



Report for:	Cabinet
Date of meeting:	13th December 2016
Part:	1
If Part II, reason:	

Title of report:	Update on Sustainable Development Advice Note and Sustainability Checklist
Contact:	<p>Cllr Graham Sutton, Portfolio Holder for Planning and Regeneration.</p> <p>James Doe, Assistant Director, Planning, Development and Regeneration (extension 2583),</p> <p>Laura Wood, Team Leader, Strategic Planning and Regeneration (extension 2661); and</p> <p>Stephane Lambert, Strategic Planning and Regeneration Officer (extension 2130).</p>
Purpose of report:	To agree an updated advice note setting out how the Council apply its policies related to sustainable development in light of the recent government policy changes.
Recommendations	<p>It is recommended that Cabinet recommend that Council:</p> <ul style="list-style-type: none"> (a) Adopt the updated Sustainable Development Advice Note and associated Sustainable Development Checklist to inform Development Control decisions; and (b) Delegate authority to the Assistant Director, Planning, Development and Regeneration to make any necessary minor editorial changes to the Advice Note (Annex A) and Checklist (Annex B), prior to their final publication.
Corporate Objectives:	The Sustainable Development Advice Note (alongside updated Sustainable Development Checklist) supports the 'Dacorum Delivers' and 'Clean and Safe Environment' objectives. It will improve efficiency and effectiveness of services through the provision of upfront and clear advice on the sustainable development. It also demonstrates that the Council is able to respond to changes in national policy in a prompt and effective

	manner. The note will continue to ensure that sustainability remain a focus for change within the borough.
Implications:	<u>Financial</u> There are no direct financial implications for the Council in relation to this advice note.
'Value For Money Implications'	<u>Value for Money</u> Having clear guidance makes more efficient use of resources by reducing the day to day enquiries received by Officers and forms a clear basis upon which sound and consistent planning decisions can be made.
Risk Implications	There are no direct risk implications related to this guidance note. The note provides detailed guidance to support the application of policies within the adopted Core Strategy. A separate Risk Assessment has been prepared for the Local Planning Framework (of which the Core Strategy is part). This is updated monthly as part of CORVU monitoring processes.
Community Impact Assessment	An Equalities Impact Assessment has been prepared for the Core Strategy, which this guidance note supports. This will be translated into a new Community Impact Assessment in due course.
Health And Safety Implications	There are no health and safety implications relating to this advice note.
Monitoring Officer/S.151 Officer Comments	Monitoring Officer: The updated Sustainable Development Advice Note will provide clarity to developers and ensure compliance with Core Strategy policies and is therefore recommended for approval. Deputy S.151 Officer: There are no direct financial implication so f this decision. Any resource implication in the future will need to be incorporated within the budget setting framework.
Consultees:	<ul style="list-style-type: none"> • Building Control • Strategic Planning and Regeneration • Development Management
Background papers:	<ul style="list-style-type: none"> • National Planning Policy Framework (NPPF). • Planning Practice Guidance (PPG). • Dacorum Borough Council's Core Strategy 2013 • Sustainable Development Advice Note 2011 • Housing Standard Review 2014 • Ministerial Statement March 2015.
Glossary of acronyms and any other abbreviations used in this report:	NPPF – National Planning Policy Framework PPG – Planning Practice Guidance DHOAs – District Heating Opportunity Areas PV – Photovoltaic BRE – Building Research Establishment

	DCLG – Department for Communities and Local Government SPG – Supplementary Planning Guidance SPD – Supplementary Planning Document
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Background

1. INTRODUCTION

- 1.1 The way in which buildings are designed, constructed, operated and decommissioned has a significant impact on the built and natural environment, and requires major resource inputs such as energy, water and materials. Designing and constructing buildings which help to minimise the consumption of these resources and minimise construction waste can not only reduce the borough's carbon footprint, but also reduce costs for developers and occupiers.
- 1.2 Sustainable building and construction is therefore an essential part of the response to the challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues.
- 1.3 The Sustainable Development Advice Note provides further information regarding the Council's approach, and requirements, relating to issues of sustainable design and construction. It supplements, and where appropriate updates, the adopted Core Strategy in terms of setting out how adopted policies will be applied in the light of recent Government announcements.
- 1.4 It is intended to assist developers in ensuring that new development such as an extension, a conversion, and new homes and commercial buildings maximise energy efficiencies, minimise the use of natural resources and waste, and reduce carbon emissions to avoid compromising the needs of the future.

2. THE NEED FOR UPDATED GUIDANCE

- 2.1 The Sustainable Development Advice Note which this update is intended to replace came into effect in March 2011. It required applicants to provide a Sustainability Statement for specified types of development.
- 2.2 Until July 2016 this statement was completed electronically via the Council's sustainability planner webpage CPlan. The Council no longer subscribes to this service. The role of the Sustainability Statement was to help determine the sustainability credentials of development proposals, in terms of land use, environmental considerations, community and employment needs, and in respect of design and access arrangements. In order to ensure explicit compliance with the requirements of Core Strategy Policy CS29: Sustainable Design and Construction, a separate short checklist comprising the CS29 policy criteria was also available which was applicable to all new development.
- 2.3 Developers were required to submit this completed checklist alongside their planning application to explain how each criterion had been taken into account when drawing up the scheme. For larger developments an online Energy Statement was additionally required through CPlan.

Advice Note:

- 2.4 The update of the Sustainable Development Advice Note (Annex A) is required due to changes in government guidance and the way the Council

should deal with sustainability issues following the cessation of its subscription to CPlan.

- 2.3 The Code for Sustainable Homes was a national standard for sustainable design and construction. It aimed to reduce carbon emissions and promote higher standards of sustainable design *above* the standards that existed at the time within the Building Regulations. The Council had regard to this legislation when it drew up its Core Strategy.
- 2.4 Following the technical Housing Standards Review, the Government issued a written Ministerial Statement in March 2015 withdrawing the Code for Sustainable Homes (and BREEAM guidance as it relates to residential development), aside from the management of legacy cases.
- 2.5 The Housing Standards Review has effectively seen Government move to restrict planning departments from imposing locally defined technical building standards on new developments. The aim is to provide consistent and uniform guidance for developers, removing the complication presented by numerous local standards.
- 2.6 Following the demise of the Code for Sustainable Homes the Building Regulations will be the bar against which applicants for residential schemes will have to demonstrate that they are meeting the goals of the Government's green agenda.
- 2.7 In light of these changes, Development Management will cease to set requirements upon residential applicants concerning sustainable design and construction since these are now encapsulated within the updated Building Regulations. However Development Management will continue to *encourage and guide* applicants concerning these matters. This guidance is set out in this updated advice note. The Government's position regarding non-residential developments is less clear cut, but it is understood from DCLG that BREEAM standards of 'Good' or 'Excellent' can still be sought, provided they have been subject to full viability testing.
- 2.8 Table 10 of the Core Strategy outlined expected Carbon Dioxide (CO₂) reduction targets for different types of new developments. It also referred to targets for District Heating Opportunity Areas where higher targets were set calibrated against the Code for Sustainable Homes levels. These targets will continue to be encouraged, but due to the changes summarised above, will no longer be set as requirements.

Checklist:

- 2.9 To support the updated Advice Note a revised Sustainable Development Checklist (Annex B) has been produced that will need to be submitted alongside certain types of planning applications. The following types of application for *new* development need to complete and submit this checklist:
 - All residential houses and flats
 - Residential refurbishments, conversions and change of uses for:
 - 10 or more dwellings, or
 - 500sqm or more floor space
 - Multi Occupation residential buildings with 7 or more bedrooms (e.g. retirement homes)

- Non-residential development of 500sqm or more floor space (including offices, retail and industrial, excluding parking and landscaping)
- 2.10 This checklist is slightly broader than the previous Policy CS29 checklist and reflects the Council's desire to encourage and ensure that developers are considering all means of meeting the 'green' agenda. This includes the inclusion of questions pertaining to encouraging the use of non-motorised transport and consideration of development layout to maximise solar gain. This updated checklist will therefore enable Development Management Officers to more easily assess compliance of applications against the following Core Strategy policies:
- CS8 Sustainable Transport
 - CS10 Quality of Settlement Design
 - CS11 Quality of Neighbourhood Design
 - CS12 Quality of Site Design
 - CS13 Quality of the Public Realm
 - CS28 Carbon Emission Reductions
 - CS29 Sustainable Design and Construction
 - CS30 Carbon Offsetting
 - CS31 Water Management
 - CS32 Air, Soil and Water Quality
- 2.11 Though less detailed than the questions that were required by the Sustainability Statement process as part of the former CPlan system, in evaluating previous submissions, both Officers and Applicants (the Council's customers of the planning service) comments have been that the current checklist is overly onerous and actually had little real impact in terms of improving the sustainability credentials of planning applications; as it only stated *intentions*, rather than being able to enforce *actions*. The revised checklist represents both changes in national practice and legislation, and provides for a more effective and simpler approach.
- 2.12 The Council's Solicitor-Advocate has previously advised that it is not necessary to undertake public consultation on the Advice Notes when:
- a) The changes are required to comply with Ministerial Statements; and
 - b) The changes brought in via Ministerial Statements have been subject to consultation themselves (by Government).
- 2.13 In addition, neither the Advice Note nor Checklist seek to bring into effect any new policy requirements. Rather they require applicants to demonstrate how existing Core Strategy policy requirements will be met and how these policies will be applied in the light of recent Government announcements and changes to Building Regulations.

3. UPDATING AND REVIEW

- 3.1 Should the expected review of the National Planning Policy Framework (NPPF), due in 2017, or associated changes to the national Planning Practice Guidance (PPG), clarify the position further, then the Advice Note will be updated as necessary.
- 3.2 Longer term, the Core Strategy policies relating to sustainable development will be reviewed and updated as part of the process of preparing a new Local

Plan for the Borough. This will ensure that they reflect recent Government moves to restrict local planning authorities from imposing locally defined technical building standards on new housing. Any necessary changes to the Advice Note and associated checklist will be made as part of this process and brought before Members for approval.