

Part A

Report to: Cabinet

Date of meeting: Monday, 15 January 2024

Report author: Associate Director of Planning, Infrastructure and Economy

Title: Hertfordshire Development Quality Charter

1.0 Summary

- 1.1 The Hertfordshire Development Quality Charter has been developed by the Hertfordshire Growth Board (HGB) to encourage the delivery of better quality development across Hertfordshire. The charter is aimed at both private developers and local authorities and seeks a commitment from signatories to deliver higher design and sustainability standards within new developments.
- 1.2 Signing the charter would reconfirm the council's commitment to better quality development within the borough. Many of the commitments within the charter (Appendix 1) are already embedded, or enhanced, within the Council's Local Plan policies and existing planning procedures so would already apply to new development within Watford. The charter does seek a commitment for the council's new developments to exceed the current Building Regulations for energy efficiency and this could have the potential to increase construction costs but would result in more sustainable development. Under the charter, developments that comply with the pledges within the charter will be formally commended and automatically put forward for the Hertfordshire Building Futures Awards.
- 1.3 As the charter is not a statutory document, if the commitments cannot on an individual site be met when considered in terms of viability then a development, in accordance with the Building Regulations, could still take place. This would mean that the development would not be recognised by the charter in the same way as those that do meet the pledges, but this is a reputational issue rather than something that would prevent the council proceeding with development in accordance with statutory requirements.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Costs associated with the charter make the council's own development proposals unviable	council cannot comply with the pledges which could cause reputational harm	Review on a case by case basis.	Tolerate	2x2=4
That the charter causes confusion within the statutory planning and building control processes	Negative impact on delivery of new development	Ensure appropriate briefings for decision makers on the status of the charter in the development process	Treat	1x2=2

3.0 Recommendations

- 3.1 That the Cabinet approves Watford Borough Council becoming a signatory to the Hertfordshire Development Quality Charter.

Further information:

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Report approved by: Tom Dobrashian, Executive Director of Place

4.0 Detailed proposal

- 4.1 Hertfordshire is planning to build about 100,000 homes and create about 100,000 jobs over the next 15 years. There are currently about 500,000 homes in

Hertfordshire, so this is a significant increase. The Hertfordshire Development Quality Charter has been developed by Hertfordshire Growth Board to ensure these new homes are built to the highest design and sustainability standards.

- 4.2 In terms of the design of new development the charter seeks signatories to make the following pledges:
- 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.
- 4.3 In terms of sustainability the charter seeks signatories to pledge to the following:
- 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.
- 4.4 The Development Quality Charter is not a statutory document and new developments within Watford would still be able to proceed, subject to statutory planning and building control approvals, even if the Council signed the charter. HGB have asked that Local Authorities that sign the charter to treat the document as a material planning consideration in their capacity as Local Planning Authority for their area. In practice, this would have negligible impact on the planning process in Watford, as the borough has an up-to-date Local Plan which already requires many of the pledges within the charter to be met as matter of planning policy. As such, it would have no weight as the charter has not been subject to a statutory planning policy or planning guidance preparation process. However, by signing the charter the Council would be reconfirming the commitment towards better quality development that is already set out within the Local Plan and the council would encourage developers to sign the charter through our regular Developer Forums.
- 4.5 The Development Quality Charter would also apply to the council when it acts as a developer. As discussed above, many of the pledges within the charter would already need to be met by the council, acting as developer, as these are already Local Plan requirements within the borough. The pledge within the charter to

exceed Building Regulations for energy efficiency on new developments, which aligns with actions to address the council's declaration on climate emergency and the Environment Strategy, could have cost implications for new developments being brought forward by the council. However, the charter is not statutory and if viability were an issue for the council on a specific development proposal, the development could still proceed, subject to the statutory approvals, recognising that it would fall outside of the recognition that the charter provides. The council undertakes few developments on its own, these are often delivered in joint venture arrangements. It will be a matter for the individual joint ventures whether to also sign up to the charter as they are separate entities to the Council but subject to Cabinet approval of this paper, this will be encouraged.

- 4.6 Overall, the Hertfordshire Development Quality Charter aligns with the aspirations of the Watford Council Plan, Local Plan and Environment Strategy. The charter covers much of the best practice that already applies to new development and the development process within Watford but applies this within a Hertfordshire-wide approach. Therefore, in the spirit of pledging to support better quality development it is recommended that Watford Borough Council become a signatory to the charter along with other neighbouring districts and developers within Hertfordshire.

5.0 **Implications**

5.1 **Financial**

- 5.1.1 The Chief Finance Officer comments that there are no financial implications arising directly from this report.

5.2 **Legal Issues** (Monitoring Officer)

- 5.2.1 The Group Head of Democracy and Governance comments that the legal implications are contained within the body of the report.

5.3 **Equalities, Human Rights and Data Protection**

- 5.3.1 Having had regard to the council's obligations under s149 of the Equalities Act 2010, it is considered that the Council becoming a signatory to the Hertfordshire Development Quality Charter would support the delivery of better quality development for all and that it would not give rise to any negative equalities issues.
- 5.3.2 Having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018, it is considered that officers are not required to undertake a Data Processing Impact Assessment (DPIA) for this report.

5.4 **Staffing**

5.4.1 No implications

5.5 **Accommodation**

5.5.1 No implications

5.6 **Community Safety/Crime and Disorder**

5.6.1 No implications

5.7 **Sustainability**

5.7.1 The Hertfordshire Development Quality Charter supports improved sustainability standards for new development.

Appendices

- Appendix 1 – Hertfordshire Development Quality Charter

Background papers

No papers were used in the preparation of this report.