support. Some of these external parties have provided further advice following the consultation and fed into some of the changes.
- 6.9 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

- 6.10 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.
- 6.11 The SPD includes a Sustainability Checklist to capture what measures are being proposed. This would be completed and submitted by the applicant and then reviewed by officers as part of the application process and this is something which was consulted upon. This checklist and capturing information on proposals would form part of any pre-application discussions.
- 6.12 A draft of the Sustainability SPD was consulted upon between 08 November and 20 December 2024. The consultation report is attached at Appendix B, but in brief:
- Though there were only nine responses to the consultation, eight of these were very detailed.
  - There was support for the principle of having such an SPD
  - The key comments related to specific measures, and in particular whether others should be included, or whether measures identified as "must", "should" or "could" were correctly identified or whether they should be re-classified.
  - One specific point from a developer queried how proposals accompanying an outline application – where the balancing exercise would first be undertaken – would be secured through a subsequent Reserved Matters application.
- 6.13 Where necessary or appropriate, changes have been made to the version which was consulted upon. The final SPD is attached at Appendix A and the consultation report is attached at Appendix B.
- 6.14 An SEA/HRA screening assessment was also undertaken to determine whether an SEA/HRA was required for the Sustainability SPD. The appropriate consultation bodies/nature conservation body were consulted on the SEA/HRA Screening Report. Responses were received from Natural England and Historic England, who both agreed with the Council's opinion that an SEA was not required for the Sustainability SPD. The attached SEA/HRA Determination Statement, at Appendix C, reaffirms this position.

## **7 Link to Corporate Priorities**

- 7.1 The 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.

## **8 Financial Implication(s)**

- 8.1 The production of this consultation document and associated public consultation was met from existing budgets and there will be no additional costs in implementing it if adopted.

## **9 Legal Implication(s)**

- 9.1 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.

## **10 Climate Change Implication(s)**

- 10.1 The 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.

## **11 Security and Terrorism Implication(s)**

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

## **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 Procurement Implication(s)**

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

## **14 Risk Management Implications**

- 14.1 Although there are no risk management implications arising from this report, the 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.
- 14.2 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.

## **15 Policy Implication(s)**

- 15.1 The 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 Sustainability SPD does not introduce any new policy or requirements outside of existing local plan policy or legislation.

**Appendices:**

Appendix A: Sustainability Supplementary Planning Document, January 2025

Appendix B: Sustainability SPD Consultation Report, January 2025

Appendix C: Sustainability SPD SEA/HRA Determination Statement