

Meeting Cabinet
Portfolio Area Environment and Performance
Date 9 October 2024



PUBLIC CONSULTATION ON REVISED SUPPLEMENTARY PLANNING DOCUMENTS AND PROPOSED REVOCATION OF THE IMPACT OF DEVELOPMENT ON BIODIVERSITY SUPPLEMENTARY PLANNING DOCUMENT

KEY DECISION

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1 PURPOSE

- 1.1 To provide Members with an overview of changes to four adopted Supplementary Planning Documents (SPD).
- 1.2 To seek Members' approval to consult on revisions to three SPDs and for the revocation of one SPD.
- 1.3 To provide Members with a brief update to changes in national planning legislation and guidance.
- 1.4 It is important for Cabinet to note and acknowledge that the key reason for the Council's proposals to revise its existing adopted SPDs is to ensure that the Council has a complete and up to date, technically compliant suite of Planning Policy documents, supporting the Local Plan – Partial Review and Update when it is submitted to the Secretary of State in 2025; otherwise the existing SPDs run the risk of being out of date in regard to upcoming planning decisions. The updated SPDs will also create further positive benefits for the local community.

2 RECOMMENDATIONS

That Cabinet:

- 2.1 Note the content of the revised Stevenage Supplementary Planning Documents.
- 2.2 Approve consultation on three revised Supplementary Planning Documents, from 14 October 2024.
- 2.3 Approve the revocation of The Impact of Development on Biodiversity Supplementary Planning Document.
- 2.4 Agree that delegated powers be granted to the Assistant Director: Planning and Regulation, following consultation with the Portfolio Holder for Environment and Performance, to make minor amendments as necessary in the final preparation of the SPD documents prior to public consultation.
- 2.5 Note that the comments of the Planning & Development Committee will be sought and fed back to Cabinet.

3 BACKGROUND

- 3.1 Supplementary Planning Documents (SPDs) are produced to add detail to the policies included in an adopted Local Plan [BD1]. They are used to build upon and provide further guidance for development on specific sites or on particular issues. Whilst they are not part of the Development Plan¹ for an area, and cannot add unnecessarily to the financial burdens on development, the contents of a SPD are a material consideration when determining a planning application.
- 3.2 Applications will be assessed against the standards contained within them. The SPDs should be read in conjunction with policies in the adopted Stevenage Local Plan.

Policy Background

- 3.3 The procedure to adopt a SPD is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. In summary, the process runs as follows:
 - Prepare draft SPD;
 - Minimum 4-week public consultation (normally 6 weeks);
 - Process public consultation responses;
 - Revise SPD to take account of responses;
 - Publish summary of all consultation responses (consultation statement);
 - Adopt new SPD.

¹ The Development Plan for an area comprises the adopted Local Plan, the Waste Local Plan, the Minerals Local Plan and any adopted Neighbourhood Plans (of which there are none currently in Stevenage).

- 3.4 The Council has already adopted a suite of SPDs, including:
- Parking Provision and Sustainable Transport SPD (adopted October 2020) [BD2]
 - Developer Contributions SPD (adopted March 2021) [BD3]
 - The Impact of Development on Biodiversity SPD (adopted March 2021) [BD4]
 - Design Guidance SPD (adopted January 2023) [BD5]

Parking & Sustainable Transport SPD

- 3.5 The Parking & Sustainable Transport SPD was adopted on 12 October 2020.
- 3.6 The Parking Provision and Sustainable Transport Supplementary Planning Document (SPD) has been produced to supplement policies SP6, IT5, and IT8 of the Stevenage Local Plan (adopted 2019). Upon adoption, it replaced the Stevenage Borough Council Parking Provision SPD (adopted 2012).
- 3.7 The purpose of this document is to explain the Council's proposed approach to parking provision within new developments. Its intention is to provide clear guidance and certainty for developers and communities. As well as guidance on traditional aspects of parking, the SPD also provides guidance on related issues not covered in the previous Parking Provision SPD with the aim of promoting sustainable modes of transport.
- 3.8 Standards are put forward for the quantity of car parking, cycle parking, and disabled parking at all new developments. The document also provides guidance on the layout and design of these. Requirements for the provision of charging infrastructure are given to help ensure the expected rise in electric vehicle-use is realised and support is given for the implementation and installation of a cycle hire scheme and cycling hubs in line with the Council's promotion of cycling . The use of public transport is also covered by this document with references to bus priority measures and the potential for a park and ride scheme.
- 3.9 The SPD provides further planning guidance under the following sections:
- Residential Parking Standards
 - Non-Residential Parking Standards
 - Mixed-Use Sites and Town Centre Parking Provision
 - Electrical Charging
 - Additional Requirements
 - Cycle Parking Standards
 - Transport Statements, Assessments, and Travel Plans
 - Design and Layout
 - Accessibility Contributions

Developer Contributions SPD

- 3.10 The Developer Contributions SPD was adopted on 18 March 2021.
- 3.11 The aim of this SPD is to set out the Council's proposed approach to the use of Section 106 (S106) agreements to secure developer contributions from new developments. This will assist planning officers, applicants, service providers, Councillors and members of the public through the planning application process, ensuring that the process is fair and transparent and is applied consistently.
- 3.12 Developer Contributions, commonly known as planning obligations, are legal obligations entered into to mitigate impacts of a proposed development. They are entered into under Section 106 of the Town and Country Planning Act 1990(2) by the developer and / or landowner, the local planning authority, and potentially other service or infrastructure providers linked to a proposal or mitigation scheme. They are legally binding and enforceable.
- 3.13 The other main form of developer contribution is the Community Infrastructure Levy (CIL). Stevenage Borough Council adopted a CIL Charging Schedule in January 2020 and started implementing CIL on 1 April 2020. CIL is a non-negotiable charge on new built development which meets the thresholds identified in the Community Infrastructure Levy Regulations (2010) (3) (as amended). CIL replaces the need to secure developer contributions through S106 agreements in many instances, allowing for infrastructure and service provision to be planned and implemented on a more strategic, borough-wide scale rather than in a piecemeal approach as mitigation against the impacts of individual developments.
- 3.14 The Council must publish its CIL funding priorities each year in an Infrastructure Funding Statement. Like S106 agreements, CIL liabilities are legally binding and enforceable, albeit through different legislative procedures.
- 3.15 The Council will still require applicants to enter into S106 agreements in some instances. This document sets out the instances where S106 agreements will be sought, what will be included in them, and how contributions will be calculated.
- 3.16 In essence, this document should be used to identify where developer contributions may be required in addition to the payment of a CIL charge for a proposed development. The Council advises that applicants always engage fully with the local planning authority and other infrastructure / service providers near the time of submitting an application to gain a better understanding of the exact amounts they may be expected to contribute.
- 3.17 The main topics covered in this SPD are:
- Community Infrastructure Levy
 - Hertfordshire County Council contributions
 - Housing
 - Commuted Sums to mitigate against policy non-compliance
 - Site-specific mitigation
 - Employment opportunities
 - Parking and Sustainable Transport (linked to Parking & Sustainable Transport SPD)
 - Monitoring fees

The Impact of Development on Biodiversity SPD

- 3.18 The Impact of Development on Biodiversity SPD was adopted on 18 March 2021.
- 3.19 This SPD relates to policies concerning biodiversity net gain in the Stevenage Borough Local Plan and the National Planning and Policy Framework (NPPF). It applies to all categories of development for which planning permission is required and includes a framework for assessing impacts to biodiversity using a biodiversity accounting system (a metric). This guidance is intended as a transparent and auditable mechanism for assessing the impact of applications on biodiversity and meeting the requirements of NPPF to achieve measurable net gains to biodiversity through development.
- 3.20 This SPD outlines how the Council will assess planning applications, which will have an impact on biodiversity. The information applicants will need to provide to enable the Council to apply the government metric to quantify and assess impacts. The standards expected for impact calculations and any offset delivery.
- 3.21 The purpose of the Biodiversity Supplementary Planning Document is to give more detail to the current Strategic Policy 12: Green Infrastructure and the Natural environment, in the Stevenage Borough Local Plan.
- 3.22 Government has set a legal requirement for biodiversity to achieve a 10% net gain through development. The purpose of this SPD is to ensure that the process to achieve this 10% net gain is clear to all.
- 3.23 The Council also has an adopted Biodiversity Action Plan and this highlights the opportunities for biodiversity improvement in the Borough.

Design Guidance SPD

- 3.24 The Design Guidance SPD was adopted on 30 January 2023.
- 3.25 Stevenage Design Guidance supports the strategic and detailed policies in the Stevenage Borough Local Plan. This guidance forms a Supplementary Planning Document (SPD) which is an additional 'material consideration' in planning decisions. This guidance replaced the Stevenage Design Guide 2009; updating advice where appropriate and providing new guidance on matters introduced or strengthened in the Local Plan including long-term sustainability through the use of durable, low maintenance materials.
- 3.26 This Stevenage Design Guidance sets out clear design principles to guide future development in Stevenage. It encourages a design led approach to all development, from large residential schemes to modest residential extensions and small infill developments.
- 3.27 The SPD provides design principles for all developments, accompanied by illustrations and good practice examples, to help deliver good design and clearly signpost where more detailed guidance can be accessed.
- 3.28 The National Design Guide (2021) notes that well-designed places have individual characteristics which work together to create its physical character. These ten characteristics help to nurture and sustain a sense of community. They work positively to address environmental issues affecting climate. They

all contribute towards the cross-cutting themes for good design set out in the NPPF.

3.29 This document is divided up into each of these ten characteristics in order to ensure that this guidance reflects accurately the characteristics of the National Design Guide:

- Context
- Identity
- Built Form
- Movement
- Nature
- Public Spaces
- Uses
- Homes and Buildings
- Resources
- Lifespan

National Planning Policy Changes

3.30 The NPPF was last updated on 20 December 2023 [BD6]. Key suggestions by Government for plan-making in the future for Stevenage Borough Council to consider, include:

- Plan-makers will have until 30 June 2025 to submit their local plans, neighbourhood plans, minerals and waste plans, and spatial development strategies for independent examination under the existing legal framework. The Government is also proposing that, to be examined under existing legislation, all independent examinations of local plans, minerals and waste plans and spatial development strategies must be concluded, with plans adopted by 31 December 2026.
- Authorities that do not meet the 30 June 2025 submission deadline for 'old-style' plans will need to prepare plans under the new plan-making system.
- Authorities will be required to start work on new plans by, at the latest, five years after adoption of their previous plan, and to adopt that new plan within 30 months. Plans that will become more than five years old during the first 30 months of the new system will continue to be considered 'up-to-date' for decision-making purposes for 30 months after the new system starts.
- Authorities will no longer be able to prepare supplementary planning documents (SPDs) in the revised planning system. Instead, they will be able to prepare Supplementary Plans, which will be afforded the same weight as a local plan or minerals and waste plan. The government proposes that, when the new system comes into force, existing SPDs will remain in force for a time-bound period; until the local planning authority is required to adopt a new style plan. Current SPDs will automatically cease to have effect at the point at which authorities are required to have a new-style plan in place.

3.31 On 30 July 2024, the new Government published its anticipated consultation which sets out their approach to revising the National Planning Policy

Framework (NPPF) in order to achieve sustainable growth in England's planning system [BD7]. A key amendment is as follows:

- Plan-makers will have until 31 December 2026 ~~30 June 2025~~ to submit their local plans, neighbourhood plans, minerals and waste plans, and spatial development strategies for independent examination under the existing legal framework.
- Transitional arrangements regarding Local Plans mean that as long as a Local Plan is at Regulation 19 stage one month after publication of the new NPPF (likely end 2024 / early 2025), then the plan making process to adoption can continue under the old system.

3.32 The reason for the proposed changes to the NPPF as well as reform the planning system is because they have made clear that sustained economic growth is the only route to improving the prosperity of the country as well as the living standards of working people. The approach to deliver this growth will focus on three pillars: stability, investment and reform.

3.33 It is considered by Government that the December 2023 changes to the NPPF were disruptive to the sector and has been detrimental to housing supply. The reforms outlined in the consultation with the respect to the NPPF will take on a more growth-focused approach. The proposed changes to the framework with an ambition to have universal and ambitious local plan coverage are vital in order to achieve economic growth and to be 1.5 million new homes.

3.34 Further detail on the revisions to the NPPF, the Council's response to these revisions and the impact on the Local Plan – Partial Review and Update will be detailed in Report presented to Cabinet on 13 November 2024.

Local Plan – Partial Review and Update

3.35 In June 2024, Cabinet [BD8] approved the Local Plan – Partial Review and Update for the first round of public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

3.36 Officers will be reporting back to Cabinet on 13 November 2024, feeding back on the Regulation 18 consultation and seeking approval for the second round of consultation on the Local Plan – Partial Review and Update, the Regulation 19 version.

3.37 Following the Regulation 18 and Regulation 19 rounds of consultation, both to be scheduled for a minimum of 6 weeks, the Local Plan – Partial Review and Update will then be submitted to the Secretary of State (DLUHC), ahead of an independent Examination in Public by an appointed Planning Inspector.

3.38 A final consultation on any modifications proposed by the Inspector to the Plan is then held prior to the Inspector's Report, which would confirm whether the Plan can proceed to formal adoption. Monitoring and review of the Plan would then be required for a period of time after the Plan has been adopted.

3.39 It is important for Cabinet to note and acknowledge that the key reason for the Council's proposals to revise its existing SPDs is to ensure that the Council has a complete and up to date suite of Planning Policy documents, supporting the Local Plan – Partial Review and Update when the Local Plan – Partial

Review and Update is submitted to the Secretary of State in 2025; and to ensure that we do not get caught under the new system, meaning that the existing SPDs run the risk of being out of date in regard to upcoming planning decisions.

4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

Recommendation 2.1: That Cabinet note the content of the revised Stevenage Supplementary Planning Documents.

- 4.1 The current, adopted Stevenage Supplementary Planning Documents are attached to this Report as Background Documents BD2 to BD5.
- 4.2 The revised versions of each SPD are included in Appendix A–C. This is accompanied, for each SPD, by a table of justifications that provide reasons for each amendment made (Appendix D–F).

Parking SPD (Appendix A)

- 4.3 Amendments to the Parking & Sustainable Transport SPD can be summarised as follows:
- Removal of “Sustainable Transport” from the title of the SPD, to reflect the fact that the sustainable transport elements of the existing Parking & Sustainable Transport SPD have either been moved to the revised Developer Contributions SPD, or are suitably covered by Hertfordshire County Council Highways guidance.
 - Sustainable transport contributions moved to Developer Contributions SPD.
 - General improvements to presentation – removing unnecessary justification text, etc.
 - Various clarifications on parking requirement calculation – when rounding should occur, what constitutes a bedroom, etc.
 - Disabled parking requirements clarified.
 - Electric Vehicle charging requirements removed – now covered by Building Regulations.

Developer Contributions SPD (Appendix B)

- 4.4 Amendments to the Developer Contributions SPD can be summarised as follows:
- Travel plan guidance clarified.
 - Car club, public transport voucher, etc. contributions added (from Parking SPD)
 - New contributions towards cycle hire scheme.

- Document now refers to the CIL annual inflation rate, which the Council is required to apply. This is for transparency and to allow developers to calculate their CIL charge ahead of development.
- Introduction of developer contributions for Electric Car Clubs and the Cycle Hire Scheme, on large windfall and strategic sites. This is in addition to collecting a CIL charge to reflect the Council's sustainable transport objectives.
- General updates to legislation and National Planning Policy (related to the NPPF, December 2023)
- Affordable Housing updates, in line with the Local Plan – Partial Review and Update amendment on Part M of the Building Regulations.
- The 'Construction Employment Opportunities for Stevenage' section now applies more flexibility, should a developer be unable to fulfil the obligations regarding construction jobs and apprenticeships. This is to support small and medium-sized developers and to reflect instances whereby local businesses and quick construction developers are unable to fulfil obligation due to time constraints.
- Increase in payment for failure to meet local recruitment targets for apprenticeships, from £250 per apprenticeships to £500. This is to help cover the cost of the brokerage system to fill apprenticeship positions and encourage early engagement with Stevenage Works, to support the delivery of local apprenticeships.
- Further clarity on what the training fund can be used for.
- Monitoring Fee increase to reflect the ongoing costs of the brokerage system to fill apprenticeship positions – officers have carried out work to determine local authority monitoring fees across the board. The proposed fees are based on an approximate benchmark value of several CIL charging authorities.

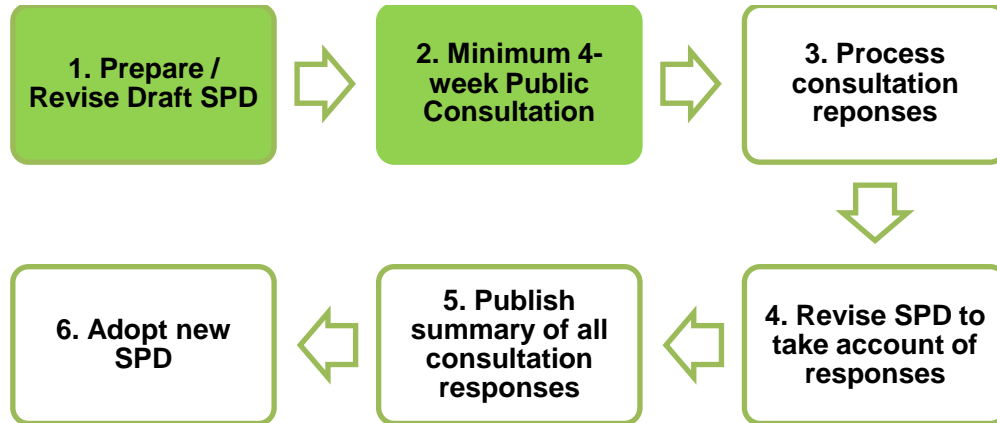
Design Guidance SPD (Appendix C)

4.5 Amendments to the Design Guidance SPD can be summarised as follows:

- Design guide changed to tabular format.
- Clear distinction between mandatory requirements and optional best practice.
- Appendix 1 of the SPD (character assessments) has been deleted, as was too brief to be of real use and also out of date (2008).
- General improvements to presentation of Appendices 2 (shopfront guide) and 3 (residential extensions guide) – formatting, new drawings etc.

Recommendation 2.2: That Cabinet approve consultation on three Supplementary Planning Documents, from 14 October 2024.

- 4.6 The procedure to adopt a new SPD is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. In summary, it is as follows:



- 4.7 It is recommended that public consultation commences on 14 October 2024, for a minimum period of 4 weeks. The consultation would therefore close, at the earliest, on 10 November 2024. A 6-week consultation would close on 24 November 2024.
- 4.8 The Council is required, for each SPD, to consider consultation responses and produce a “Consultation Statement” document stating the main issues raised by respondents, summarising how the issues have been addressed by the Council. The Consultation Statements for the revised SPDs will be reported back to a future Cabinet meeting
- 4.9 The Council will also be required, for each SPD, to produce an Adoption Statement, to notify the public of the adoption of each SPD. The Adoption Statements for each SPD will need to be reported back and agreed at the same future Cabinet meeting.
- 4.10 Consultation methods for all three SPDs will be undertaken in line with the Council’s Statement of Community Involvement [BD9].
- 4.11 Consultees who have previously signed up to the planning consultation list will be contacted by e-mail, or by post where no email address has been provided.
- 4.12 The consultation will be hosted via the Planning Policy’s “Commonplace” platform, which has been used successfully for a range of previous planning policy and related consultation.
- 4.13 The consultation will be advertised on the Council’s website home page and Planning Policy pages. It will also appear on the Stevenage Borough Council social media pages and hard copies of the consultation documents will be made available at the Council offices and town’s libraries.
- 4.14 Representations will be able to be submitted via the Council’s website and . or sent via e-mail to the Planning Policy team’s mailbox.
- 4.15 Any additional methods to help publicise the consultation further will be duly considered.

Recommendation 2.3: That Cabinet approve the revocation of The Impact of Development on Biodiversity Supplementary Planning Document.

- 4.16 Revocation is a technical term which is carried out in accordance with section 25 of the Planning and Compulsory Act 2004 and Regulation 15(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012. It allows the Council to remove documents which are no longer relevant to decision making.
- 4.17 At the time of adoption of The Impact of Development on Biodiversity SPD in March 2021, there was no detailed legislation that provided policy guidance for local authorities on protecting ecology and biodiversity, further than what was prescribed in the National Planning Policy Framework, Planning Policy Guidance and local guidance.
- 4.18 The Council was a front runner in terms of providing policy guidance to protect and enhance ecology and biodiversity in the area. Officers worked closely with the Hertfordshire and Middlesex Wildlife Trust (HMWT) to prepare the Biodiversity SPD in accordance with the national and local standards, and biodiversity metrics, at the time. This was one of the first SPDs of its type in the area and has been very successfully received.
- 4.19 However, Government legislation has now caught up and as such, matches the standards that the Council has set with the SPD.
- 4.20 Following new legislation, Biodiversity Net Gain (BNG) is now mandatory from 12 February 2024 for major planning applications and 2 April 2024 for minor, under <https://www.legislation.gov.uk/ukpga/2021/30/schedule/14/enacted>.
- 4.21 The new legislation means that there are further powers, enforced at a national level, that all proposals for development will be required to conform to.
- 4.22 The policy framework under which many of the Council's Supplementary Planning Documents (SPD) were prepared has now changed. As a result, there is a discussion as to whether these are no longer required and should be revoked.
- 4.23 Revoking out-dated SPDs will avoid confusion and make it easier for interested parties to access relevant information when seeking planning policy advice and submitting planning applications.
- 4.24 Officers have prepared a report [BD10] summarising the latest position with The Impact of Development on Biodiversity SPD.
- 4.25 The report states that over the lifetime of the current Local Plan 2011–2031 (adopted May 2019), the Council has produced SPDs to provide more detail on the policies. These are a material consideration in the decision-making process. Now that the Stevenage Local Plan is undergoing a Partial Review, it is considered appropriate to review the current suite of documents and to revoke any that are no longer relevant to decision making. Following a review by officers of the current SPDs, The Impact of Development on Biodiversity SPD includes guidance which is now inaccurate, no longer relevant, or conflicts with the new legislation.
- 4.26 The Impact of Development on Biodiversity SPD was adopted in March 2021 before the introduction of mandatory BNG legislation in February 2024.

Therefore, information and requirements were written at a different time. The SPD is no longer accurate or up to date and can cause confusion for those applying for planning permission.

- 4.27 The officer report includes a comparison table of what the SPD and legislation provide as guidance or requirements for BNG. It is clear that the information within the SPD has been superseded by the legislation and an update would not change the weight of the document. It is no longer used as material weight in decisions submitted after 12 February 2024 for major planning applications and 2 April 2024 for minor planning applications. Elements relating to local procedure could be channelled within guidance documents and listed on the Council website to ensure that advice and direction on BNG is still accurate and clear.
- 4.28 In addition, Hertfordshire County Council are working on a Local Nature Recovery Strategy (LNRS) which will update guidance already within the current SPD. It will indicate priority areas for ecological improvement across Hertfordshire, and once published will be used to determine the Strategic Significance element within the Defra BNG Metric.
- 4.29 The Council works in partnership with the other Hertfordshire local authorities and the County Council as part of the Hertfordshire Sustainability and Climate Change Partnership (HCCSP). One of the priority areas of work of the HCCSP is the Strategic Action Plan on Biodiversity [BD11].
- 4.30 The Plan outlines the HCCSP's intention to take urgent action which restores and enhances biodiversity across Hertfordshire. In particular, how the LNRS within Hertfordshire will operate and be maintained; keeping in line with the latest national legislation to apply across the county; how HCCSP can influence the protection and enhancement of biodiversity and help drive forward required action; and identifying how funding can be raised for increased delivery of habitat creation and restoration projects.
- 4.31 Regarding HCCSP's influence, HCCSP can make a valuable contribution under the following themes:
- enhancing biodiversity through suitable land management and other operations, delivered directly by HCCSP members or through partnership working with multiple stakeholder engagement
 - protecting and enhancing biodiversity through the planning system
 - evidence gathering and establishing appropriate resources to support biodiversity enhancements
 - lobbying or arguing the case for government to make changes in national policy.
- 4.32 The Council remains fully committed to protecting and enhancing its ecology and biodiversity. For example, the Council has produced a Biodiversity Action Plan (BAP) which is referred to further in the Cabinet Report for Item 6 of the agenda for the 9 October Cabinet meeting. This Action Plan was the first to be published in Hertfordshire. Further information on the BAP can be found at: <https://www.stevenage.gov.uk/environment/green-spaces/biodiversity>
- 4.33 All of the changes outlined above will supersede the information within the SPD and therefore deem an updated document no longer fit for purpose. This

adds to the suggestion to revoke the SPD and work around alternatives to encourage local priorities are met.

- 4.34 The officer report considers three options to progress with the Biodiversity SPD:
- Option 1: Revoke the suggested SPD that is now out of date, or no longer required, as a result of mandatory BNG through legislation.
 - Option 2: Not to revoke any SPD now out of date, or no longer required, as a result of legislative changes.
 - Option 3: Revoke and explore more detail on BNG within a Full Local Plan Review.
- 4.35 The report suggests Option 1 is the most feasible solution. Revoking the out-of-date SPD would ensure that the Council has an up-to-date strategic planning framework. It will help to avoid confusion and make it easier for interested parties to access relevant information when seeking planning policy advice and submitting planning applications.
- 4.36 Not revoking out-of-date SPDs would mean that the Council would not have a robust and up to date suite of SPDs to implement the Council's placemaking and climate change ambitions, in accordance with the latest national legislation and guidance and in line with the latest best practice. If they are considered to be out of date, they will be given little to no weight in the decision-making process in the future.
- 4.37 Option 3 acts as a further consideration, once the Local Plan – Partial Review and Update is adopted, hopefully from 2025. Revoking the out-of-date SPDs will allow full consideration of future policy amendments, as well as the potential to build a robust BNG policy into the Full Review of the Local Plan. This will also allow research into the types and numbers of BNG and feed into the Biodiversity Duty.
- 4.38 Further, should the revocation of The Impact of Development on Biodiversity SPD be supported by Cabinet, the SPD will continually be applied to those schemes which were determined / made prior to legislation coming into force and as such, were assessed against the SPD at that time.
- 4.39 Should the revocation of The Impact of Development on Biodiversity SPD be supported by Cabinet, Regulation 15 further provides that, upon revoking a SPD, the following steps must be taken:
- make available a public statement on the revocation in accordance with regulation 35; No consultation is required but the planning policy web pages will be updated to raise awareness of revocation and a revocation statement will be published online.
 - send, to each of the bodies or persons which made representations under regulation 13(2) on the supplementary planning document, notification that the supplementary planning document has been withdrawn, and
 - cease to make any documents available. No hard copies would be publicly available – only accessible in a digital format, and the SPD will be removed from the Council's website supplementary planning document in

accordance with regulation 35 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

- 4.40 If Cabinet approve the revocation of The Impact of Development on Biodiversity SPD, officers will commence the revocation process from Monday 14 October 2024 and prepare a Statement of Revocation, which will be published on the Council website as soon as it is finalised. The Secretary of State will be informed by letter once the Revocation Statement is published on the Council website; this is expected to be no later than November 2024.

Recommendation 2.4: That Cabinet agree that delegated powers be granted to the Assistant Director: Planning and Regulation, following consultation with the Portfolio Holder for Environment and Performance, to make minor amendments as necessary in the final preparation of the SPD documents prior to public consultation.

- 4.41 The Supplementary Planning Documents are appended to this report. However, it may be necessary to make very minor changes prior to going out to public consultation. This might include cosmetic adjustments, the correction of typographical errors and any minor factual changes.
- 4.42 It is recommended that any such amendments be approved via delegated powers.

Recommendation 2.5: That Cabinet note that the comments of the Planning & Development Committee will be sought and fed back to Cabinet.

- 4.43 The Planning & Development Committee have been circulated a briefing note, covering the key aspects of this Cabinet Report.
- 4.44 Any feedback from Planning & Development Committee Members will be taken into consideration in the Cabinet's approval of this Report's recommendations.

5 IMPLICATIONS

Financial Implications

- 5.1 The costs associated with producing and consulting on the revised Stevenage Supplementary Planning Documents will be met from the agreed departmental budget.
- 5.2 Any potential schemes that are mentioned in the SPDs will need to be subject to a business case and / or will require third party funding.

Legal Implications

- 5.3 Consultation on the revised Supplementary Planning Documents will undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 5.4 The outcomes of consultation will be conscientiously considered in finalising the SPDs, taking responses into account prior to approval by Cabinet.
- 5.5 In terms of the revocation of The Impact of Development on Biodiversity SPD, Section 25 of the Planning and Compulsory 2004 Act empowers the Secretary of State, at any time, to revoke a Local Development Document (LDD) at the request of the local planning authority or prescribe descriptions of LDD which may be revoked by the authority themselves.
- 5.6 Regulation 15(2) of The Town and Country Planning (Local Planning) (England) Regulations 2012 provides that, "A local planning authority may revoke any supplementary planning document."
- 5.7 If Cabinet approve the revocation of The Impact of Development on Biodiversity SPD, officers will commence the revocation process from Monday 14 October 2024 and prepare a Statement of Revocation, which will be published on the Council website as soon as it is finalised. The Secretary of State will be informed by letter once the Revocation Statement is published on the Council website; this is expected to be no later than November 2024.
- 5.8 Following revocation, the Council will notify those who have made representations (along with other persons and organisations on the consultation database) that the SPD will have been revoked and will make the revocation statement available in accordance with Regulations 26 and 35 of the 2012 Regulations.

Risk Implications

- 5.9 There are no significant risks associated with producing the revised Stevenage Supplementary Planning Documents.
- 5.10 There is a potential risk of not revoking The Impact of Development on Biodiversity SPD. With national legislation now in place, continuing to impose this SPD could result in confusion among developers, agents and applicants over what should be considered for their proposals.

Policy Implications

- 5.11 The revised Stevenage Supplementary Planning Documents accord with, and has been produced to supplement policies in, the adopted Stevenage Local Plan (2019) and Local Plan – Partial Review and Update.

Planning Implications

- 5.12 The revised Stevenage Supplementary Planning Documents will supplement the adopted Stevenage Local Plan (2019) and Local Plan – Partial Review and Update.
- 5.13 If adopted after consultation, the documents will not form part of the Development Plan for Stevenage. However, they will be a material consideration for planning applications.
- 5.14 Should the revocation of The Impact of Development on Biodiversity SPD be supported by Cabinet, the SPD will continually be applied to those schemes which were determined / made prior to legislation coming into force and as such, were assessed against the SPD at that time.

Climate Change Implications

- 5.15 The revised Supplementary Planning Documents have the potential to have a positive impact on climate change through the multiple benefits that prioritising the design of development and incorporating innovative technologies.

Equalities and Diversity Implications

- 5.16 The revised Supplementary Planning Documents do not have any direct equality or diversity implications. When implementing any of the proposals the delivery body will need to consider the potential impacts on different community groups, in particular those who are less mobile or disabled.

Community Safety Implications

- 5.17 Whilst the revised Supplementary Planning Documents do not have any direct community safety implications itself, when implementing any proposals, the delivery body will need to consider potential impacts on community safety.

BACKGROUND DOCUMENTS

- BD1 Stevenage Borough Local Plan, 2011–2031
- BD2 Stevenage Parking Provision and Sustainable Transport Supplementary Planning Document (October 2020)
- BD3 Stevenage Developer Contributions Supplementary Planning Document (March 2021)
- BD4 Stevenage The Impact of Development on Biodiversity Supplementary Planning Document (March 2021)
- BD5 Stevenage Design Guidance Supplementary Planning Document (January 2023)
- BD6 National Planning Policy Framework (December 2023)
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- BD7 Proposed Reforms to the National Planning Policy Framework and other changes to the Planning System
<https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>
- BD8 Meeting of the Stevenage Borough Council Cabinet, Item 4: Local Plan Review and Local Development Scheme (June 2024)
<https://democracy.stevenage.gov.uk/documents/s36560/4%20Cabinet%20Report%20Local%20Plan%20Review%20LC%20Final%20230524.pdf>
- BD9 Stevenage Statement of Community Involvement (June 2024)
- BD10 Officer report on Stevenage Borough Council's Biodiversity Net Gain Supplementary Planning Document (September 2024)
- BD11 Strategic Action Plan for Biodiversity (Hertfordshire Sustainability and Climate Change Partnership, May 2024)
<https://www.hccsp.org.uk/media/documents/hccsp-strategic-action-plan-for-biodiversity-may-2024.pdf>

APPENDICES

- A Stevenage Parking Supplementary Planning Document (revised, September 2024)
- B Stevenage Developer Contributions Guidance Supplementary Planning Document (revised, September 2024)
- C Stevenage Design Guidance Supplementary Planning Document (revised, September 2024)
- D Stevenage Parking Supplementary Planning Document: Table of Justifications (September 2024)
- E Stevenage Developer Contributions Guidance Supplementary Planning Document: Table of Justifications (September 2024)

F Stevenage Design Guidance Supplementary Planning Document: Table of Justifications (September 2024)