

Draft Supplementary Planning Document Frequently Asked Questions

What is a Supplementary Planning Document?

Supplementary Planning Documents (SPD) provide more detailed advice or guidance in relation to policies in an adopted Local Plan. They are also helpful in clarifying how new legislative and other requirements which post-date adoption of the Local Plan will be applied. They usually focus on a particular issue – e.g., Affordable Housing, Design – or a geographical area and are intended to help with the interpretation and implementation of our planning policies.

Legally they are not part of the development plan but they are a material consideration in the determination of planning applications.

There is a statutory process they need to go through which includes a period of public consultation.

Who uses SPDs?

Planning officers and the planning committee will look at whether development proposals are consistent with the advice in relevant SPDs when assessing planning applications and deciding whether planning permission should be granted.

Developers and landowners putting forward development proposals should follow the advice in relevant SPDs as this will help them make successful planning applications.

What SPDs does Hertsmere have?

In Hertsmere we have a number of SPDs already in place, providing additional guidance in the application of local plan policies:

- Affordable Housing
- Biodiversity and Trees
- Parking Standards
- Planning and Design Guide
- Site-specific planning briefs (e.g. Bhakitvedanta Manor)

They can be viewed on our website [here](#):

Why is Hertsmere producing these new SPDs now?

A **Parking Standards SPD** was originally adopted in 2008 and has since been updated twice, most recently in 2014. The government's updated zero carbon target, enshrined in law, coupled with our declaration of a climate emergency in 2019, mean that further revisions to the content and scope of SPD are required, which is now the draft **Sustainable Transport and Parking Standards SPD**.

The new draft **Carbon Offsetting SPD** responds to our climate emergency declaration, Climate Change and Sustainability Strategy and Interim Planning Position Statement on Climate Change. The draft SPD supports these policy measures by setting out how we will operate a carbon offset fund (COF) to collect carbon offset payments arising from planning applications in order to meet targets for net-zero development.

The new draft **Biodiversity Net Gain SPD** provides guidance on our approach to Biodiversity Net Gain (BNG) and to support the adopted Local Plan Policy SADM10 - Biodiversity and Habitats. BNG now has a statutory basis within the Environment Act (2021), as well as being a key requirement in the National Planning Policy Framework. Once the relevant parts of the Environment Act (2021)

come into effect, local authorities will for the first time have a legal duty to require that development results in an increase in biodiversity.

Do the SPDs relate to the adopted Local Plan or an emerging new local plan?

Until a new local plan is sufficiently advanced that it carries weight in the determination of planning applications, the SPDs should be read alongside the adopted Local Plan. They support the implementation of a number of adopted Local Plan policies in the Core Strategy (2013) and Site Allocations and Development Management Policies Plan (2016).

Where is the process for producing a Supplementary Planning Document set out?

The statutory requirements for producing an SPD, including public consultation, are set out in Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Where can I view the draft SPDs?

The draft SPDs are available on our website here: [LINK](#)

Hard copies are also available at

- Hertsmere Borough Council offices
- Libraries in Borehamwood, Bushey, Potters Bar and Radlett
- Shenley and Aldenham Parish Council and Elstree and Borehamwood Town Council offices

How do I respond to the consultation?

Responses can be made via our consultation portal at <https://hertsmere.objective.co.uk/portal> or by writing to us at:

Planning Strategy Team
Hertsmere Borough Council
Civic Offices
Elstree Way
Borehamwood
WD6 1WA

All responses should be submitted by **5pm on 15th November 2022**.

What happens to my comments?

We welcome your comments on the draft SPDs. We will carefully consider all comments and report these to our Executive who will consider any changes required to the SPDs before making a decision on their adoption. We anticipate this will be in early 2023.

What status do the new draft SPDs have in the meantime?

At its meeting on 14 September 2022, our Executive agreed the draft SPDs for interim use in the determination of planning applications on or after 15 September 2022. Applications must therefore take the content of the draft SPDs into account.

Isn't the government replacing SPDs?

Although the government has indicated through its Levelling Up and Regeneration Bill that SPDs will be replaced by 'supplementary plans', which will carry greater weight than SPDs (they will be required to go through independent examination, which SPDs are not). These provisions are not

likely to take effect for some time. In the meantime, we need to provide up-to-date guidance on these important issues, which will be treated as a material consideration in the determination of planning applications.

Parking SPD

Why are you proposing to reduce car parking requirements for some types of development?

To help reduce carbon emissions, we are proposing modest reductions in off-street parking for some types of new development. This is to encourage a shift to other more sustainable transport including walking, cycling, the bus and car sharing. We want to achieve a balance and avoid causing parking problems by ensuring that new developments include or fund sustainable transport measures locally.

What sustainable transport measures are you encouraging?

We have set out requirements for electric car clubs on developments over a certain size, providing fully electric vehicles for residents to use. Free bus passes for new households, which will be of particular use in developments located outside of our town centres, will also be considered. Bike hire schemes are also being promoted with our first Beryl bike scheme due to open in 2022 in many locations across Borehamwood, with scope for future expansion in the future. Other sustainable transport schemes will also be considered in consultation with our partners at Hertfordshire County Council.

What does 0.5 parking spaces per dwelling mean in practice?

0.5 of a space means that there will be shared spaces for some types of residential development. These apply to smaller dwellings such as 1 bed, studio flats and Houses in Multiple Occupation where there will often be communal parking areas. Where there are an odd number of units, the number of spaces should always be increased to the nearest whole number.

Will EV charging be required on all new development?

For residential developments, all new homes with their own off-street parking will be required to provide electric charging points. Where there are communal car parking areas, passive and active parking will be required on all parking spaces.

For non-residential development, we are proposing that both active and passive electric charging points be provided. This will broadly be based on the amount of time someone may spend at that location. For example, offices and other places of work will have a higher ratio of charging points, whereas doctors surgeries for example, will have a lower ratio of electric charging points.

The requirement for charging points on new dwellings is due to come into force as part of the new building regulations this year, but we are planning to go over and above the new requirements for communal residential and most other types of parking provision.

How much does it cost to charge a vehicle?

This will ultimately depend on the vehicle and battery size (and electricity tariff), but to fully charge an average electric car overnight at home costs around £5. To use a public rapid charger to 80%, it typically costs £7 to £10.

What is passive and active electric charging?

Active charging points are electric charging points that include all the necessary infrastructure and are ready to be fully operational from the time of construction.

Passive charging installations are where the basic infrastructure will be included underground when the parking areas are constructed, for eventual conversion into an active charging point. This means the operator will not have to dig up the parking space when the time comes. The plan is that as more and more electric cars come onto the road, more of these will be converted to full charging points.

Biodiversity Net Gain (BNG)

What is BNG?

Biodiversity Net Gain is an approach which aims to leave biodiversity in a better state than prior to development. Biodiversity itself is a term to describe the variety of plants, animals and ecosystems which exist.

BNG is a measurable target where impacts on biodiversity are outweighed by a measures to first avoid and then minimise impacts, including through restoration and / or compensation. At least 10% gain is required.

BNG is a requirement that has been mandated through the Environment Act 2021.

How will net gain requirements be measured?

Through the Biodiversity Metric. The [Biodiversity Metric](#) is a habitat based approach to determining a biodiversity value developed by Natural England. The Biodiversity Metric is designed to provide ecologists, developers, planners and other interested parties with a means of assessing changes in biodiversity value (losses or gains) brought about by development or changes in land management.

How will BNG be secured?

It is expected that land used for off-site BNG delivery will be secured for at least 30 years and secured through a legal agreement or conservation covenant. A conservation covenant is a private voluntary legal agreement, made in writing, between a responsible Body and a landowner which establishes that land will be used for a conservation purpose.

Is BNG still required where a development has no negative impact on biodiversity?

BNG is required for all developments over a certain size. Exceptions are mainly small-scale developments, including householder applications (e.g. extensions and loft conversions), as well as development on some 100% brownfield sites that meet certain criteria.

Will development automatically get planning permission if it contributes to BNG?

No, development will not automatically get planning permission if it contributes to BNG. It still needs to meet all the usual criteria set out in local and national planning policy. A

Carbon Offsetting

What is carbon offsetting?

Carbon offsetting involves the reduction or removal of emissions of carbon dioxide or other greenhouse gases made in order to compensate for emissions made elsewhere. For new development, this can include emissions during both the construction phase and once the buildings are in use.

How will carbon offsetting funds be collected?

Carbon offsetting funds will primarily be collected in the same way as BNG, and that is via a legal agreement.

How will carbon offset funds be spent?

We aim to use the funds collected, possibly in association with neighbouring authorities or other stakeholders such as Hertfordshire County Council or the Greater London Authority on a range of projects including:

- Reducing energy demand in existing buildings, including energy efficiency and insulation programmes.
- Generation and storage of renewable / sustainable forms of energy or heat.
- Capture and storage / transformation / destruction of greenhouse gases.
- Ecological or landscape projects and enhancements

When may carbon offsetting be applied?

It largely applies to applications which are above our proposed Carbon Scheme Threshold:

- Residential - the development/creation of five or more residential units or site area of 0.5ha or more
- Non-residential - the creation of 500 sq. metres of floorspace/1 ha site area or more
- Changes of use and refurbishment projects requiring planning permission – 1000 sq. metres/1ha or more

Is carbon offsetting a way for developments to avoid minimising or eliminating emissions?

No, carbon offsetting should be regarded as a “last resort” once all other on-site measures have been applied to achieve net zero carbon emissions. It follows the same principles as many other measures required where development can otherwise impact on an area, including biodiversity or flood risk. The priority is always for any negative effects to be addressed on site.

How has the carbon offset charge of £115 per tonne per year been calculated

The figure is based on the offset charge of £95 per tonne included in the London Plan (2021) which was derived from the [London Carbon Offset Price assessment](#) undertaken in 2017. This figure was [viability tested](#) during the preparation of the London Plan. Indexation has been applied to this rate generating a baseline figure of £115 per tonne as of 2022 for this SPD.