



MEETING : DISTRICT PLANNING EXECUTIVE PANEL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : TUESDAY 24 MAY 2016
TIME : 7.00 PM

MEMBERS OF THE PANEL

Councillors L Haysey (Chairman), E Buckmaster and G Jones

(Note - membership subject to confirmation at the joint meeting of the Executive, Committees, etc, on 18 May 2016)

All other Members are invited to attend and participate if they so wish.

Members are requested to retain their copy of the agenda and bring it to the relevant Executive and Council meetings.

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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

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AGENDA

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Minutes (Pages 7 - 14)

To approve the Minutes of the meeting of the Panel held on 25 February 2016

4. Declarations of Interests

To receive any Member(s)' Declaration(s) of Interest

5. East Herts Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment Update April 2016 (Pages 15 - 38)

Note – There will be a presentation on this item by Steve Jarman, Opinion Research Services (ORS)

6. The Gilston Area and the Government's 'Locally Led Garden Villages, Towns and Cities' Prospectus (Pages 39 - 62)

7. Local Development Scheme (LDS) May 2016 (Pages 63 - 76)

8. East Herts Draft District Plan – Chapter 15 – Retail and Town Centres: Response to Issues Raised During Preferred Options Consultation, Further Amendments and Draft Revised Chapter (Pages 77 - 106)

9. East Herts Draft District Plan – Chapters 16 and 20 – Design and Landscape: Response to Issues Raised During Preferred Options Consultation, Further Amendments and Draft Revised Chapter (Renumbered Chapter 16) (Pages 107 - 156)

10. East Herts Draft District Plan – Chapter 17 – Transport: Response to Issues Raised During Preferred Options Consultation, Further Amendments and Draft Revised Chapter (Pages 157 - 196)
11. East Herts Draft District Plan – Chapter 19 – Natural Environment: Response to Issues Raised During Preferred Options Consultation, Further Amendments and Draft Revised Chapter (Pages 197 - 238)
12. East Herts Draft District Plan – Chapter 21 – Heritage Assets: Response to Issues Raised During Preferred Options Consultation, Further Amendments and Draft Revised Chapter (Renumbered Chapter 20) (Pages 239 - 270)
13. East Herts Draft District Plan – Chapter 22 – Climate Change: Response to Issues Raised During Preferred Options Consultation, Further Amendments and Draft Revised Chapter (Renumbered Chapter 21) (Pages 271 - 290)
14. East Herts Draft District Plan – Chapter 23 – Water: Response to Issues Raised During Preferred Options Consultation, Further Amendments and Draft Revised Chapter (Renumbered Chapter 22) (Pages 291 - 322)
15. East Herts Draft District Plan – Chapter 24 – Environmental Quality: Response to Issues Raised During Preferred Options Consultation, Further Amendments and Draft Revised Chapter (Renumbered Chapter 23) (Pages 323 - 342)
16. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

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MINUTES OF A MEETING OF THE
DISTRICT PLANNING EXECUTIVE PANEL
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON THURSDAY
25 FEBRUARY 2016, AT 7.00 PM

PRESENT: Councillor L Haysey (Chairman)
Councillors E Buckmaster and G Jones.

ALSO PRESENT:

Councillors A Alder, R Brunton, M Freeman,
J Goodeve, T Page, M Pope, P Ruffles,
S Rutland-Barsby, M Stevenson and
N Symonds.

OFFICERS IN ATTENDANCE:

Chris Butcher	- Principal Planning Officer
Isabelle Haddow	- Senior Planning Officer
Martin Ibrahim	- Democratic Services Team Leader
Lorraine Kirk	- Senior Communications Officer
Kay Mead	- Principal Planning Officer
Jenny Pierce	- Principal Planning Officer
Claire Sime	- Planning Policy Manager
Kevin Steptoe	- Head of Planning and Building Control Services
Liz Watts	- Chief Executive

21 **HERTFORD TOWN CENTRE URBAN DESIGN STRATEGY
FEBRUARY 2016**

The Panel considered a report detailing the Hertford Town Centre Urban Design Strategy.

This had been developed by Tibbalds, a leading planning and urban design consultancy, working together with Hertfordshire County Council, East Herts Council and Hertford Town Council to develop a Vision and Urban Design Strategy for Hertford town centre. Key elements of the study brief were to consider the future of major sites, the design and management of the street scene and transport issues for the town centre.

To inform the developing Strategy, Tibbalds' expertise had been supplemented by property, retail, transport and landscape architectural specialists over the course of the project. Following two rounds of public consultation, a finalised Hertford Town Centre Urban Design Strategy (HTCUDS) had been produced and this was detailed at Essential Reference Paper 'B' of the report submitted.

Various Members thanked the consultants, officers, the three councils and the public for their efforts and contributions. Members spoke of the need for concrete actions to follow on from the Strategy. To this end, an additional recommendation setting up a steering group to agree an action plan was supported.

In response to Members' comments and questions, Officers advised on the distinction between an urban strategy and a neighbourhood plan within the context of considering a planning application. The Panel noted that an adopted neighbourhood plan formed part of the development plan, whilst this Strategy did not, although it was a material consideration that could inform a planning application.

Officers also clarified the position on car parking spaces and advised that the Strategy provided a framework as a

starting point for improving parts of the town centre. Specific schemes brought forward would be subject to individual consultation, where any potential loss of on-street parking spaces would be considered at that stage.

The Panel supported the recommendations as now detailed.

RECOMMENDED – that (A) the Hertford Town Centre Urban Design Strategy, February 2016, be approved as part of the evidence base to inform and support the East Herts District Plan;

(B) the Hertford Town Centre Urban Design Strategy, February 2016, be approved to inform Development Management decisions; and

(C) a Steering Group be set up, including representatives from East Herts Council, Hertfordshire County Council and Hertford Town Council, to agree an action plan to bring forward appropriate projects in the short, medium and long term for the improvement and enhancement of the County Town, with a report on an action plan and identified projects being submitted to the Executive.

22 **BISHOP'S STORTFORD NORTH S106 SPORTS INVESTMENT STRATEGY, DECEMBER 2015**

The Panel considered a report presenting the Bishop's Stortford North Section 106 Sports Investment Strategy, to support the Council in its management of up to £3.65M Section 106 contribution for the improvement of local sports facilities. The report sought agreement to use the Strategy as part of the evidence base to inform and support preparation of the District Plan and to inform Development Management decisions. It also sought approval to empower the Steering Group to consider and make recommendations for future investments in consultation with relevant parties.

In response to Members' comments on the progress of the housing development and the potential benefits of the sports provision for residents of neighbouring authorities, Officers advised that these issues would be taken up by the proposed Steering Group.

The Panel supported the recommendations as now detailed.

RECOMMENDED – that (A) the project prioritisation criteria be approved;

(B) the Steering Group, in conjunction with the Executive Member for Health and Wellbeing, be empowered to consider and make recommendations on future investments to Council following consultation with the Sounding Board; and

(C) the Bishop's Stortford North S106 Sports Investment Strategy, December 2015, be agreed as part of the evidence base to inform and support preparation of the East Herts District Plan and for Development Management purposes.

23 STRATEGIC LAND AVAILABILITY ASSESSMENT UPDATE

Consideration was given to a report updating the Panel on the Strategic Land Availability Assessment (SLAA). The Panel was advised that a number of sites still needed to be assessed. In the main, these were sites on the edge of the main settlements. However in addition, the sites that had formed Rounds 1 and 2 also needed to be re-assessed in order to ensure that the information previously presented was still up to date and that the assessments reflected the requirements of updated national planning guidance.

Officers advised that this further work would take place in Round 4. It was currently envisaged that a stakeholder

consultation would be undertaken on draft assessments in spring 2016. Following that, a final comprehensive version of the SLAA containing all sites would be completed prior to undertaking a Pre-Submission consultation on the District Plan.

The Panel supported the recommendation now detailed.

RECOMMENDED – that the SLAA Round 3 site assessments, and the ongoing process for completing the SLAA, be noted.

24 **DUTY TO CO-OPERATE UPDATE REPORT**

The Panel received the notes of the latest round of Member-level meetings with adjoining Local Planning Authorities. Members were reminded of the Duty to Co-Operate and the need to engage constructively with a range of bodies throughout the plan-making process.

Officers advised that, as work on the District Plan progressed, it was expected that a series of Memoranda of Understanding would be agreed with neighbouring local authorities, and other bodies where considered appropriate. These would identify how strategic cross boundary issues had been addressed and would therefore form a key piece of evidence in support of the District Plan moving forward to Examination.

The Panel supported the recommendations as now detailed.

RECOMMENDED – that (A) the notes of the Member-level meetings held with neighbouring local authorities be received; and

(B) the Head of Planning and Building Control, in consultation with the District Planning Executive Panel Members, be authorised to prepare, agree and sign Memoranda of Understanding with neighbouring local authorities, and other bodies,

as appropriate.

25 CHAIRMAN'S ANNOUNCEMENTS

The Panel Chairman welcomed Members and the public to the meeting and reminded them that the meeting was being webcast.

She advised on a recent visit by an experienced Inspector, who had suggested that, in respect of the progress of the District Plan, the Council appeared to be on the right lines. However, a couple of areas needed to be revisited, which would impact on the overall timetable for producing the Plan.

She advised that the provisional date for the next meeting on 7 April 2016 had now been cancelled. The next meetings were scheduled for 28 April and 24 May 2016. She also advised on dates for future consultative meetings with parish and town councils on 1 March and 5 May 2016.

26 MINUTES

RESOLVED – that the Minutes of the meeting held on 17 December 2015, be approved as a correct record and signed by the Chairman.

27 EAST HERTS GYPSIES AND TRAVELLERS AND TRAVELLING SHOWPEOPLE ACCOMMODATION NEEDS ASSESSMENT UPDATE FEBRUARY 2016

The Panel agreed to defer this item to the next meeting. Officers advised that as late information relating to site occupancy had only just become available, it was considered appropriate to defer deliberation in order to allow this new information to be fully considered. This would ensure a robust evidence base and avoid potential challenge at the Inspection stage.

RESOLVED – that this matter be deferred to the next Panel meeting.

The meeting closed at 7.55 pm

Chairman
Date

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EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 24 MAY 2016

REPORT BY THE LEADER OF THE COUNCIL

EAST HERTS GYPSIES AND TRAVELLERS AND TRAVELLING SHOWPEOPLE ACCOMMODATION NEEDS ASSESSMENT UPDATE, APRIL 2016

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report presents the findings of the East Herts Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment Update Summary, April 2016, which makes recommendations on the amount of provision necessary for both Gypsies and Travellers and Travelling Showpeople for the period to 2033.

This report replaces the agenda item which was withdrawn from the District Planning Executive Panel on 25th February 2016.

<u>RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE PANEL:</u> That Council, via the Executive, be advised that:	
(A)	the East Herts Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment Update Summary, April 2016, be approved as part of the evidence base to inform and support the East Herts District Plan; and
(B)	the East Herts Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment Update Summary, April 2016, be approved to inform Development Management decisions.

1.0 Background

- 1.1 Local authorities have a legal responsibility to plan for the accommodation needs of the Gypsy and Traveller community.

The Housing Act 2004 (Section 225) requires local authorities to consider Gypsy and Traveller sites as part of their Accommodation Assessments and to prepare strategies to meet those needs.

- 1.2 In March 2012 the Government, in tandem with the publication of the National Planning Policy Framework, issued its 'Planning policy for traveller sites' document, which set the overarching policy context for the provision of traveller accommodation (to include both Gypsies and Travellers and Travelling Showpeople). That guidance required local planning authorities to "make their own assessment of need for the purposes of planning" (paragraph 4) and that "local planning authorities should [*inter alia*], in producing their Local Plan "identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets" and "identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15".
- 1.3 Thus, an onus was placed on the Council to demonstrate that it could meet the identified accommodation needs of Gypsies and Travellers and Travelling Showpeople in the same way that it has a duty to meet general housing needs. In seeking to comply with this advice, and to provide a robust evidence base to underpin the emerging District Plan, the Council commissioned the East Herts Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment, April 2014, which was considered by the District Planning Executive Panel at its meeting on 17 July 2014. A link to that agenda item can be found at the foot of this report.
- 1.4 Since that time, 'Planning policy for traveller sites' has been amended by the Government, and a revised version was published in August 2015. While the new guidance contains the majority of the same requirements in respect of duty to meet the accommodation needs of Gypsies and Travellers and Travelling Showpeople, the definitions around those who constitute Gypsies and Travellers and Travelling Showpeople for the purposes of planning policy have changed. This has necessitated an update to the 2014 Accommodation Needs Assessment.

2.0 Report

- 2.1 As stated above, changes to 'Planning policy for traveller sites' came into force in August 2015, which has changed the way that

Gypsies and Travellers and Travelling Showpeople are assessed for accommodation purposes. The main change in respect of planning policy is that, at Annex 1: Glossary, the guidance has removed those Gypsies and Travellers who have “permanently” ceased to travel from the definitions for both Gypsies and Travellers and Travelling Showpeople for planning purposes. A new paragraph 2 to the Annex has been inserted which provides guidance regarding determining whether or not persons would fall within the definition.

- 2.2 As the previous Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment undertaken in 2014 was completed prior to the change in policy, it did not take into account whether or not any of the households surveyed at the time had “permanently” ceased to travel.
- 2.3 In order to ensure that the Council has the most robust evidence base to underpin the emerging District Plan, it was therefore considered necessary to commission an update to the Accommodation Needs Assessment, which would take account of the change in guidance. Furthermore, the updated study would provide a more up to date picture in respect of the current accommodation needs of Gypsies and Travellers and Travelling Showpeople in the district, which may have changed since 2014.
- 2.4 The same consultants, Opinion Research Services (ORS), who undertook the original study, were commissioned to undertake the Update, which has ensured consistency across the evidence base.
- 2.5 A copy of the East Herts Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment, Update Summary, April 2016, is provided at **Essential Reference Paper ‘B’**.
- 2.6 At the Panel meeting a presentation of the Accommodation Needs Assessment Update will be made by one of the ORS team and this will be followed by the opportunity for members to ask questions.
- 2.7 In viewing the Update, it is important to note that the purpose of an Accommodation Needs Assessment is to identify needs, and it is not concerned with matters of how that need could be met on a site specific basis. The conclusions of the Gypsies and Travellers and Travelling Showpeople Identification of Potential Sites Study, October 2014, which suggests approaches that the Council could

take in respect of the selection of locations to meet the identified need, remain unchanged by the Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment Update.

- 2.8 As stated previously, it was initially anticipated that a report to the District Planning Executive Panel on the Accommodation Needs Assessment Update would be considered at its meeting on 25th February. However, shortly before the meeting it became apparent that there was the potential that some travellers on the Esbies site may not have been able to take part in the original survey if, due to certain occupancy restrictions, they had been travelling at the time of the initial survey work (which took place in November 2015).
- 2.9 While some additional needs were established for the site at that time, which would have been verbally reported to Panel and the Accommodation Needs Assessment Update amended accordingly, there was a concern that there may potentially have been other families returning to the site that had not previously been identified. Therefore, it was considered proper that the original fieldwork should be supplemented by further additional survey work to establish whether or not this was the case.
- 2.10 Following written pre-notification, the consultants again visited the site in April. Following this, it has been confirmed that no further travellers were identified on the Esbies site as part of this additional fieldwork (beyond those that were originally identified in November and the additional travellers who were subsequently identified in February) and the Accommodation Needs Assessment Update has been completed on that basis.
- 2.11 Taking into account both the amendments to government guidance and changes in circumstances on individual sites since the 2014 Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment was completed, the new figures for both Gypsies and Travellers and Travelling Showpeoples' accommodation needs have been revised accordingly.
- 2.12 In considering the Update, it should be noted that the previous 2014 Accommodation Needs Assessment included end-date pitch and plot provisions to 2031. The version of the draft Accommodation Needs Assessment which was withdrawn in February 2016 then included an end-date of 2032. However, the version of the Accommodation Needs Assessment presented as

part of this report now has an end-date of 2033, which is in order to align it with the latest SHMA timelines.

2.13 The findings of the Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment Update April 2016 are as follows.

2.14 For Gypsies and Travellers, the previous level of need identified in the 2014 Study was for 12 pitches over the plan period (which was then projected to 2031) and this level of need has now decreased to five pitches (to 2033). This is largely the result of the change in definition for assessment purposes of those residents who have permanently ceased to travel, and also due to there being fewer Gypsies and Travellers present at the Esbies site in Sawbridgeworth.

2.15 The breakdown of timescales for when pitches identified in the Update should be provided over the plan period is as follows:

	2016-2022	2022-2027	2027-2033	Total
East Herts	2	3	0	5

2.16 For Travelling Showpeople, whereas the previous level of need was identified in the 2014 study as being for five plots over the plan period (to 2031), this has now increased to nine (to 2033). This increase is most likely to have arisen because of a higher response rate to this study from residents of the single authorised site at Rye House compared to the previous survey.

2.17 The breakdown of timescales for when plots identified in the Update should be provided over the plan period is as follows:

	2016-2022	2022-2027	2027-2033	Total
East Herts	7	1	1	9

2.18 However, beyond the needs identified in the tables above, it should be noted that, where travellers now fall outside the 'Planning policy for traveller sites' definition in terms of being assessed for accommodation needs on Gypsy and Traveller or Travelling Showpeople's sites, the onus will still fall on the Council to make provision for their accommodation needs, in the same way that it has to take into account accommodation needs for the settled community.

- 2.19 As there is generally a cultural aversion to living in bricks and mortar accommodation in travelling communities, it is likely that this provision will need to take the form of park homes, or similar, and be achieved through the District Plan process. It should be noted that these accommodation needs will now fall within general housing needs and will need to be met through site allocations. It is therefore intended that a policy covering Park Homes will be introduced into the Housing Chapter of the District Plan, which will set criteria to ensure their provision.
- 2.20 As stated previously, the Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment Update (the subject of this report) serves to identify both levels of need and the delivery periods over the length of the District Plan within which such pitches and plots should be provided. The Update does not make any recommendations on where that need should be accommodated in locational terms. This will be a matter for the joint Member/Officer Gypsies and Travellers and Travelling Showpeople Identification of Potential Sites Study Working Group to consider, with locations ultimately identified through the emerging District Plan in due course.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

- National Planning Policy Framework (NPPF)
(<https://www.gov.uk/government/publications/national-planning-policy-framework--2>)
- Planning Practice Guidance (PPG) (General)
(<http://planningguidance.planningportal.gov.uk/>)
- Planning policy for traveller sites (PPTS), August 2015
(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf)
- East Herts Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment, ORS, March 2014
(http://www.eastherts.gov.uk/media/pdf/5/i/FINAL_East_Herts_GTA_Report_-_23_06_14.pdf)
- East Herts Gypsies and Travellers And Travelling Showpeople

Accommodation Needs Assessment, April 2014 – Report to District
Planning Executive Panel – 17 July 2014
([http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=151
&MId=2570&Ver=4](http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=151&MId=2570&Ver=4))

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	None
Legal:	None
Financial:	None
Human Resource:	None
Risk Management:	To seek to progress the District Plan to Examination without an up to date, robust, Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment evidence base in place would represent a significant risk that the District Plan would be found unsound.
Health and wellbeing – issues and impacts:	The Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment Update will ensure that the accommodation needs of Gypsies and Travellers and Travelling Showpeople can be met in the district, which will mean that these communities have suitable permanent accommodation and not have to potentially resort to residing at unauthorised roadside encampments, which could be prejudicial to health and wellbeing.

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East Herts Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment



Update Summary
April 2016

1. Update Summary

Introduction and Methodology

- ^{1.1} The primary objective of the East Herts Gypsy and Traveller Accommodation Assessment (GTAA) Update is to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in East Herts. The primary reason for completing the Update was the publication of a revised version of Planning Policy for Traveller Sites (PPTS) in August 2015. This included a change to the definition of Travellers for planning purposes.
- ^{1.2} The GTAA Update provides a robust and credible evidence base which can be used to aid the implementation of Development Plan policies and the provision of new Gypsy and Traveller pitches and Travelling Showpeople plots for the period 2014-2033. The outcomes of this Update supersede the outcomes of the East Herts Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment that was published in April 2014.
- ^{1.3} The revised version of Planning Policy for Travellers Sites (PPTS) that was issued in August 2015 now requires a GTAA to determine whether households living on sites, yards, encampments and in bricks and mortar fall within the new definition of a Gypsy, Traveller or Travelling Showperson. Only if households fall within the new definition will their housing needs need to be assessed separately from the wider population in the GTAA, as required by the Housing Act (2004). The new definition now excludes those who have ceased to travel permanently. A Briefing Note has been prepared by ORS that sets out the implications of the revised PPTS on GTAA studies and a copy of this can be found in **Appendix A**.
- ^{1.4} The GTAA Update sought to understand the revised accommodation needs of the Gypsy, Traveller and Travelling Showpeople population in East Herts through a new round of engagement with members of the Travelling Community. Fieldwork was undertaken between November 2015 and April 2016 and a total of 14 new interviews were completed with Gypsy and Traveller households living on 4 sites (including 4 at Esbies), with 32 new interviews completed with Travelling Showpeople households living on one yard. No interviews were possible on 1 Gypsy and Traveller site as the residents refused to be interviewed, and it was not possible to interview 1 household on one of the other sites. No households were identified as living in bricks and mortar to be interviewed.
- ^{1.5} Whilst it was not possible to interview households on 1 site and 1 household on another site, it was possible to determine that they were occupied by the same residents as the previous study. It was therefore possible to use information gathered during successful interviews with these households that were completed for the previous GTAA to determine travelling characteristics.
- ^{1.6} A final visit was made to the Esbies site at Sawbridgeworth in April 2016 following reports that additional pitches were now occupied. This visit confirmed that whilst additional pitches were occupied, these were not occupied by Gypsies or Travellers.

New Definition of Gypsies and Travellers

- 1.7 Information that was sought during the interviews, or from the interviews that were completed in 2014, allowed each household to be assessed against the new definition of a Traveller. This included information on whether households have ever travelled; why they have stopped travelling; the reasons that they travel; and whether they plan to travel again in the future. The table below sets out the travelling status of households that were interviewed in East Herts. This shows that 8 Gypsy and Traveller households on 2 of the private sites and 16 Travelling Showpeople households on the single private yard meet the new definition of a Traveller. The remaining households cannot demonstrate that they travel away from their usual place of residence for the purpose of work, or have ceased to travel *temporarily* due to children in education, ill health or old age.

Figure 1 - Travelling Status of Households Interviewed in East Herts

Site	Meets New Definition	Does Not Meet New Definition	Unknown
Elmfield Stables	0	1	0
Esbies	4	0	0
Field Farm	0	3	0
The Stables	4	3	0
Nine Acres	0	3	0
Rye House Caravan Park (Showpeople)	16	16	0
Total	24	26	0

Key Demographic Findings

- 1.8 Ethnicity data that was captured from the 8 Gypsy and Traveller households that meet the new definition of a Traveller indicated that the majority were Irish Travellers. The households comprised 33 residents – 16 adults and 17 children and teenagers aged under 18. This equates to 52% adults and 48% children and teenagers. Although not a direct comparison, data from the 2011 Census for East Herts as a whole (the settled community and the Gypsy or Irish Traveller community) has been compared to the demographics recorded in the household interviews. This shows a significantly lower proportion of those aged under 18 in the East Herts population as a whole.

Revised Pitch Needs – Gypsies and Travellers

- 1.9 As households who meet the new definition of Travelling were found on 2 of the private sites¹ a separate assessment of need has been completed for each site. These will be called Site A and Site B
- 1.10 Based upon the evidence collected during the household interviews and following an assessment against the new definition of a Traveller, the additional pitch provision needed in East Herts to 2033 for the 4 Gypsy and Traveller households on Site A who meet the new definition of a Traveller **is for 3 additional pitches**. This is made up solely from new household formation based on 5 children aged between 6 and 15 that would be expected to form households of their own in the next 15 years – assuming approximately 50% of these households will form and move away from East Herts. Given the small number of households that fall within the new definition it is not felt appropriate to apply

¹ This is an increase from the number in the previous Draft Report as further fieldwork identified households that meet the new definition on another site in East Herts where it was previously thought there were no Gypsy or Traveller households.

a % new household formation rate to the households that fall within the new definition. The likelihood is that all of the need could be met through expansion/intensification at Site A or strategic allocations/broad locations, and it is also possible that there may be some supply freed up due to dissolution of pitches that could help meet the longer-term need that has been identified.

- ^{1.11} Based upon the evidence collected during the household interviews and following an assessment against the new definition of a Traveller, the additional pitch provision needed in East Herts to 2033 for the 4 Gypsy and Traveller households on Site B who meet the new definition of a Traveller **is for 2 additional pitches**. This is made up solely from new household formation based on 4 children aged between 9 and 12 that would be expected to form households of their own in the next 15 years – assuming 50% of these households will form and move away from East Herts. Given the small number of households that fall within the new definition it is not felt appropriate to apply a % new household formation rate to the households that fall within the new definition. The likelihood is that all of the need could be met through expansion/intensification at Site B or through strategic allocations/broad locations.

Figure 2 – Addition Gypsy and Traveller Provision Needed in East Herts to 2033

Reason for Requirement/Vacancy	Gross Requirement	Supply	Net Requirement
Supply of Pitches			
Additional supply from empty pitches	-	0	-
Movement to bricks and mortar	-	0	-
Additional supply unimplemented pitches	-	0	-
Total Supply	-	0	-
Current Need			
Unauthorised developments or encampments	0	-	-
Concealed households	0	-	-
Net movement from bricks and mortar	0	-	-
Total Current Need	0	-	-
Future Need			
Sites with temporary planning permission	0	-	-
Net migration	0	-	-
New household formation	5	-	-
Total Future Needs	5	-	-
Total	5	0	5

- ^{1.12} Of this need 2 additional pitches will be needed between years 2016-2022, and 3 between years 2022-2027.

Figure 3 - Extra pitch need in East Herts

	2016-2022	2022-2027	2027-2033	Total
East Herts	2	3	0	5

- ^{1.13} Whilst households who do not travel fall outside the new definition of a Traveller, Romany households and Irish and Scottish Travellers continue to have a cultural need and right to a caravan site under the Equalities Act 2010. Provisions set out in the new Housing and Planning Bill are seeking to include a requirement to assess the needs of people living on sites on which caravans can

be stationed, or on places on inland waterways where houseboats can be moored, under S8 of the 1985 Housing Act that covers the requirement for a periodical review of housing needs. The implication is therefore that the housing needs of the Gypsy and Traveller households who do not meet the new definition of a Traveller will need to be assessed as part of the wider housing needs of an area. On this basis, it is evident that whilst the needs of the 26 households² who do not meet the new definition will represent only very small proportion of the overall housing need, the Council will still need to ensure that arrangements are in place to properly address these needs. Of these households 6 have been identified as Romany Gypsies or Irish Travellers who may be covered by equalities legislation.

^{1.14} There are a number of additional points to consider when seeking to address the needs of those Gypsy and Traveller households who do not meet the new definition.

^{1.15} An April 2015 High Court Judgement, *‘Wenman v SSCLG and Waverley Borough Council’*, has clarified the relationship between Gypsy and Traveller and Travelling Showpeople Needs Assessments and OAN. At paragraphs 42 and 43, the Judgement notes:

“42. However, under the PPTS, there is specific provision for local planning authorities to assess the need for gypsy pitches, and to provide sites to meet that need, which includes the requirement to “identify, and update annually, a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their local set targets” (paragraph 9(a)). These provisions have a direct parallel in paragraph 47 NPPF which requires local planning authorities to use their evidence base to ensure that the policies in their Local Plan meet the full objectively assessed needs for housing in their area, and requires, inter alia, that they “identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing”.

“43. The rationale behind the specific requirement for a five year supply figure under paragraph 9 PPTS must have been to ensure that attention was given to meeting the special needs of travellers. Housing provision for this sub-group was not just to be subsumed within the general housing supply figures for the area. Therefore it seems to me most unlikely that the housing needs and supply figures for travellers assessed under the PPTS are to be included in the housing needs and supply figures under paragraph 47 NPPF, as this would amount to double counting.”

^{1.16} Along with retaining the requirement for local authorities to assess their own needs for Gypsies and travellers, PPTS, August 2015, paragraph 10(a) retains the requirement to: “identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years’ worth of sites against their locally set targets”. ORS agreed that the position proposed by the judgement is correct in that Gypsy and Traveller and Travelling Showpeople households will form part of the household projections, concealed households and market signals which would underwrite an OAN calculation. The needs of these households need to be counted as part of an overall OAN; therefore any needs identified as part of the GTAA would be a component of, and not additional to, an OAN figure that would be identified in a SHMA. This includes both Gypsies and Travellers who meet the new planning definition and also those who no longer travel. This also means that any land supply for

² This is an increase from the previous Draft Report as the figure now includes all households who do not meet the new definition and not just those who identified as Romany Gypsy or Irish Traveller.

pitches and plots should be counted towards the general 5-year land supply as the needs the Council will need to address would be included within an overall housing OAN.

Transit Sites / Temporary Stopping Places

- 1.17 There is the possibility that changes to PPTS could result in increased levels of travelling but it is not recommended that there is a need for the Council to consider any transit provision at this time as there is an operational public transit site in Hertsmere which can be used for enforcement actions for Travellers in any district or borough in Hertfordshire. Whilst the site does have problems with households occupying it on an almost continuous basis, if this issue can be resolved it would provide a transit site for use by households visiting East Herts.
- 1.18 The situation relating to levels of unauthorised encampments by households that meet the new definition of a Traveller, and occupation levels of any unauthorised roadside encampments, should however be continually monitored whilst the changes associated with the new PPTS develop.

Travelling Showpeople Needs

- 1.19 The outcomes of the Update identified that the half of households living on the single Travelling Showpeople yard, at Rye House Caravan Park, in East Herts do meet the new definition of Travellers as they travel all year round for work purposes. There were also levels of over-crowding identified on the yard at Rye House Caravan Park that need to be addressed.
- 1.20 Within the 16 Travelling Showperson households that meet the new definition there are a total of 7 family members (older children or young adults) who will need a plot of their own in the next 5 years and all have indicated that they would like to stay with their families. For medium to longer-term need a household formation rate of 1.00% has been applied to the 13 households with children, or with younger adults. This formation rate has been calculated using the demographics of the population of those living on the yard who meet the new definition of a Traveller, and comparing to work undertaken by ORS when producing a recent evidence base³ to support rates of new household formation for the Travelling Community in England. This results in a further 2 households to form by 2033.

Figure 4– Addition Travelling Showperson Provision Needed in East Herts to 2033

Reason for Requirement/Vacancy	Gross Requirement	Supply	Net Requirement
Supply of Plots			
Additional supply from empty plots	-	0	-
Movement to bricks and mortar	-	0	-
Additional supply unimplemented plots	-	0	-
Total Supply	-	0	-
Current Need			
Unauthorised developments or encampments	0	-	-
Concealed households	0	-	-
Net movement from bricks and mortar	0	-	-
Total Current Need	0	-	-

³ ORS Technical Note on Gypsy and Traveller Household Formation and Growth Rates (2015)

Future Need			
Yards with temporary planning permission	0	-	-
Net migration	0	-	-
New household formation	9	-	-
Total Future Needs	9	-	-
Total	9	0	9

- ^{1.21} Of this need 7 additional plots will be needed between years 2016-2022, 1 between years 2022-2027 and 1 between years 2027-33.

Figure 5 - Extra plot need in East Herts

	2016-2022	2022-2027	2027-2033	Total
East Herts	7	1	1	9

Conclusions and Recommendations

Need for Gypsies and Travellers

- ^{1.22} Based upon the evidence collected during the household interviews and following an assessment against the new definition of a Traveller, the additional pitch provision needed in East Herts to 2033 for the 8 Gypsy and Traveller households on 2 private sites who meet the new definition of a Traveller **is for 5 additional pitches**. The likelihood is that all of the need could be met through expansion/intensification of the sites or through strategic allocations/broad locations. It is also possible that there may be some supply freed up due to dissolution of pitches that could help meet the longer-term need that has been identified.

Need for Transit Provision

- ^{1.23} There is the possibility that changes to PPTS could result in increased levels of travelling but it is not recommended that there is a need for the Council to consider any transit provision at this time as there is an operational public transit site in Hertsmere which can be used for enforcement actions for Travellers in any district or borough in Hertfordshire.

Need for Travelling Showpeople

- ^{1.24} Based upon the evidence collected during the household interviews and following an assessment against the new definition of a Traveller, the additional pitch provision needed in East Herts to 2033 for the 16 Travelling Showpeople living at Rye House Caravan Park who meet the new definition of a Traveller **is for 9 additional plots**. The likelihood is that none of this need can be met on the existing yard as there are already accepted levels of over-crowding that need to be addressed.

Appendix A – PPTS 2015 Briefing Note

Gypsy and Traveller Accommodation Assessments

ORS Briefing on the Implications of Changes to Planning Policy for Traveller Sites

September 2015

Please note that these are the current views of ORS on the implications of the changes to PPTS and clarification has not yet been sought from DCLG on our interpretation of the potential changes to the definition of Gypsies, Travellers and Travelling Showpeople in relation to undertaking GTAA's.

Background

The recent changes to PPTS that were published on 31st August will now require a GTAA to determine whether households living on sites, encampments and in bricks and mortar fall within the new definition of a Gypsy, Traveller or Travelling Showperson. Only if they fall within the new definition will their housing needs need to be assessed separately from the wider population, as required by the Housing Act (2004).

There are a number of issues that will need to be considered when seeking to apply the new definition and this short briefing covers the views of ORS on these in relation to completing a GTAA.

Conflicting Definitions of a Traveller

It is our understanding there are now 3 definitions for a Gypsy, Traveller or Travelling Showperson. The PPTS (2015) definition, the Housing Act (2004) definition, and the Equality Act (2010) definition (which only applies only to Romany and Irish Travellers as an ethnic group).

1. In their response to the consultation on Planning and Travellers DCLG stated that *the Government will, when parliamentary time allows, seek to amend primary legislation to clarify the duties of local authorities to plan for the housing needs of their residents*. This should bring the Housing Act definition in line with the PPTS definition.

The key issue is that there will be Romany and Irish Travellers who no longer travel so will not fall under the Planning or Housing definition, but Council's may still need to meet their needs through the provision of *culturally suitable* housing under the requirements of the Equality Act.

We believe that this will now create a new category of Gypsy, Traveller or Travelling Showperson - a *Non-Travelling Romany or Irish Traveller* - that Council's will need to consider in terms of housing provision. The needs of households that fall within this category *will not necessarily* be assessed in a GTAA and will need to be assessed separately under the NPPF.

The 'Planning Definition' in PPTS:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) *Whether they previously led a nomadic habit of life*
- b) *The reasons for ceasing their nomadic habit of life*
- c) *Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.*

The 'Housing Definition' in the Housing Act 2004

Section 225: Every local housing authority must, when undertaking a review of housing needs in their district under section 8 of the Housing Act 1985 (c. 68), carry out an assessment of the accommodation needs of gypsies and travellers residing in or resorting to their district...gypsies and travellers has the meaning given by regulations made by the appropriate national authority.

The definition of Gypsies and Travellers as referred to at Section 225 of the Act is that set out for the purposes of planning by the Secretary of State for Communities and Local Government.

Therefore the definition of 'gypsies and travellers' for this purpose is specified in 'The Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006' (Statutory Instrument: 2006 No. 3190).

The following definition of "gypsies and travellers" should now be used:

- (a) persons with a cultural tradition of nomadism or living in a caravan; and*
- (b) all other persons of a nomadic habit of life, whatever their race or origin, including:*
 - (i) such persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently; and*
 - (ii) members of an organised group of travelling showpeople or circus people (whether or not travelling together as such).*

The 'Equality Act' 2010 Definition

The courts have determined that Romany Gypsies and Irish Travellers are protected against race discrimination because they are included under the Protected Characteristics as an ethnic group. Culturally suitable housing should be provided for this group.

Definition of Travelling

One of the most questions that GTAA's will need to address in terms of applying the new definition is *what constitutes travelling?* This has been determined through case law that has tested the meaning of the term 'nomadic'.

R v South Hams District Council (1994) – defined Gypsies as "persons who wander or travel for the purpose of making or seeking their livelihood (not persons who travel from place to place without any connection between their movements and their means of livelihood.)" This includes 'born' Gypsies and Travellers as well as 'elective' Travellers such as New Age Travellers.

In *Maidstone BC v Secretary of State for the Environment and Dunn (2006)*, it was held that a Romany Gypsy who bred horses and travelled to horse fairs at Appleby, Stow-in-the-Wold and the

New Forest, where he bought and sold horses, and who remained away from his permanent site for up to two months of the year, at least partly in connection with this traditional Gypsy activity, was entitled to be accorded Gypsy status.

In *Greenwich LBC v Powell* (1989), Lord Bridge of Harwich stated that a person could be a statutory Gypsy if he led a nomadic way of life *only seasonally*.

The definition was widened further by the decision in *R v Shropshire CC ex p Bungay* (1990). The case concerned a Gypsy family that had not travelled for some 15 years in order to care for its elderly and infirm parents. An aggrieved resident living in the area of the family's recently approved Gypsy site sought judicial review of the local authority's decision to accept that the family had retained their Gypsy status even though they had not travelled for some considerable time. Dismissing the claim, the judge held that a person could remain a Gypsy even if he or she did not travel, provided that their nomadism was held in abeyance and not abandoned.

That point was revisited in the case of *Hearne v National Assembly for Wales* (1999), where a traditional Gypsy was held not to be a Gypsy for the purposes of planning law as he had stated that he intended to abandon his nomadic habit of life, lived in a permanent dwelling and was taking a course that led to permanent employment.

It is our understanding that the implication of these rulings in terms of applying the new definition is that it will include those who travel but also have a permanent site or place of residence, but that it will not include those who travel for purposes other than work – such as visiting horse fairs and visiting friends or relatives. It will in our view not cover those who commute to work daily from a permanent place of residence.

It will also be the case in our view that a household where some family members travel for nomadic purposes on a regular basis, but where other family members stay at home to look after children in education, or other dependents with health problems etc. the household unit would be defined as travelling under the new definition.

Households will also fall under the new definition if they can demonstrate that they have ceased to travel temporarily as a result of their own or their family's or dependants' educational or health needs or old age. In order to have ceased to travel temporarily these households will need to demonstrate that they have travelled in the past. In addition households may also have to demonstrate that they plan to travel again in the future. These issues are covered later in this briefing.

Changes to Fieldwork Requirements

In determining whether households fall within the new definition it is important that GTAA fieldwork is undertaken in a robust and inclusive manner, with efforts made to speak with households living on *all pitches and plots* in any given local authority area. Attempts to speak with every household is likely to increase the costs of site fieldwork but it is felt that robust and defensible evidence on household travelling characteristics can only be obtained by speaking with a member from each

family directly. If this does not happen the determination of whether a household falls within the new definition is likely to be challenged.

Interviewers will need to follow an approach similar to what is being advocated by Welsh Government in their recent GTAA Guidance which requires interviewers to make a minimum of 3 attempts to complete a successful household interview before seeking information from a third party. The keeping of an Interview Log to record dates and times of unsuccessful visits, and reasons for a refusal to be interviewed is also recommended.

Qualifying Questions and Evidence to Support Travelling Status

A series of *qualifying questions* will need to be asked during the more intensive household interviews to determine whether each household will fall under the new definition. There will be a need to ask questions to determine for example:

- » The ethnicity of households;
- » Whether they travel for nomadic purposes as defined by case law;
- » If they do not travel, whether they have travelled for nomadic purposes in the past;
- » Whether they have ceased to travel permanently or temporarily;
- » The reasons why they have ceased to travel temporarily; and
- » Whether and when they plan to resume travelling for nomadic purposes.

The responses to these questions should enable the new planning/housing and ethnicity definitions of Gypsies, Travellers and Travelling Showpeople to be applied to each household in the first instance.

One of the most difficult issues to address will be to evidence households that claim to have *ceased travelling temporarily* as a result of their own or their family's or dependants' educational or health needs or old age. This will need to include evidence that households have travelled in the past.

Example of evidence to support the new definition and households that claim to have ceased to travel temporarily could include:

- » Details of previous travelling by the applicant or by family members for the purpose of work could include originals or copies of family photographs.
- » Evidence to support household members ceasing to travel temporarily could include letters or reports from GPs or consultants; and Letters from head teachers and/or Traveller Education Officers.
- » Evidence to support not being able to travel due to a lack of sites or transit provision could include details of attempts to find alternative sites, including, for example, letters to local estate agents and evidence of enquiries to local authorities.
- » Evidence to support a nomadic way of life for work purposes could include records of work undertaken such as quotes and invoices; receipts for stays on transit sites; and details of enforcement of unauthorised encampments; and details of schools attended and GP registrations whilst away travelling.

The practical implications of this in relation to the fieldwork element of a GTAA will be whether this evidence actually needs to be produced or whether households will simply need to be asked if they would be able to provide evidence if requested at a later date.

Applying the Definition

When the household survey is complete the outcomes from the qualifying questions will need to be used to determine the status of each household on each site. Decisions will need to be made whether it will be for a local authority, a third party undertaking the GTAA, or a combination of both, to make the final determination of whether households fall within the new definition.

It is highly likely that this will result in sites with a mixture of household statuses – even on smaller private family sites. We think that households will fall under one of 4 classifications that will determine whether their housing needs will need to be assessed in the GTAA.

- » Households that travel under the new definition – Yes
- » Households that have ceased to travel temporarily under the new definition - Yes
- » Households that do not travel under the new definition - No
- » Romany or Irish Travellers who do not travel under the new definition - No

In practical terms, a current GTAA may have a need for 100 pitches from new household formation over its local plan period. If 50% of these households do not meet the new definition of being a Traveller then it could be argued that the need from new household formation should fall from 100 to 50. However, this assumes that the children of current non-Travelling households will also not travel themselves in the future and will not have their needs from new household formation met. This is going to be very difficult to evidence in practice.

This also raises the question of who is responsible for assessing the needs of the 50 households who have been removed from the assessment of need in the GTAA. The Equalities Act requires that *Romany and Irish Travellers* are provided with *culturally sensitive* accommodation. It may therefore be that the GTAA will exclude 50 households on the grounds that they no longer meet the planning/housing definition of being Travellers, but the requirements of the Equalities Act mean that these households' ethnic status will still lead to the need to provide caravan pitches. These may be on park home sites rather than Gypsy and Traveller sites.

In practice it may be that the new definition has a very large impact on a small number of planning applications where households who no longer travel will not be deemed Travellers. However, for the existing population and sites it is unlikely the effect will be as dramatic as being envisaged. Given that the majority of Councils do not have 5 year land supplies for either housing or Gypsy and Traveller sites, it may simply be that planning applications are moved from being for Gypsy and Traveller sites to being for park home sites – using case law established by *Wenman v Secretary of State* Judgement and subsequent changes made to Paragraphs 49 and 159 in the NPPF in July 2015.

Paragraph 49

From today, those persons who fall within the definition of 'traveller' under the Planning Policy for Traveller Sites, cannot rely on the lack of a five year supply of deliverable housing sites under the National Planning Policy Framework to show that relevant policies for the supply of housing are not

up to date. Such persons should have the lack of a five year supply of deliverable traveller sites considered in accordance with Planning Policy for Traveller Sites.

Paragraph 159

Planning Policy for Traveller Sites sets out how ‘travellers’ (as defined in Annex A of that document) accommodation needs should also be assessed. Those who do not fall under that definition should have their accommodation needs addressed under the provisions of the National Planning Policy Framework.

Conclusions

As a result of the changes to PPTS ORS have identified that there are a number of key points that local authorities need to be aware of in relation to their GTAA:

- » It is unclear at the present time whether the changes will be applied retrospectively to GTAAs that have already been published and have been through a Local Plan Examination – however they will need to be taken into consideration when dealing with new planning applications and appeals. This will impact on the identification of a 5 year supply of deliverable Traveller sites as the level of need will be unknown without applying the definition to all households.
- » In the majority of cases it may be necessary to undertake new site fieldwork to gather up-to-date and robust information from each household on their travelling characteristics in order for the new definition to be properly applied for the purpose of assessing household need.
- » The definition of a *Traveller* and what constitutes *Travelling* appear to be clearly set out in case law. What local authorities will need to consider how to robustly apply the outcomes of the qualifying questions when determining whether a household has ceased to travel temporarily?
- » It is difficult at this stage to consider the future needs (new household formation) of the children of current non-travelling households as it will be very hard to evidence whether or not they will travel themselves in the future.
- » In short this will not reduce the number of households seeking to live on sites in caravans. Local authorities will still need to consider how to address the housing needs of Romany and Irish Travellers who do not travel but fall under the requirements of the Equality Act. For the remainder of those households who do not fall under the new definition local authorities will still need to consider how they should have their accommodation needs addressed under the provisions of the National Planning Policy Framework. These will most likely need to be met on park home sites as opposed to Traveller sites.
- » It is also important to note that the definition will need to be applied in a consistent manner to households living in caravans on sites and encampments, and for those living in bricks and mortar, as there is nothing in the definition that states that a household needs to live in a caravan or other mobile structure.
- » There are also likely to be practical implications in the reporting of GTAAs as the assessment will now need to be on a pitch-by-pitch basis, and may involve the

publication of sensitive and personal information that may lead to issues with data protection requirements.

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 24 MAY 2016

REPORT BY THE LEADER OF THE COUNCIL

THE GILSTON AREA AND THE GOVERNMENT'S 'LOCALLY LED GARDEN VILLAGES, TOWNS AND CITIES' PROSPECTUS

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report presents information relating to the Government's recently published prospectus on garden villages, town and cities and seeks support for the preparation and submission of an expression of interest in relation to the Gilston Area.

<u>RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE PANEL:</u> That Council, via the Executive, be advised that:	
(A)	the content of the Government's prospectus on 'Locally Led Garden Villages, Towns and Cities be noted; and
(B)	the preparation and submission of an expression of interest for Government support in relation to the Gilston Area, either as a garden village or a garden town, be supported.

1.0 Background

- 1.1 In March 2016, the Government published a prospectus entitled 'Locally Led Garden Villages, Town and Cities'. The document represents the Government's latest initiative to significantly increase the level of house building across the country. It invites local planning authorities to submit bids for technical and financial support in order to help facilitate the delivery of strategic sized developments within their administrative areas.

2.0 Report

- 2.1 The prospectus, which can be found in **Essential Reference**

Paper B, invites expressions of interest for two different scales of development:

- Garden Towns and Cities (over 10,000 homes); and
- Garden Villages (between 1,500 and 10,000 homes)

2.2 The Government has been supporting the delivery of garden towns and cities of over 10,000 dwellings for some time, perhaps most notably at Ebbsfleet in Kent. At present, the support package for garden towns and cities is a rolling programme and, as such, there is no deadline for the submission of expressions of interest. However, the prospectus also extends Government support to new garden villages of between 1,500 and 10,000 dwellings. These developments are expected to be new discrete settlements and not an extension of an existing town or village. Expressions of interest for garden villages must be submitted by 31 July 2016.

2.4 The prospectus identifies that, following the submission of an expression of interest, successful schemes will be eligible for a tailored package of Government support which may include the following:

- Direct funding for technical evidence and skilled staff
- Support from the Homes and Communities Agency, including through the Advisory Team for Large Applications (ATLAS)
- Brokerage to overcome barriers to delivery
- Access to government housing funding schemes and other sources of government funding
- Greater planning freedoms to resist speculative residential planning applications, and continued protection of the Green Belt.
- Provision of a delivery vehicle in order to implement the development

2.5 As Members will be aware, the Gilston Area was identified within the Preferred Options version of the District Plan in 2014 as a 'Broad Location for Growth' for the delivery of 5,000 to 10,000 new homes along with supporting infrastructure such as schools, roads and healthcare facilities.

2.6 Since undertaking the Preferred Options consultation, the Council has continued to gather a significant amount of technical evidence. In particular, a number of key studies were presented to Panel on the 22 October 2015. These included the Strategic Housing Market

Assessment (SHMA) and the Delivery Study which, in part, assessed whether development in the Gilston Area is financially viable and deliverable within the plan period.

- 2.7 The SHMA confirmed that the District's objectively assessed housing need is for nearly 15,000 new homes during the period to 2031. Meanwhile, the Delivery Study concluded that development within the Gilston Area is financially viable, and that a scheme of 10,000 dwellings has the potential to become 'developable' subject to the successful resolution of certain key issues.
- 2.8 Given the evidence that is now in place, Officers consider that the Gilston Area should be identified as a location for 10,000 new homes, to be delivered in this plan period and beyond, within the forthcoming 'Publication' stage of the District Plan. The prospectus on garden villages, towns and cities provides an opportunity for the Council to secure support from the Government in order to help facilitate the delivery of new development in this location. It is therefore proposed that an expression of interest be submitted to the Government in the near future.
- 2.9 There are two options open to the Council in this regard. The first is to apply for support for a garden village development. In isolation, the Gilston Area can be regarded as a new development, distinct from nearby Harlow and therefore eligible for garden village status.
- 2.10 The second option is to work in partnership with both Harlow and Epping Forest District Councils in order to submit an expression of interest for a garden town. Being a development of 10,000 homes, the Gilston Area in itself would not qualify for garden town status. However, given that the development would be in close proximity to Harlow, and the fact that further development around the town maybe proposed by our neighbouring authorities, a joint garden town bid covering the wider Harlow area may be appropriate.
- 2.11 Whichever option is pursued, development at Gilston will provide a range of new homes, schools, facilities and services for the benefit of East Herts residents, as well as supporting the regeneration of Harlow.
- 2.12 Given that Government support for garden villages and towns is tailored to site specific circumstances, it is not yet known what level of support would be received. However, a successful bid would likely provide funding and expertise which would help progress development of the Gilston Area from the plan making stage

towards implementation. In addition, it is also likely that the submission of an expression of interest would raise the profile of development in this location and could encourage the Government to provide solutions to existing known barriers to development in the wider sub-region, most notably the provision of a new Junction 7a on the M11.

- 2.13 Should Members be supportive of submitting an expression of interest, further discussions will be required, both as a Council and with our neighbouring authorities, in order to decide whether a bid for garden village or garden town support would be the most appropriate course of action.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	None
Legal:	None
Financial:	None
Human Resource:	None
Risk Management:	None
Health and wellbeing – issues and impacts:	A key aspect of garden village/garden town principles is that development should be designed in a way that enhances health and wellbeing.

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Department for
Communities and
Local Government

Locally-Led Garden Villages, Towns and Cities



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Foreword

We were elected on a promise to get Britain building and help more people achieve their dream of home ownership. We are delivering. Housing starts and completions are at their highest level since 2008, and reforms to the planning system are helping speed up development across the country. Schemes like Help to Buy and Shared Ownership have helped over 270,000 families realise their dreams and become homeowners.

We have set out the most ambitious housing programme for more than a generation, doubling the housing budget so we can meet our ambition of delivering a million new homes over this Parliament.

As part of this, and to ensure that strong communities are at the heart of new development, we made a commitment in our manifesto to support locally-led garden cities and towns in places where communities want them.

We are supporting a new wave of garden cities, towns and communities in Bicester, Basingstoke, Didcot, Ebbsfleet, North Essex and North Northamptonshire. Together, these have the potential to deliver over 100,000 homes with strong communities at their heart.

Each place is unique, but they all offer big opportunities for transformational long-term housing growth. This will ensure that the real and important benefits that people rightly expect are secured from the outset - quality design with cutting-edge technology, local employment opportunities, accessible green space near homes, high quality public realm. Great places for great communities.

These garden towns and cities are crucial towards meeting our long-term housing needs but we want to go further. This prospectus extends our offer of support which, until now, has been focused on new garden communities of at least 10,000 homes, to help those areas which also want to create new garden villages, towns and cities.

This country is building again, and we are committed to delivering a lasting legacy of new, beautiful places, with the homes that people rightly want, and expect. We encourage local areas and local communities who want to make new garden villages, towns, or cities, a key part of their offer on housing growth to read and respond to this prospectus.

The Rt Hon Greg Clark MP
Secretary of State for Communities
and Local Government

Brandon Lewis MP
Minister for Housing and Planning

Introduction

1. This government is taking action on a range of fronts to ensure the homes this country so badly needs, get built: speeding up the planning system; ensuring land for housing is available and gets built out; ensuring that we maximise the use of brownfield land; providing new opportunities for custom and self-builders; backing SME builders; providing more opportunities for home ownership through Help to Buy and our Starter Homes programme.
2. We are making good progress. We have delivered a net supply of over 170,000 homes up to December 2015 – a 25% increase compared to the year before. Housing starts have also risen 23% up to the same period. But we know if we are to achieve our target of one million new homes by 2020, we need to support and enable house building at all scales.
3. Large new settlements have a key role to play, not only in meeting this country's housing needs in the short-term, but also in providing a stable pipeline of housing well into the future.
4. We want to encourage more local areas to come forward with ambitious locally-led proposals for new communities that work as self-sustaining places, not dormitory suburbs. They should have high quality and good design hard-wired in from the outset – a new generation of garden villages, towns and cities.
5. We know that there is interest at the local level in how developing new garden villages, towns and cities can be a suitable way of meeting local housing need, rather than building on to existing settlements. We are taking important steps to support local areas who want to move in that direction.
6. We are proposing to strengthen national planning policy to provide a more supportive approach for new settlements. We are committing to legislate to update the New Towns Act 1981 to ensure we have a statutory vehicle well-equipped to support the delivery of new garden cities, towns and villages for the 21st century
7. This prospectus extends our existing offer to support local areas who want to create garden communities on a smaller scale. It offers tailored support to local areas which want to deliver a new garden village, town or city. It is divided into two parts covering expressions of interest for different scales of development.
8. The first part of the prospectus invites expressions of interest by 31 July 2016 for new 'garden villages' of between 1,500 to 10,000 homes. Our intention at this stage is to support up to 12 new garden village proposals.
9. The second part of the prospectus invites expressions of interest on a rolling basis in new garden towns and cities of more than 10,000 homes. Recognising the exceptional nature of development at this scale, we expect to add to the garden towns and communities we are currently supporting at Ebbsfleet, Bicester, Basingstoke, Didcot, and in North Northamptonshire and North Essex.

What do we mean by garden villages, towns and cities?

10. We do not consider that there is a single template for a garden village, town or city. It will be important for the new community to establish a clear and distinct sense of identity. We want to see local areas adopt innovative approaches and solutions to creating great places, rather than following a set of rules.
11. Equally, we are clear that this prospectus is not looking to support places which merely use 'garden' as a convenient label. Rather, we will support local areas that embed key garden city principles to develop communities that stand out from the ordinary. We do not want to impose a set of development principles on local areas, and will support local areas in developing their own vision for their communities. But, we will want to see evidence of attractive, well-designed places with local support.

Garden villages

Eligibility criteria

12. To be considered for government support under this section of the prospectus, proposals for a new garden village must meet the following criteria:

Size

13. For the purposes of this prospectus, we are defining garden villages, to include proposals that are not eligible under our existing offer, which is restricted to new garden towns and cities of over 10,000 homes. Therefore, to be eligible under this section of the prospectus, **proposals must be for a new settlement of 1,500 – 10,000 homes.**

Free-standing settlement

14. The garden village must be a new discrete settlement, and not an extension of an existing town or village. This does not exclude proposals where there are already a few existing homes.

Local authority-led

15. To support wider housing and growth ambitions, expressions of interest must be led by local authorities. We also welcome expressions of interest which include support from private sector developers and/or landowners.

Prioritisation criteria

16. There is no single model for the garden villages that we expect to support. Our intention is to support a range of proposals at different scales and in diverse locations that may, for example, be on land currently allocated for housing or currently outside the Local Plan. The factors we expect to take into account in deciding which expressions of interest to support include those set out in paragraphs 17 to 29.

Local leadership and community support

17. New garden villages should have the backing of the local authorities in which they are situated. We expect expressions of interest to demonstrate a strong local commitment to delivery. They should also set how the local community is being, or will be, engaged at an early stage, and strategies for community involvement to help ensure local support.
18. For those new settlements on the larger scale, it will be desirable for the Local Enterprise Partnership to be supportive of the proposal. This is to ensure that the potential economic benefits have been considered.

Quality and design

19. Good design is essential if we are to create sustainable places where people want to live and be part of the local community. It will be important for expressions of interest to demonstrate how the garden village, will be well-designed, built to a high quality, and attractive. Use of qualitative and quantitative research on local public opinion will be welcomed on issues around design and community.

Public sector and brownfield land

20. We encourage expressions of interest which make effective use of previously developed land (brownfield land) and/or public sector land.

Local demand

21. It is important that new garden villages are built as a response to meeting housing needs locally. We expect expressions of interest to demonstrate how the new settlement is part of a wider strategy to secure the delivery of new homes to meet assessed need.

Viability and deliverability

22. Expressions of interest need to demonstrate how the new settlement, including the necessary infrastructure, will be delivered. Effective land value capture can play an important role in funding infrastructure costs. We would encourage proposals that set out how land costs can be minimised, or land receipts deferred.
23. Whilst expressions of interest should be ambitious in their aims, they must also demonstrate a credible route to delivering quality places without additional public subsidy.

Additional or accelerated delivery

24. We will want to support expressions of interest that offer a strong prospect of quantified early delivery, a significant acceleration of housing delivery, and genuinely additional housing supply. We welcome expressions of interest that demonstrate how build-out of the garden settlement can be achieved at pace, for example by providing a good mix of tenures and multiple outlets.

Starter homes

25. High quality starter homes, to be offered at least a 20% discount for young first-time buyers, have a place within well-designed new communities. Like other major developments, it is our intention for new garden villages to be subject to our new statutory requirement in the Housing and Planning Bill, and provide a proportion of starter homes as part of their section 106 agreements (details of which we will be consulting on).

26. We welcome expressions of interest that show the greatest ambition to ensure that first-time buyers enjoy the benefits of home ownership, and have the opportunity to be an important part of the community.

Support for small and medium enterprise home builders

27. We encourage expressions of interest which provide opportunities to promote a diverse range of house builders, including small and medium sized firms, in the delivery of the garden village.

Innovation

28. We encourage expressions of interest that include innovative forms of delivery such as off-site construction, self-build, custom-build and a direct commissioning approach. We will also consider expressions of interest from local authorities who wish to be innovative in ways which we may not have anticipated.

Infrastructure

29. We would like to ensure that infrastructure needs are clearly assessed and met as part of any proposal.

Government support package

30. We recognise that each new garden village will be unique and each proposal will vary in the support required from government. Local authorities will therefore want to consider what aspects of the package set out in paragraphs 31 to 44 will help enable delivery.

Delivery enabling funding and support

31. To support local authorities in realising their vision for new garden settlements, we can provide a tailored package of support that could include a limited amount of funding. That funding could for example be used to ensure the local authority has the right skilled staff in place or pay for key studies and assessments. This funding is available in 2016-17 and 2017-18, with further funding subject to review.
32. In addition, direct support can also be provided by the Homes and Communities Agency (HCA), including through their Advisory Team for Large Applications (ATLAS). The assistance provided would be bespoke to each local authority, but might typically have a focus on providing expertise around planning for delivery.

Brokerage

33. The garden villages we commit to supporting will be a priority for delivery. We can play a key role across government in helping local authorities overcome barriers to delivery, and broker solutions to unblock any issues that arise.

Access to government housing funding streams

34. There are a number of funding streams which, subject to eligibility, could be open for successful expressions of interest to secure priority access. These include:
35. *Starter Homes Fund*: there is an opportunity to access funding for more starter homes from our £2.3 billion funding for starter homes if the additional starter homes are built out by 2020.
36. *Affordable Housing*: new proposals will also have an opportunity to access funding to deliver shared ownership, rent to buy and supported housing by 2020/21.
37. *Help to Buy: Equity Loan* will be available until March 2021, offering an equity loan of up to 20% of the purchase price, and enabling people to buy a new-build home with a deposit as low as 5%. This would provide the opportunity for people unable to save for a large deposit, but able to make regular mortgage payments, to realise their dreams of owning their own home.
38. We will also work with places we are supporting to help them navigate and seek funding from other sources of government funding, for example, the Home Building Fund, the free schools programme, and other roads and rail capital programmes.

Financial flexibilities

39. We welcome ideas about how additional financial flexibilities could unlock the delivery of garden villages. Where we support expressions of interest with ambitious proposals, we stand ready to explore options to improve viability and cashflow.

Planning freedoms

40. We are interested in working with local authorities which have a good track record of housing delivery who are prepared to commit to delivery of housing over and above their objectively assessed housing need through the creation of new garden villages.
41. In exchange for guaranteed housing delivery, we will work with you to identify and deliver planning freedoms to support housing growth including, for example, ensuring that there is greater ability to resist speculative residential planning applications, and to continue protecting the Green Belt.

Delivery vehicles

42. A dedicated delivery vehicle may, in some circumstances, be beneficial to lead on the planning, development, and building of the new garden village.
43. There are many forms that this could take, from publicly-led arm's length bodies, public-private partnership arrangements such as joint venture companies, or, for particularly complex proposals, a statutory development corporation. We are

committed to legislating to update the New Towns Act 1981 to ensure there is a fit for purpose vehicle for the delivery of new garden villages.

44. We are not prescribing any particular model, but we can support local authorities consider what the most appropriate delivery arrangements will be to ensure that the main partners are able to take key decisions effectively.

Application process

Who can apply?

45. An expression of interest must be submitted by a local authority. We would welcome bids that are supported by private sector developers and/or landowners.

How to apply

46. Expressions of interest must be **submitted by 31 July 2016** through the Homes and Communities Agency at garden.villages@hca.gsi.gov.uk. The HCA, both through their operating area network and ATLAS, is available to provide support in developing expressions of interest.
47. Expressions of interest must be able to demonstrate clearly that they meet the requirements set out in this prospectus. They should provide an indication of the tailored government support they are seeking and key issues that may require brokerage from government.
48. We are not prescribing a particular format for expressions of interest, but we would expect them to articulate a clear vision for the new garden village, with reference to the prioritisation criteria outlined above, and include specifically:
- a map setting out the proposed site boundary
 - a general description of the proposal, including both policy aims and technical aims so far as they can be known (such as housing numbers, likely delivery methods, retail and other commercial space, extent of green space, timescale for delivery etc)
 - evidence which demonstrates that the scheme responds to issues of local affordability, and that there is strong growth potential over the medium to long-term
 - information on the specific advice and technical research that will be undertaken should the bid be successful
 - available evidence on scheme viability, including infrastructure costs and any abnormal costs
 - if available, any analysis/data evidence on the financial, social and economic benefits of the proposals
 - evidence on design and local consultation

- any information on transport infrastructure projects underway or committed around the proposed area

Shortlisting stage

49. The HCA will consider expressions of interest taking account of the criteria set out above.
50. Final decisions on which expressions of interest to support will be made by DCLG ministers in the light of advice from HCA and DCLG officials. All applicants will then be informed of the outcome.

Further information

51. For further information please contact the Homes and Communities Agency at garden.villages@hca.gsi.gov.uk

Garden towns and cities

Criteria for support

52. In considering whether to provide government support to expressions of interest for new garden towns and cities under this section of the prospectus, we will take account of the criteria set out in paragraphs 53 to 67. For the most part, these mirror those set out for garden villages in the previous section, but with some changes to reflect the scale of proposals:

Size

53. The new garden town, or city, must provide **at least 10,000 new homes**. This may be on a new site away from existing settlements, or take the form of transformational development, both in nature or in scale to an existing settlement.

Local authority-led

54. Expressions must be led by local authorities. We also welcome expressions of interest which include support from private sector developers and/or landowners.

Local leadership and community support

55. We expect expressions of interest to demonstrate a strong local commitment to delivery. New garden towns and cities should have the backing of local authorities in which they are situated, including the county council in two-tier areas. To ensure that the potential local economic impacts and benefits have been considered they should also have the explicit support of the Local Enterprise Partnership(s).

56. Expressions of interest should set how the local community is being, or will be, engaged at an early stage, and strategies for community involvement to help win local support.

Quality and design

57. Good design is essential if we are to create sustainable places where people want to live and be part of the local community. It will be important for expressions of interest to demonstrate how the garden town, or city, will be built to a high quality, well designed and attractive. Use of qualitative and quantitative research on local public opinion will be welcomed on issues around design and community.

Public sector and brownfield land

58. We welcome expressions of interest which make effective use of previously developed land (brownfield land) and/or public sector land.

Strategic fit

59. The delivery of a garden town, or city, will be a long-term project which is likely to have implications for how housing need is met locally, inform future decisions around strategic transport and other infrastructure, and impact on the location of future employment growth. We expect expressions of interest to demonstrate how the delivery of the new settlement fits with wider strategies for housing growth to meet assessed need, creating new jobs and the delivery of infrastructure to underpin growth.

Viability and deliverability

60. We recognise that the successful delivery of a new garden town, or city, is a complex project. We do not expect expressions of interest to provide a full set of answers about how the settlement will be delivered, but we will want to see clear thinking and ambitious proposals about how private sector finance can be leveraged in, opportunities to capture land value to fund infrastructure, and future infrastructure needs.
61. We will review with local areas the need for additional investment in infrastructure to support the full delivery of the garden town over time, but we would expect to see credible proposals for significant development without the need for further public subsidy. We welcome proposals that are located with good access to either existing or planned strategic transport infrastructure to provide local and national connectivity.

Additional or accelerated delivery

62. We will want to support expressions of interest that offer a strong prospect of quantified early delivery, a significant acceleration of housing delivery, and genuinely additional housing supply. We welcome expressions of interest that demonstrate how build out of the garden town can be achieved a pace, for example by providing a good mix of tenures and multiple outlets.

Starter homes

63. High quality starter homes, to be offered at least a 20% discount for first time buyers, have a place within well-designed new communities. Like other major developments, it is our intention for new garden towns and cities to be subject to our new statutory requirement in the Housing and Planning Bill, and provide a proportion of starter homes as part of their section 106 agreements (details of which we will be consulting on).
64. We welcome expressions of interest that show the greatest ambition to ensure that first-time buyers enjoy the benefits of home ownership, and have the opportunity to be an important part of the community.

Support for small and medium enterprise home builders

65. We welcome expressions of interest which provide opportunities to encourage a diverse range of house builders, including small and medium sized firms, in the delivery of the garden town.

Innovation

66. We encourage expressions of interest that include innovative forms of delivery such as off-site construction, self-build, custom-build and a direct commissioning approach. We will also consider expressions of interest from local authorities who wish to be innovative in ways which we may not have anticipated.

Infrastructure

67. We would like to ensure that, where possible, infrastructure needs are clearly assessed and met as part of any proposal.

Government support package

68. We recognise that each new garden town and city will be unique, and each proposal will vary in the support required from government. Local authorities will want therefore, to consider which aspects of the package set out in paragraphs 69 to 82 will help enable delivery.

Delivery enabling funding and support

69. To support local authorities in realising their vision for new garden towns, we can provide a tailored package of support that could include a limited amount of funding. That funding could for example be used to ensure the local authority has the right skilled staff in place or pay for key studies and assessments. This funding is available in 2016-17 and 2017-18, with further funding subject to review.
70. In addition, direct support can also be provided by the Homes and Communities Agency, including through their Advisory Team for Large Applications (ATLAS). The assistance provided would be bespoke to each local authority, but might typically have a focus on providing expertise around planning for delivery.

Brokerage

71. We can play a key role across government in helping local authorities overcome barriers to delivery and broker solutions to unblock any issues that arise. The garden towns we commit to supporting will be a priority for delivery and we will escalate issues that stand in the way of securing that, with a view to securing their prompt and effective resolution.

Access to government housing funding streams

72. There are a number of funding streams which, subject to eligibility, could be open for successful expressions of interest to secure priority access. These include:
73. *Starter Homes Fund*: There is an opportunity to access funding for more starter homes from our £2.3 billion funding for starter homes if the additional starter homes are built out by 2020.
74. *Affordable Housing*: New garden towns will also have an opportunity to access funding to deliver shared ownership, rent to buy and supported housing by 2020/21.
75. *Help to Buy: Equity Loan* will be available until March 2021, offering an equity loan of up to 20% of the purchase price, and enabling people to buy a new-build home with a deposit as low as 5%. This would provide the opportunity for people unable to save for a large deposit, but able to make regular mortgage payments, to realise their dreams of owning their own home.
76. We will also work with places we are supporting to help them navigate and seek funding from other sources of government funding, for example, the Home Building Fund, the free schools programme, and other roads and rail capital programmes.

Financial flexibilities

77. We welcome ideas about how additional financial flexibilities could unlock the delivery of garden towns and cities. Where we support expressions of interest with ambitious proposals, we stand ready to explore options to improve viability and cashflow.

Planning freedoms

78. We are interested in working with local authorities which have a good track record of housing delivery who are prepared to commit to delivery of housing over and above their objectively assessed housing need through the creation of new garden settlements.
79. In exchange for guaranteed housing delivery, we will work with you to identify and deliver planning freedoms to support housing growth including, for example, ensuring that there is greater ability to resist speculative residential planning applications, and to continue protecting the Green Belt.

Delivery vehicles

80. Delivering a new garden town of over 10,000 homes will need strategic long-term thinking and robust delivery arrangements. There are many forms that this could take, from publicly-led arm's length bodies, public-private partnership arrangements such as joint venture companies, or statutory development corporations. We are committed to legislating to update the New Towns Act 1981, to ensure there is a fit for purpose vehicle for the delivery of new garden towns available.

81. We consider that a New Town Development Corporation may be a good option for delivery at this scale. It will be able to focus on resolving complex co-ordination challenges, can compulsorily purchase land under the 'no scheme' rules, and will be able to provide long-term planning certainty that is likely to be attractive to private sector investors and landowners.
82. We are not prescribing any particular model. We are happy to help local authorities consider what the most appropriate delivery arrangements will be to ensure that the main partners are able to take the key decisions effectively.

Application process

Who can apply?

83. An expression of interest must be submitted by a local authority.

How to apply

84. Expressions of interest for new garden towns are invited on an ongoing, rolling basis from interested local authorities, rather than being subject to any fixed deadline. We would accept the submission of a formal expression of interest to have been preceded by a period of engagement with DCLG and HCA.
85. Expressions of interest must be able to demonstrate clearly that they meet the requirements set out in this prospectus. They should provide an indication of the tailored government support they are seeking and key issues that may require brokerage from government.
86. We are not prescribing a particular format for expressions of interest, but expect them to articulate a clear vision for the new garden town with reference to the criteria outlined above and include specifically:
- a map setting out the proposed boundary of the garden town or city
 - a general description of the proposal, including both policy aims and technical aims so far as they can be known (such as housing numbers, likely delivery methods, retail and other commercial space, extent of green space, timescale for delivery etc)
 - evidence which demonstrates that the scheme responds to issues of local affordability and the wider strategic needs of the local area, and that there is strong growth potential over the medium to long-term
 - information on the specific advice and technical research that will be undertaken should the bid be successful
 - available evidence on infrastructure costs and any abnormal costs and how it is anticipated these will be met
 - if available, any analysis/data evidence on the financial, social and economic benefits of the proposals

- evidence on design and local support
- any information on transport infrastructure projects underway or committed around the proposed area

87. Expressions of interest should be made by email to DCLG at locallyledgardencities@communities.gsi.gov.uk.

Selecting sites for support

88. Final decisions on which expressions of interest to support will be made by DCLG Ministers in the light of advice from DCLG and HCA officials.

Further information

89. For further information please contact DCLG at locallyledgardencities@communities.gsi.gov.uk.

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 24 MAY 2016

REPORT BY THE LEADER OF THE COUNCIL

LOCAL DEVELOPMENT SCHEME (LDS) MAY 2016

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report presents an updated version of the Council's Local Development Scheme (LDS): the schedule and work programme that sets out the timeline for preparation of the District Plan. It replaces Version 5 of the LDS (December 2013).

<u>RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE PANEL:</u> That Council, via the Executive, be advised that:	
(A)	the Local Development Scheme (LDS) May 2016, attached at Essential Reference Paper 'B', be agreed to take effect from May 2016.

1.0 Background

- 1.1 The Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires Councils to prepare and maintain a Local Development Scheme (LDS).
- 1.2 Local development schemes set out when an authority expects to reach key milestones in the plan-making process. They include information on the preparation of any Local Development Documents (LDD's) that a local planning authority is preparing. LDD's include Development Plan Documents (DPD's), Supplementary Planning Documents (SPD's) and the Council's Statement of Community Involvement (SCI).
- 1.3 At present the Council is proposing a single DPD, namely the East Herts District Plan. The Council does have a suite of Supplementary Planning Documents (SPD's) which it will be

reviewing, as appropriate, in due course. The Council's Statement of Community Involvement (SCI) was adopted in March 2013.

1.4 The Government has made it clear that local planning authorities must produce a local plan by early 2017. If a local plan is not produced the Government has indicated that it will intervene in the plan-making process and arrange for the plan to be written in consultation with local residents. Having an up to date LDS is therefore fundamental to demonstrating the Council's commitment to getting its District Plan in place as soon as possible. It is also important that members of the public and other interested parties know the Council's timetable for producing the District Plan and how and when they can get involved.

1.5 Version 5 of the LDS was presented to Members at the District Planning Executive Panel on 3 December 2013, and was subsequently adopted at Full Council on 29 January 2014. This report presents the latest version of the LDS and reflects the most up-to-date timeline for the remaining stages of District Plan preparation.

2.0 Report

2.1 A copy of the LDS is contained in **Essential Reference Paper 'B'**. As Members will be aware, the Council has already undertaken the following stages in the plan-making process:

- Awareness Raising
- Issues and Options Consultation (September-November 2010)
- Preferred Options Consultation (February-April 2014)

2.2 The timeline for the remaining stages of District Plan preparation is set below, against the regulatory milestones contained within the Town and Country Planning (Local Planning) Regulations 2012. An explanation of the regulatory stages is contained in Appendix A of the LDS.

Stage	Regulation	Timeline
Preparation	-	On-going to September 2016
Publication	19	October 2016
Submission	22	March 2017
Examination Hearing Start	24	June 2017

Receipt of Inspectors Report	25	October 2017
Adoption	26	December 2017

2.3 After the Plan is submitted the timeline will be dependent upon the Planning Inspectorate having the resources to examine the Plan in a timely manner. There is therefore scope for the final half of the timeline (i.e. Examination onwards) to be delayed, given the number of plans that are expected to be submitted to the Planning Inspectorate by March 2017.

2.4 The LDS also sets out an assessment of any potential risks to the timeline. This is set out in a Risk Assessment (Section 4 of the LDS) and includes measures to mitigate these risks as well as an assessment of their potential impact.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	None
Legal:	Local planning authorities are required to publish and keep up to date a local development scheme which sets out the documents that will comprise their local plan.
Financial:	There are no direct financial impacts arising from this report, However, in terms of risk management, significant financial costs could arise as a result of delay to the preparation of the District Plan and/or failure to produce a plan that is found 'sound' at examination.
Human Resource:	None
Risk Management:	The District Plan must be prepared in accordance with the LDS. It is therefore essential that the LDS accurately reflects the timetable for District Plan production. The District Plan could otherwise be found 'unsound' at examination.
Health and wellbeing – issues and impacts:	None

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LDS



Local Development Scheme

May 2016

East Herts District Council

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1. Introduction

- 1.1 The preparation of a Local Development Scheme (LDS) is a statutory requirement that was introduced in the Planning and Compulsory Purchase Act (2004). The LDS identifies all planning documents that the Council wishes to produce and the timeframe for their preparation.
- 1.2 The LDS should include the timeline for preparation of any Local Development Documents (LDD's) the Council is preparing. LDD's include Development Plan Documents (DPD's), Supplementary Planning Document's (SPD's) and the Council's Statement of Community Involvement (SCI). At present the Council is proposing a single DPD, namely the East Herts District Plan.
- 1.3 The Council does have a suite of SPD's which it will be reviewing, as appropriate, in due course. The Council's SCI was adopted in March 2013.
- 1.4 This LDS will supersede the previous version dated December 2013.

2. The East Herts District Plan

- 2.1 The District Plan sets out the framework for guiding development in East Herts. It describes the Council's spatial vision for the District and includes strategic policies to deliver the homes, jobs and infrastructure that is required.
- 2.2 The District Plan also contains development management policies that address the following topic areas:
 - Housing
 - Economy
 - Retail and Town Centres
 - Design and Landscape
 - Transport
 - Community Facilities, Leisure and Recreation
 - Natural Environment
 - Heritage Assets
 - Climate Change
 - Water
 - Environmental Quality

- 2.3 The Policies Map illustrates geographically how and where the policies in the District Plan apply across the district. An updated Policies Map will be presented at the same time the District Plan is published.

3. Timeline

- 3.1 The East Herts District Plan is not a one-off event but instead contains various stages of preparation and consultation. This enables the Council to fine-tune its plans and policies in response to comments from the community and other stakeholders.
- 3.2 The following stages of plan-making have already been undertaken:
- *Awareness Raising – (2008-2009)* The preliminary stage of preparation including initial background work and community and stakeholder engagement.
 - *Issues and Options – (Sept-Nov 2010)* Public consultation setting out the issues facing East Herts and presenting a series of options to deal with those issues within the document.
 - *Preferred Options – (Feb-April 2014) (Regulation 18)* Public consultation on the draft version of the document.
- 3.3 The timeline for the remaining stages of District Plan preparation is set out below, against the regulatory milestones contained within the Town and Country Planning (Local Planning) Regulations 2012. An explanation of the regulatory stages is contained in Appendix A.

Stage	Regulation	Timeline
Preparation	-	On-going to September 2016
Publication	19	October 2016
Submission	22	March 2017
Examination Hearing Start	24	June 2017
Receipt of Inspectors Report	25	October 2017
Adoption	26	December 2017

- 3.4 After the Plan is submitted the timeline will be dependent upon the Planning Inspectorate which examines the plan on behalf of the Secretary of State. There is scope for the final half of the timeline (Examination onwards) to be delayed, given the number of plans that are expected to be submitted to the Planning Inspectorate by March 2017.

Risk Assessment

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The efficient and timely progression of the East Herts District Plan is of paramount importance, therefore a number risks, and any mitigation measures that can be applied to ensure that the preparation of the District Plan runs in accordance with the timetable in this LDS, have been noted below.

	Risk	Likelihood	Impact	Comment	Mitigation Measures
1	Change in National Policy or Legislation	High	Medium	Numerous changes to national planning policy, planning practice guidance and the recent publication of the Housing and Planning Bill have raised a number of issues that still need to be resolved.	The Council carefully monitors new policy and legislation and will prioritise managing any key impacts. The District Plan will reflect the most up-to-date policy position.
2	Council fails to agree District Plan for consultation / submission / adoption	Low	High	Local Plans are highly complex with a number of issues being difficult to resolve without compromise.	Ensuring Member engagement throughout the preparation process so that Members understand and agree to both the preparation process and proposals.
3	Planning Policy team resource diverted from District Plan work.	Low	High	The Council has a team working on the District Plan. However, the team also supports other areas of work and there could be pressure to undertake other activities which are non-critical to success of the District Plan at examination.	Agree priorities and staff resourcing. Priority will lie with the District Plan and other responsibilities can commence after submission date.
4	Failure to agree critical cross boundary strategic planning issues with prescribed Duty to Co-operate bodies.	Medium	High	Ensure early and active engagement with prescribed Duty to Co-Operate bodies.	Follow Planning Advisory Service template DtC Statement including actively seeking input to key technical documents. Discuss with Planning Inspectorate prior to submission if disagreement remains.

	Risk	Likelihood	Impact	Comment	Mitigation Measures
5	Planning Inspectorate takes longer than one year to examine the District Plan	High	Medium	A large number of plans are expected to be submitted by other Local Planning Authorities in early 2017 and it is unclear whether the Inspectorate is adequately resourced to manage this.	Monitor the situation and communicate with the Inspectorate.
6	Key component of evidence-base found unsound at examination. (e.g. OAN etc.)	Low	High	Local Plans are highly complex; the evidence base behind a Local Plan is equally complex and will face scrutiny from a number of different stakeholders at examination.	Ensure the District Plan evidence is based on an objective analysis of the most up-to-date data available.
7	Last-minute adjustments and uncertainty due to late challenges to the evidence base.	Low	High	This could result in the plan being found unsound at examination in public.	The timing of publication has been put back in order to enable frontloading of the evidence work and communication with key stakeholders.
8	Legal Challenge to District Plan mounted	Low	Medium	Financial cost and delays to adoption of the District Plan.	Ensure the District Plan is produced in accordance with regulations, tests of soundness and based on objective analysis of planning issues.
9	Legal Challenge to District Plan Successful	Low	High		

Appendix A – Explanation of the Regulatory Stages

The key stages in production of Local Plans are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 are as follows:

- **Preparation** ([Regulation 18](#)): this is the main consultation opportunity on the draft District Plan, following which further amendments and adjustments may be made to take account of feedback received. It is important to publish key evidence studies and undertake constructive engagement during this stage and prior to this consultation in order to comply with the Duty to Co-operate.
- **Publication** ([Regulation 19](#)): this is the final opportunity for comment on the District Plan prior to submission of the Plan for examination. No further changes may be made to this document after this stage. It is not a full public consultation and will not be accompanied by the full range of publicity and participation opportunities undertaken as part of the Regulation 18 consultation, but the 'general' and 'specific' consultation bodies must be notified of the availability of the documents. The Council must collect all responses and compile a Statement of Representations to submit to the Planning Inspectorate.
- **Submission** ([Regulation 22](#)): this is the dispatch of the required documents to the Planning Inspectorate for Examination. The Government has indicated that it wants all Local Planning Authorities to submit their Local Plans by 'early 2017'.
- **Consideration of representations by the appointed person** ([Regulation 23](#)): before examining the District Plan the Inspector must consider the comments ('representations') made on the plan by interested parties.
- **Examination in Public** ([Regulation 24](#)): a Planning Inspector will consider the documents submitted and issue a report which states whether he or she considers the District Plan to be 'sound'. The inspector can recommend 'main modifications' to the submitted plan.
- **Receipt of the Inspector's Report** ([Regulation 25](#)): if the Inspector recommends that the plan is 'sound', then the Council may proceed to adopt the plan as policy. Exceptionally, if the plan is not found sound, then the Council may withdraw it under Regulation 27.
- **Adoption** ([Regulation 26](#)): following receipt of the Inspector's final report, the Council may adopt the District Plan as a material consideration in the consideration of planning applications under Section 23 of the Planning and Compulsory Purchase Act 2004.

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 24 MAY 2016

REPORT BY LEADER OF THE COUNCIL

EAST HERTS DRAFT DISTRICT PLAN – CHAPTER 15 – RETAIL AND TOWN CENTRES: RESPONSE TO ISSUES RAISED DURING PREFERRED OPTIONS CONSULTATION, FURTHER AMENDMENTS AND DRAFT REVISED CHAPTER

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

The purpose of this report is:

- To bring to Members' attention the issues raised through the Preferred Options consultation in connection with Chapter 15 (Retail and Town Centres) of the Draft District Plan Preferred Options version, together with Officer responses to those issues;
- To explain to Members why further amendments to Chapter 15 are required to ensure that the final draft District Plan reflects the most up-to-date policy position and the latest available evidence;
- To place before Members for consideration a draft revised chapter, for subsequent incorporation into the final draft District Plan.

<u>RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE PANEL:</u> That Council, via the Executive, be advised that:	
(A)	the issues raised in respect of Chapter 15 (Retail and Town Centres) of the Draft District Plan Preferred Options, as detailed at Essential Reference Paper 'B' to this report, be received and considered;
(B)	the Officer response to the issues referred to in (A) above, as detailed in Essential Reference Paper 'B' to this report, be agreed;
(C)	the further amendments in respect of Chapter 15 (Retail and Town Centres) of the Draft District Plan Preferred Options,

	as detailed at Essential Reference Paper 'B' to this report, be received and considered; and
(D)	the draft revised Chapter 15 (Retail and Town Centres), as detailed in Essential Reference Paper 'C' to this report, be agreed as a basis for inclusion in the final draft District Plan, with the content being finalised when the consolidated plan is presented in September 2016.

1.0 Background

- 1.1 The Council published its Draft District Plan Preferred Options for consultation for a period of twelve weeks between 27th February and 22nd May 2014. Several thousand comments were received through the consultation exercise from over a thousand stakeholders including statutory consultees and members of the public.
- 1.2 In order to manage these comments, the Council's agreed approach, as set out in its Statement of Community Involvement (October 2013), is to summarise the issues raised through the consultation and record how these issues have been used to inform the next draft of the District Plan.
- 1.3 This report presents a draft revised chapter on Retail and Town Centres for subsequent incorporation into the final Draft District Plan. **Essential Reference Paper 'B'** contains the Issues Report and **Essential Reference Paper 'C'** the draft revised chapter.

2.0 Report

- 2.1 The Issue Report is split into two parts. The first part summarises the issues raised through the Preferred Options Consultation. The issues are grouped according to the section of the Draft Plan they relate to. The table presents an officer response to each issue and then sets out any subsequent proposed amendments to the text or policies of the draft Plan. These proposed amendments are shown in the form of a 'track change' so that readers can clearly see what amendments are being proposed.
- 2.2 The second part of the Issue Report details any further amendments that are required to ensure that the final draft District Plan reflects the most up-to-date policy position and the latest available evidence.

- 2.3 Members will be aware that a report to the District Planning Executive Panel on 19 March 2015 previously considered issues raised in respect of the draft Retail and Town Centres chapter at the Preferred Options Consultation stage and also the proposed officer response to each issue, along with a proposed revised draft Chapter. However, since that time, various changes in local and wider circumstances have occurred, which have necessitated a review of some of the previously proposed responses to ensure the most up to date and accurate picture going forward.
- 2.4 The greatest change has been amendments to the Town and Country (General Permitted Development) (England) Order 2015, which introduces a far more relaxed approach to changes of use in retail and other commercial premises. The chapter acknowledges the amended regulations and seeks to protect the longer term interests of the district's high streets where possible.
- 2.5 Members are therefore invited to agree the draft revised Chapter 15 (Retail and Town Centres), as detailed in **Essential Reference Paper 'C'** to this report, as a basis for inclusion in the final draft District Plan, with the content being finalised when the consolidated plan is presented in September 2016.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	The Report refers to the Draft District Plan consultation carried out between 27 th February and 22 nd May 2014.
Legal:	None
Financial:	None
Human Resource:	None
Risk Management:	None
Health and wellbeing – issues and impacts:	The Draft District Plan in general will have positive impacts on health and wellbeing through a range of policy approaches that seek to create sustainable communities.

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Part 1: Issues Raised Through the Preferred Options Consultation

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
Introduction				
15.1	15.1	There is support for the importance the plan places on the role of town centres and how it aims to protect their role, particularly in the context of requiring sequential testing for out of town centre retail developments.	Support noted.	No amendment in response to this issue
15.2	15.1.2	Local out-of-town retail and online shopping represent serious long-term threats to the health of our town centres.	The impact of out of town shopping has been acknowledged in the draft Plan and within recent retail studies. The policy approaches taken within this chapter seek to provide a positive approach to new retail and other commercial/leisure developments that contribute to the vitality and viability of designated centres.	No amendment in response to this issue
15.3	15.1.2	People shop in out-of-town centres because people can shop in a comfortable safe environment, our town centres need to adopt this approach by removing traffic and making them more attractive. People who travel to shops on foot, cycle, public transport spend just as much as people in cars. Therefore people who travel sustainably must be viewed to be positively beneficial to the local economy.	The policies within the Plan as a whole seek to encourage the provision of sustainable forms of transport. The town centre first style policy also seeks to ensure the retention of a retail core which is highly accessible. The retail policies also encourage the retention and provision of local centres close to residential areas.	No amendment in response to this issue
Retail development (renumbered 15.3)				
15.4	15.2.1 (now 15.3.1)	The council need to be robust in its application of national 'Town Centre First' planning policies.	This is the approach advocated in the draft policies. However, complications occur when Government policies dilute the effectiveness of this approach. Recent changes to the Permitted Development Rights facilitate a greater variety of changes between uses within town centres (see new section 15.2). It is still the Council's policy that town centre type	No amendment in response to this issue

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
			developments should be located within centres first before considering sequentially preferable locations.	
15.5	Policy RTC1	Part III of the policy should make it clear as to the location where application of the impact assessment thresholds will apply.	The Policy currently does not specify a location where impact assessments will be required as the impact of a proposal will be dependent upon the type, scale and location of the development. The policy could make it clearer that the thresholds apply within the settlement boundary of Bishop's Stortford and Hertford.	Amendment to Policy RTC1, III ...over 1,500 sq,m gross <u>within the settlement boundary of</u> in Bishop's Stortford; Over 1,000 sq.m gross <u>within the settlement boundary of</u> in Hertford;...
15.6	15.2.2 (now 15.3.2)	The Bircherley Green area should be designated as a town centre opportunity site.	This approach is not necessary within Hertford as the Bircherley Green area is already designated as being part of the town centre, within which Policy RTC1 Retail Development applies. This policy provides suitable flexibility and a positive approach to suitable town centre development. The Council, working together with Hertfordshire County Council and Hertford Town Council, has recently completed a Hertford Town Centre Urban Design Strategy which includes this site and which sets parameters for its redevelopment.	No amendment in response to this issue
15.7	15.2 (now 15.3)	Needs to be a reference in the chapter to meeting the retail needs of the proposed urban extensions and on the existing towns as a result of them. Despite being mentioned in various chapters it would be useful if there was a dedicated policy referring to what is expected from the urban extensions in terms of the retail development necessary to serve this growth.	The Retail Study recommends not to allocate more land for retail development within the towns but to focus on improving the existing town centre stock and public realm. Much of the quantified convenience and comparison floorspace requirements could be provided in the planned urban extensions. A new paragraph should be added to refer to potential new neighbourhood centres at strategic developments within section 15.6 (renumbered 15.8).	Amendment to text (new para. 15.8.4) <u>15.8.4 New neighbourhood centres will be provided in strategic developments at Whittington Way, Bishop's Stortford; Birchall Garden Suburb, East of Welwyn Garden City; Gresley Park, East of Stevenage and the Gilston Area.</u>

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
Primary Shopping Area (Renumbered 15.4)				
15.8	15.3.1 (now 15.4.1)	Develop a policy that encourages use of empty premises by communities and 'pop-up' shops while permanent tenants are sought to keep centres vibrant.	There is nothing to prevent this happening through temporary changes permitted through the Permitted Development Rights and this is preferable to having empty units. These uses should still be within the uses specified within Policy RTC1.	No amendment in response to this issue
Secondary Shopping Frontages (Renumbered 15.6)				
15.9	15.5.1 (now 15.6.1)	The reduction in the size of secondary frontages should be considered to allow for peripheral units to revert to alternative uses including residential. This approach is recommended for Bishop's Stortford in particular where the secondary shopping frontage vacancy rate is relatively high, and also in some smaller towns where this has already occurred.	This approach is one that is considered in the latest retail advice, particularly for parts of Bishop's Stortford where peripheral sites have relatively high vacancy rates. This decision needs to be taken in the context of a growing town and other potential developments within the town centre and the wider town.	No amendment in response to this issue If required, changes will be reflected in the Policies Map.
15.10	15.5.1 (now 15.6.1)	There ought to be initiatives to upgrade shabby areas like Maidenhead Street and provide more attractive market areas.	The Council has recently completed a Hertford Town Centre Urban Design Strategy. The Council will use this will act as a catalyst for a similar exercise for other town centres in the district and to guide development within the town. The approach taken within the emerging policies is sufficiently flexible to facilitate such changes as they occur.	No amendment in response to this issue
District Centres, Local Parades and Individual Shops (Renumbered 15.8)				
15.11	15.6.4 (now 15.8.4)	Does not recognise that Stanstead Abbots has some destination shops and services that attract from a wide catchment area.	There are shops within the settlement, however, their type and size are more akin to a local service centre function serving the settlement and the wider hinterland.	No amendment in response to this issue

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
General				
15.12		The promotion and protection of town centres should be included in the overall vision and objectives of the plan.	Parts 5 and 6 of the Vision address this particular issue. Part 6 of the Vision specifically addresses the vitality and viability of the main towns and villages. However, it should make it clear that the vision refers to the vitality and viability of town centres. Parts 5 and 7 of the Strategic Objectives could be expanded upon to refer to retail businesses.	Amendment to text (Vision and Strategic Objectives) 6. The vitality and viability of the main town <u>centres</u> of Bishop's Stortford..... In <u>district and neighbourhood centres, and in</u> local and village <u>parades</u> , centres shopping facilities that meet local needs will have been supported. Strategic Objectives 5. To foster entrepreneurial endeavour through educational attainment and encourage small and medium enterprises through maximising existing employment <u>and retail</u> opportunities and clusters and supporting rural diversification.
15.13		Diageo and Wrenbridge advocate their site, Bircherley Green as a suitable location for redevelopment of this part of the town centre.	This site is located within the town centre boundary and would therefore not need a specific policy approach. The Council has recently completed a Hertford Town Centre Urban Design Strategy which includes this site. The approach taken within the emerging policies is sufficiently flexible to facilitate such changes as they occur.	No amendment in response to this issue
15.14		St James Developments (UK) Ltd advocate the Van Hages site at Great Amwell as being suitable for the development of a supermarket.	In policy terms, the site is in an important Green Belt location and a supermarket in this location would have a negative impact on the town centres of both Hertford and Ware. The application for this development was withdrawn in 2015.	No amendment in response to this issue

Part 2: Other Proposed Amendments

Policy/ Paragraph	Issue	Proposed Amendment
15.1.3	Paragraph now out of date and should be deleted.	Amendment to text (para.15.1.3 deleted) 15.1.3 The Town and Country (General Permitted Development) (Amendment) (England) Order 2013 came into force on 30 May 2013. The new rules allow high street premises to be used for new types of businesses without planning permission. Certain new retail businesses and other services will be able to open for up to two years in buildings classified as A1, A2, A3, A4, A5, B1, D1 or D2 (shops, financial services, restaurants, pubs, hot food takeaways, business, non-residential institutions, leisure and assembly). Whilst acknowledging these changes, the District Plan must plan for the whole plan period and consider the longer term needs of the district's high streets.
Info Box at 15.1.3	This is more appropriately located in 15.3.	Amendment to text ('orange box' moved to below para. 15.3.4)
<u>Permitted Development Rights (New section added)</u>		
	<p>The Town and Country Planning (General Permitted Development) (England) Order 2015 introduces a far more relaxed approach to changes of use in retail and other commercial premises.</p> <p>The Chapter needs to be updated to reflect the Order and permitted development rights generally. However, it is important that the Plan also considers the longer term needs of the district's high streets.</p>	Amendment to text (new section added – paragraphs 15.2.1 – 15.2.5) <u>15.2.1 Permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impact and to protect local amenity.</u> <u>15.2.2 Permitted development rights are set out in The Town and Country Planning (General Permitted Development) (England) Order 2015. The Order allows change of use between shops and financial and professional services, allowing the change of such uses to restaurants or leisure use. The Order is also intended to increase housing supply by allowing change of use from some business uses to residential.</u> <u>15.2.3 Not all changes of use will be permitted development. Some will be subject to a prior approval process which means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant parts in Schedule 2 to the Order.</u> <u>15.2.4 There are also a range of exclusions which apply to permitted development rights such as</u>

Policy/ Paragraph	Issue	Proposed Amendment
		<p><u>within Conservation Areas. Some permitted development rights are also in place for a limited period of time; again, these are set out in full in the relevant sections in Schedule 2 to the Order.</u></p> <div> <p><u>Permitted development rights are set out in The Town and Country Planning (General Permitted Development) (England) Order 2015</u></p> </div> <p><u>15.2.5 Whilst acknowledging permitted development rights, the District Plan must also consider the longer term needs of the district's high streets. It is therefore important that the Council plans positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work.</u></p>
Retail development		
15.3.2	This section should only refer to town centres. Reference to the Thorley Centre should therefore be deleted. District Centres are covered under Section 15.8.	<p>Amendment to text (Para. 15.3.2)</p> <p>4. District Centre: The Thorley Centre, Bishop's Stortford</p>
15.3.3	<p>The Plan should refer to the sequential test as required in the NPPF.</p> <p>Instead of this text being in the policy it should be moved to a preamble paragraph and the text in Policy RTC1, Part II to be made more succinct (also see below).</p>	<p>Amendment to text (para. 15.3.3 and Policy RTC1, Part II)</p> <p><u>15.3.3 In accordance with paragraph 24 of the National Planning Policy Framework (NPPF), the Council will apply a sequential test to applications for main town centre uses. The main town centre uses, as defined in the NPPF, should be located in the town centre, then in edge of centre locations, and only if suitable sites are not available, should out of centre locations be considered. When considering edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre. The Council and the applicant will demonstrate flexibility on issues such as format and scale.</u></p> <p>Policy RTC1, Part II. Proposals will be assessed in line with the sequential approach. The main town centre uses as listed should be located in the town centre, then in edge of centre locations and only if suitable sites are not available should out of centre locations be considered. When considering edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre. The Council and the applicant will demonstrate flexibility on issues such as format and scale.</p>

Policy/ Paragraph	Issue	Proposed Amendment
15.3.4	For clarity, reference should be added to The Retail and Town and Centres Study (2013).	Amendment to text (para. 15.3.4) 15.3.4 The NPPF states that where a proposal is over a proportionate, locally set floorspace threshold, local planning authorities should require an impact assessment to be submitted. <u>The Retail and Town Centres Study (2013) indicated that it</u> is not considered appropriate to apply the default threshold of 2,500 sq.m gross across the district as this scale of development would represent a significant proportion of the overall retail projections for East Herts through the Plan period.
15.3.5	Offices and residential uses should be encouraged above ground floors to help add footfall and vibrancy. The use of upper floors for residential uses is already advocated in paragraph 15.3.5. This paragraph could be amended to make it clear that office uses will also be acceptable.	Amendment to text (para. 15.3.5) 15.3.5 The Council supports the use of upper floors in town centre locations for residential <u>and office</u> purposes where there is potential to provide a reasonable.....
Policy RTC1, I	To avoid confusion it is considered more helpful to reference main town centre uses as defined in the NPPF.	Amendment to Policy RTC1, Part I I. Within the town centre boundaries as defined on the Policies Map, <u>main town centre uses as defined by the NPPF</u> the following uses will be supported in principle, where they contribute to maintaining the role and function, viability and vitality of the market town-. <ul style="list-style-type: none"> • A1 (shops) • A2 (financial and professional services) • A3 (restaurants and cafes) • A4 (drinking establishments) • A5 (hot food takeaways) • B1a (offices) • C1 (hotels) • D1 (non-residential institutions) • D2 (assembly and leisure)

Policy/ Paragraph	Issue	Proposed Amendment
Policy RTC1, III	The policy needs to be consistent with the NPPF, which contains two measures for testing impacts, one for minor and one for major applications.	Amendment to Policy RTC1, Part III The assessment should also consider the impact of the proposal on <u>town centre</u> vitality and viability, including local consumer choice and trade in the town centre and the wider area. <u>The impact should be measured for up to five years from the time the application is made. For major schemes, the impact should be measured</u> for up to ten years from the application. The following thresholds will be applied:
Policy RTC1, III	Reference to Part III of the Policy should be added for clarity.	Amendment to Policy RTC1, Part IV IV. Where a proposal fails to satisfy the sequential approach or is likely to have an adverse impact <u>in line with Part III above</u> , it will be refused.
Primary Shopping Area		
15.4.3	The Permitted Development Order 2015 introduced new terminology for town centres – ‘key shopping areas’. There is therefore a need to clarify how the policy will approach the discrepancy between the Order and the NPPF. New text proposed to explain how this discrepancy will be treated.	Amendment to text (new para. 15.4.3) <u>15.4.3 For consistency with the Permitted Development Order 2015, ‘key shopping areas’ are those designated as Primary Shopping Areas in this Plan. Changes of Use proposals from A1 (Shop) or A2 (Financial and Professional Services) to other uses will be expected to demonstrate that there is no reasonable prospect of the unit being put to A1 or A2 use and that following the change of use there will be an adequate provision of A1 or A2 uses to maintain the sustainability (viability and vitality) of the Primary Shopping Area.</u>
15.4.4	Reference should be made to the design chapter to highlight the importance of good design within the historic centres of the District’s market towns. The paragraph should also refer to the Hertford Town Centre Urban Design Framework and Bishop’s Stortford Planning Framework.	Amendment to text (para 15.4.4) <u>15.4.4 The historic environment and market town heritage of East Herts’ town centres are a key attraction to both retailers and visitors. Alterations to shop fronts are expected to be of the highest quality, reflecting the local character and vernacular in accordance with Policy DES3. The Council will consider the use of Design Codes to guide development where necessary. Development within Hertford will be guided by the Hertford Town Centre Urban Design Framework, while development within Bishop’s Stortford will be guided by the Bishop’s Stortford Town Centre Planning Framework.</u> <u>The Hertford Town Centre Urban Design Strategy can be viewed at www.eastherts.gov.uk/htcuds.</u> <u>The Bishop’s Stortford Planning Framework can be viewed at www.eastherts.gov.uk/bstcpf</u>

Policy/ Paragraph	Issue	Proposed Amendment
Policy RTC2	Amendment to Policy required following clarification of Policy RTC1.	Amendment to Policy RTC2, Part I I. Within the Town Centre boundaries as defined on the Policies Map, Primary Shopping Areas are designated for the Town Centres of Bishop's Stortford, Hertford and Ware, within which retail and other <u>main</u> town centre uses, as listed in Policy RTC1 (Retail Development), <u>defined in the NPPF</u> , should be located.
Primary Shopping Frontages		
15.5.1	Change Latin term to plain English	Amendment to text (para. 15.5.1) it is not appropriate to take a laissez faire <u>relaxed</u> approach to development.....
15.5.1	Section needs to acknowledge the latest position on Permitted Development Rights and the Prior Approval process and be phrased more positively. There should also be a definition of what is meant by the terms 'adequate' and 'frontage'	Amendment to text (para. 15.5.1) 15.5.1 <u>Whilst acknowledging</u> Recognising temporary changes in permitted development opportunities , it is not appropriate to take a laissez faire approach to development within East Herts' town centres, nor is it appropriate to <u>prevent</u> ban changes of use from A1 (Shop) uses to other uses, as to do so could prevent diversity and stifle investment, resulting in vacant uses. However, it is appropriate to seek to maintain a high proportion of A1 (Shop) uses in order to ensure the vitality and viability of the town centres, so that they are able to perform their function as retail and leisure destinations, <u>and to distinguish between the primary and secondary frontages. For the purpose of this policy and for the application of the Prior Approval process, an adequate provision of A1 and A2 is defined as at least 50% of units in a single frontage being in A1 and A2 uses. A single frontage is normally described as an unbroken row of shops, usually within two side roads and is shown on the Policies Map.</u>
Policy RTC3	The Retail and Town Centres Study report suggests that Policies RTC3 on Primary Shopping Frontages and RTC4 Secondary Shopping Frontages are too restrictive and could have the effect of stifling market demand, resulting in high vacancy rates. The report suggests that there are two alternative approaches that could be taken: a) to consider tightening the primary frontage boundaries of the key towns and restricting them solely to A1 and A2 uses in	Amendment to Policy RTC3 In order to protect the vitality and viability of the Primary Shopping Areas, within the Primary Shopping Frontages in Bishop's Stortford, Hertford and Ware, as defined on the Policies Map, proposals for <u>Use Class A1 will be supported in principle as the preferred use, while Use Classes A1, A2, A3, A4 and A5 will be supported in principle provided they have an active frontage and there remains an adequate provision of A1 and A2 uses which support its role as a Primary Shopping Frontage.</u> the loss of A1 (Shop) uses will be resisted where this would result in more than 30% of units in a continuous frontage in Non-A1 Use.

Policy/ Paragraph	Issue	Proposed Amendment
	<p>order to drive up the quality of the retail offer and to gain greater influence on which uses go where; or b) have a more flexible approach where the policy for primary frontages supports in principle all A use classes provided they have active frontages. The latter option is the one recommended.</p> <p>The policy needs to be expanded to reflect the prior approval criteria referred to in para. 15.5.1.</p>	
Secondary Shopping Frontages		
Policy RTC4	The Retail Study suggests that Policies RTC3 on Primary Shopping Frontages and RTC4 Secondary Shopping Frontages are too restrictive and could have the effect of stifling market demand, resulting in high vacancy rates. The report recommends that all town centre uses as defined in Policy RTC1 should be supported in principle in defined secondary frontages to support the viability and vitality of the frontage or the town centre as a whole.	<p>Amendment to Policy RTC4</p> <p>Within the Secondary Shopping Frontages in Bishop's Stortford, Buntingford, Hertford Sawbridgeworth and Ware, as defined on the Policies Map, proposals for development or changes of use to <u>main town centre uses or those that will support the vitality and viability of the frontage or town centre as a whole (such as employment generating or activity generating uses)</u> those listed in Policy RTC1 (Retail Development) will be supported in principle where this does not lead to more than 50% of units in Non-A1 Use in a continuous frontage, and does not prejudice the viability of existing A1 Uses.</p>
<u>Markets and Specialist Events (new section added)</u>		
15.7.1 and 15.7.2	The Council's Economic Development Strategy supports the provision of markets within East Herts' towns. While there is no need for a policy, it is considered helpful to refer to their importance, including highlighting the additional benefits that such events bring to the district's economic wellbeing.	<p>Amendment to text (new section 15.7)</p> <p><u>15.7 Markets and Specialist Events</u></p> <p><u>15.7.1 Markets, Farmers Markets and specialist events are an important feature of town centres, promoting the identity of the town, while increasing visitor numbers which creates additional trade for other town centre premises on market day. Specialist markets also draw in visitors from further afield and are key selling opportunities for local farms, smallholders and the crafting community.</u></p> <p><u>15.7.2 The Council's Economic Development Strategy seeks to maintain and enhance markets and specialist events in East Herts' town centres, and the Council will work with partners</u></p>

Policy/ Paragraph	Issue	Proposed Amendment
		<u>to deliver such events. Development proposals that enhance the town centre environment to support market and specialist events will be encouraged.</u>
District Centres, Local Parades and Individual Shops		
15.8.1	Typographical correction required.	Amendment to text (para. 15.8.1) 15.8.1 District centres, neighbourhood centres and local parades support <u>the</u> day-to-day needs of communities, providing opportunities for top-up shopping and access to services and social interactions.
15.8.2 and 15.8.3	There is repetition in the text and the bullet points below. The bullet points can be removed.	Amendment to text (Para. 15.8.2 and Para. 15.8.3) <ul style="list-style-type: none"> • Bishop's Stortford: The Thorley Centre – District Centre • Bishop's Stortford: Bishop's Park – Neighbourhood Centre
15.8.3	Clarification over the size of the two supermarkets at the Bishop's Park and Thorley Centres is necessary to ensure accuracy. The Bishop's Park store is slightly larger in terms of external floorspace.	Amendment to text (para. 15.8.3) 15.8.3 The Bishop's Park Centre in Bishop's Stortford is similar to the Thorley Centre, in terms of the local provision of food shopping and services. However However, as the supermarket is smaller, there is only one other retail unit and a community centre on the site, its role is more limited. As such, the Bishop's Park Centre is identified as a Neighbourhood Centre. <u>The Bishop's Park Centre in Bishop's Stortford is similar to the Thorley Centre, in that it provides a local destination for food shopping and services. However, despite the supermarket being slightly larger, the centre contains only one other retail unit and a community centre. Therefore the role of the centre is more limited than the Thorley Centre. As such, the Bishop's Park Centre is identified as a Neighbourhood Centre.</u>
15.8.6	For clarity a new table should be added which lists all the district, neighbourhood and local parades. The previous bullet list should be deleted.	Amendment to text (para.15.8.6) <u>15.8.6 A full list of District and Neighbourhood Centres, and Local Parades is provided in the table below:</u> <u>New table inserted (see chapter)</u> 1. Bishop's Stortford: a. Hockerill b. Havers Parade

Policy/ Paragraph	Issue	Proposed Amendment
		<p>c. Snowley Parade</p> <p>2. Hertford:</p> <p>a. Fleming Crescent, Sele Farm</p> <p>b. The Avenue, Bengoe</p> <p>3. Ware:</p> <p>a. The Green, Kingshill</p> <p>b. Cromwell Road</p> <p>c. King George Road</p> <p>4. Villages:</p> <p>a. Puckeridge</p> <p>b. Stanstead Abbots and St. Margarets</p> <p>c. Watton at Stone</p>
Policy RTC5	<p>These centres perform a different role to town centres, supporting the day-to-day needs of communities. In order to protect this role the Council should adopt a policy that provides protection to the retail uses within them. At ground floor level a minimum of 50% of the frontage should be retained for A1 retail uses.</p> <p>Amendment to Policy required following clarification of Policy RTC1.</p> <p>Remove reference to other policies within the Plan for consistency. The Plan should be read as a whole.</p>	<p>Amendment to Policy RTC5, Part I</p> <p>I. Within District Centres, Neighbourhood Centres and Local Parades, development or change of use to <u>main town centre uses</u> the use classes listed in Policy RTC1 (Retail Development) above will be supported in principle, where <u>unless this results in more than 50% of units in Non-A1 Use in a continuous frontage</u>, they maintain an appropriate mix to secure the vitality and viability of the district <u>or neighbourhood</u> centre or local parade and does not conflict with other policies within this Plan.</p>
Policy RTC5	<p>It is proposed to add the word individual to Part II of this policy in order to clarify that this part of the policy is seeking to prevent the closure of vital community facilities rather than the loss of shops in general.</p> <p>Remove geographical limit in the policy wording as the loss of individual shops should be resisted wherever they are.</p>	<p>Amendment to Policy RTC5, Part II</p> <p>II. Within urban and rural centres, pProposals that result in the loss of <u>individual</u> shops will be <u>resisted and will be</u> considered in accordance with Policy CFLR7 (Community Facilities).</p>

Policy/ Paragraph	Issue	Proposed Amendment
Policy RTC5	There is an error in the policies map which includes the old secondary frontage designation as well as defining the parades within the district, neighbourhood centres and local parades. It should only fall within one of these categories. It is therefore proposed to remove the secondary frontage designations and retain the classification as a local parade where necessary.	Amendment to Policies Map required Removal of secondary frontage designation and retention of RTC5 designation as a local parade.

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15 Retail and Town Centres

15.1 Introduction

- 15.1.1 East Herts' town centres play a vital role in providing for the every-day needs of residents, providing not only a varied retail offer, but also for banking and administrative needs, leisure and social opportunities. The market towns of East Herts have a rich heritage which has influenced their current form and limiting road networks, character and architectural interest. However, this historic character can also act as a constraint, prohibiting larger retailers from investing.
- 15.1.2 In recent years there have been many financial pressures on town centres, with competition from larger centres including from out of town shopping centres, rising proportions of internet shopping, rising business rates and rents, restricted bank lending and a challenging economic climate. Despite this, East Herts' towns have been reasonably resilient suffering comparatively few closures.

15.2 Permitted Development Rights

- 15.2.1 Permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impact and to protect local amenity.
- 15.2.2 Permitted development rights are set out in The Town and Country Planning (General Permitted Development) (England) Order 2015. The Order allows change of use between shops and financial and professional services, allowing the change of such uses to restaurants or leisure use. The Order is also intended to increase housing supply by allowing change of use from some business uses to residential.
- 15.2.3 Not all changes of use will be permitted development. Some will be subject to a prior approval process which means that a developer has to seek approval from the local planning

authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant parts in Schedule 2 to the Order.

- 15.2.4 There are also a range of exclusions which apply to permitted development rights such as within Conservation Areas. Some permitted development rights are also in place for a limited period of time; again, these are set out in full in the relevant sections in Schedule 2 to the Order.

Permitted development rights are set out in The Town and Country Planning (General Permitted Development) (England) Order 2015

- 15.2.5 Whilst acknowledging permitted development rights, the District Plan must also consider the longer term interests of the district's high streets. It is therefore important that the Council plans positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work.

15.3 Retail Development

- 15.3.1 In order to secure the vitality and viability of the district's retail centres, it is important for planning policy to seek to retain a high proportion of units for retail uses, but to also acknowledge the changing role town centres have in providing social and cultural experiences, both now and in the future. A mixture of uses in the right locations can encourage activity throughout the day and into the evening, providing for social as well as retail needs, thus enhancing the role of town centres. Therefore, where planning permission is required, the Council will seek to retain a high proportion of shop uses in the town centre.

- 15.3.2 The following hierarchy of town centres will apply:

1. Principal Town Centre: Bishop's Stortford
2. Secondary Town Centre: Hertford
3. Minor Town Centres: Buntingford, Sawbridgeworth and Ware

15.3.3 In accordance with paragraph 24 of the National Planning Policy Framework (NPPF), the Council will apply a sequential test to applications for main town centre uses. The main town centre uses, as defined in the NPPF, should be located in the town centre, then in edge of centre locations, and only if suitable sites are not available, should out of centre locations be considered. When considering edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre. The Council and the applicant will demonstrate flexibility on issues such as format and scale.

15.3.4 The NPPF states that where a proposal is over a proportionate, locally set floorspace threshold, local planning authorities should require an impact assessment to be submitted. The Retail and Town Centres Study (2013) indicated that it is not considered appropriate to apply the default threshold of 2,500 sq.m gross across the district as this scale of development would represent a significant proportion of the overall retail projections for East Herts through the Plan period. Given the high proportion of small retail units and businesses in the district's town centres, developments over 500 sq.m gross will be of a greater significance and therefore should be subject to some form of impact assessment.

The East Herts Retail and Town Centres Study Update Report 2013 can be viewed and downloaded at: www.eastherts.gov.uk/retailstudy2013

15.3.5 The Council supports the use of upper floors in town centre locations for residential and office purposes where there is potential to provide a reasonable standard of accommodation, has its own access, has arrangements for car parking and/or access to, and availability of passenger transport, and has suitable refuse storage facilities. The conversion of dwellings

into commercial uses outside town centre locations will be resisted.

Policy RTC1 Retail Development

I. Within the town centre boundaries as defined on the Policies Map, main town centre uses as defined by the NPPF will be supported in principle, where they contribute to maintaining the role and function, viability and vitality of the market town.

II. Proposals will be assessed in line with the sequential approach.

III. Proposals for retail, leisure and office developments are required to provide an impact assessment indicating the impact of the proposal on existing, committed and planned public and private investment in the town centre or in the catchment area of the proposal. The assessment should also consider the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider area. The impact should be measured for up to five years from the time the application is made. For major schemes, the impact should be measured for up to ten years from the application. The following thresholds will be applied:

- Over 1,500 sq.m gross within the settlement boundary of Bishop's Stortford
- Over 1,000 sq.m gross within the settlement boundary of Hertford
- Over 500 sq.m gross elsewhere

IV. Where a proposal fails to satisfy the sequential approach or is likely to have an adverse impact in line with Part III above, it will be refused.

15.4 Primary Shopping Area

15.4.1 Primary Shopping Areas are where retail activity is concentrated, often underpinned by larger anchor stores and popular chains. Primary Shopping Areas contain both primary and secondary frontages. Primary Shopping Frontages are normally the retail 'core' of a centre where the majority of footfall and activity occurs. They are likely to include a high proportion of retail uses which may include food, drinks,

clothing and household goods. Secondary Shopping Frontages provide a greater diversity of uses such as restaurants, commercial services and leisure facilities, which provide a supporting role for the centre as a whole.

- 15.4.2 In order to maintain the viability of the Primary Shopping Area and to locate retail uses where there are good passenger transport networks, it is important to prevent the dilution of the Primary Shopping Frontage within the Primary Shopping Area. Given the size, diversity and function of the town centres of Bishop's Stortford, Hertford and Ware, it is necessary to designate a Primary Shopping Area within the town centres, which contain both Primary and Secondary Shopping Frontages.
- 15.4.3 For consistency with the Permitted Development Order 2015, 'key shopping areas' are those designated as Primary Shopping Areas in this Plan. Change of Use proposals from A1 (Shop) or A2 (Financial and Professional Services) to other uses will be expected to demonstrate that there is no reasonable prospect of the unit being put to A1 or A2 use and that following the change of use there will be an adequate provision of A1 or A2 uses to maintain the sustainability (viability and vitality) of the Primary Shopping Area.
- 15.4.4 The historic environment and market town heritage of East Herts' town centres are a key attraction to both retailers and visitors. Alterations to shop fronts are expected to be of the highest quality, reflecting the local character and vernacular in accordance with Policy DES3. The Council will consider the use of Design Codes to guide development where necessary. Development within Hertford will be guided by the Hertford Town Centre Urban Design Framework, while development within Bishop's Stortford will be guided by the Bishop's Stortford Town Centre Planning Framework.

<p>The Hertford Town Centre Urban Design Strategy can be viewed at www.eastherts.gov.uk/htcuds.</p>
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The Bishop's Stortford Planning Framework can be viewed at
www.eastherts.gov.uk/bsplanningframework

Policy RTC2 Primary Shopping Area

I. Within the Town Centre boundaries as defined on the Policies Map, Primary Shopping Areas are designated for the Town Centres of Bishop's Stortford, Hertford and Ware, within which retail and other main town centre uses, as defined in the NPPF, should be located.

II. The Primary Shopping Areas will contain both Primary and Secondary Shopping Frontages. Proposals for development within Primary Shopping Frontages will be considered in accordance with Policy RTC3 (Primary Shopping Frontages). Proposals for development within Secondary Shopping Frontages will be considered in accordance with Policy RTC4 (Secondary Shopping Frontages).

15.5 Primary Shopping Frontages

15.5.1 Whilst acknowledging permitted development opportunities, it is not appropriate to take a relaxed approach to development within East Herts' town centres, nor is it appropriate to prevent changes of use from A1 (Shop) uses to other uses, as to do so could prevent diversity and stifle investment, resulting in vacant uses. However, it is appropriate to seek to maintain a high proportion of A1 (Shop) uses in order to ensure the vitality and viability of the town centres, so that they are able to perform their function as retail and leisure destinations, and to distinguish between the primary and secondary frontages. For the purpose of this policy and for the application of the Prior Approval process, an adequate provision of A1 and A2 is defined as at least 50% of units in a single frontage being in A1 and A2 uses. A single frontage is normally described as an unbroken row of shops, usually within two side roads and is shown on the Policies Map.

Policy RTC3 Primary Shopping Frontages

In order to protect the vitality and viability of the Primary Shopping Areas, within the Primary Shopping Frontages in Bishop's Stortford, Hertford and Ware, as defined on the Policies Map, proposals for Use Class A1 will be supported in principle as the preferred use, while Use Classes A1, A2, A3, A4 and A5 will be supported in principle provided they have an active frontage and there remains an adequate provision of A1 and A2 uses which support its role as a Primary Shopping Frontage.

15.6 Secondary Shopping Frontages

- 15.6.1 Within the Primary Shopping Areas of Bishop's Stortford, Hertford and Ware, Secondary Shopping Frontages provide an opportunity for the types of uses that support a town centre's function as a destination for leisure as well as for retail purposes, such as restaurants, coffee shops, financial and commercial services.
- 15.6.2 The Town Centres of Buntingford and Sawbridgeworth are minor town centres with a high number of independent stores and a low number of national retailers. Given their role as service centres for their immediate population and rural hinterland, the town centre boundary is tightly drawn around the existing high street and there is no primary shopping area designated. There are no obvious areas within these town centres where there is a predominance of Class A1 (Shop) uses. It is therefore appropriate to define the frontages within the two towns as Secondary Shopping Frontages, where a flexible approach to changes of use will be applied where this does not lead to a disproportionate and potentially detrimental number of non-retail uses.

Policy RTC4 Secondary Shopping Frontages

Within the Secondary Shopping Frontages in Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth and Ware, as defined on the Policies Map, proposals for development or changes of use to main town centre uses or those that will support the vitality and viability of the

frontage or town centre as a whole (such as employment generating or activity generating uses) will be supported in principle.

15.7 Markets and Specialist Events

- 15.7.1 Markets, Farmers Markets and specialist events are an important feature of town centres, promoting the identity of the town, while increasing visitor numbers which creates additional trade for other town centre premises on market day. Specialist markets also draw in visitors from further afield and are key selling opportunities for local farms, smallholders and the crafting community.
- 15.7.2 The Council's Economic Development Strategy seeks to maintain and enhance markets and specialist events in East Herts' town centres, and the Council will work with partners to deliver such events. Development proposals that enhance the town centre environment to support market and specialist events will be encouraged.

15.8 District Centres, Local Parades and Individual Shops

- 15.8.1 District centres, neighbourhood centres and local parades support the day-to-day needs of communities, providing opportunities for top-up shopping and access to services and social interactions. Quite often they are essential for those less able to travel to town centres or larger retail centres. It is therefore important that these local centres provide the type and range of retail and commercial uses necessary to serve and support the local community.
- 15.8.2 District centres generally comprise a group of shops, separate from the town centre, with at least one supermarket or superstore, together with a range of non-retail services and public facilities. In order to reflect the important role played by the Thorley Centre in Bishop's Stortford in terms of the local provision of food shopping and services, the centre is identified as a District Centre.

- 15.8.3 The Bishop's Park Centre in Bishop's Stortford is similar to the Thorley Centre, in that it provides a local destination for food shopping and services. However, despite the supermarket being slightly larger, the centre contains only one other retail unit and a community centre. Therefore the role of the centre is more limited than the Thorley Centre. As such, the Bishop's Park Centre is identified as a Neighbourhood Centre.
- 15.8.4 New neighbourhood centres will be provided in strategic developments at Whittington Way, Bishop's Stortford; Birchall Garden Suburb, East of Welwyn Garden City; Gresley Park, East of Stevenage and the Gilston Area.
- 15.8.5 Local parades provide a range of small shops of a local nature for a small catchment. These include parades of shops and services both in urban areas and in village locations.
- 15.8.6 A full list of District and Neighbourhood Centres, and Local Parades is provided in the table below:

Hierarchy	Location
District Centre	The Thorley Centre, Bishop's Stortford
Neighbourhood Centre	<ul style="list-style-type: none"> • Bishop's Park, Bishop's Stortford • Birchall Garden Suburb, East of Welwyn Garden City • Gresley Park, east of Stevenage • The Gilston Area • Whittington Way at Bishop's Stortford South
Local Parade: Bishop's Stortford	<ul style="list-style-type: none"> • Hockerill • Havers Parade • Snowley Parade
Local Parade: Hertford	<ul style="list-style-type: none"> • Fleming Crescent, Sele Farm • The Avenue
Local Parade: Ware	<ul style="list-style-type: none"> • The Green, Kingshill • Cromwell Road • King George Road
Local Parade: Villages	<ul style="list-style-type: none"> • Puckeridge • Stanstead Abbots and St Margarets

	• Watton-at-Stone
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15.8.7 Individual shops are distributed throughout the towns and villages in the district and provide valuable facilities for local people in addition to the town centre offer.

Policy RTC5 District Centres, Neighbourhood Centres, Local Parades and Individual Shops

I. Within District Centres, Neighbourhood Centres and Local Parades, development or change of use to main town centre uses will be supported in principle, unless this results in more than 50% of units in Non-A1 Use in a continuous frontage to secure the vitality and viability of the district or neighbourhood centre or local parade.

II. Proposals that result in the loss of individual shops will be resisted and will be considered in accordance with Policy CFLR7 (Community Facilities).

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 24 MAY 2016

REPORT BY LEADER OF THE COUNCIL

EAST HERTS DRAFT DISTRICT PLAN – CHAPTER 16 – DESIGN,
AND CHAPTER 20 - LANDSCAPE: RESPONSE TO ISSUES RAISED
DURING PREFERRED OPTIONS CONSULTATION, FURTHER
AMENDMENTS AND DRAFT REVISED CHAPTER

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

The purpose of this report is:

- To bring to Members' attention the issues raised through the Preferred Options consultation in connection with Chapter 16 (Design) and Chapter 20 (Landscape) of the Draft District Plan Preferred Options version, together with Officer responses to those issues;
- To explain to Members why further amendments to Chapter 16 (Design) and Chapter 20 (Landscape) are required to ensure that the final draft District Plan reflects the most up-to-date policy position and the latest available evidence;
- To place before Members for consideration a draft revised chapter (which consolidates Chapter's 16 and 20), for subsequent incorporation into the final draft District Plan.

<u>RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE PANEL:</u> That Council, via the Executive, be advised that:	
(A)	the issues raised in respect of Chapter 16 (Design) and Chapter 20 (Landscape) of the Draft District Plan Preferred Options, as detailed at Essential Reference Paper 'B' to this report, be received and considered;
(B)	the Officer response to the issues referred to in (A) above, as detailed in Essential Reference Paper 'B' to this report, be agreed;

(C)	the further amendments in respect of Chapter 16 (Design) and Chapter 20 (Landscape) of the Draft District Plan Preferred Options, as detailed at Essential Reference Paper 'B' to this report, be received and considered; and
(D)	the draft revised Chapter 16 (Design and Landscape), as detailed in Essential Reference Paper 'C' to this report, be agreed as a basis for inclusion in the final draft District Plan, with the content being finalised when the consolidated plan is presented in September 2016.

1.0 Background

- 1.1 The Council published its Draft District Plan Preferred Options for consultation for a period of twelve weeks between 27th February and 22nd May 2014. Several thousand comments were received through the consultation exercise from over a thousand stakeholders including statutory consultees and members of the public.
- 1.2 In order to manage these comments, the Council's agreed approach, as set out in its Statement of Community Involvement (October 2013), is to summarise the issues raised through the consultation and record how these issues have been used to inform the next draft of the District Plan.
- 1.3 This report presents a draft revised chapter on Design and Landscape for subsequent incorporation into the final Draft District Plan. **Essential Reference Paper 'B'** contains the Issues Report and **Essential Reference Paper 'C'** the draft revised chapter.

2.0 Report

- 2.1 The Issue Report is split into two parts. The first part summarises the issues raised through the Preferred Options Consultation. The issues are grouped according to the section of the Draft Plan they relate to. The table presents an officer response to each issue and then sets out any subsequent proposed amendments to the text or policies of the draft Plan. These proposed amendments are shown in the form of a 'track change' so that readers can clearly see what amendments are being proposed.

- 2.2 The second part of the Issue Report details any further amendments that are required to ensure that the final draft District Plan reflects the most up-to-date policy position and the latest available evidence.
- 2.3 The two chapters on design and landscape have been merged to ensure that landscape character and landscaping are seen as an integrated part of the design process. The comments made to each chapter are summarised in their respective Issues Reports. Where comments were made to the Landscape Chapter the proposed amendment column makes it clear where there is a change in the paragraph number as a result of the merging into Chapter 16. The landscape character element of Chapter 20 fits within the context of designing layouts and public realm proposals, while matters of landscaping fit well within the wider design details. The whole chapter is therefore renamed Design and Landscape.
- 2.4 The following paragraphs are renumbered and further amendments to these paragraphs are detailed in the proposed amendment column:
- Para. 20.1.1 becomes 16.7.6
 - Para. 20.2.1 becomes 16.7.7
 - Para. 20.2.1 becomes 16.7.8
 - Policy LAN1 Landscape Character therefore becomes Policy DES1 Landscape Character.
 - Para. 20.3.1 becomes 16.7.10
 - Para. 20.3.2 becomes 16.7.11
 - Para. 20.3.3 becomes 16.7.12
 - Para. 20.3.4 becomes 16.7.13
 - Para. 20.3.5 becomes 16.7.14
 - Para. 20.3.6 becomes 16.7.15
 - Policy LAN2 Landscaping therefore becomes DES2 Landscaping
- 2.5 Where further amendments are proposed subsequent to the merging of the two chapters, these are shown in Part 2 of the Issues Report.
- 2.6 Members are therefore invited to agree the draft revised Chapter 16 (Design and Landscape), as detailed in **Essential Reference Paper 'C'** to this report, as a basis for inclusion in the final draft District Plan, with the content being finalised when the consolidated plan is presented in September 2016.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	The Report refers to the Draft District Plan consultation carried out between 27 th February and 22 nd May 2014.
Legal:	None
Financial:	None
Human Resource:	None
Risk Management:	None
Health and wellbeing – issues and impacts:	The Draft District Plan in general will have positive impacts on health and wellbeing through a range of policy approaches that seek to create sustainable communities.

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Part 1: Issues Raised Through the Preferred Options Consultation

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
Introduction				
16.1	16.1.2	Statement is supported	Support noted and welcomed.	No amendment in response to this issue
16. 2	16.1.3	Statement is supported The Environment Agency supports this paragraph.	Support noted and welcomed.	No amendment in response to this issue
16.2 Design Objectives				
16.3	16.2	Whilst the Plan does accommodate for disabled and elderly populations, this must be made clearer. In particular, there should be greater detail of design for elderly, wheelchair and disabled users in town centres, in particular Bishop's Stortford including dropped kerbs and level areas. Also, better facilities to reflect their needs, for example, wheelchair accessible toilets, electric scooters for hire, small buses for short journeys, RADAR keys.	The Council welcomes this comment and is keen to accommodate for the less mobile members of the community, particularly for the ageing population and those who may suffer from forms of dementia. This falls under the Design Objectives which state that any development proposal should be usable, in terms of accessibility and be socially inclusive. Any development proposal will be assessed against these criteria and efforts should be made at the time of the application to meet this objective. Paragraph 16.7.10 adequately deals with how the built environment should promote independent lifestyles in particular for those with restricted mobility. However, new words could be added to Part III of DES 1 to strengthen this approach.	Amendment to text (para 16.7.9 renumbered 16.7.19 and Policy DES 1 Part III renumbered DES3, Part IV) 16.7.19 bullet 8 Incorporating inclusive design features that benefit everyone in the community e.g <u>such as</u> play areas, <u>seating areas or rest places, and</u> Wi-Fi technology; and DES3, IV (a) Maximise legibility <u>and accessibility</u> of the public realm through the layout of buildings, landmarks, <u>use of colour</u> , landscaping, paving, high quality public art, street furniture and infrastructure including <u>clear and legible</u> signposting, <u>rest places and public toilets</u> , in a way that maintains uncluttered spaces and enabled easy navigation and movement through the space.
16.4	16.2.1	The Environment Agency support the design objectives.	Support noted and welcomed.	No amendment in response to this issue

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
16. 5	16.2.1 and 16.7.9 (now 16.7.19)	The Canal and River Trust support the design objectives. However, they request that water spaces should be recognised as public realm and integrated into the design rather than as a backdrop.	<p>Support noted and welcomed. Any development that is in proximity to water spaces should have a positive, integrated design appropriate to its setting. It is not just a matter of integrating water spaces into design, but also the management of such spaces and their contribution to sustainable drainage methods.</p> <p>Additional words should be added to bullet 10 in 16.2.1 and to paragraphs 16.7.2 and 16.7.9 (renumbered 16.7.19) to refer to waterscape as part of overall landscape considerations.</p> <p>The Bullet point 10 should also be expanded to make clear that private and public amenity space should be incorporated along with green infrastructure principles as river corridors and water features are key contributors to wider ecological networks. This is particularly relevant where waterways are integrated, due to Riparian Landownership responsibilities.</p>	<p>Amendment to text (para 16.2.1, 16.7.2 and 16.7.9 renumbered 16.7.19)</p> <p>16.2.1 Bullet 10 Incorporate <u>water management and sustainable urban drainage</u>, planting and landscaping into the overall design, including through the creation of adequate private <u>and public</u> amenity space <u>and green infrastructure</u>.</p> <p>16.7.2 Buildings and landscapes that demonstrate a distinct character and are aesthetically pleasing, contribute greatly to the success of a place. Many modern development schemes (especially schemes involving a number of dwellings) can be bland and generic. However, if a development scheme is based on a sensitive understanding of site and context, it can exhibit a distinct character and identity while also belonging to the wider locality. <u>For example, development in proximity to water spaces should respond to and incorporate the water space in the design to add to the character of development.</u> Therefore successful development should respond to locally distinctive patterns of development, building methods and detailing, landscape and history.</p> <p>16.7.19 Public realm refers to all publicly accessible open spaces and public and civic building facilities, publicly owned streets, pathways, <u>water spaces</u>, rights of way and parks.</p>
16.3 Sustainable Design				
16.6	16.3	New houses should meet Passivhaus standards and include solar panels, and grey water systems.	The Government has incorporated sustainability standards within Building Regulations; it is therefore not possible to require that new development is built to Passivhaus standards. However, the Building Research Establishment has recently introduced an equivalent to that which was lost in Building for Life.	<p>Amendment to text (new para. 16.3.6)</p> <p><u>16.3.6 The Building Research Establishment has established a new Home Quality Mark to replace Building for Life which</u></p>

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
			<p>It aims to assist developers and customers by providing an independent assessment of the quality of a home scored by a star rating. The Home Quality Mark covers a wide range of topics including sustainable design and construction and is the new best practice being used in the industry beyond Building Regulations.</p> <p>Section 16.3 Sustainable Design is considered to adequately promote sustainable development through design by encouraging use of the Building Futures toolkit and best practice guidance. DES1 (renumbered DES3) states the expectations of using new technologies including zero or low carbon energy and water systems. It is considered that the current policy wording satisfies this.</p>	<p><u>was revoked in the National Standards review 2015. The Home Quality Mark is an independent assessment of the home's quality in terms of its contribution to the occupant's health and wellbeing, cost to maintain and energy efficiency for example. It is a voluntary standard which demonstrates that design and construction exceeds that required by Building Regulations and can be used as a tool when marketing and buying properties and may be used as a benchmark for proposals.</u></p> <p>New 'orange box'</p> <p><u>The Home Quality Mark guidance can be viewed at: www.homequalitymark.com/standard</u></p> <p>Amendment to text (para.16.4.1, bullet 3)</p> <p>...Applicants will be encouraged to use the Building Futures Sustainable Design Toolkit and <u>the Home Quality Mark</u> Building for Life 12 questions within their Design and Access Statements.</p>
16.7(a)	16.3.2	The reference to Building Futures online resource is welcomed.	Support noted and welcomed. However, there is a lot of information provided about the Building Futures Toolkit, some of which is superfluous and can therefore be removed.	<p>Amendment to text (para. 16.3.3)</p> <p>16.3.3 The Toolkit has been created to help those who prepare and assess development proposals in Hertfordshire to better understand the principles of sustainable design and consider how best they can be applied to a specific scheme and site. Using a virtual townscape, the Toolkit aims to provoke thought and inform decisions on the design and build of new development schemes in Hertfordshire. It does this by providing a simple framework of questions, best practice guidance and further information on sustainable design. The questions, guidance and information have been</p>

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				tailored to the six broad types of development to ensure the Toolkit is proportionate and reflects the issues and opportunities typically faced by different types of development.
16.4 Planning Applications				
16.7(b)	16.4	It is suggested that reference to Building Futures could be strengthened by encouraging all proposals to submit a 'Sustainable Design Statement' and not just those required under national criteria, to explain how the placemaking and sustainable principles set out in the Development Plan have been implemented in the proposal by using the <i>Building Futures Sustainable Design Toolkit</i> .	<p>Section 16.3 on 'Sustainable Design' and Paragraph 16.4.1 already directs applicants to provide clear evidence that design principles based on sustainable development objectives have been integrated into the proposal.</p> <p>Paragraph 16.4.1 third bullet could be expanded. This could also be expanded to explain what a Design and Access Statement is expected to achieve. Words are taken from the Design and Access Statement Guide.</p>	<p>Amendment to text (para 16.4.1)</p> <p>That where necessary, a Design and Access Statement has been completed and accompanies the application. <u>The Statement should make it clear how the proposal has integrated sustainable design principles into the scheme. The Statement should clearly justify the proposal by explaining how it will create safe, accessible, vibrant and sustainable development which respects its landscape setting and complies with British Standard 5837 (2012).</u> Applicants will be encouraged to use the Building Futures Sustainable Design Toolkit....</p>
16.6 Design Reviews				
16.8	16.6	<p>Section is welcomed. EHDC are encouraged to promote the use of Hertfordshire Design Review Panel in assessing development proposals before they are submitted and to assist the development management process and during the preparation of site specific documents.</p> <p>This could be achieved by setting a policy requirement for identified sites to undertake a design review process at an early stage. This would create a level of certainty within the planning and development management process for</p>	<p>The Council recognises the merits of the Design Review panel and at later development stages may utilise the panel when developing specific development strategies. Paragraph 16.6.3 outlines the types of proposals that are encouraged to use the Design Review.</p> <p>New text could be added to Part III of DES 1 (renumbered DES3, Part IV) as the Hertfordshire Design Review Panel is best placed to assess larger applications that will have an impact on the public realm.</p>	<p>Amendment to text (Policy DES1, Part III renumbered DES3, Part III)</p> <p>III. Development proposals which create new or have a significant impact on the public realm should:</p> <p>... <u>(e) Engage the Hertfordshire Design Review Panel as part of the pre-application stage and throughout the Development Management process where appropriate.</u></p>

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
		EHDC, developers and other stakeholders.		
16.7 Local Character and Amenity				
16.9	16.7.2	Density and mix of housing should reflect the character of the area.	Noted. There are a number of policies that support this statement. DES1 (renumbered DES3) identifies that development should promote local distinctiveness. DES3, Part I (a) also focuses on how any development should have regard to the character and the surrounding area.	No amendment in response to this issue
16.10	16.7.3	The Canal and River Trust support this paragraph	Support noted and welcomed.	No amendment in response to this issue
16.11	16.7.9 (now 16.7.19)	Legibility within the public realm should be maximised (to decrease the chance of Bartholomew Road/Trinity Street and Tanners Wharf occurring again.)	Comments noted. The section Major Developments is considered to deal with legibility within the public realm. 16.7.8 (renumbered 16.7.18) identifies the importance of any layout to be understandable, well-connected and inclusive. Importantly, the policy can only promote this as each application will be dealt with individually. New words could be added to paragraph 16.7.9 bullet point 4 (renumbered 16.7.19) to refer to legible signage.	Amendment to text (para 16.7.9 renumbered 16.7.19) <ul style="list-style-type: none"> Uncluttered and simplified street furniture, <u>which includes the provision of clear and legible signage where necessary;</u>
16.12	16.7.9 (now 16.7.19)	There should be a priority on sustainable modes of transport and a focus of the public realm around connections between modes of transport. Footpaths should be a cohesive network with safe places to access other forms of transport such as buses. The Policy does not deal adequately with priorities for walking and cycling networks to achieve healthy lifestyles.	It is considered that Chapter 17 Transport deals adequately with these issues. Chapter 18 Community Facilities Leisure and Recreation also incorporates these issues with a new section on Rights of Way. There are a number of references to walking and cycling and inclusive design in this chapter.	No amendment in response to this issue
16.13	16.7.9 (now 16.7.19)	Provision needs to be made for the movement of goods and materials.	It is considered that 16.7.5 identifies the urban design principles that adequately deal with the impact of any development upon its environment. It is not considered possible to create a specific policy for this due to the range of uses that the development may have. At the point of application,	Amendment to text (para. 16.7.5) 16.7.5 ...The layout and alignment of built form, plots and blocks should respect and be well integrated within the grain of the wider townscape <u>and have regard to the Manual for</u>

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			appropriate areas for the movement of goods and materials may be identified. Reference to the Manual for Streets could be useful here, including a new text box.	<p><u>Streets 2 (2010), which is a guidance document produced by the Chartered Institute for Highways and Transportation.</u></p> <p>New 'orange box' <u>The Manual for Streets 2 can be downloaded from the CIHT website at: http://www.ciht.org.uk</u></p>
16.14	16.7.9 (now 16.7.19)	The Plan should require developments to provide infrastructure that assists with sustainable design objectives such as cycle storage, EV charging points and disposal units for recycled materials.	<p>Comments noted. New words could be added to paragraph 16.7.9 (renumbered 16.7.19) on the public realm. Policy DES I, Part I (e) (renumbered DES3) outlines that all development proposals should make provision for the storage of bins and ancillary household equipment. Each development proposal at the point of application will consider the suitable siting of refuse.</p> <p>The Council supports and encourages sustainable modes of transport, it is therefore considered to be suitable for development to provide electric vehicle charging points or cycle storage where necessary. This ties in with changes to Chapter 23 Environmental Quality. Policy DES1 Part I(e) (renumbered DES3) should also refer to electric vehicle charging points.</p>	<p>Amendment to text (para. 16.7.9 renumbered 16.7.19 and DES1 renumbered DES3)</p> <ul style="list-style-type: none"> Careful design that prioritises and promotes walking; <u>Design that encourages cycling, including through the provision of safe and secure cycle storage;</u> Uncluttered and simplified street furniture <u>which includes the provision of clear and legible signage where necessary, electric vehicle charging points and recycling facilities;</u> <p>Amendment to Policy DES3, Part I.</p> <p>(e) Make provision for the storage of bins and ancillary household equipment. Garages and driveways should be capable of accommodating family sized vehicles. <u>Dwelling design and layout should make provision for electric vehicle charging points in safe and accessible locations;</u></p>
16.15	16.7.9 (now 16.7.19)	Request a policy on minimising light pollution, which is becoming a greater issue.	There is already a policy within the Environmental Quality Chapter (Policy EQ3: Light Pollution). Words could be added to paragraph 16.7.9 (renumbered 16.7.19) to refer to preventing light pollution.	<p>Amendment to text (para. 16.7.9 renumbered 16.7.19)</p> <ul style="list-style-type: none"> Lighting being integral to the design and not added at the end. <u>Lighting schemes should be designed to prevent light pollution.</u>

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16.16	16.7.9 (now 16.7.19)	The landscaping and wildlife should benefit the community; should support planting native species.	Noted. The Council encourages the planting of trees, grassed areas and flowers to benefit the community. It is considered that 16.7.9 (renumbered 16.7.19) adequately supports this requirement. The bullet point could be expanded to refer to different types of planting. The section on landscaping deals adequately with appropriate species. Further reference to native species in in the landscape and landscaping sections, merged from Chapter 20 now para. 16.7.11 and 16.7.12 (see below).	Amendment to text (para. 16.7.9 renumbered 16.7.19, bullet point 5) 5. Planting (trees, grassed areas, flowers, <u>formal, semi-formal and informal planting</u>);
16.17	16.7.11 (now 16.7.21)	Commitment to the Lifetime Home Standard and Lifetime Neighbourhoods is welcomed. Recognising that the built environment needs to be fully accessible and houses should accommodate for all parts of society.	Support noted and welcomed. However, Lifetime Homes have been revoked in the Housing Standards Review. The Housing Chapter deals with the type and mix of dwellings along with a requirement for accessible and adaptable homes.	Amendment to text (para. 16.7.11 renumbered 16.7.21 and Policy DES3) <u>16.7.21 Similarly, homes should be constructed to provide flexibility for occupants to adapt their living accommodation over time as their needs change. Policy HOU7 of the Housing Chapter sets out the Councils requirements for the construction of accessible and adaptable dwellings.</u> 'Lifetime Homes' are ordinary homes designed to add to the comfort and convenience of the home and supports the changing needs of individuals and families at different stages of life. Lifetime Homes are all about flexibility and adaptability; they are thoughtfully designed to create and encourage better living environments for everyone, enabling occupants to adapt their property according to their needs such as from raising small children to coping with illness or dealing with reduced mobility in later life. This enables occupants to stay within their home for longer and to maintain an independent lifestyle. Residential development should be built to achieve Lifetime Homes standards in accordance with Policy HOU1 (Type and Mix of Housing) and Policy HOU6 (Housing for Older and Vulnerable People). Decent room sizes will be expected in all residential developments, ensuring that the

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
				<p>intended functions of each room can be satisfactorily achieved.</p> <p>Amendment to Policy DES3</p> <p>I (f) <u>All new residential developments should meet the requirements of Policy HOU7, and</u> <u>e</u>Ensure all internal rooms are of an appropriate size and dimension so that the intended function of each room can be satisfactorily achieved. All dwellings shall be identified by their square metreage.</p>
Policy DES1 Local Character and Amenity (now <u>DES3 Design of Development</u> due to the merging of Chapter 16 Design and Chapter 20 Landscape)				
16.18	DES1 (now DES3)	Reflecting and promoting local distinctiveness is supported in principle, but the policy should also support appropriate design innovation to allow for appropriately designed development of its time and to avoid pastiche development of one kind.	Policy DES1 I (a) (renumbered DES3) requires that developments respect and improve upon the character of the site and the surrounding area subject to a range of considerations. The policy was deliberately worded to allow a flexible approach to design – respecting but not reflecting is the key point. Part I (d) refers specifically to encouraging high quality innovative design.	No amendment in response to this issue
16.19	DES1 (now DES3)	Wording should be stronger to ensure new development takes account of local architectural styles. Houses should be built to the best design achievable and reflect the intrinsic character of the area, not creating ‘rabbit hutch’ design and density.	This comment is noted. DES1 (renumbered DES3) outlines that any development is required to promote local distinctiveness which is strengthened by DES3 Part I (a). The current policy wording is considered to reflect this.	No amendment in response to this issue
16.20	DES1 (now DES3)	Driveways and garages should be of a suitable size and the Council should be more robust in its decision-making for such applications.	Comments noted. DES1 (renumbered DES3) Part I (e) deals with this issue.	No amendment in response to this issue
16.21	DES1 (now DES3)	DES1 criteria ‘d’ and ‘f’ need to be revisited following the Ministerial Statement concerning how standards for the sustainability and construction of new housing will be delivered via the Building	Paragraph 16.3.4 should be split and the part referring to Building Regulations should be updated to refer to the National Standards Review, 2015. The Government conducted a Housing Standards Review in 2015. This involved integrating some	<p>Amendment to text (new para. 16.3.5)</p> <p><u>16.3.5 The Government conducted a Housing Standards review in 2015, which integrated some voluntary standards into</u></p>

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		Regulations rather than the planning system.	<p>voluntary standards into Building Regulations in a bid to introduce consistency and cost savings for developers.</p> <p>The Council's aspirations are still to encourage developments to go beyond these new standards.</p>	<u>Building Regulations and created a suite of optional national housing standards that planning authorities can choose to include in local plans. Building Regulations change over time, while sustainable design and technology improves and becomes more viable as they become more established. East Herts Council aspires for all development to exceed national standards and Building Regulations where possible and developments will be expected to utilise the best available sustainable design and technology as possible.</u>
16.22	DES1 (now DES3)	An objection to increased urbanisation. Some suggestions are proposed to enhance the rural character, such as: increased tree planting, designation of rural fringe areas for woodland to provide boundaries, better landscaping within town centres, policies to reduce street furniture to 'de-urbanise' the towns, the expansion of conservation areas to preserve the character of the towns and provide people more power to protect their local environment.	Comments noted. The Council supports differentiating between rural and urban areas. It is considered that the section <i>Public Realm and Inclusive Design</i> refers to these comments and the current policy DES1 (renumbered DES3) wording supports the use of all of these.	No amendment in response to this issue
16.23	DES1 (now DES3)	The NPPF suggests that in rural areas, development should make use of redundant buildings or sites, specific design policies should be used which guide on scale, density, massing, height, landscape, layout and materials.	It is considered that DES1 (renumbered DES3) along with other policies in the Plan deal with this issue adequately. It is neither necessary nor appropriate for the Council to prescribe such matters as every case will be unique and therefore should be treated individually.	No amendment in response to this issue
16.24	DES1 (now DES3)	In principle the design criteria are supported, it is recommended that certain specific requirements such as zero and low carbon energy are supported by an evidence base and up-to-date viability testing. Recommended that any policy should not be an onerous burden upon development.	The Council supports sustainable design and the current policy wording supports this. It is important that this is not an onerous burden upon development, however the Council maintains it should be an integral part of housing design. Studies have found that over time the cost of such technologies have reduced and will continue to do so and that through changes to Building Regulations they become standard costs and not	No amendment in response to this issue

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
			an additional expense. Building such design into development is more cost-effective than retrofitting.	
16.25	DES1 (now DES3)	Design should include rear access/storage for refuse.	It is considered that DES1 (Renumbered DES3) Part I (e) adequately deals with the storage of bins and ancillary household equipment. It is not always appropriate to create rear access where this can compromise security. Each case should be dealt with individually.	No amendment in response to this issue
16.26	DES1 (now DES3)	There should be minimum car parking per household.	The Council's approach to vehicle parking provision is set out in Policy TRA3 Vehicle Parking Provision. Para.17.4.3 of Chapter 17 Transport refers to the Vehicle Parking Standards SPD.	No amendment in response to this issue
16.27	DES1 (now DES3)	Developers should be required to incorporate underground parking facilities in all construction projects and housing development. This would ensure that development is more aesthetically pleasing.	Policy TRA3 Vehicle Parking Provision requires car parking to be integrated as a key element of design in development layouts to ensure good quality, safe, secure and attractive environments. The Council cannot however create policy requirements that are financially unviable. At the time of an application, appropriate parking will be identified to suit the development scheme.	No amendment in response to this issue
16.28	DES1 (now DES3)	Encouraging green spaces in towns should be encouraged. The Garden City heritage of Hertfordshire should be an inspiration. Green spaces are also good for mental health.	Agreed. The Council aims to enhance and encourage green spaces through DES1 Part III (b) (renumbered DES3 Part IV (b)) which aims to maximise opportunities for urban greening. The Council will work with the relevant partners to ensure that green spaces are included in new development and the public realm is improved by new development. The health and wellbeing benefits of open space, vegetation and landscaping are acknowledged in Policy CFLR8 (renumbered CFLR10).	No amendment in response to this issue
16.29	DES1 (now DES3)	Policy should support appropriate design innovation, with reference to Para 58 in the NPPF.	It is considered that the section <i>Innovation</i> adequately defines how design innovation can be integrated into new and existing housing. As well as promoting design that does not stifle innovation, originality or initiative. Therefore the current policy	No amendment in response to this issue

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
			wording is considered to reflect this.	
16.30	DES1 (now DES3)	There should be sufficient access space for Fire and Rescue vehicles and refuse collections vehicles taking into account street parking needs.	Noted. Sufficient vehicular access is considered at the time of an application and all partners are consulted to ensure there is appropriate vehicular access.	No amendment in response to this issue
16.31	DES1 (now DES3)	<p>Whilst this section prescribes certain design principles and solutions to work in combination with site specific policies, when read in combination these policies do not translate the full range of placemaking and sustainable design principles.</p> <p>It is recommended that the policy is revised to focus on a core set of design principles that all development would adhere to and that piecemeal reference to design principles and solutions within the site specific policies is removed. This would present a clearer and more robust policy approach for developers to follow, requiring full and proper consideration of placemaking and sustainable design. For identified sites, the thematic policies would then be translated into the local context in a comprehensive fashion via a development brief/masterplan/SPD.</p> <p>Suggest revised principle list:</p> <ul style="list-style-type: none"> - Character (reflect local distinctiveness whilst not stifling innovation and the creation of distinct identities) - Continuity and enclosure of private and public spaces - High quality public realm and open space - Ease of movement (connectivity, accessibility and permeability of streets, routes, open space and 	<p>The Plan should be read as a whole but it would be of benefit to refer to the Design policies within each site allocation policy within the settlement chapters of the Plan and to refine the approach taken within site allocation policies.</p> <p>The principles referred to are standard approaches contained within guidance such as 'By Design'. Rather than repeat these principles out of context the policy seeks to frame this guidance within the issues that are of particular importance to the communities of East Herts in a language that is easier to understand.</p>	<p>Amendment to text (each site allocation in Part 1 of the Plan)</p> <p><u>Developments will be expected to be in accordance with the sustainable design principles as set out in Policy DES3.</u></p>

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
		blue/green infrastructure, in addition to policy TRA1) - Legibility of places and spaces - Adaptability and resilience of buildings and spaces to change and future environmental risks - Diversity of uses and building types - Efficient use of land - Safe, healthy and inclusive buildings and spaces - Attractive and welcoming buildings and places - Protection of private and visual amenity - Sustainable use and management of materials and resources		
16.32	DES1 (now DES3)	Policy supported, in reference to Great Munden Parish.	Support noted and welcomed.	No amendment in response to this issue
16.33	DES1 (now DES3)	<p>Stansted Airport Ltd comments that design policies should refer to the needs for Aerodrome Safeguarding which is subject to direction and procedure contained within Circular 01/2003. They consider that it is highly advantageous that in preparing a spatial plan, that a specific policy and supporting text references are made to address the need to safeguard the civil aerodrome.</p> <p>This can be done by a singular policy or can be woven into specific policies. STAL would be happy to discuss the details of such alterations with the Council; however at the very least, the following areas are in need of consideration:</p> <p>i. Buildings, structures, erections and works: any development that by virtue of its height would impact on the safe</p>	It is highly unlikely that any such form of development that would affect the issues set out by the airport would occur within East Herts. Where proposals would be deemed to affect the safe operation of the airport the Council would engage the expertise of the relevant stakeholders. It is not considered necessary to prepare a policy to deal with these issues. However, additional text could be added to Chapter 22 (renumbered 21) Climate Change, Policy CC3.	Amendment to Chapter 21 Climate Change Policy CC3 II. ... <u>(f) the safe operation of aerodromes.</u>

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		operation of the aerodrome and its navigational aids(relevant to section 16); ii. Birdstrike: developments which likely to attract birds, including significant areas of landscaping, significant areas of water, nature reserves, or bird sanctuaries in any part of the district (relevant to sections 18, 19 & 20); and iii. Wind turbines and solar PV schemes: potential to cause potential impact on radar and safe operation of the aerodrome (particularly in relation to Policy CC3 Renewable and Low Carbon Energy).		
16.8 Crime and Security				
16.34	DES2 (now DES4)	Developers should act on recommendations from Police and Fire and Rescue Service and be unable to use 'Secured by Design' if recommendations not acted upon.	Noted. Police and Fire and Rescue recommendations will be considered as part of any development proposal. Paragraph 16.8.2 also advises applicants to consult the Hertfordshire Constabulary Architectural Liaison Officer in order to reduce crime through design.	No amendment in response to this issue
16.35	DES2 (now DES4)	This policy should refer to minimising light pollution.	Part II of the policy could be expanded to cover the effective use of lighting.	Amendment to text (Policy DES2 (renumbered DES4) Part II.) II. Security features should be designed in a sensitive manner which respects the overall character of the frontage and location, whilst maintaining an attractive street scene <u>and minimising light pollution.</u>
General				
16.36		There are loopholes that allow minor amendments to be made to a scheme once approved which changes the overall scheme, including affordability and mix.	This is an established process of Planning. The Council needs to have a robust approach to refusing such 'minor amendments' where they alter the scheme in this way. Unfortunately, the Government have now introduced a mechanism by	No amendment in response to this issue

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		These should be prevented.	which applicants can bypass the local planning authority to achieve these changes where issues of viability are concerned. The policy approach taken across the Plan is considered robust enough to guide the decision-taking of such applications.	
16.37		Roof pitches should be reduced in order to stop additional roof spaces being constructed, thus making houses bigger and unaffordable.	There is no control over the internal use of such spaces. Only where external alterations are necessary to facilitate this use can planning intervene. It is considered that this policy approach would not be suitable due to the considerations that are necessary for each planning application.	No amendment in response to this issue
16.38		Local food production should be included in local community.	The Council supports the use of land for local food production in local communities. This can be achieved in a number of ways; through the provision of private and public outdoor space and the innovative use of 'left-over' spaces in development schemes. Additional text could be added to section 16.7.9 (renumbered 16.7.19) on public realm and inclusive design to raise the profile of local space for food production.	Amendment to text (para. 16.7.9 (renumbered 16.7.19)) <ul style="list-style-type: none"> Green space for being retained, enhanced and integrated into the design of a development scheme, <u>which may include including the creation of space for local food production or community gardens. This can help to</u> it will reinforce the quality and character of a place, increase biodiversity and deliver a wide range of health and wellbeing benefits <u>as well as foster a sense of community;</u>
16.39		If building in a floodplain could houses be built on stilts?	Policy WAT1 in Chapter 22 deals with flood risk management, including flood resilient design.	No amendment in response to this issue
16.40		Land should be available for self-builders.	Noted. A new policy on Self-Build Homes will be inserted into Chapter 13 Housing at Policy HOU8.	Amendment to text (See Chapter 13 Housing)

Part 1: Issues Raised Through the Preferred Options Consultation

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
General				
20.1	20	Where site allocations are proposed, the requirements for landscaping, green space, local Green Infrastructure and SUDS are fully supported, and will provide useful 'hooks' upon which to secure considered landscape solutions within these schemes.	Support noted and welcomed	No amendment in response to this issue
20.1 Introduction				
20.2	20.2.1 (now 16.7.7)	East Herts remains one of the most rural areas of Hertfordshire, largely because of the undeveloped nature of the district and the largely farmed nature of its environment. There should be reference to this significant land use which affects the existing landscape character, whatever its biodiversity or other characteristics.	<p>Agreed. Additional paragraph added to raise the importance of the rural landscape.</p> <p>Hedgerows are also an important landscape feature as a remnant of field boundaries, many of which are also classified as ancient, thus benefiting from an extra level of protection.</p> <p>More detail on Landscape Character is referred to in para. 20.2.1 (renumbered 16.7.8), which should be expanded to ensure consistency with the Landscape Character SPD.</p> <p>Paragraph 16.7.8 should also be subdivided and reference to Landscape Assessments should be in a separate paragraph 16.7.9 (see below).</p>	<p>Amendment to text (new para 20.1.2 renumbered 16.7.7) and amendments to text (para 20.2.1 renumbered 16.7.8)</p> <p>20.1.1 <u>16.7.7 The rural landscape is of great significance to the character of East Herts. The district has a rich landscape of open fields and parklands shaped by river valleys and arable plateaux. Woodland accounts for 9% of total land cover, half of which is classified as being ancient. Hedgerows are also an important feature throughout Hertfordshire, reflecting the historic enclosure of agricultural fields and defining land ownership boundaries. Many hedgerows throughout the district are classified as ancient hedgerows and are key elements of green corridors,</u></p>

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
				<p><u>contributing towards wider ecological networks.</u></p> <p>20.2.116.7.8 There is a <u>are</u> diverse landscape character <u>areas</u> and settlement patterns in the district which are assessed in the Council's Landscape Character Assessment Supplementary Planning Document (September 2007). The document provides a structured evaluation of these landscapes, a landscape strategy and guidelines for <u>strengthening, reinforcing, improving, reconstructing,</u> conserving and enhancing <u>restoring</u> the character of each area. The document also provides a framework for assessing planning applications. Landscape and Visual Impact Assessments should be submitted with planning applications detailing how the proposal takes into account the Landscape Character Assessment SPD; preserving valuable landscapes through appropriate mitigation and enhancement.</p>
Landscape Character				
20.3	LAN1 (now DES1)	The Canal and River Trust supports this Policy.	Support noted and welcomed	No amendment in response to this issue

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
20.4	LAN1 (now DES1)	Natural England supports this Policy, and welcomes the requirement for a Landscape and Visual Impact Assessment.	Support noted and welcomed	No amendment in response to this issue
20.5	LAN1 (now DES1)	LAN 1 Part I should specify the size of development for which LVIA is required. Blanket requirement on all applications is disproportionate. Suggest requirement is limited to major applications.	<p>Agreed that blanket requirement is disproportionate.</p> <p>Paragraph 20.2.1 (renumbered 16.7.9) should be divided to highlight the need for landscape assessments and should refer to the need for Landscape Sensitivity and Capacity Assessments as well as Landscape and Visual Impact Assessments as they cover two different types of assessment.</p> <p>Policy LAN1 (renumbered DES1) should also refer to Landscape Sensitivity and Capacity Assessments, with clarification as to when such an assessment will be required.</p>	<p>Amendment to text (para. 20.2.1 renumbered 16.7.9 and Policy LAN1 renumbered DES1)</p> <p><u>16.7.9 Landscape and Visual Impact Assessments should be submitted with planning applications detailing how the proposal takes into account the Landscape Character Assessment SPD; preserving valuable landscapes through appropriate mitigation and enhancement. Landscape and Visual Impact Assessments and Landscape Sensitivity and Capacity Assessments should be submitted with planning applications where appropriate, detailing how these have informed the proposal, including mitigation where necessary.</u></p> <p>Amendment to Policy LAN1 DES1 Landscape Character</p> <p>I. Development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape. <u>For major applications, or applications where there is a potential adverse impact on landscape character, a</u> A Landscape and Visual Impact Assessment <u>and/or Landscape</u></p>

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
				<p><u>Sensitivity and Capacity Assessment</u> should be provided to ensure that impacts, mitigation and enhancement opportunities are appropriately addressed.</p> <p>II. In exceptional circumstances, where damage to landscape character is unavoidable and justified by other material considerations, appropriate mitigation measures will be sought.</p> <p>III. Where an area is identified in the Council's <u>latest</u> Landscape Character Assessment <u>SPD</u> this will be used to inform consideration of development proposals.</p>
20.6	LAN1 (now DES1)	Part III- The entire District is covered by Landscape Character Assessments so this statement is inappropriately worded. Suggested rewording - "the relevant Landscape Character Assessment will be used to assess proposals".	Not agreed. The LCA does not cover the towns and therefore the current policy wording is considered acceptable.	No amendment in response to this issue
20.7	LAN1 (now DES1)	Policy is weak in the linkage to the Landscape Character Assessments. Part I merely states 'Development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape' without reference to LCAs.	Policy should be read as a whole. There is clear reference to LCAs in Part III of the Policy.	No amendment in response to this issue
20.8	LAN1 (now DES1)	Policy LAN1 should explicitly reference the key characteristics and strategy and guidelines for managing change and require development proposals to do so.	Policy LAN1 clearly requires reference to the relevant LCA where appropriate. This would include all aspects of the LCA including location, landscape character, key characteristics, distinctive features, physical influences, historic and cultural influences,	No amendment in response to this issue

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
			visual and sensory perception, accessibility, community views, and strategy and guidelines for managing change.	
20.9	LAN1 (now DES1)	LAN1 paragraph III could follow the lead of policy HA4 paragraph 1 (e) and be rewritten as “Conform to any ‘Landscape Character Assessments’ prepared by the District Council, safeguard the Key Characteristics of the area, and comply with the ‘Strategy and Guidelines for Managing Change’ for the area”.	The current Policy wording is considered appropriate. Policy LAN1 clearly requires reference to the relevant LCA where appropriate. This would include all aspects of the LCA including location, landscape character, key characteristics, distinctive features, physical influences, historic and cultural influences, visual and sensory perception, accessibility, community views, and strategy and guidelines for managing change.	No amendment in response to this issue
20.10	LAN1 (now DES1)	Policies LAN1 and HA4 are not linked in the draft Plan although the clear intention of the NPPF is that the designation of heritage assets is linked to Landscape Character (NPPF sections 169 and 170).	Where relevant the Landscape Character Assessment is used to inform the Conservation Area Appraisals.	No amendment in response to this issue
20.11	LAN1 (now DES1)	Conservation Area Assessments must ultimately and explicitly be linked to LCA’s; they should be updated to reference each other.	Where relevant the Landscape Character Assessment is used to inform the Conservation Area Appraisals.	No amendment in response to this issue
20.12	LAN1 (now DES1)	‘Setting’ is mentioned in several places in section 21 and policy HA4 but is not defined. NPPG definition (para 013) should be included to make clearer how development may impact upon setting of heritage asset and be assessed.	The definition of ‘setting of a historic asset’ is set out in the glossary. See also comments on Chapter 21. Heritage Assets.	No amendment in response to this issue
20.13	LAN1 (now DES1)	Support for purpose of policy – if a Landscape and Visual Impact Assessment (LIVA) is required to justify development then it must follow that it should inform the scale of any Green Belt release in the first place. The	High level assessments have been undertaken to inform the District Plan. More detailed assessments will occur as and when proposals evolve.	No amendment in response to this issue

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
		Council should undertake a LVIA on the land adjacent to Great Innings North of Watton-at-Stone. This should not be left to the Parish Council as part of neighbourhood plan.		
Landscaping				
20.14	20.3 (now 16.7.8)	Recent changes at a golf club in the district have damaged the landscape. Strengthened wording could prevent this happening this again.	Policies LAN1 and LAN2 (renumbered DES1 and DES2) provide a strong basis for the consideration of landscape, including where appropriate the requirement for a Landscape and Visual Impact Assessment.	No amendment in response to this issue
20.15	20.3.2 (now 16.7.11)	With particular reference to rivers and their associated buffer zones only native species should be planted. The Environment Agency also requests the addition of a reference to the management of invasive species.	Agreed. Amendment to the text of paragraph 20.3.2 (renumbered 16.7.11) is required, with additional reference to invasive species. If the Council is aware of any invasive species in the determination of an application a directive would be attached to any permission to inform the applicant.	Amendment to text (para 20.3.2 renumbered 16.7.11) <u>16.7.11</u> The Council will not permit schemes that result in the net loss of landscape features of visual and biodiversity value, and all opportunities for new planting and habitat creation should be fully explored. In exceptional circumstances, where development would result in the loss of landscape features, appropriate compensatory planting or habitat creation will be sought. Certain plants will be more suited to the physical conditions of the site and to the local landscape character than others. As a general rule locally native species are preferable. <u>Native species should be used where appropriate, particularly along rivers and their associated buffer zones paying particular attention to the avoidance of invasive species.</u>

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
20.16	20.3.2 (now 16.7.11)	HCC supports this paragraph, including protecting landscape feature of biodiversity value and use of locally native species.	Support noted and welcomed	No amendment in response to this issue
20.17	20.3.3 (now 16.7.12)	HCC and others support this paragraph, including the recognition of trees and hedgerows in providing a range of beneficial functions.	Support noted and welcomed. Sometimes it could be deemed necessary, where it is essential to maintain the character of the locality, that replacement planting is of mature trees/hedgerows and not saplings. In addition, it is important that replacement planting is successful and monitored to ensure that if any plants die that they are replaced accordingly. (See also Issue 20.15 above)	Amendment to text (para. 20.3.2 renumbered 16.7.11) <u>16.7.11</u> The Council will not permit schemes that result in the net loss of landscape features of visual and biodiversity value, and all opportunities for new planting and habitat creation should be fully explored. In exceptional circumstances, where development would result in the loss of landscape features, appropriate compensatory planting or habitat creation will be sought. Certain plants will be more suited to the physical conditions of the site and to the local landscape character than others. As a general rule locally native species are preferable. Along rivers and their associated buffer zones, only native species should be planted. <u>Replacement planting should consist of mature plants and species that have been carefully chosen based on their suitability for the conditions of the site and the local landscape character. Native species should be used where appropriate, particularly along rivers and their associated buffer zones, paying particular attention to the avoidance of invasive species. It is</u>

Issue Number	Policy/ Paragraph	Issue	Officer Response	Proposed Amendment
				<u>important that such planting schemes are monitored over time and action is taken to ensure agreed landscaping plans are fulfilled.</u>
20.18	20.3.6 (now 20.3.6)	The Environment Agency supports this paragraph.	Support noted and welcomed	No amendment in response to this issue
20.19	LAN2 (Now DES2)	The Environment Agency supports this Policy.	Support noted and welcomed	No amendment in response to this issue
20.20	LAN2 (Now DES2)	Natural England supports this Policy, and welcomes the reference to habitat creation.	Support noted and welcomed	No amendment in response to this issue
20.21	LAN2 (Now DES2)	Landscape design proposals should form part of the full planning application and not be delegated to a reserve matter. Landscape schemes should be promoted/encouraged to provide maximum wildlife value.	With an outline application landscaping can be a reserved matter, and it would then be considered by a reserved matter application. With a full planning application details of landscaping may be considered in the determination of the application or via a condition attached to a permission. Policy LAN2 requires proposals to demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and /or biodiversity value.	No amendment in response to this issue
20.22	LAN2 (Now DES2)	Policy should include wording that prevents the loss of front gardens and boundary features for the purpose of parking which has detrimental effect on the public realm, ecology and availability of on-street parking. Support retention of existing features unless in exceptional circumstances.	Not agreed. In many cases planning permission is not required for the hard surfacing of front gardens or the removal of boundary features.	No amendment in response to this issue

Part 2: Other Proposed Amendments

Policy/ Paragraph	Issue	Proposed Amendment
	Amendment to Chapter title to reflect the consolidation of Chapter 16 on Design and Chapter 20 on Landscape	Chapter 16 Design <u>and Landscape</u>
16.2 Design Objectives		
16.2.1	Where health and wellbeing is referenced, this should be good health and wellbeing.	Amendment to text (para.16.2.1. bullet 8) 8. Encourage <u>good</u> health and well-being;
16.2.1	There needs to be an early reference to the British Standard recommendations for managing trees in relation to development, demolition and construction.	Amendment to text (para. 16.2.1, new bullet 11) <u>11. Incorporate the good practice recommendations of British Standard 5837 (2012): Trees in relation to design, demolition and construction; and</u>
16.2.1	There is a need for an early reference to the need to undertake landscape sensitivity and capacity assessments and landscape and visual impact assessments when planning new developments.	Amendment to text (para. 16.2.1, new bullet 12) <u>12. Incorporate appropriate Landscape Sensitivity and Capacity Assessments and Landscape and Visual Impact Assessments in the consideration of location and design of new development.</u>
16.3 Sustainable Design		
16.3.1	A rewording of the text for clarification.	Amendment to text (para. 16.3.1) 16.3.1 There are many industry examples, toolkits, guidance documents and best practice available that provide sources of information on <u>specific aspects on sustainable design</u> how to design developments in the most sustainable way.
16.3.4	Clarification to the text is required, including the removal of reference to Building Regulations.	Amendment to text (para. 16.3.4) Users of the Toolkit can choose <u>from any</u> one of the six development types to navigate a wealth of sustainable design guidance on issues such as climate change, water, materials and safety. It should be noted that some of these measures exceed those required by Building Regulations. As Building Regulations also change over time as standards and technology improves, applicants should therefore seek to employ the best available approach to sustainable design and technology.
16.3.5	All local standards such as Building for Life, Lifetime Homes and Code for Sustainable Homes have been replaced by a suite of national standards that cover	Amendment to text (para. 16.3.5 and 16.3.6) 16.3.5 Building for Life 12 is a nationally recognised scheme for appraising the overall design of development. The appraisal consists of 12 questions. A well designed scheme will perform well

Policy/ Paragraph	Issue	Proposed Amendment
	accessibility, energy efficiency, water efficiency, security and internal space standards. Building for Life 12 reference should therefore be removed.	<p>against all 12 of the questions and the performance will be determined using a traffic light system of green, amber and red. The questions are available for use by anyone who has an interest in new homes and neighbourhoods; from developers to community groups to local authorities. Developers achieving 12 green lights within the appraisal can apply for 'Built for Life' accreditation which can be used to market the site.</p> <p>16.3.6 Appraisals should ideally be undertaken throughout all stages of the development process, guiding design related discussions with the local community, local authority and other stakeholders. Through this process, all parties should understand what needs to be done in local circumstances to achieve as many 'green' lights as possible, minimise 'ambers' and avoid 'reds'. Any 'ambers' and 'reds' should be identified early so that a suitable design solution can be found where possible.</p> <p>Building for Life guidance can be viewed at: www.designcouncil.org.uk</p>
16.4 Planning Applications		
16.4.1	While para. 16.3.6 was originally in the context of Building for Life 12, the principles of undertaking relevant assessments and community engagement are still sound and should be retained and placed in the context of planning applications.	<p>Amendment to text (new para. 16.4.1)</p> <p>16.4.1 <u>Development proposals can often be controversial, therefore it is important that appropriate appraisals are undertaken to inform the site planning, layout and design process, and that local communities and stakeholders are engaged throughout.</u> The District Council expects a high standard of design in new development...</p>
16.4.1	Bullet two should refer to landscape architects and drainage engineers being involved as well as traditional architects.	<p>Amendment to text (para. 16.4.1, bullet 2)</p> <p>2... It is essential that skilled architects, <u>landscape architects and drainage engineers</u> are involved in the early stages of any development proposal, to ensure that the potential of any site can be maximised;</p>
16.5 Design Codes		
16.5.3	It is necessary to refer to the changing policy landscape where design criteria may be provided in the form of Neighbourhood Plans, and where still relevant, Parish Design Guides.	<p>Amendment to text (new para. 17.5.3)</p> <p><u>16.5.3 Where applicable, other forms of design guidance such as Neighbourhood Plans and Parish Design Guides may also be applied.</u></p>

Policy/ Paragraph	Issue	Proposed Amendment
16.6 Design Reviews		
16.6.2	16.6.2 should be updated to reflect that the Panel is now established and is no longer funded by the County Council.	Amendment to text (para. 16.7.2) 16.6.2 The new Hertfordshire Design Review Panel, funded by Hertfordshire County Council, has been set up to help planners, developers and designers realise the full potential of development schemes. It is a new addition to the Building Futures Initiative and provides <u>providing</u> a resource to support the delivery of high quality, sustainable design for those bringing forward development proposals.
16.7 Local Character and Amenity		
16.7.2	Text amended to read better.	Amendment to text (para. 16.7.2) 16.7.2 <u>Some</u> Many modern development <u>proposals</u> , schemes (especially schemes involving a number of dwellings) can be bland and generic. However, if a development scheme <u>proposal</u> is based on a sensitive understanding of site and context, it can exhibit a distinct character and identity while also belonging to the wider locality. For example, development in proximity to water spaces should respond to and incorporate the water space in the design to add to the character of development. Therefore successful development should respond to locally distinctive patterns of development, building methods and detailing, landscape and history.
16.7.3	This section is an opportunity to refer to Landscape and Visual Impact Assessments when understanding the impact of development proposals on important views, vistas and skylines.	Amendment to text (para. 16.7.3, bullet 1) 1. Avoid obscuring important views, vistas and skylines <u>as established through a Landscape and Visual Impact Assessment;</u>
16.7.3	This section should refer to the guidelines for managing change in the Landscape Character Appraisal Supplementary Planning Document	Amendment to text (para. 16.7.3, new bullet 5) <u>5. Have regard to the recommendations for managing change within a landscape as set out in the Landscape Character Assessment Supplementary Planning Document (2007).</u>
16.7.10	This paragraph should refer to the requirement for Design and Access Statements	Amendment to text (para. 16.7.10) 17.7.10 Landscape issues must be regarded as an integral part of the development process. Careful and early consideration of design issues and the provision of adequate landscape information can help to avoid delays at a later stage. In assessing the landscape implications of planning applications the site context, proposed layout, future uses and maintenance all need to be taken into account <u>and detailed in a Design and Access Statement.</u>

Policy/ Paragraph	Issue	Proposed Amendment
16.7.13	Paragraph 16.7.13 has been amended as the Council does not offer guidance on schemes. Such guidance should be sought from the guidance in British Standard 5837 (2012).	Amendment to text (para. 16.7.13) <u>16.7.13 Advice on existing trees and hedgerows, and new planting can be provided by relevant Council officers. Advice on existing trees and hedgerows, new planting and arboricultural constraints can be found in British Standard 5837 (2012), compliance with which is required where there are trees on or around the site.</u>
16.7.15	Paragraph 16.7.15 should make reference to SUDS and multifunctional green infrastructure.	<u>16.7.15</u> The Council welcomes landscape design which incorporates principles of sustainability such as use of local materials, low energy consumption for construction and maintenance, local recycling of water through surfaces which increase the permeability of the ground <u>(such as SUDS or multifunctional green infrastructure)</u> , and good pedestrian/cycle links and facilities to reduce car use.
	Policy LAN2 Landscaping should be renumbered Policy DES2 Landscaping	Amendment to text Policy LAN2 renumbered <u>Policy DES2 Landscaping</u>
16.7.18	This paragraph should be consistent with the wording in the Design and Access Statement Guide.	Amendment to text (para. 16.7.18) It is also important that layouts are configured in such a way that they are easy to understand, are <u>vibrant</u> , well-connected, inclusive, feel safe, and have clearly defined public and private spaces.
16.7.18	The Government withdrew a series of guidance documents in March 2014, replacing it with the National Planning Practice Guidance which has little in the way of specific design guidance. By Design was withdrawn, yet it is still used by professionals and contains a wealth of specific design guidance and best practice. It is considered worthy of inclusion in the preamble text.	Amendment to text (para. 16.7.18) It is also important that layouts are configured in such a way that they are easy to understand, are <u>vibrant</u> , well-connected, inclusive, feel safe, and have clearly defined public and private spaces. <u>While the Government's previous guidance 'By Design: Urban Design in the Planning System' was withdrawn in March 2014, the principles within the guidance are still relevant and provide a good framework for creating attractive and sustainable developments.</u>
16.7.19	Consideration should be given to the impact of security gates.	Amendment to text (para. 16.7.19, bullet 9) 9. ... Private and public space should be considered in the process of designing buildings and places. This prevents non-specific, unused and anti-social spaces being created. <u>The impact of any security gates on the character and appearance and on social cohesion will be considered on a case by case basis.</u>
	Policy DES1 Local Character and Amenity becomes DES3 Design of Development.	Amendment to text Policy DES1 Local Character and Amenity <u>DES3 Design of Development</u>

Policy/ Paragraph	Issue	Proposed Amendment
Policy DES3	This policy needs to include elements of the current similar Local Plan Policy ENV1.	Amendment to text (Policy DES3, Part 1. (c)) (c) Avoid significant detrimental impacts on the amenities of <u>occupiers of</u> neighbouring properties and land, <u>and ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, privacy or overshadowing;</u>
Policy DES3	Requires a change in wording to be more effective.	Amendment to text (Policy DES3, Part I. (d)) (d) Embrace <u>Encourage</u> high quality innovative design....
16.8 Crime and Security		
	Policy DES2 Crime and Security is renumbered Policy DES4 Crime and Security	Amendment to text (Policy DES4) Policy DES2 <u>DES4</u> Crime and Security
16.9 Advertisements and Signs		
	Policy DES3 Advertisements and Signs is renumbered Policy DES5 Advertisements and Signs	Amendment to text (Policy DES4) Policy DES3 <u>DES5</u> Advertisements and Signs
Policy DES5	The ordering of this policy should be akin to other policies, where the positive approach is listed first. Also, that there is no need to refer to both the position and the siting, just the siting of an advert or sign.	Amendment to text (Policy DES5) I. <u>The number, size, siting, illumination, design, colour and materials of advertisements or signs, displayed on or close to a building, must respect the character and appearance of the environment, and the design, scale, features, function and setting of the building.</u> Consent will not be given for advertisements that are harmful to amenity or public safety. II. The number, size, position, siting, illumination, design, colour and materials of advertisements, displayed on or close to a building, must respect the character and appearance of the environment, and the design, scale, features, function and setting of the building. <u>Consent will not be given for advertisements that are harmful to amenity or public safety.</u> III. The display of advertisements of an inappropriate size, position , siting, illumination, design, colour and materials, will not be permitted.

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16 Design and Landscape

16.1 Introduction

16.1.1 The importance of good design in securing high quality development is widely recognised. Design is not just about visual appearance and function: it is about a whole range of social, economic and environmental considerations, which together are a major contributor to quality of life.

16.1.2 One of the objectives of this Plan is to raise the standards and quality of the layout and design of new development. The District Council is strongly committed to promoting good design in new developments and to improving the quality of public spaces. Good design is a key aspect of sustainable development and can contribute positively to making places better for people. The way in which places and the buildings within them are designed is fundamental not only to creating environments that communities value, but also to ensuring that the use of resources and the environmental impact of new development is reduced.

16.1.3 Good design can encourage healthy lifestyles by encouraging movement on foot and by bicycle. It can also enhance local distinctiveness, promote the vitality of the local economy, facilitate community cohesion by enabling social interaction in secure public spaces and incorporate multi-functional Green Infrastructure networks. In summary, good design can contribute towards creating attractive and safe places where people want to live, work, and visit.

16.2 Design Objectives

16.2.1 To achieve high quality design, there are several intrinsic sustainable development objectives that should be understood by applicants to inform the design of new development. These are to:

1. Respect, improve and enhance the existing surrounding environment;
2. Respond to existing patterns of development and the local context;

3. Be attractive in appearance but receptive to original design and innovation in construction techniques, design and technologies;
4. Be usable, in terms of accessibility, legibility and be well-connected;
5. Be adaptable and flexible to the needs of the occupiers now and in the future;
6. Be socially inclusive, catering for the current and changing needs of the district's population;
7. Discourage crime and anti-social behaviour;
8. Encourage good health and well-being;
9. Incorporate measures to mitigate and adapt against the effects of climate change;
10. Incorporate water management and sustainable urban drainage, planting and landscaping into the overall design, including through the creation of adequate private and public amenity space and green infrastructure;
11. Incorporate the good practice recommendations of British Standard 5837 (2012): Trees in relation to design, demolition and construction; and
12. Incorporate appropriate Landscape Sensitivity and Capacity Assessments and Landscape and Visual Impact Assessments in the consideration of location and design of new development.

16.3 Sustainable Design

- 16.3.1 There are many industry examples, toolkits, guidance documents and best practice available that provide sources of information on specific aspects on sustainable design.
- 16.3.2 Building Futures is a Hertfordshire guide to promoting sustainability in development. It includes an interactive Sustainable Design Toolkit, which contains design guidance for six different types of development ranging from

householder extensions through to large and mixed-use development:

1. Household extension
2. New dwellings
3. Multi-residential (e.g. care homes)
4. Education & Health
5. Commercial & Industrial
6. Large & Mixed-use

16.3.3 The Toolkit has been created to help those who prepare and assess development proposals in Hertfordshire to better understand the principles of sustainable design and consider how best they can be applied to a specific scheme and site. Using a virtual townscape, the Toolkit aims to provoke thought and inform decisions on the design and build of new development schemes in Hertfordshire. It does this by providing a simple framework of questions, best practice guidance and further information on sustainable design.

16.3.4 Users of the Toolkit can choose from any of the six development types to navigate a wealth of sustainable design guidance on issues such as climate change, water, materials and safety.

Building Futures is an interactive Website which can be viewed at: www.hertslink.org/buildingfutures

16.3.5 The Government conducted a Housing Standards review in 2015, which integrated some voluntary standards into Building Regulations and created a suite of optional national housing standards that planning authorities can choose to include in local plans. Building Regulations change over time, while sustainable design and technology improves and becomes more viable as they become more established. East Herts Council aspires for all development to exceed national standards and Building Regulations where possible and developments will be expected to utilise the best available sustainable design and technology as possible.

- 16.3.6 The Building Research Establishment has established a new Home Quality Mark to replace Building for Life which was revoked in the National Standards review 2015. The Home Quality Mark is an independent assessment of the home's quality in terms of its contribution to the occupant's health and wellbeing, cost to maintain and energy efficiency for example. It is a voluntary standard which demonstrates that design and construction exceeds that required by Building Regulations and can be used as a tool when marketing and buying properties and may be used as a benchmark for proposals.

The Home Quality Mark guidance can be viewed at: www.homequalitymark.com/standard
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16.4 Planning Applications

- 16.4.1 Development proposals can often be controversial, therefore it is important that appropriate appraisals are undertaken to inform the site planning, layout and design process, and that local communities and stakeholders are engaged throughout. The District Council expects a high standard of design in new development. To achieve this, applicants should ensure:

1. A comprehensive design process has been carried out including: a site and context appraisal and assessment of relevant policies; involvement with the local community; and the design of the development scheme based on assessment, involvement, and evaluation of information collected;
2. That in the design of the scheme there should be clear evidence that design principles based on the sustainable development objectives set out above have been followed, understood and integrated within the constraints of the development proposal. It is essential that skilled architects, landscape architects and drainage engineers are involved in the early stages of any development proposal, to ensure that the potential of any site can be maximised;
3. That where necessary, a Design and Access Statement has been completed and accompanies the application. The statement should make it clear how the proposal has

integrated sustainable design principles into the scheme. The Statement should clearly justify the proposal by explaining how it will create safe, accessible, vibrant and sustainable development which respects its landscape setting and complies with British Standard 5837 (2012). Applicants will be encouraged to use the Building Futures Sustainable Design Toolkit and the Home Quality Mark within their Design and Access Statements.

16.5 Design Codes

- 16.5.1 A Design Code is a set of specific rules or requirements to guide the physical development of a site or place. The aim of design coding is to provide clarity as to what constitutes acceptable design quality and thereby a level of certainty for developers and the local community alike that can help to accelerate the delivery of good quality new development.
- 16.5.2 The District Council will consider using Design Codes where they will help to deliver high quality outcomes on particular sites/areas.
- 16.5.3 Where applicable, other forms of design guidance such as Neighbourhood Plans and Parish Design Guides may also be applied.

16.6 Design Reviews

- 16.6.1 The publication of the NPPF has re-iterated and reinforced the role of Design Reviews. Where appropriate the District Council will ensure that local design review arrangements are in place to provide assessment and support to ensure high standards of design.
- 16.6.2 The Hertfordshire Design Review Panel, has been set up to help planners, developers and designers realise the full potential of development schemes, providing a resource to support the delivery of high quality, sustainable design for those bringing forward development proposals.
- 16.6.3 The majority of schemes brought forward for review would be at the pre-application stage, i.e. at the early design stage. They would normally be major schemes as defined by their

scale and nature, or which have a significant impact on the character of Hertfordshire's landscape, settlements and built form. Schemes submitted for review may include proposals for new housing, commercial development, infrastructure or community facilities (e.g. schools) as well as public realm and open space enhancement schemes.

16.7 Local Character and Amenity

16.7.1 Many features contribute to East Hertfordshire's character, including its historic environment, the landscape and the pattern of towns and villages, rivers and open spaces. This context makes the district a very attractive and desirable place to live.

16.7.2 Buildings and landscapes that demonstrate a distinct character and are aesthetically pleasing, contribute greatly to the success of a place. Some development proposals, (especially schemes involving a number of dwellings) can be bland and generic. However, if a development proposal is based on a sensitive understanding of site and context, it can exhibit a distinct character and identity while also belonging to the wider locality. For example, development in proximity to water spaces should respond to and incorporate the water space in the design to add to the character of development. Therefore successful development should respond to locally distinctive patterns of development, building methods and detailing, landscape and history.

16.7.3 If development is to be successfully integrated within the existing environment then scale is an important design element. When designing to the local character of building forms, patterns of development and the natural environment, the scale of new development should:

1. Avoid obscuring important views, vistas and skylines as established through a Landscape and Visual Impact Assessment;
2. Ensure the height and massing does not interrupt the rhythm of an existing building/roof line and overall streetscape, or detract from the local and wider area's character;

3. Respect the existing scale in the detailing and composition of elements such as windows, doors etc; and
 4. Have regard for the principal users of development schemes so that buildings and infrastructure are scaled for their maximum benefit and enhance their experience of the space.
 5. Have regard to the recommendations for managing change within a landscape as set out in the Landscape Character Assessment Supplementary Planning Document (2007).
- 16.7.4 Taller buildings are often more suited to key locations such as on corners, along principal routes, the end of vistas or around parks.
- 16.7.5 The layout, form, building details and massing of a development will have a great impact on a locality, and the opportunity to enhance, add variety and local distinctiveness. Layouts should observe good urban design principles, with a clear sense of public and private frontages and buildings, positively addressing public routes within and around a site. The layout and alignment of built form, plots and blocks should respect and be well integrated within the grain of the wider townscape and have regard to the Manual for Streets 2 (2010), which is a guidance document produced by the Chartered Institute for Highways and Transportation.

The Manual for Streets 2 can be downloaded from the CIHT website at: <http://www.ciht.org.uk>

Landscape Character

- 16.7.6 Landscape is formed by many factors, including the underlying soils, climate, habitats and human influence, both past and present. Planning policy provides an important framework within which to protect and manage change within a landscape.
- 16.7.7 The rural landscape is of great significance to the character of East Herts. The district has a rich landscape of open fields and parklands shaped by river valleys and arable plateaux. Woodland accounts for 9% of total land cover, half of which is

classified as being ancient. Hedgerows are also an important feature throughout Hertfordshire, reflecting the historic enclosure of agricultural fields and defining land ownership boundaries. Many hedgerows throughout the district are classified as ancient hedgerows and are key elements of green corridors, contributing towards wider ecological networks.

- 16.7.8 There are diverse landscape character areas and settlement patterns in the district which are assessed in the Council's Landscape Character Assessment Supplementary Planning Document (September 2007). The document provides a structured evaluation of these landscapes, a landscape strategy and guidelines for strengthening, reinforcing, improving, reconstructing, conserving and restoring the character of each area. The document also provides a framework for assessing planning applications.
- 16.7.9 Landscape and Visual Impact Assessments and Landscape Sensitivity and Capacity Assessments should be submitted with planning applications where appropriate, detailing how these have informed the proposal, including mitigation where necessary.

The Landscape Character Assessment Supplementary Planning Document (2007, or as amended) can be viewed and downloaded at: www.eastherts.gov.uk/landscapespd

Policy DES1 Landscape Character

I. Development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape. For major applications, or applications where there is a potential adverse impact on landscape character, a Landscape and Visual Impact Assessment and/or Landscape Sensitivity and Capacity Assessment should be provided to ensure that impacts, mitigation and enhancement opportunities are appropriately addressed.

II. In exceptional circumstances, where damage to landscape character is unavoidable and justified by other material considerations, appropriate mitigation measures will be sought.

III. Where an area is identified in the Council's latest Landscape Character Assessment SPD this will be used to inform consideration of development proposals.

Landscaping

- 16.7.10 Landscape issues must be regarded as an integral part of the development process. Careful and early consideration of design issues and the provision of adequate landscape information can help to avoid delays at a later stage. In assessing the landscape implications of planning applications the site context, proposed layout, future uses and maintenance all need to be taken into account and detailed in a Design and Access Statement.
- 16.7.11 The Council will not permit schemes that result in the net loss of landscape features of visual and biodiversity value, and all opportunities for new planting and habitat creation should be fully explored. In exceptional circumstances, where development would result in the loss of landscape features, appropriate compensatory planting or habitat creation will be sought. Replacement planting should consist of mature plants and species that have been carefully chosen based on their suitability for the conditions of the site and the local landscape character. Native species should be used where appropriate, particularly along rivers and their associated buffer zones, paying particular attention to the avoidance of invasive species. It is important that such planting schemes are monitored over time and action is taken to ensure agreed landscaping plans are fulfilled.
- 16.7.12 Trees and hedgerows form an important part of our environment and, in the delivery of sustainable development, the retention and planting of new trees and hedgerows is crucial. Trees contribute to the amenity of the landscape and townscape, add maturity to new developments, make places more attractive and help soften the built environment. They also contribute to storm-water management, provide shading and improve air quality.
- 16.7.13 Advice on existing trees and hedgerows, new planting and arboricultural constraints can be found in British Standard 5837 (2012), compliance with which is required where there are trees on or around the site.

- 16.7.14 Some types of development would benefit from a Design Statement, while a detailed landscape and visual assessment may be needed for particularly prominent development proposals. Major proposals may be subject to formal Environmental Impact Assessment (EIA) procedures. Planning Officers can advise on when these are needed and at what stage.
- 16.7.15 The Council welcomes landscape design which incorporates principles of sustainability such as use of local materials, low energy consumption for construction and maintenance, local recycling of water through surfaces which increase the permeability of the ground (such as SUDS or multifunctional green infrastructure), good pedestrian/cycle links and facilities to reduce car use.

Policy DES2 Landscaping

I. Development proposals must demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value.

II. In exceptional circumstances, where losses are unavoidable and justified by other material considerations, compensatory planting or habitat creation will be sought either within or outside the development site.

Major Developments

- 16.7.16 Proposals for major development should include attractive gateway features, focal points, landmarks and vistas; should include a variation in density to reflect different parts of the site, with higher densities along major internal routes, at gateways, and around local centres, and lower densities elsewhere, as appropriate; and should incorporate distinct character areas linked by well-defined points of transition to encourage movement through the site. In particular, priority should be given to public transport modes, pedestrians and cyclists.
- 16.7.17 Such large scale proposals should be designed using a comprehensive master planning approach to the whole site

within its immediate and wider context, rather than following landownership parcels.

- 16.7.18 It is also important that layouts are configured in such a way that they are easy to understand, are vibrant, well-connected, inclusive, feel safe, and have clearly defined public and private spaces. While the Government's previous guidance 'By Design: Urban Design in the Planning System' was withdrawn in March 2014, the principles within the guidance are still relevant and provide a good framework for creating attractive and sustainable developments.

Public Realm and Inclusive Design

- 16.7.19 Public realm refers to all publicly accessible open spaces and public and civic building facilities, publicly owned streets, pathways, water spaces, rights of way and parks. For places to work and foster sustainable communities it is important that the public realm is of a high quality, feels safe, is inclusive to all social groups, and is adaptable to the changing needs of the community. This is achievable through:

1. Careful design that prioritises and promotes walking;
2. Design that encourages cycling, including through the provision of safe and secure cycle storage;
3. The quality and materials of the hard landscaping (paving, kerbs, walls etc);
4. Uncluttered and simplified street furniture, which includes the provision of clear and legible signage where necessary, electric vehicle charging points and recycling facilities;
5. Planting (trees, grassed areas, flowers, formal, semi-formal and informal planting);
6. Green space being retained, enhanced and integrated into the design of a development scheme, which may include the creation of space for local food production or community gardens. This can help to reinforce the quality and character of a place, increase biodiversity and deliver a wide range of

environmental and health and wellbeing benefits as well as foster a sense of community;

7. Lighting being integral to the design and not added at the end. Lighting schemes should be designed to prevent light pollution;
8. Incorporating inclusive design features such as play areas, seating areas or rest places, and Wi-Fi technology; and
9. Public amenity space which is of a high standard and an adequate size for the development and needs of the community. Private and public space should be considered in the process of designing buildings and places. This prevents non-specific, unused and anti-social spaces being created. The impact of any security gates on the character and appearance and on social cohesion will be considered on a case by case basis.

16.7.20 The built environment should promote independent lifestyles particularly for those with restricted mobility, such as the elderly and the disabled, and also for those with young children. 'Lifetime Neighbourhoods' is an established concept to build inclusive communities, ensuring that age or disability does not prevent people from accessing basic amenities, green and open spaces, cultural facilities, places to meet and relax, and local shops and services. The layout and function of the public realm, including the provision of facilities such as toilets for public use and seating should be consciously planned into proposals at the outset.

16.7.21 Similarly, homes should be constructed to provide flexibility for occupants to adapt their living accommodation over time as their needs change. Policy HOU7 of the Housing Chapter sets out the Councils requirements for the construction of accessible and adaptable dwellings.

Innovation

16.7.23 Innovation can be incorporated into development schemes via building construction methods, building materials, and the use of new technologies (e.g. solar panels and passive ventilation). Innovation can be an important design element if it

raises the standard of a development scheme by enhancing its performance, quality and aesthetics, resulting in its desirability, longevity and status. Innovation does not have to be limited to one-off developments or modern districts. If sensitive and intelligent design is utilised, new and old can co-exist without disguising one as the other.

- 16.7.24 The Council wishes to encourage good design without stifling innovation, originality or initiative. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Small-scale Developments

- 16.7.25 Many developments that occur are of a small scale, often extensions to existing properties or the replacement of single dwellings. It is important that the character of the locality and the potential amenity impacts of these smaller developments respect the local character and do not significantly detract from the amenities of any neighbouring property by shadowing, loss of privacy, or similar.

Policy DES3 Design of Development

I. All development proposals, including extensions to existing buildings, must be of a high standard of design and layout to reflect and promote local distinctiveness. Proposals will be expected to:

(a) Make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area, in terms of its scale, height, massing (volume, shape), orientation, siting, layout, density, building materials (colour, texture), landscaping, environmental assets, and design features, having due regard to the design opportunities and constraints of a site;

(b) Incorporate homes, buildings and neighbourhoods that are flexible to future adaptation, including the changing needs of occupants and users, and changes in wider employment and social trends;

(c) Avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land, and ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, privacy or overshadowing;

(d) Encourage high quality innovative design, new technologies and construction techniques, including zero or low carbon energy and water efficient, design and sustainable construction methods;

(e) Make provision for the storage of bins and ancillary household equipment. Garages and driveways should be capable of accommodating family sized vehicles. Dwelling design and layout should make provision for electric vehicle charging points in safe and accessible locations;

(f) All new residential developments should meet the requirements of Policy HOU7, and ensure all internal rooms are of an appropriate size and dimension so that the intended function of each room can be satisfactorily achieved. All dwellings shall be identified by their square metreage.

II. Proposals must not prejudice the development opportunities of surrounding sites.

III. Development proposals which create new or have a significant impact on the public realm should:

(a) Maximise legibility and accessibility of the public realm through the layout of buildings, landmarks, use of colour, landscaping, paving, high quality public art, street furniture and infrastructure including clear and legible signposting, rest places and public toilets, in a way that maintains uncluttered spaces and enables easy navigation and movement through the space;

(b) Maximise opportunities for urban greening, for example through planting of trees and other soft landscaping wherever possible;

(c) Avoid creating 'left-over' spaces with no clear purpose or function;

(d) Ensure that long-term maintenance and management arrangements are in place for the public realm as appropriate.

(e) Engage the Hertfordshire Design Review Panel as part of the Pre-application stage and throughout the Development Management process where appropriate.

16.8 Crime and Security

16.8.1 To ensure cohesive and sustainable places it is important that a sense of personal and community safety is present within the built environment. Various measures can be designed into development schemes, which can assist in discouraging crime and anti-social behaviour. Such measures include:

1. Places with well-defined interconnected routes and spaces;
2. Public and private spaces that are clearly defined;
3. Natural surveillance, by fronting buildings, parking and play areas onto the public realm;
4. Strategically placed effective lighting; and
5. Physical access control and security hardware such as CCTV.

16.8.2 The District Council supports the 'Secured by Design' initiative and will expect proposals for new residential or commercial development to incorporate crime prevention measures. Applicants are also advised to consult the Hertfordshire Constabulary Architectural Liaison Officer for advice on measures to facilitate crime prevention prior to the preparation of a detailed layout. Such advice is always subject to other planning criteria and policies as well as the requirements of the Building and Fire Regulations.

16.8.3 Security features should be designed in a sensitive manner which respects the overall character of the area. On shop fronts and commercial premises the use of architectural solutions combined with the use of an internal open lattice grille is preferred.

Policy DES4 Crime and Security

- I. Developments should be designed to reduce the opportunity for crime by encouraging the natural surveillance of streets, footpaths, parking and communal areas, and the creation of areas of defensible space. Such measures should not significantly compromise the provision of high quality design and landscape schemes nor be prejudicial to the existing character of the area and public amenity.

II. Security features should be designed in a sensitive manner which respects the overall character of the frontage and location, whilst maintaining an attractive street scene and minimising light pollution.

16.9 Advertisements and Signs

- 16.9.1 The display of advertisements and signs is subject to complex and detailed regulations. In many cases it is necessary to obtain express consent from the local planning authority.
- 16.9.2 Advertisements and signs vary greatly in their purpose. Many are essential, even mandatory. Others are provided for the purpose of direction or information, or simply to announce a particular product, service or premises. Signs are most usually displayed on the land or premises to which they relate, but are sometimes positioned some distance away.
- 16.9.3 The impact of signs varies greatly. Individually, they may cause little offence, except where they are excessively large, or are insensitively located. However, it is often the cumulative effect of signs and notices that is likely to cause the greatest visual impact and detrimental effect.
- 16.9.4 In the rural area, many signs or advertisements could appear incongruous. It is acknowledged that commercial concerns in rural areas experience difficulty in announcing their premises, but a proliferation of signs would be detrimental to the landscape, and any unnecessary sign is likely to be resisted.

Policy DES5 Advertisements and Signs

- I. The number, size, siting, illumination, design, colour and materials of advertisements or signs, displayed on or close to a building, must respect the character and appearance of the environment, and the design, scale, features, function and setting of the building.
- II. Consent will not be given for advertisements that are harmful to amenity or public safety.
- III. The display of advertisements of an inappropriate size, siting, illumination, design, colour and materials, will not be permitted.

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 24 MAY 2016

REPORT BY LEADER OF THE COUNCIL

EAST HERTS DRAFT DISTRICT PLAN – CHAPTER 17 – TRANSPORT: RESPONSE TO ISSUES RAISED DURING PREFERRED OPTIONS CONSULTATION, FURTHER AMENDMENTS AND DRAFT REVISED CHAPTER

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

The purpose of this report is:

- To bring to Members' attention the issues raised through the Preferred Options consultation in connection with Chapter 17 (Transport) of the Draft District Plan Preferred Options version, together with Officer responses to those issues;
- To explain to Members why further amendments to Chapter 17 (Transport) are required to ensure that the final draft District Plan reflects the most up-to-date policy position and the latest available evidence;
- To place before Members for consideration a draft revised chapter, for subsequent incorporation into the final draft District Plan.

<u>RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE PANEL:</u> That Council, via the Executive, be advised that:	
(A)	the issues raised in respect of Chapter 17 (Transport) of the Draft District Plan Preferred Options, as detailed at Essential Reference Paper 'B' to this report, be received and considered;
(B)	the Officer response to the issues referred to in (A) above, as detailed in Essential Reference Paper 'B' to this report, be agreed;

(C)	the further amendments in respect of Chapter 17 (Transport) of the Draft District Plan Preferred Options, as detailed at Essential Reference Paper ‘B’ to this report, be received and considered; and
(D)	the draft revised Chapter 17 (Transport), as detailed in Essential Reference Paper ‘C’ to this report, be agreed as a basis for inclusion in the final draft District Plan, with the content being finalised when the consolidated plan is presented in September 2016.

1.0 Background

- 1.1 The Council published its Draft District Plan Preferred Options for consultation for a period of twelve weeks between 27th February and 22nd May 2014. Several thousand comments were received through the consultation exercise from over a thousand stakeholders including statutory consultees and members of the public.
- 1.2 In order to manage these comments, the Council’s agreed approach, as set out in its Statement of Community Involvement (October 2013), is to summarise the issues raised through the consultation and record how these issues have been used to inform the next draft of the District Plan.
- 1.3 This report presents a draft revised chapter on Transport for subsequent incorporation into the final Draft District Plan. **Essential Reference Paper ‘B’** contains the Issues Report and **Essential Reference Paper ‘C’** the draft revised chapter.

2.0 Report

- 2.1 The Issue Report is split into two parts. The first part summarises the issues raised through the Preferred Options Consultation. The issues are grouped according to the section of the Draft Plan they relate to. The table presents an officer response to each issue and then sets out any subsequent proposed amendments to the text or policies of the draft Plan. These proposed amendments are shown in the form of a ‘track change’ so that readers can clearly see what amendments are being proposed.

- 2.2 The second part of the Issue Report details any further amendments that are required to ensure that the final draft District Plan reflects the most up-to-date policy position and the latest available evidence.
- 2.3 Members will be aware that a report to the District Planning Executive Panel on 8 December 2014 previously considered issues raised in respect of the draft Transport chapter at the Preferred Options Consultation stage and also the proposed officer response to each issue, along with a proposed draft revised Chapter. However, since that time, various changes in local and wider circumstances have occurred, which have necessitated a review of some of previously proposed responses to ensure the most up to date and accurate picture going forward.
- 2.4 Members are therefore invited to agree the draft revised Chapter 17 (Transport), as detailed in **Essential Reference Paper 'C'** to this report, as a basis for inclusion in the final draft District Plan, with the content being finalised when the consolidated plan is presented in September 2016.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	The Report refers to the Draft District Plan consultation carried out between 27 th February and 22 nd May 2014.
Legal:	None
Financial:	None
Human Resource:	None
Risk Management:	None
Health and wellbeing – issues and impacts:	The Draft District Plan in general will have positive impacts on health and wellbeing through a range of policy approaches that seek to create sustainable communities.

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Part 1: Issues Raised Through the Preferred Options Consultation

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
Introduction				
17.1	17	A road link from East to West is desirable.	The limitations of existing east-west travel are acknowledged and this matter was raised in the Issues and Options consultation document; however, it is beyond the scope of this Plan to seek a solution to this long-standing issue, which would fall under the responsibility of the local highway authority. Hertfordshire County Council (HCC) is currently preparing its 'Hertfordshire 2050 Transport Vision' which is considering strategic mitigation schemes, including potential East West linkages, as part of its remit. East Herts Council is fully engaged with, and contributing to, this process, as appropriate.	No amendment in response to this issue
17.2	17	The Plan makes no reference to required road improvements including widening the A1(M), a link road from the A10 to the M11, a Hertford bypass, a Royston bypass and a link from the A1(M) to the M1.	Detailed transport modelling work is currently ongoing, working with neighbouring authorities where appropriate, in order to understand the potential impact of development on both the strategic and local highway networks, and any mitigation measures that may be required. Any infrastructure requirements will be identified within the Infrastructure Delivery Plan which will include information on how and when specific schemes will be delivered. Furthermore, HCC is currently preparing its 'Hertfordshire 2050 Transport Vision' which is considering strategic mitigation schemes as part of its remit. East Herts Council is fully engaged with, and contributing to, this process, as appropriate.	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
17.3	17	There needs to be consideration of parking and through traffic as part of any development. There have been no improvements to Sacombe Road following development in that area.	<p>Detailed transport modelling work is currently ongoing, working with neighbouring authorities where appropriate, in order to understand the potential impact of development on both the strategic and local highway networks, and any mitigation measures that may be required. Any infrastructure requirements will be identified within the Infrastructure Delivery Plan which will include information on how and when specific schemes will be delivered.</p> <p>Policy TRA3 concerns vehicle parking provision.</p>	No amendment in response to this issue
17.4	17	The Little Hadham bypass should be turned into a dual carriageway from the M11 to the A10 with later extension to the M1.	<p>The Little Hadham bypass seeks to relieve congestion and improve the amenity of local residents in that local area. HCC, as local highway authority, is in the process of bringing forward a bypass scheme, which is intended to be constructed by 2019. Dualling of this route was considered, but ruled out during the process of developing this scheme.</p> <p>The limitations of existing east-west travel are acknowledged and this matter was raised in the Issues and Options consultation document; however, it is beyond the scope of this Plan to seek a solution to this long-standing issue, which would fall under the responsibility of the local highway authority. HCC is currently preparing its 'Hertfordshire 2050 Transport Vision' which is considering strategic mitigation schemes, including potential East West linkages, as part of its remit. East Herts Council is fully engaged</p>	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
			with, and contributing to, this process, as appropriate.	
17.5	17	Despite development, Ware town centre has kept its character. It is hoped that this will be maintained.	Noted. Part 6 of the Vision statement on page 17 of the Preferred Options District Plan refers to the need for carefully planned development which recognises the importance of preserving and enhancing the historic character of the main towns, including Ware. Furthermore, any effects on Ware Town Centre will be taken into account in the preparation of any Masterplan for the Area to the North and East of Ware (draft Policy WARE3).	No amendment in response to this issue
17.6	17	The A414 through Hertford is already very heavily congested at peak times.	The constraints of this route are well known and investigations have been undertaken by HCC to seek to identify measures that would mitigate congestion as part of ensuring that the highway network can operate with the additional development proposed in the Plan. HCC is currently preparing its 'Hertfordshire 2050 Transport Vision' which is considering strategic mitigation schemes as part of its remit and the A414 through Hertford is a key issue for consideration through this process. East Herts Council is fully engaged with, and contributing to, this process, as appropriate.	No amendment in response to this issue
17.7	17	Improvements to the A602 between Ware and Stevenage will only have a marginal impact on journey times.	Hertfordshire County Council, as the Highway Authority, is seeking to increase the capacity of certain junctions on the A602 in order to ease congestion at various 'pinch' points on the route between Ware and Stevenage. Detailed transport modelling work is currently ongoing, working with neighbouring authorities where appropriate, in order to	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
			understand the potential impact of development on both the strategic and local highway networks, and any mitigation measures that may be required. HCC is currently preparing its 'Hertfordshire 2050 Transport Vision' and consideration of the A602 forms part of this process. East Herts Council is fully engaged with, and contributing to, this process, as appropriate.	
17.8	17	The Little Hadham bypass is supported but improvements to the Bishop's Stortford bypass may be necessary along with a bypass of the town centre from the south of the town to provide an alternative route to Stansted Airport.	Detailed transport modelling work is currently ongoing, working with neighbouring authorities where appropriate, in order to understand the potential impact of development on both the strategic and local highway networks, and any mitigation measures that may be required. Any infrastructure requirements will be identified within the Infrastructure Delivery Plan which will include information on how and when specific schemes will be delivered. HCC is currently preparing its 'Hertfordshire 2050 Transport Vision' which is considering strategic mitigation schemes as part of its remit. East Herts Council is fully engaged with, and contributing to, this process, as appropriate.	No amendment in response to this issue
17.9	17	There is no mention of managing increased rail demand into London. The level of housing proposed is not sustainable for the current level of infrastructure. More information about Crossrail 2 is required before development takes place.	Discussions have taken place during the plan making process with the relevant Train Operating Companies and Network Rail and are ongoing. These bodies will continue to have an opportunity to respond to emerging development proposals as work on the District Plan progresses. Hertfordshire County Council is currently in	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
			<p>the process of updating its Rail Strategy which will also influence how train services can adapt to growing demand.</p> <p>Proposals for Crossrail 2 were consulted on by TfL and Network Rail in October 2015. While this consultation left the northern terminus of the route open and therefore at this stage it is not fully determined where the route would terminate, current proposals (upon which assumptions for bringing the initial scheme forward are based), show Broxbourne as the northern most station on the route. In this respect it is therefore unknown whether Crossrail 2 would eventually utilise the Hertford East branch line when fully delivered, and it should be noted that other termini have also been promoted by respondents to the recent consultation. Therefore, although it is anticipated that the core section of the route would be on stream around 2032, the peripheral route sections are not likely to be delivered within this timeframe. Therefore it is unlikely that Crossrail 2 would directly impact upon the Development Strategy for East Herts.</p>	
17.10	17	The A120 bypass needs to include Standon and Puckeridge too otherwise the bottleneck at Little Hadham will just be moved there instead.	The benefits of providing a potential bypass for Standon and Puckeridge are recognised, although it is not clear at the present time how such a scheme would be funded or delivered. Hertfordshire County Council, as the Highway Authority, took the decision in 2006 to focus on seeking to fund two separate local bypasses, with a decision to prioritise Little Hadham first. A commitment was made to	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
			look at options for Standon/Puckeridge once the Little Hadham bypass had been delivered and local initial consultation was undertaken by HCC between February and March 2016. Therefore, as HCC would be the responsible authority for delivering such a bypass, this issue falls outside the remit of the District Plan.	
17.11	17	There should be mention of improved travel to the North of England.	Improving travel links to other parts of the country beyond the benefits of those schemes already identified, falls outside the remit of the District Plan.	No amendment in response to this issue
17.12	17	The Highways Agency (now Highways England) indicate that it is important that sustainable transport solutions are available within any development that comes forward in the Gilston Area and that co-operation between authorities is necessary in order to ensure the development is well integrated with the existing urban area of Harlow.	Noted and agreed. Policy TRA1 (Sustainable Transport) and Policy GA1 (Land in the Gilston Area) include a requirement to make provision for different modes of sustainable transport in accordance with the Local Transport Plan and/or Hertfordshire 2050 Transport Vision. Detailed discussions with Highways England, Essex County Council, HCC, Harlow Council, passenger transport providers and other bodies are ongoing.	No amendment in response to this issue
17.13	17	The Highways Agency (now Highways England) indicate that the fact that the number of jobs proposed does not match the level of housing may result in greater levels of out commuting from East Herts, potentially resulting in greater impact on the highway network.	East Herts is a mainly rural district which, by its nature, is partly reliant on larger neighbouring urban areas to meet the employment needs of its residents, e.g. it has an historic pattern of rail commuting into London. Nevertheless, the District Plan seeks to provide for a significant number of additional jobs over the Plan period.	No amendment in response to this issue
17.14	17	The Highways Agency (now Highways England) emphasise the importance of a robust evidence base which evaluates the cumulative and individual impacts of development on road links and junctions. Any funding shortfalls for infrastructure provision should be	Detailed transport modelling work is currently ongoing, working with neighbouring authorities where appropriate, in order to understand the potential impact of development on both the strategic and local	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
		<p>identified at an early stage. The work done to date does not fully determine the operation of the strategic road network following implementation of all District Plan development. It is therefore not currently known if any showstoppers exist. There is concern with the following junctions:</p> <ul style="list-style-type: none"> • M11 Junction 7 • M11 Junction 8 • M25 Junction 25 • A1(M) Junctions 3-6 	<p>highway networks, and any mitigation measures that may be required. Any infrastructure requirements will be identified within the Infrastructure Delivery Plan which will include information on how and when specific schemes will be delivered.</p>	
17.15	17	<p>The Highways Agency (now Highways England) is supportive of improving cycling and walking links to and from development sites and encouraging the use of public transport. However, it would be useful if the evidence base indicated how this would be achieved for each development site.</p>	<p>Support noted and welcomed. Policy TRA1 of the Preferred Options District Plan identifies the kind of sustainable transport solutions that should be provided as part of new developments. Planning Applications should be informed by this policy along with the provisions contained within the Local Transport Plan and Urban Transport Plans (where applicable). HCC is currently preparing its 'Hertfordshire 2050 Transport Vision', which will further seek to promote sustainable transport options. The detail of any site specific proposals would need to be agreed through the planning application process.</p>	No amendment in response to this issue
17.16	17	<p>HCC suggest that at Pre-Submission stage there is a requirement for outline mitigation measures to be identified including broad cost estimates, indicative delivery timescales and an identification of funding sources. HCC will assist with this and advise on the technical work that is required and provide access to existing traffic and transport data and models. HCC have provided a table which outlines the evidence that currently exists for the emerging preferred options sites as well as identifying gaps. Modelling needs to</p>	<p>Support from the County Council on this key issue is gratefully received and it is hoped that discussions will continue as work on the emerging Plan continues.</p> <p>It is acknowledged that a schedule of required infrastructure, including funding and delivery timescales will be required. This will take place through the Infrastructure Delivery Plan, work which is currently underway, and which</p>	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
		take account of growth in neighbouring areas.	HCC, as highway authority, is involved with. It is also noted that HCC is currently preparing its 'Hertfordshire 2050 Transport Vision' which will assist in this process. East Herts Council is fully engaged with, and contributing to, this process, as appropriate.	
17.17	17	HCC suggest that there is a risk that no viable solutions may be found in relation to online improvements on the A414 in Hertford or on the A10 and that improvements identified as part of the Welwyn Hatfield Local Plan modelling and design work may be insufficient to accommodate large scale development for both districts in the south east WGC area.	Capacity constraints relating to the A414, particularly through Hertford, are recognised. The Council has, and will continue, to work with the County Council, Welwyn Hatfield Council and other relevant bodies in order to understand the potential impacts of development on the strategic and local highway networks, and any mitigation measures that maybe required.	No amendment in response to this issue
17.18	17	HCC seek assurance that Network Rail and the train operating companies have been consulted as part of the development of the Plan. Confirmation should be sought that both station and rail infrastructure is able to cope with likely demands placed upon it in respect of the preferred development sites.	Discussions have taken place during the plan making process with the relevant Train Operating Companies and Network Rail and are ongoing. These bodies will continue to have an opportunity to respond to emerging development proposals as work on the District Plan progresses.	No amendment in response to this issue
17.19	17	HCC seek assurance that, in relation to bus services, development is situated in locations where there are existing services and where new services could be provided long term which would not be reliant on HCC funding.	The proximity of sites to modes of sustainable transport forms part of the site assessment process within the Sustainability Appraisal. Where new or extended bus routes are required, contributions from developers will be expected to ensure their viability in the initial years of their operation and help establish green travel patterns. Patronage would subsequently need to be of a sufficient level to ensure services are retained.	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
17.20	17	Essex County Council considers that the draft plan is consistent with the NPPF in terms of ensuring that developments generating significant movement are located where the need to travel will be minimised and the use of sustainable modes maximised. However the Plan should provide details on types of sustainable transport measures to be delivered.	Support noted and welcomed. Policy TRA1 of the Preferred Options District Plan identifies the kind of sustainable transport solutions that should be provided as part of new developments. Planning Applications should be informed by this policy along with the provisions contained within the Local Transport Plan and Urban Transport Plans (as appropriate). HCC is also currently preparing its 'Hertfordshire 2050 Transport Vision' which will assist in this process.	No amendment in response to this issue
17.21	17	Essex County Council suggest that the chapter should include the following: <ul style="list-style-type: none"> • Ensuring that emerging plans relate to existing cycle and walking networks. • Policies should promote accessibility for all • Reference should be made to car clubs, cycle storage and EV charging points • Consideration should be given to the potential for 'car free' developments if they are located close to town centres. 	<p>Policy TRA1 identifies a need to deliver sustainable transport solutions within new developments including improved pedestrian and cycling links. The policy also promotes the implementation of car sharing schemes.</p> <p>Policy TRA3 requires provision of sufficient secure, covered and waterproof cycle storage facilities. It also identifies a requirement for the provision of charging points for low and zero carbon vehicles within car parks.</p> <p>It is recognised that the NPPF seeks to promote the use of sustainable transport in order to reduce greenhouse gas emissions and congestion. Sites near town centre locations are close to services and facilities, including modes of sustainable transport, and therefore a reduced provision of car parking spaces maybe appropriate. This is reflected in the currently adopted Vehicle Parking at New Developments SPD. Vehicle parking standards have been reviewed as part of ongoing work on the District Plan and the</p>	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
			SPD will be updated in due course.	
17.22	17	<p>Broxbourne Borough Council suggests that there is little mention of public transport improvements including Crossrail 2. Should Crossrail 2 terminate at Broxbourne then there is concern that East Herts residents may drive and park at stations in in the Borough, adding additional pressure. There is little detail on the cumulative impact of development on the A10. Broxbourne Borough Council is willing to share the results of their own transport study once complete. The Council is keen to discuss this and other cross boundary issues through the Duty to Co-operate.</p>	<p>Proposals for Crossrail 2 were consulted on by TfL and Network Rail in October 2015. While this consultation left the northern terminus of the route open and therefore at this stage it is not fully determined where the route would terminate, current proposals (upon which assumptions for bringing the initial scheme forward are based), show Broxbourne as the northern most station on the route. The latest Crossrail 2 public consultation undertaken by TfL and Network Rail in October 2015 suggested that likely timetabling of the Greater Anglia services would make it more time efficient (and therefore more attractive) for passengers on the Hertford East branch line to transfer to Crossrail 2 at Tottenham Hale. This should reduce the numbers of passengers who would choose to travel to Broxbourne. However, as at present, there will always be an element of personal choice which may result in some passengers choosing to travel from Broxbourne.</p> <p>Detailed transport modelling work is currently ongoing, working with neighbouring authorities where appropriate, in order to understand the potential impact of development on both the strategic and local highway networks, including the A10, and any mitigation measures that may be required. HCC is currently preparing its 'Hertfordshire</p>	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
			<p>2050 Transport Vision' which will assist in this process.</p> <p>The confirmation of continued co-operation of Broxbourne Borough Council on this, and other strategic issues, is welcomed.</p>	
17.23	17	People will continue to travel by car rather than using public transport.	The NPPF requires that transport policies in local plans should seek to balance the transport system in favour of sustainable transport modes. While it is recognised that the district's disbursed settlement pattern will result in a certain level of car borne traffic, the policies contained in the emerging District Plan aim to facilitate a step change away from car usage, where sustainable travel choices exist.	No amendment in response to this issue
17.24	17.1	New development will add significant traffic to a road system that is already gridlocked.	While constraints on the road network lead to congestion hotspots in some locations in the district, especially at peak times, no area in East Herts would be classified by the highway authority as being 'gridlocked' on a regular basis as traffic does keep moving, albeit at a slower rate. Detailed transport modelling work is currently ongoing, working with neighbouring authorities where appropriate, in order to understand the potential impact of development on both the strategic and local highway networks, and any mitigation measures that may be required. Any infrastructure requirements will be identified within the Infrastructure Delivery Plan which will include information on how and when specific schemes will be delivered. HCC is also currently preparing its 'Hertfordshire 2050 Transport Vision' which will assist in this	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
			process.	
17.25	17.1	The chapter does not discuss relationships between transport and development. It does not consider the role of access in supporting development aims, especially in terms of economic and social features. Aims might include provision of quality pedestrian links to very local shops and community facilities or of bus services to local and town centres. Policy TRA1 does refer in I.(d) to “..easy and direct access to key services and facilities ...” but only “... where possible ...”.	Agreed in part. While it is considered that these relationships are implicit throughout the Plan, additional text to the end of 17.1.6 (now 17.1.7) could strengthen the wording. In terms of Policy TRA1 it is agreed that ‘possible’ may be open to misinterpretation. The policy is designed to ensure that only in cases where the provision of ‘easy and direct access to key services and facilities’ would not be achievable e.g. due to matters such as insurmountable physical constraints, would this part of the criteria not apply. Therefore ‘possible’ should be replaced with ‘feasible’ to strengthen policy wording.	<p>Amendment to text (Para 17.1.67) Additional wording to end of paragraph:</p> <p><u>This approach can aid the local economy by supporting local services and facilities. Concentrating development in sustainable locations can also help benefit the wider economy via a reduction in congestion caused by additional generated trips over those occasioned by a more widely disbursed development pattern.</u></p> <p>Amendment to policy (TRA1 (d))</p> <p>(d) Prioritise the provision of modes of transport other than the car (particularly walking, cycling and, where appropriate, passenger transport) both within well connected site layouts and, where possible feasible, providing easy and direct access to key services and facilities;</p>

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
17.26	17.1	In addition to personal travel, provision needs to be made for movement of goods and materials. Even in residential areas, delivery and service vehicles generally form an important element of traffic.	The development management process ensures that the highway authority is satisfied with the access arrangements of any new development to ensure that it is suitable in such respects e.g. refuse vehicles. It is not considered necessary to include additional text on this point.	No amendment in response to this issue
17.27	17.1	To be fully effective, transport policies need to be reflected in design and priority principles set out for other topic areas, such as Employment, Retail and Design.	The District Plan is intended to be read as a whole and, as sustainable development is fundamentally intrinsic to the strategy, it is not considered that it would benefit from repetition.	No amendment in response to this issue
17.28	17.1.2	Criticism of the Local Transport Plan.	LTP3 is an adopted document produced by HCC and is not the subject of consultation at this stage. However, HCC is currently preparing its 'Hertfordshire 2050 Transport Vision' which is intended to replace LTP3.	No amendment in response to this issue
	17.1.2	East- west travel difficulties highlighted.	The limitations of existing east-west travel are acknowledged and this matter was raised in the Issues and Options consultation document; however, it is beyond the scope of this Plan to seek a solution to this long-standing issue, which would fall under the responsibility of the local highway authority. HCC is currently preparing its 'Hertfordshire 2050 Transport Vision' which is considering East-West travel as part of its remit. East Herts Council is fully engaged with, and contributing to, this process, as appropriate.	No amendment in response to this issue
17.29	17.1.2	Impact of the A120 improvement through by-passing Hadham adds to the speeding and other pressures at Standon.	The issue is beyond the scope of this Plan and would fall under the responsibility of the local highway authority to address in conjunction with its proposals for the Little Hadham Bypass. However, it should be noted commitment was made by HCC to look	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
			at options for Standon/Puckeridge once the Little Hadham bypass had been delivered and local initial consultation was undertaken by HCC between February and March 2016.	
17.30	17.1.2	Rerouting sought for A414 through Hertford	While the constraints of this route are well known and investigations are being undertaken by HCC to seek to mitigate congestion as part of ensuring that the highway network can operate with the additional development proposed in the Plan, there are no current plans for a bypass of Hertford. The issue is beyond the scope of this Plan and would fall under the responsibility of the local highway authority. However, it should be noted that HCC is currently preparing its 'Hertfordshire 2050 Transport Vision' which is considering strategic mitigation schemes as part of its remit and the A414 through Hertford is a key issue for consideration through this process. East Herts Council is fully engaged with, and contributing to, this process, as appropriate.	No amendment in response to this issue
17.31	17.1.3	Criticism of the Hertford and Ware Urban Transport Plan which is considered out of date. No transport infrastructure is being delivered to support development, for instance at the development North of Hertford.	The Hertford and Ware Urban Transport Plan is an adopted document produced by HCC and is not the subject of consultation at this stage. Detailed transport modelling work is currently ongoing with HCC, working with neighbouring authorities where appropriate, in order to understand the potential impact of development on both the strategic and local highway networks, and any mitigation measures that may be required. Any infrastructure requirements will be identified within the Infrastructure Delivery Plan which	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
			will include information on how and when specific schemes will be delivered. HCC is also currently preparing its 'Hertfordshire 2050 Transport Vision' which will assist in this process.	
17.32	17.1.3	More needs to be done to encourage walking and cycling than is proposed by the Hertford and Ware Urban Transport Plan.	<p>The Hertford and Ware Urban Transport Plan is an adopted document produced by HCC and is not the subject of consultation at this stage.</p> <p>The NPPF requires that transport policies in local plans should seek to balance the transport system in favour of sustainable transport modes. While it is recognised that the district's dispersed settlement pattern will result in a certain level of car borne traffic, the policies contained in the emerging District Plan aim to facilitate a step change away from car usage, particularly through the provision of enhanced walking and cycling links, as required by Policy TRA1.</p> <p>HCC is also currently preparing its 'Hertfordshire 2050 Transport Vision' which will assist in this process.</p>	No amendment in response to this issue
17.33	17.1.4	The Council is planning for new development but is powerless to make any significant improvement to major transport bottlenecks.	Detailed transport modelling work is currently ongoing, working with neighbouring authorities where appropriate, in order to understand the potential impact of development on both the strategic and local highway networks, and any mitigation measures that may be required. Any infrastructure requirements will be identified within the Infrastructure Delivery Plan which will include information on how and when	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
			specific schemes will be delivered. It should also be noted that HCC is currently preparing its 'Hertfordshire 2050 Transport Vision' which is considering the potential need for strategic mitigation schemes as part of its remit. East Herts Council is fully engaged with, and contributing to, this process, as appropriate.	
17.34	17.1.5	Buntingford could be relatively easily re-connected to the railway network. Network Rail should add more track capacity on the line to Liverpool Street.	<p>Discussions have taken place during the plan making process with the relevant Train Operating Companies and Network Rail. These are ongoing and they will continue to have an opportunity to respond to emerging development proposals as work on the District Plan progresses.</p> <p>The issue of re-connecting Buntingford to the railway network falls outside of the scope of the District Plan and would be unlikely to be delivered within the plan period.</p> <p>The need for additional capacity on the Liverpool Street line has been highlighted through several mechanisms and the four-tracking of the line between the Tottenham Hale and Broxbourne areas has been included in Network Rail's recently published Anglia Route Study, March 2016: http://www.networkrail.co.uk/Anglia-Route-Study.pdf. This currently anticipates potential commencement within Control Period 6 (i.e. between 2019-2024).</p>	No amendment in response to this issue
17.35	17.1.5 (now 17.1.6)	More needs to be done to encourage walking and cycling than is proposed by the Hertford and Ware Urban Transport Plan.	The Hertford and Ware Urban Transport Plan is an adopted document produced by HCC and is not the subject of consultation at this stage.	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
			<p>The NPPF requires that transport policies in local plans should seek to balance the transport system in favour of sustainable transport modes. While it is recognised that the district's dispersed settlement pattern will result in a certain level of car borne traffic, the policies contained in the emerging District Plan aim to facilitate a step change away from car usage, particularly through the provision of enhanced walking and cycling links, as required by Policy TRA1.</p> <p>HCC is also currently preparing its 'Hertfordshire 2050 Transport Vision' which will assist in this process.</p>	
17.36	17.1.6 (now 17.1.7)	General support	Support noted and welcomed.	No amendment in response to this issue
17.37	17.1.7 (now 17.1.8)	It is totally unrealistic to reduce car dependence.	The NPPF requires that transport policies in local plans should seek to balance the transport system in favour of sustainable transport modes. While it is recognised that the district's dispersed settlement pattern will result in a certain level of car borne traffic, the policies contained in the emerging District Plan aim to facilitate a step change away from car usage.	No amendment in response to this issue
Sustainable Transport				
17.38	17.2	The Plan should identify a web of footpaths, crossings, bus stops and cycleways to which developments can make a connection. Sites must link adequately to existing developments and town centres.	Policy TRA1 (C) identifies the need to ensure that a range of sustainable transport options are available, including through the improvement of, or extension to, existing links, paths and routes. This detailed issue	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
			would be agreed through the planning application process.	
17.39	17.2.2	The sentence is weak and should not say 'where possible'. Sustainable transport infrastructure must be built.	Agreed that the wording of the sentence could be made stronger.	Amendment to text (Para 17.2.2): Therefore, where possible , strong emphasis will be placed on seeking the provision of new bus, cycle and pedestrian transport routes and networks in addition to extending and strengthening existing provision.
17.40	Policy TRA1	The Canal and River Trust supports the use of towpaths as sustainable transport routes. Contributions should be sought to achieve improvements to sustainable transport infrastructure. It is hoped that the policy is not only seeking provision of new infrastructure where moorings might be created. It is not considered necessary for the policy to make the link between provision of moorings and towpath improvement.	Support noted and welcomed. Contributions to all forms of transport infrastructure from new developments are currently sought, where appropriate, on the basis of Hertfordshire County Council's Toolkit. The policy seeks the provision of new and improved pedestrian and cycle links, and where appropriate, new moorings. Provision of moorings in suitable locations may help to reduce car usage and give people greater choice about how they travel, in accordance with Paragraph 29 of the NPPF.	No amendment in response to this issue
17.41	Policy TRA1	The removal of car parking in towns will not lead to healthy town centres. Such policies will cause people to drive further away to areas where there is adequate parking (Welwyn) or a good park and ride service (Cambridge) or out of town centres (Brookfield).	The policies contained in the emerging District Plan do not propose to reduce the number of public car parking spaces in town centres, but seek to improve sustainable transport links in order to help secure a step change away from car usage.	No amendment in response to this issue
17.42	Policy TRA1	The policy throws together walking, cycling and public transport without defining the different characteristics of each. There should be a policy for each.	Policy TRA1 seeks to encourage a modal shift away from car use by improving provision and access to sustainable modes of transport in	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
			accordance with Paragraph 29 of the NPPF. It is recognised that different modes of transport have different characteristics and requirements and these details would be addressed at the planning application stage.	
17.43	Policy TRA1	The policy should not include elements relating to service provision such as car sharing and bus engine types. They should be included within an appendix or separate document which can be updated.	It is considered that elements such as car sharing and bus engine types should be contained within policy in order to ensure that these aims are given the strongest possible weight during the planning application process. However, it is considered that criterion III would be best placed within Policy EQ4 of the Environmental Quality Chapter.	No amendment in response to this issue <u>Criterion III to be moved to sit within Policy EQ4.</u>
17.44	Policy TRA1	A new town could have all required infrastructure in place, including a new rail link.	The option of developing a new settlement in the District was assessed alongside all other development strategy options as part of the preparation of the Preferred Options District Plan. While pursuing this option could provide the critical mass of development required to deliver significant infrastructure projects, it was considered that, overall, such a strategy would be less sustainable than other options and would be unlikely to be delivered within the plan period.	No amendment in response to this issue
17.45	Policy TRA1	The Council should engage with train companies to ensure that housing is supported by improved services. Bus services also need to be improved and better walking and cycling routes provided. People will only reduce car usage if there are suitable public transport alternatives.	Discussions have taken place during the plan making process with the relevant bus companies, Train Operating Companies and Network Rail. These are ongoing and they will continue to have an opportunity to respond to emerging development proposals as work on the District Plan progresses. Policy TRA1 requires the provision of new and improved pedestrian and cycling routes in order to help deliver a modal shift away from car use in accordance with the NPPF.	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
17.46	Policy TRA1	HCC have offered a number of comments identifying the type of mitigation measures that may be required for sites included within the draft District Plan.	Noted. The Council has continued its co-operation with the County Council and other partners in order to understand the potential impact of development on both the strategic and local highway networks, and any mitigation measures that may be required. Where mitigation measures have been identified on a site-specific basis, these will be captured within the relevant policies within the settlement chapters. It is also to be noted HCC is also currently preparing its 'Hertfordshire 2050 Transport Vision' which will assist in this process, especially where specific measures have yet to be fully determined.	No amendment in response to this issue
17.47	Policy TRA1	Routes should be safeguarded for new east/west transport routes such as guided bus routes, light rail and cycle routes.	<p>The limitations of existing east-west travel are acknowledged and this matter was raised in the Issues and Options consultation document; however, it is beyond the scope of this Plan to seek a solution to this long-standing issue.</p> <p>It should be noted that HCC is currently preparing its 'Hertfordshire 2050 Transport Vision' which is considering East-West travel as part of its remit. East Herts Council is fully engaged with, and contributing to, this process, as appropriate.</p>	No amendment in response to this issue
17.48	Policy TRA1	Sufficient parking provision should be made at new developments. If not, double yellow lines should be used to stop parking on the street.	Vehicle parking standards have been reviewed as part of ongoing work on the District Plan to ensure that appropriate provision is made and the current Vehicle Parking at New Developments SPD will therefore be updated accordingly in due course.	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
			Parking enforcement lies outside of the scope of the District Plan.	
17.49	Policy TRA1	Providing better access to the countryside is supported. Many public rights of way are poorly maintained or are blocked.	Noted. A new section and policy regarding Public Rights of Way is to be inserted into Chapter 18 'Community Facilities, Leisure and Recreation'.	No amendment to Chapter 17 in response to this issue
Highway Safety and Trip Generation				
17.50	Policy TRA2	This policy is addressed to vehicle use and provision. There is no policy on overall networks and priority criteria, within new developments or more widely.	Policy TRA1 clear emphasises prioritisation of sustainable transport modes. However, it is important to note that responsibility for wider route networks and development standards in relation to access etc lie with HCC as highway authority and reference to the Local Transport Plan and daughter documents, which contain the strategic framework, has been made in this chapter. The emerging District Plan does not seek to duplicate the role of that authority, so while Policy TRA2 sets out the general criteria by which any application would be considered, the more technical requirements attached to the Development Management process are beyond the scope of the District Plan.	No amendment in response to this issue
Vehicle Parking Provision				
17.51	17.4.1	If the amount of parking is restricted, it is essential that people don't park their cars on streets instead.	Vehicle parking standards have been reviewed as part of ongoing work on the District Plan and the current Vehicle Parking at New Developments SPD will therefore be updated accordingly in due course. In the consideration of planning applications, the Council pays particular attention to ensuring	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
			<p>that the impact that the level of parking provision associated with new development may have on a surrounding area, is appropriately mitigated.</p> <p>Parking enforcement lies outside of the scope of the District Plan but, where there is a specific identifiable concern, development proposals are able to include appropriate measures, e.g. Residents Parking Zones, which can influence motorists' parking choices.</p>	
17.52	Policy TRA3	Policy should include support for provision of adequate cycle storage for existing as well as new development.	While it is not possible for the District Plan to address deficiencies in existing development, Policy TRA3 Part II identifies a need to provide sufficient secure, covered and waterproof cycle storage facilities.	No amendment in response to this issue
17.53	Policy TRA3	Policy should include wording to prevent the loss of front gardens for the purpose of car parking which has a detrimental impact on the public realm.	While the issue is noted, the conversion of front gardens to facilitate additional parking provision is usually carried out under permitted development rights, as long as a porous material is used.	No amendment in response to this issue
17.54	Policy TRA3	Aston Parish Council considers that the Plan should include a policy concerning parking in residential areas. Any such policy should take account of the impact of new development on existing parking, for instance knocking down a garage block to build new houses.	Vehicle parking standards have been reviewed as part of ongoing work on the District Plan and the current Vehicle Parking at New Developments SPD, which provides more detailed guidance than is appropriate in the District Plan, will be updated accordingly in due course.	No amendment in response to this issue
17.55	Policy TRA3	Buntingford Town Council, Bishop's Stortford Town Council, Buckland and Chipping Parish Council and other local bodies state that the Vehicle Parking SPD should be updated and should quote minimum standards not maximum. The SPD should recognise	Vehicle parking standards have been reviewed as part of ongoing work on the District Plan and the current Vehicle Parking at New Developments SPD will therefore be updated accordingly in due course.	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
		that areas with poor public transport links have a higher reliance on the motor vehicle. The SPD should also have more of a focus on design in relation to garage sizes and parking courts.		

Part 2: Other Proposed Amendments

Policy/ Paragraph Number	Issue	Proposed Amendment
Paragraph 17.1.3	HCC is currently in the process of updating its Transport Planning Framework. Part of this involves the cessation of the Urban Transport Plan (UTP) programme. The introduction of Growth & Transport Plans is planned to replace UTPs in areas of economic growth. These changes necessitate the amendment of text.	Amendment to text (para. 17.1.3) Although the LTP identifies some specific schemes for implementation in the district, the majority of transport schemes are <u>have been</u> identified through a rolling programme of Urban Transport Plans (UTPs) which identify how and where the strategic objectives and targets detailed in the county-wide LTP can be delivered at a local level. There are two <u>is one adopted</u> UTPs affecting East Herts; the Hertford and Ware Urban Transport Plan (HCC, November 2010), and the emerging Bishop's Stortford and Sawbridgeworth Urban Transport Plan. <u>For areas where significant development is planned or anticipated, HCC is in the process of introducing Growth & Transport Plans, to ensure that appropriate transport infrastructure (including optimal packages of measures) is identified and also that they be used to help to inform future potential major transport scheme decisions.</u>
New Paragraph 17.1.4	As HCC intends to replace LTP3 with its emerging Hertfordshire 2050 Transport Vision which will reflect its changing emphasis towards supporting and unlocking growth, this should be reflected by the insertion of relevant text.	Amendment to text (para. 17.1.4) <u>HCC is currently updating the County's transport planning framework to ensure that the transport network is able to support and unlock growth and is in the process of replacing LTP3 with a 'Hertfordshire 2050 Transport Vision'. This strategic plan for transport infrastructure will, when adopted, underpin major investment proposals in Hertfordshire's transport infrastructure.</u>
New Paragraph 17.1.9	Although the District Plan focuses on sustainable transport, in order to acknowledge that additional key road-based infrastructure may be required to support development, this should be reflected by the insertion of additional text.	Amendment to text (para. 17.1.9) <u>Likewise, it should also be acknowledged that, in order to help mitigate the impact of development, the delivery of additional key road-based infrastructure measures may be necessary in certain situations to enable strategic growth in the district to occur. Key infrastructure requirements to enable delivery of the Plan are set out in Chapter 3, The Development Strategy.</u>
Paragraph 17.2.2	Additional wording required to allow the inclusion of community-led transport schemes.	Amendment to text (para. 17.2.2) Therefore, strong emphasis will be placed on seeking the provision of new bus, cycle and

		pedestrian transport routes and networks in addition to extending and strengthening existing provision, <u>including through supporting community-led transport schemes.</u>
Policy TRA1	Criterion I. (b) To reflect emergence of HCC's 'Hertfordshire 2050 Transport Vision', additional text required to supplement reference to the Local Transport Plan.	Amendment to policy (Policy TRA1) (b) Comply with the provisions of the Local Transport Plan <u>and/or Hertfordshire 2050 Transport Vision</u> ;
Policy TRA1	Criterion I. (c) 1. To ensure that 'sustainable' rather than any type of potential transport options are available, wording strengthened; 2. Additional text required to allow for the inclusion of community transport initiatives; 3. Minor grammatical improvement to criterion.	Amendment to policy (Policy TRA1) (c) Ensure that a range of alternative <u>sustainable</u> transport options are available to occupants or users, which may involve the improvement of pedestrian links, cycle paths, and passenger transport network (including bus and/or rail facilities) <u>and community transport initiatives</u> . These improvements could include the creation of new routes, services and facilities or extensions to existing infrastructure and which could also <u>may</u> incorporate off-site mitigation, as appropriate. In suitable cases the provision of footways and cycle paths alongside navigable waterways may be sought, along with new moorings, where appropriate. The implementation of car sharing schemes should also be considered;
Policy TRA1	Criterion I. (d) Minor amendments considered appropriate for clarification and to improve grammar of the policy.	Amendment to policy (Policy TRA1) (d) <u>Ensure that site layouts p</u> Prioritise the provision of modes of transport other than the car (particularly walking, cycling and, where appropriate, passenger transport) both within well connected site layouts and <u>which</u> , where feasible, providing <u>should provide</u> easy and direct access to key services and facilities;
Policy TRA1	Criterion I. (f) To reflect the need to protect all existing routes, minor amendments considered appropriate.	Amendment to policy (Policy TRA1) (f) Protect existing rights of way, cycling and equestrian routes (including <u>both</u> designated <u>and non-designated</u> routes and, where there is evidence of regular public usage, informal provision) and, should diversion prove unavoidable, provide <u>suitable, appealing</u> replacement alternative appealing routes to equal or enhanced standards; and
Policy TRA1	Criterion II. To reflect emergence of HCC's 'Hertfordshire 2050 Transport Vision', additional text required to supplement reference to the Local Transport Plan	Amendment to policy (Policy TRA1) Where appropriate, contributions may be required towards the facilitation of strategic transportation schemes identified in the Local Transport Plan <u>and/or Hertfordshire 2050 Transport Vision</u> and other related strategies.
Section 17.3	Renaming of title considered necessary to better describe section contents.	Amendment to text (para. 17.3) Highway Safety and Trip Generation <u>Safe and Suitable Highway Access Arrangements and Mitigation</u>
Paragraph 17.3.1	To ensure that it is made explicit that the onus will be on developers to demonstrate that transport provision associated with development proposals	Amendment to text (para. 17.3.1) In designing new developments it is important that proposed access arrangements are both safe for users and suitable for the type of development and number of users proposed and

	are appropriate, further wording has been added to the end of the paragraph.	trips predicted to be generated. Where additional trips are predicted from a site it is necessary to ensure that measures can commensurately mitigate the impact where possible. and <u>While</u> the NPPF is clear that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe” (Paragraph 32, NPPF, CLG, 2012), <u>developers should be able to demonstrate that transport provision associated with development proposals will be appropriate, both in terms of modal choice and the capacity of the highway network to accommodate additional trips.</u>
Policy TRA2	Renaming of title considered necessary to better describe policy contents.	Amendment to policy (Policy TRA2) Highway Safety and Trip Generation <u>Safe and Suitable Highway Access Arrangements and Mitigation</u>
Policy TRA2	To more accurately reflect that the development proposals should apply to users of the site rather than all people, amended text considered necessary.	Amendment to policy (Policy TRA2) Development proposals should ensure that safe and suitable access can be achieved for all people <u>users</u> . Site layouts, access proposals and any measures designed to mitigate trip generation produced by the development should: (a) Be acceptable in highway safety terms; (b) Not result in any severe residual cumulative impact; and (c) Not have a significant detrimental effect on the character of the local environment.
Policy TRA2	Numbering inconsistency – two (b)’s.	Amendment to policy (Policy TRA2) Replace second (b) with (c).
Paragraph 17.4.3	To reflect the fact that vehicle parking standards have been reviewed as part of ongoing work on the District Plan and the current Vehicle Parking at New Developments SPD will therefore be updated, additional wording has been added to the end of the paragraph.	Amendment to text (para. 17.4.3) The Council’s Supplementary Planning Document ‘Vehicle Parking Provision at New Development’ sets out the amount of parking spaces that should be provided in association with development and also offers guidance concerning the design and layout of such provision. <u>Amended parking standards, to replace those contained within the 2008 ‘Vehicle Parking Provision at New Development’, are included at Appendix X to the District Plan and a revised Vehicle Parking Supplementary Planning Document is to be prepared, which will include updated guidance on design issues.</u>

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17 Transport

17.1 Introduction

- 17.1.1 National and local policies and guidance seek a reduction in the growth of car usage and the greater use of more sustainable modes of transport.
- 17.1.2 Locally, the over-arching transport policy document for the area is Hertfordshire's Local Transport Plan (HCC, 2011) (LTP3), which sets the framework for achieving a better transport system in Hertfordshire for the plan period 2011-31. The LTP has a number of associated daughter documents containing their own initiatives including: the Rail Strategy, Bus Strategy, Intalink Strategy, Cycling Strategy, Walking Strategy, Rural Strategy, Road Safety Strategy, and Rights of Way Improvement Plan.

The Hertfordshire Local Transport Plan 2011 can be viewed and downloaded at: www.hertsdirect.org/services/transtreets/tranpan/ltp/

- 17.1.3 Although the LTP identifies some specific schemes for implementation in the district, the majority of transport schemes have been identified through a rolling programme of Urban Transport Plans (UTPs) which identify how and where the strategic objectives and targets detailed in the county-wide LTP can be delivered at a local level. There is one adopted UTP affecting East Herts; the Hertford and Ware Urban Transport Plan (HCC, November 2010). For areas where significant development is planned or anticipated, HCC is in the process of introducing Growth & Transport Plans, to ensure that appropriate transport infrastructure (including optimal packages of measures) is identified and also that they be used to help to inform future potential major transport scheme decisions.

The Hertford and Ware Urban Transport Plan can be viewed and downloaded at:
www.hertsdirect.org/services/transtreets/tranpan/tcatp/handwutp.pdf

- 17.1.4 HCC is currently updating the County's transport planning framework, to ensure that the transport network is able to support and unlock growth, and is in the process of replacing LTP3 with a 'Hertfordshire 2050 Transport Vision'. This strategic plan for transport infrastructure will, when adopted, underpin major investment proposals in Hertfordshire's transport infrastructure.
- 17.1.5 While the primary responsibility for the delivery of transport provision in the district lies with Hertfordshire County Council as Highway Authority, East Herts Council has involvement in some aspects, mainly via the planning system, community transport, and the management and enforcement of parking.
- 17.1.6 New development can aid the improvement of the transport offer in the district by making the best use of existing infrastructure (including passenger transport), providing new components where necessary, and also by contributing to the improvement of passenger transport provision, walking and cycling. In enabling access to new development, the provision of safe sustainable travel alternatives can make these sustainable modes more attractive to users than the car. If provided from the outset they can help instil green travel patterns (which are harder to establish later), and as a consequence assist in reducing the carbon footprint made by the transport sector. "Green streets", designed with a strong landscaped structure (which may include, trees, shrubs, verges and sustainable drainage systems), can assist in urban greening and their high amenity value can encourage walking and cycling.
- 17.1.7 Priority should focus on locating new residential development in close proximity to employment, retail, educational and leisure facilities and services, where good passenger transport exists, or where infrastructure and service provision can be improved. This approach can aid the local economy by supporting local services and facilities. Concentrating development in sustainable locations can also help benefit the wider economy via a reduction in congestion caused by additional generated

trips over those occasioned by a more widely disbursed development pattern.

17.1.8 Green Travel Plans can also help assist in modal shift e.g. via lift sharing schemes. Nonetheless, within the rural parts of the district the dispersed settlement pattern with related lower levels of passenger transport provision and attendant high levels of car dependency make the provision of realistic alternatives to the private car more challenging. Therefore, while supporting and encouraging a reduction in car usage, it is necessary to recognise the importance of private motorised transport in enabling the population of more rural locations to access key facilities and services.

17.1.9 Likewise, it should also be acknowledged that, in order to help mitigate the impact of development, the delivery of additional key road-based infrastructure measures may be necessary in certain situations to enable strategic growth in the district to occur. Key infrastructure requirements to enable delivery of the Plan are set out in Chapter 3, The Development Strategy.

17.2 Sustainable Transport

17.2.1 The District Council, in recognising that the achievement of sustainable development underpins national planning policy, seeks to promote sustainable transport and improve accessibility as an important part of its District Plan policy approach. Key issues to be addressed include:

1. Minimising the need to travel;
2. Increasing choice and availability of sustainable transport options;
3. Prioritising sustainable travel modes in new developments;
4. Increasing connectivity and integration of sustainable transport modes;
5. Encouraging healthy communities by supporting walking and cycling;

6. Reducing congestion and carbon-dioxide emissions.

- 17.2.2 Therefore, strong emphasis will be placed on seeking the provision of new bus, cycle and pedestrian transport routes and networks in addition to extending and strengthening existing provision, including through supporting community-led transport schemes.
- 17.2.3 It is, however, acknowledged by the Government that “different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas” (Paragraph 29, NPPF, CLG, 2012). Therefore, where new development is sited away from urban areas it is recognised that there may be reduced scope for passenger transport service and/or other sustainable transport provision in some locations. However, every effort should be made to ensure that the best possible sustainable transport outcomes can be achieved for all new developments, irrespective of remoteness of location, and developers will be expected to demonstrate where specific circumstances indicate otherwise.

Policy TRA1 Sustainable Transport

I. To achieve accessibility improvements and promotion of sustainable transport in the district, development proposals should:

- (a) Primarily be located in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction;
- (b) Comply with the provisions of the Local Transport Plan and/or Hertfordshire 2050 Transport Vision;
- (c) Ensure that a range of sustainable transport options are available to occupants or users, which may involve the improvement of pedestrian links, cycle paths, passenger transport network (including bus and/or rail facilities) and community transport initiatives. These improvements could include the creation of new routes, services and facilities or extensions to existing infrastructure and which may incorporate off-site mitigation,

as appropriate. In suitable cases the provision of footways and cycle paths alongside navigable waterways may be sought, along with new moorings, where appropriate. The implementation of car sharing schemes should also be considered;

(d) Ensure that site layouts prioritise the provision of modes of transport other than the car (particularly walking, cycling and, where appropriate, passenger transport) which, where feasible, should provide easy and direct access to key services and facilities;

(e) In the construction of major schemes, allow for the early implementation of sustainable travel infrastructure or initiatives that influence behaviour to enable green travel patterns to become established from the outset of occupation;

(f) Protect existing rights of way, cycling and equestrian routes (including both designated and non-designated routes and, where there is evidence of regular public usage, informal provision) and, should diversion prove unavoidable, provide suitable, appealing replacement routes to equal or enhanced standards; and

(g) Ensure that provision for the long-term maintenance of any of the above measures (c) (d) and (f) that are implemented is assured.

II. Where appropriate, contributions may be required towards the facilitation of strategic transportation schemes identified in the Local Transport Plan and/or Hertfordshire 2050 Transport Vision and other related strategies.

17.3 Safe and Suitable Highway Access Arrangements and Mitigation

17.3.1 In designing new developments it is important that proposed access arrangements are both safe for users and suitable for the type of development and number of users proposed and trips predicted to be generated. Where additional trips are predicted from a site it is necessary to ensure that measures can commensurately mitigate the impact where possible. While the NPPF is clear that “development should only be prevented

or refused on transport grounds where the residual cumulative impacts of development are severe” (Paragraph 32, NPPF, CLG, 2012), developers should be able to demonstrate that transport provision associated with development proposals will be appropriate, both in terms of modal choice and the capacity of the highway network to accommodate additional trips.

- 17.3.2 However, it is important that proposed mitigation measures should not only achieve their transport objective but also respect the character of the area and not have a significant adverse effect on the wider environment and the amenity of local residents, e.g. through unacceptable trip generation levels, displacement parking, etc.

Policy TRA2 Safe and Suitable Highway Access Arrangements and Mitigation

Development proposals should ensure that safe and suitable access can be achieved for all users. Site layouts, access proposals and any measures designed to mitigate trip generation produced by the development should:

- (a) Be acceptable in highway safety terms;
- (b) Not result in any severe residual cumulative impact; and
- (c) Not have a significant detrimental effect on the character of the local environment.

17.4 Vehicle Parking Provision

- 17.4.1 The amount of parking provision associated with development can have a significant effect on the mode of transport used to access it. The restriction of provision at destination points can lead to greater use of sustainable transport from place of origin instead of car usage.

- 17.4.2 While the benefits of such restrictions are recognised in terms of reduced congestion, vehicle emissions etc, it is also important to ensure that they do not lead to displacement

parking to other areas. Maintaining the vitality and viability of the district's market towns and service centres is also of key importance. Therefore, a balance needs to be achieved between restricting parking provision in new developments and ensuring that sufficient provision is made, while also ensuring that suitable parking facilities for cycles and powered two-wheelers are provided to encourage modal shift to sustainable transport options.

- 17.4.3 The Council's Supplementary Planning Document 'Vehicle Parking Provision at New Development' sets out the amount of parking spaces that should be provided in association with development and also offers guidance concerning the design and layout of such provision. Amended parking standards, to replace those contained within the 2008 'Vehicle Parking Provision at New Development', are included at Appendix X to the District Plan and a revised Vehicle Parking Supplementary Planning Document is to be prepared, which will include updated guidance on design issues.

The Vehicle Parking Provision at New Development Supplementary Planning Document (2008, or as amended) can be viewed and downloaded at: www.eastherts.gov.uk/vehicleparking

- 17.4.4 It is important that the most efficient use is made of land. Therefore, where a car park is proposed for non-domestic use, it is sensible to consider whether it would be appropriate to allow for shared public use of the facility, as this may help to ease pressure for additional provision, especially when located in proximity to town centres or at retail centres.

Policy TRA3 Vehicle Parking Provision

I. Vehicle parking provision associated with development proposals will be assessed on a site-specific basis in accordance with the provisions of the District Council's currently adopted Supplementary Planning Document 'Vehicle Parking Provision at New Development'.

II. Provision of sufficient secure, covered and waterproof cycle and, where appropriate, powered two-wheeler storage facilities should be

made for users of developments for new residential, educational, health, leisure, retail, employment and business purposes (to be determined on a site-specific basis). These should be positioned in easily observed and accessible locations.

III. Car parking should be integrated as a key element of design in development layouts to ensure good quality, safe, secure and attractive environments.

IV. Where a private car park for non-domestic use is proposed, the Council will assess whether it should also be available for shared public use having particular regard to the needs of the primary user.

V. Where public car parks (including those for Park and Ride facilities) are proposed, or where car parks are to be provided associated with major development involving educational, health, leisure, retail, employment and business uses, provision should be made for charging points for low and zero carbon vehicles (to be determined on a site-specific basis).

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 24 MAY 2016

REPORT BY LEADER OF THE COUNCIL

EAST HERTS DRAFT DISTRICT PLAN – CHAPTER 19 – NATURAL ENVIRONMENT: RESPONSE TO ISSUES RAISED DURING PREFERRED OPTIONS CONSULTATION, FURTHER AMENDMENTS AND DRAFT REVISED CHAPTER

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

The purpose of this report is:

- To bring to Members' attention the issues raised through the Preferred Options consultation in connection with Chapter 19 (Natural Environment) of the Draft District Plan Preferred Options version, together with Officer responses to those issues;
- To explain to Members why further amendments to Chapter 19 (Natural Environment) are required to ensure that the final draft District Plan reflects the most up-to-date policy position and the latest available evidence;
- To place before Members for consideration a draft revised chapter, for subsequent incorporation into the final draft District Plan.

<u>RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE PANEL:</u> That Council, via the Executive, be advised that:	
(A)	the issues raised in respect of Chapter 19 (Natural Environment) of the Draft District Plan Preferred Options, as detailed at Essential Reference Paper 'B' to this report, be received and considered;
(B)	the Officer response to the issues referred to in (A) above, as detailed in Essential Reference Paper 'B' to this report, be agreed;

(C)	the further amendments in respect of Chapter 19 (Natural Environment) of the Draft District Plan Preferred Options, as detailed at Essential Reference Paper 'B' to this report, be received and considered; and
(D)	the draft revised Chapter 19 (Natural Environment), as detailed in Essential Reference Paper 'C' to this report, be agreed as a basis for inclusion in the final draft District Plan, with the content being finalised when the consolidated plan is presented in September 2016.

1.0 Background

- 1.1 The Council published its Draft District Plan Preferred Options for consultation for a period of twelve weeks between 27th February and 22nd May 2014. Several thousand comments were received through the consultation exercise from over a thousand stakeholders including statutory consultees and members of the public.
- 1.2 In order to manage these comments, the Council's agreed approach, as set out in its Statement of Community Involvement (October 2013), is to summarise the issues raised through the consultation and record how these issues have been used to inform the next draft of the District Plan.
- 1.3 This report presents a draft revised chapter on the Natural Environment for subsequent incorporation into the final Draft District Plan. **Essential Reference Paper 'B'** contains the Issues Report and **Essential Reference Paper 'C'** the draft revised chapter.

2.0 Report

- 2.1 The Issue Report is split into two parts. The first part summarises the issues raised through the Preferred Options Consultation. The issues are grouped according to the section of the Draft Plan they relate to. The table presents an officer response to each issue and then sets out any subsequent proposed amendments to the text or policies of the draft Plan. These proposed amendments are shown in the form of a 'track change' so that readers can clearly see what amendments are being proposed.

- 2.2 The second part of the Issue Report details any further amendments that are required to ensure that the final draft District Plan reflects the most up-to-date policy position and the latest available evidence.
- 2.3 Members will be aware that a report to the District Planning Executive Panel on 8 December 2014 previously considered issues raised in respect of the draft Natural Environment chapter at the Preferred Options Consultation stage and also the proposed officer response to each issue, along with a proposed draft revised Chapter. However, since that time, further feedback has been received from the Herts and Middlesex Wildlife Trust, which have necessitated a review of some of previously proposed responses to ensure the most up to date and accurate picture going forward.
- 2.4 Members are therefore invited to agree the draft revised Chapter 19 (Natural Environment), as detailed in **Essential Reference Paper 'C'** to this report, as a basis for inclusion in the final draft District Plan, with the content being finalised when the consolidated plan is presented in September 2016.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	The Report refers to the Draft District Plan consultation carried out between 27 th February and 22 nd May 2014.
Legal:	None
Financial:	None
Human Resource:	None
Risk Management:	None
Health and wellbeing – issues and impacts:	The Draft District Plan in general will have positive impacts on health and wellbeing through a range of policy approaches that seek to create sustainable communities.

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Part 1: Issues Raised Through the Preferred Options Consultation

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
Introduction				
19.1	19.1.1	Habitat-based contextual LNP Ecological Network maps in places bear little or no relation to the map of Habitats and Biodiversity plan as presented in the Background and Overview document. It is important that up-to-date evidence is used.	The council cannot control the detail of maps produced by external parties in documents prepared for a particular purpose. The Plan refers to the need to refer to up-to-date evidence and to work with the Council's partners in these matters.	No amendment in response to this issue
19.2	19.1.1	Herts Ecology support the view that the natural environment is one of the districts greatest resources.	Support noted and welcomed.	No amendment in response to this issue
Nature Conservation				
19.3	19.2	Should refer to the Hertfordshire Environmental Records Centre as the primary resource for ecological data.	Paragraph 19.2.2 can be expanded to add reference to HERC (and others as appropriate).	Amendment to text (para 19.2.2 and new 'orange box') ...The Council will <u>continue to work with the Hertfordshire Environmental Records Centre as the primary resource for ecological data in the County.</u> refer to the most up-to-date position <u>Applicants will be expected to seek the advice of the Herts and Middlesex Wildlife Trust, the Hertfordshire Environmental Records Centre, Hertfordshire Ecology at the County Council, Countryside Management Service, Natural England, and other relevant local nature partnerships where appropriate, where proposals affect or have the potential to affect the natural environment and nature conservation assets.</u>
19.4	19.2	Herts and Middlesex Wildlife Trust (HMWT) suggest there are a few documents that could be referenced: Gunnell, Murphy and Williams (2013) <i>Designing for Biodiversity – A technical guide for new and existing buildings</i> . 2 nd ed. RIBA and BCT; RSPB (2013) <i>Planning Naturally. Spatial planning with nature in mind: in the UK and beyond</i> ; TCPA	If all references are included there is a danger that the majority of this chapter will become no more than a reference guide to these other documents. The chapter already references the HMWT which acts as a gateway to these other useful documents.	No amendment in response to this issue

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
		and the Wildlife Trusts (2012) <i>Planning for a Healthy Environment – Good practice guidance for green infrastructure and biodiversity</i> .	The RIBA and BCT guide can only be obtained at a cost and only freely accessible information will be linked to in the District Plan.	
19.5	Table 19.1	Herts Ecology and HMWT note that the descriptions in Table 19.1 are a little inaccurate and make suggestions to make them more accurate. Glossary definition at end of plan is correct. HMWT comment that is an excellent example of a Natural Environment chapter already.	Table 19.1 will be amended to elaborate this and to make the description of Wildlife Sites more accurate. It is also worth noting that local wildlife sites are just as valuable as SSSIs in terms of their ecology.	<p>Amendment to Table 19.1</p> <p>National <u>Sites designated by Natural England under the Wildlife and Countryside Act 1981. Protection of the most significant sites for the conservation of wildlife (species & habitats) and/or geology.</u></p> <p><u>At Least</u> Local Places of special local wildlife, or geological <u>or educational</u> interest or significance identified by local authorities. <u>Where these sites are also designated as SSSIs they will be a national importance.</u></p> <p>Local Sites of importance for their scientific, educational and historical value as well as their visual qualities. <u>Designated land of local and regional importance defined as discrete areas of land considered to be of significance for their wildlife features. They are the most important places for wildlife outside legally protected land such as SSSIs and can be as ecologically valuable as SSSIs.</u></p>
19.6	19.2.5	Paragraph should acknowledge that Broxbourne Woods also includes Bencroft Wood and Broxbourne Wood (Herts CC owned), Hoddesdon Wood and Wormley Wood (owned by Woodland Trust). All are within the National nature Reserve (NNR) and are Sites of Special Scientific Importance (SSSI's) and home too many rare and scarce Woodland Wildlife.	Paragraph 19.2.5 could be expanded to include these references.	<p>Amendment to text (para 19.2.5)</p> <p>The only National Nature Reserve (NNR) in Hertfordshire is located in the south of the district at Broxbourne-<u>Hoddesdonpark</u> Woods. <u>The Nature Reserve contains several woodlands of SSSI status, which are home to many rare and scarce woodland wildlife.</u></p>

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
19.7	19.2.7	The text should be amended to read 'Hertfordshire Local Wildlife Sites Partnership'.	Agreed.	Amendment to text (para 19.2.7) Local Wildlife Sites are identified by the Hertfordshire <u>Local</u> Wildlife Sites Partnership, which is a partnership approach to the identification....
19.8	19.2.7	<p>The list of sites in paragraphs 19.2.3 to 19.2.7 need to clarify the difference between sites that are designated by Natural England or included in local lists or those listed as HMWT reserves. The HMWT reserves are all considered on an equal footing and recommend removing reference to four flagship reserves.</p> <p>Recommended wording 'There are also 14 Herts & Middlesex Wildlife Trust Nature Reserves in the district, seven of which are SSSIs and one is a Local Nature Reserve (under the National Parks and Access to the Countryside Act 1949 as amended)'.</p> <p>HMWT note the only site in East Herts which is known to be listed as a Local Nature Reserve by Natural England is Waterford Heath (also a HMWT nature reserve).</p>	Agreed. Paragraph 19.2.7 amended for clarity.	Amendment to text (para 19.2.7) Local Wildlife Sites in the district are identified by the Hertfordshire <u>Local</u> Wildlife Sites Partnership which is a partnership approach to the identification, selection, assessment and protection of Local Wildlife Sites in the County, led and coordinated by the Herts and Middlesex Wildlife Trust. Local Wildlife Sites (WS) are considered to be of significance for wildlife in at least a district context. There are currently 573 Wildlife Sites in the district covering 3,462 hectares. There are also <u>currently 14 Herts and Middlesex Wildlife Trust Reserves in the district, seven of which are SSSIs and one, Waterford Heath, is a Local Nature Reserves (LNR) (under as protected by the National Parks and Access to the Countryside Act, 1949 as amended) in the district, including 4 Flagship Reserves:</u> Amwell Balls Wood Kings Meads Rye Meads
19.9	19.2.8	HMWT recommend that the need to protect and restore ecological networks is made more prominent in the plan as a whole. Landscape-scale conservation and restoration recognises the importance of all sites including those in urban areas as contributing to wildlife and ecosystem services. It should be embedded in the Natural Environment policies.	Paragraph 19.2.8 could be expanded to include reference to the need to protect and enhance landscapes and non-designated sites.	Amendment to text (para 19.2.8) Distinctions will be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and appropriate weight will be given to their importance and the contribution they make to wider ecological networks. <u>It is however, important that opportunities are taken to</u>

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
				<u>enhance biodiversity wherever possible, especially in urban areas, as even non-designated environments contribute significantly to the success of the wider ecological network.</u>
19.10	NE1	Natural England appreciate the intention to give internationally and nationally designated sites the highest level of protection, however, the NPPF states: 'Distinctions should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks'.	Initial drafts of the policies did distinguish between sites of different status. However, it was considered that this diluted the strength of protection for sites of less status. These sites play an important role in the wider ecological network, not least because their number are far greater than higher status sites and they often contribute to the success of higher status sites. A new Policy could be created to refer to only non-designated sites of nature conservation importance.	New Policy NE2 <u>NE2 Sites of Nature Conservation Interest (Non-Designated)</u> <u>I. All proposals should achieve a net gain in biodiversity and avoid harm to, or the loss of features that contribute to the local and wider ecological network.</u> <u>II. Proposals will be expected to apply the mitigation hierarchy of avoidance, mitigation and compensation, and integrate planting and landscaping into the overall design.</u>
19.11	NE1	Herts Ecology states that a variety of site types are mentioned, though smaller sites that may be wildlife havens but which do not fall within these categories are not mentioned.	Additional text is to be added to paragraph 19.2.8 (see above issue number 19.9). A new policy could be created to refer to non-designated sites (see above issue number 19.10).	Amendment to text (para 19.2.8) and New Policy NE2 See above
19.12	NE1	The Lee Valley Regional Park Authority support Policy NE1. They note that Amwell and Rye Meads SSSIs are identified as two of the Districts Flagship Reserves. Both could face pressure from future development.	Support noted and welcomed. Reference to Amwell and Rye Meads as flagship reserves has however been deleted on the advice of the Herts and Middlesex Wildlife Trust. Although historically referred to as 'flagship reserves', all HMWT reserves are now considered on an equal footing. (see Issue 19.8)	No amendment in response to this issue
19.13	NE1	HMWT and the Lee Valley Regional Park Authority suggest that both Policy NE1 and NE2 should require applicants to submit sufficient and up-to-date info (ecological surveys by competent ecologist) where habitat or features of potential value to the wildlife are affected. Where an applicant fails to provide sufficient information,	Agreed. Policy NE1 amended to address this. Policy NE2 amended in Issue 19.37	Amendment to Policy NE1 I. Development proposals, land use or activity (either individually or in combination with other developments) which are likely to have a detrimental impact which adversely affects the integrity of a site, will not be

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
		<p>planning permission should be refused (in line with NPPG para 008 and 016). Having adequate information is necessary for the council to ensure that its policy requirements and its statutory duty are met in terms of being able to assess whether net gains have been achieved.</p> <p>The LVRPA stress the importance of carrying out wildlife and habitat surveys in advance of submitting applications.</p>		<p>permitted unless it can be demonstrated that there are reasons which clearly outweigh the need to safeguard the nature conservation value of the site, and any broader impacts on the international, national, or local network of nature conservation assets. <u>Evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application. Where insufficient data is provided, permission will be refused.</u></p>
19.14	NE1 Part III	<p>Natural England considers that there is an overemphasis on compensation. The Policy should be more in line with the measures included in Para. 152 of the NPPF: 'wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate'.</p> <p>The policy should be more proactive in terms of seeking a net gain of biodiversity in line with Para. 9 of the NPPF 'pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment.... including...moving from a net loss of bio-diversity to achieving net gains for nature.'</p> <p>Herts Ecology state something similar: NE1 should include a Mitigation Hierarchy as outlined in NPPF. This considers: Information, Avoidance, Mitigation and Compensation. Where development cannot satisfy requirements planning permission should be refused (NPPF para 118).</p>	Agreed. Policy NE1 amended to highlight the need to avoid making such harm in the first place.	<p>Amendment to Policy NE1 Part III</p> <p>III. In exceptional circumstances where proposals are allowed which would damage the nature conservation value of the International, National or Local Site, any adverse impact to designated sites should only occur as a last resort, and should be compensated by replacement with a feature of comparable or higher ecological value.</p> <p><u>Proposals should avoid impacts on sites of nature conservation value and wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate. Such compensatory schemes should seek to achieve a net gain for nature and the</u></p> <p>The District Council will consider the use of conditions and/or planning obligations to provide <u>secure</u> appropriate mitigation/compensation.</p>

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
19.15	NE1 + NE2 (now NE3)	Herts Ecology note NE1 effectively duplicates NE2 by including reference to Priority Species and Habitats and the aspect of Policy on Species and Habitats.	Policy NE1 part II will be changed to refer to sites of international or national nature conservation importance rather than to priority species or habitats. Also in reference to the Herts Ecology comment on where proposals do not satisfy requirements they should be refused, this section of the Policy NE1 should make this clear.	Amendment to Policy NE1 Part II II. Where a priority species or habitat on the site <u>of International or National designation for nature conservation importance</u> is adversely affected by the proposals, <u>permission will be refused unless</u> the District Council is <u>will need to be satisfied that:</u> ...
Species and Habitats				
19.16	19.3	Strongly welcomed by the HMWT	Support noted and welcomed	No amendment in response to this issue
19.17	19.3	Swifts and other bird species need to be taken into account during development as they are present in every proposed housing location. We should ensure there is a space for nature.	This is related to the wider issue raised of needing to be more proactive in seeking net gains in biodiversity. Policy NE2 should be amended to make this proactive approach the priority rather than focussing on where harm could occur. Proposed amendment to paragraph 19.3.8 (renumbered 19.3.10)	Amendment to Policy NE2 (now Policy NE3) <u>VIII. Integrated bird and bat boxes will be expected in all development bordering public green space and beneficial habitat.</u> Amendment to text (para 19.3.8 (renumbered 19.3.10)) 19.3.10 ... <ul style="list-style-type: none"> Provision of roosting opportunities for bats <u>and birds</u>...
19.18	19.3.2	Herts Ecology note that 19.3.2 should include reference to role that maintaining and enhancing biodiversity plays in securing Ecosystem Services e.g. Pollination, hydrology, pest control etc.	Agreed. Paragraph 19.3.2 expanded to refer to these benefits.	Amendment to text (para 19.3.2) Biodiversity describes the number and variety of species of plants and animals within a habitat and also the diversity of habitats within an ecosystem. Biodiversity has economic importance, adds to our quality of life and contributes to local distinctiveness <u>as well as securing Ecosystem Services such as pollination, hydrology and pest control for example.</u>
19.19	19.3.3	The Environment Agency supports this paragraph.	Support noted and welcomed. Reference to habitats also added to paragraph	No amendment in response to this issue

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
			(see issue number 19.20).	
19.20	19.3.3	Herts Ecology note 19.3.3 should refer to both priority species and habitats, as listed under S41 of the 2006 NERC Act.	Agreed. Paragraph 19.3.3 amended to make this clear.	Amendment to text (para 19.3.3) Whilst protecting priority species <u>and habitats (as listed under Section 41 of the Natural Environment and Rural Communities Act 2006)</u> is important, if biodiversity is to be genuinely enhanced, the conservation of all wildlife and habitats needs to be at the centre of development and planning decision making.
19.21	19.3.4	Herts Ecology support reference to the BAP but advise that this has now largely been replaced by the LNP strategies which develop the BAP further.	The BAP is still important in strategic terms but the Plan should make more reference to the Local Nature Partnership in general. A new paragraph should be included to refer to the LNP.	Amendment to text (new para 19.3.5) <u>19.3.5 The Hertfordshire Local Nature Partnership (LNP), working in conjunction with Herts and Middlesex Wildlife Trust, Hertfordshire County Council and Natural England have recently published an up-to-date report on Hertfordshire's habitats which identifies areas where new habitats should be created to support the wider ecological network. The LNP has also produced a suite of guiding principles to assist with planning for the natural environment. The Council will expect proposals to be prepared in line with these documents.</u>
19.22	19.3.5 (now 19.3.6)	The Environment Agency supports this paragraph.	Support noted and welcomed.	No amendment in response to this issue
19.23	19.3.5 (now 19.3.6)	Herts Ecology feel 19.3.5 should seek to plan for biodiversity at a landscape scale with the identification of local ecological networks, as promoted by Local Nature Partnership (LNP). Hertfordshire Ecological Networks document provides strong evidence-based approach to identifying ecological networks and a number of key habitats. The LNP is supported by	The proposed amendments to paragraph 19.2.8 above, address this issue. The current wording of paragraph 19.3.5 should be sufficient without repeating paragraph 19.2.8.	No amendment in response to this issue
19.24	19.3.5 (now 19.3.6)	The Environment Agency suggests adding reference to the Hertfordshire Local Nature Partnership's <i>'Planning for Biodiversity and the</i>	As with paragraph 19.3.4 above, it is agreed that the Plan should make more reference to the Local Nature Partnership in general and the guidance	Amendment to text (new para 19.3.5) <u>19.3.5 The Hertfordshire Local Nature</u>

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		<p><i>Natural Environment in Hertfordshire-Guiding Principles</i>, as well as the Hertfordshire ecological networks mapping report.</p> <p>HMWT also recommend adding this to Section 19.4</p>	<p>they produce as appropriate.</p> <p>A new 'orange box' is added following this paragraph.</p>	<p><u>Partnership (LNP), working in conjunction with Herts and Middlesex Wildlife Trust, Hertfordshire County Council and Natural England have recently published an up-to-date report on Hertfordshire's habitats which identifies areas where new habitats should be created to support the wider ecological network. The LNP has also produced a suite of guiding principles to assist with planning for the natural environment. The Council will expect proposals to be prepared in line with these documents.</u></p> <p>New 'orange box' after 19.3.5</p> <p><u>The Local Nature Partnership guidance can be viewed at: www.hertswildlifetrust.org.uk/local-nature-partnership</u></p>
19.25	19.3.6 (now 19.3.8)	Badgers need to be added to the list.	Badgers are not on the England Biodiversity List of Habitats and Species of Importance.	No amendment in response to this issue
19.26	19.3.6 (now 19.3.8)	Herts Ecology feel 19.3.6 could include '...tests as required by the European Habitats Directive' to emphasise the point that this is a legal obligation and not simply a rigorous approach from LPA.	Paragraph 19.3.6 (renumbered 19.3.8) amended to add 'as required by the European Habitats and Birds Directive'.	<p>Amendment to text (para 19.3.6 (renumbered 19.3.8))</p> <p>Where there is evidence of European Protected Species (EPS) such as bats, great crested newts, dormice or otters, the Council will apply the following three derogation tests <u>as required by the European Habitats and Birds Directives:</u></p>
19.27	19.3.7 (now 19.3.9)	The Environment Agency supports this paragraph.	<p>Support noted and welcomed.</p> <p>(note paragraph renumbered 19.3.9)</p>	No amendment in response to this issue
19.28	19.3.7 (now 19.3.9)	HMWT welcome the focus on avoidance of harm, including habitat retention through site design. Recommend that wording be added to ensure mitigation is required where not possible to avoid impacts. Compensation for any residual impact	Support noted and welcomed. A new paragraph referencing the mitigation hierarchy should be added.	<p>Amendment to text (new para 19.2.9)</p> <p><u>19.2.9 The NPPF requires local planning authorities to apply a mitigation hierarchy. In the context of the natural environment this</u></p>

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
		e.g. new habitat creation or habitat restoration/enhancement on site or nearby should be as a last resort. Herts Ecology notes that if the 'Mitigation Hierarchy' is not referred to in Policy NE1, it should be referred to here.		<u>means that policies should seek to create net gains in biodiversity, to avoid adverse impacts by considering alternative options, to use mitigation measures where avoidance is not possible and as a last resort to use compensatory measures.</u>
19.29	19.3.8 (now 19.3.10)	HMWT suggest that Para. 19.3.7 be split to distinguish between avoidance and enhancement.	Paragraphs 19.3.7 and 19.3.8 (renumbered 19.3.9 and 19.3.10) amended accordingly.	Amendment to text (paragraphs 19.3. 7 and 19.3.8 (renumbered 19.3.9 and 19.3.10)) 19.3.7- 9site design. Where there may be no significant harm to species or habitats there may be potential opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement.... 19.3.8- 10 <u>There may be potential opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement, whether or not significant harm to species or habitats is anticipated.</u> Examples of how enhancements can be achieved include: ...
19.30	19.3.8 (now 19.3.10)	All developments should respond to available opportunities to provide enhancements for wildlife, whether or not significant adverse impacts are expected. Request that sentence amended to this affect. E.g. "There may be potential opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement, whether or not significant harm to species or habitats is anticipated. Examples of how enhancements could be achieved include...":	Paragraph 19.3.8 (renumbered 19.3.10) to be amended accordingly.	Amendment to text (para 19.3.8 (renumbered 19.3.10)) 19.3.8- 10 <u>There may be potential opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement, whether or not significant harm to species or habitats is anticipated.</u> Examples of how enhancements can be achieved include:...
19.31	19.3.8 (now 19.3.10)	Herts Ecology suggest that paragraph 19.3.8 should include the planting of wildflower grasslands and new orchards, as they provide excellent habitats for insects etc.	Paragraph 19.3.8 (renumbered 19.3.10) should be amended to add wildflower grasslands and orchards.	Amendment to text (para 19.3.8 (renumbered 19.3.10)) 19.3.8 10 <u>There may be potential opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement, whether or not significant harm to species or habitats is</u>

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
				<p><u>anticipated.</u> Examples of how enhancements could be achieved include: ...</p> <ul style="list-style-type: none"> • <u>Creation of orchards, wildflower grasslands and nature reserves....</u>
19.32	19.3.8 (now 19.3.10)	The Environment Agency supports this paragraph.	Support noted and welcomed. (note paragraph amended and renumbered 19.3.10)	No amendment in response to this issue
19.33	19.3.9 (now 19.3.11)	The Environment Agency supports this paragraph.	Support noted and welcomed. (note paragraph amended and renumbered 19.3.11)	No amendment in response to this issue
19.34	19.3.9 (now 13.9.11)	Planning obligations should include green roofs, walls, natural planting, simple management.	The Design and Climate change policies already address these issues. The bullet list in 19.3.10 could include reference to green roof and walls.	<p>Amendment to text (para 19.3.8 (renumbered 19.3.10))</p> <p>19.3.9<u>10</u> <u>There may be potential opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement, whether or not significant harm to species or habitats is anticipated.</u> Examples of how enhancements could be achieved include: ...</p> <ul style="list-style-type: none"> • Connecting existing habitats and enhancing migratory routes with additional planting <u>(including green roofs and walls</u> and species-rich hedgerows) ...
19.35	19.3.10 (now 19.3.12)	Herts Ecology suggest that Para. 19.3.10 could include Biodiversity Offsetting as a means of securing compensation.	This is referred to in the NPPF as a means of compensating the loss of features on-site and therefore needs to be incorporated in the text in paragraph 19.3.10 (renumbered 19.3.12).	<p>Amendment to text (para 19.3.10 (renumbered 19.3.12))</p> <p>19.3.40<u>12</u> Compensation which in most cases should be a last resort, involves creating new replacement habitats either on-site or off-site <u>in the form of biodiversity offsetting.</u> However, compensation for a lost habitat will not make an unacceptable development acceptable.</p>

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19.36	NE2 (now NE3)	The Environment Agency supports this policy.	Support noted and welcomed.	No amendment in response to this issue
19.37	NE2 (now NE3)	<p>HMWT and the Lee Valley Regional Park Authority suggest that both Policy NE1 and NE2 should require applicants to submit sufficient and up-to-date info (ecological surveys by competent ecologist) where habitat or features of potential value to the wildlife are affected. Where an applicant fails to provide sufficient information, planning permission should be refused (in line with NPPG Para. 008 and 016). Having adequate information is necessary for the council to ensure that its policy requirements and its statutory duty are met in terms of being able to assess whether net gains have been achieved.</p> <p>The LVRPA stress the importance of carrying out wildlife and habitat surveys in advance of submitting applications.</p>	<p>Agreed. Policy NE2 (now NE3) amended to address this and to make it more proactive.</p> <p>Policy NE1 amended in Issue 19.13</p>	<p>Amendment to Policy NE2 (renumbered NE3)</p> <p><u>I...Evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application.</u></p>
19.38	NE2 IV (now NE3)	Herts Ecology suggest that part 'IV' should refer to nature reserves rather than local nature reserves to prevent any confusion.	<p>Noted.</p> <p>Nature reserves has been added to the bullet list in Paragraph 19.3.8 (renumbered 19.3.10)</p>	<p>Amendment to Policy NE2 (renumbered NE3)</p> <p>IV. Developments should demonstrate how the proposal improves the biodiversity value of sites and enhances their nature conservation interest, such as through the establishment of local—nature reserves. If providing such features as part of a development, applicants should detail how it will be maintained in the long term.</p> <p>Amendment to text (Para. 19.3.8 (renumbered 19.3.9) 19.3.10 ...</p> <ul style="list-style-type: none"> <u>• Creation of orchards, wildflower grasslands and nature reserves</u>

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19.39	NE2 (now NE3)	Herts Ecology note that reference should be made to the LPA's legal obligation concerning European Sites, protected sites and SSSIs. The Department for Environment Food and Rural Affairs (DEFRA) is currently updating its guidance. Which should be referred to, to the effect of ' <i>Updated guidance on the legal obligations affecting local planning authorities and developers regarding European sites, protected species and SSSIs is being prepared by DEFRA and will replace the advice currently set out in Circular 06/05: Biodiversity and Geological Conservation</i> '	This can be detailed in a new paragraph or text box. This should be linked to advice on the list of Species and Habitats of Principle Importance under the NERC Act.	<p>Amendment to text (new 'orange box' after 19.3.3)</p> <p><u>A list of Species and Habitats of Principle Importance, as published in Section 41 of the Natural Environment and Rural Communities Act 2006, can be viewed in the form of a spread-sheet at: www.naturalengland.org.uk</u></p> <p><u>Government legislation exists which places legal obligations on Local Planning Authorities and landowners with regards to the protection and enhancement of European Sites, protected species and Sites of Special Scientific Interest. More information can be viewed on the Government's document website at: www.gov.uk.</u></p> <p><u>The Herts and Middlesex Wildlife Trust website also contains a useful list of relevant environmental law at: www.hertswildlifetrust.org.uk</u></p>
19.40	NE2 (now NE3)	Useful if term 'locally important biodiversity sites' could be defined.	New text could be added to the Glossary to provide a description.	<p>Amendment to Glossary</p> <p><u>Locally Important Biodiversity Sites: Normally smaller, isolated sites, including trees, hedgerows or ponds that may not be designated but make a contribution to local or wider ecological networks.</u></p>
Green Infrastructure				
19.41	19.4.3	The River Mimram, which is the best chalk stream north of the Thames, and a habitat rarer than the tropical rainforest is omitted from the list of local rivers.	This river was omitted in error and should be added to the list.	<p>Amendment to text (para 19.4.3)</p> <p>East Herts has a rich green infrastructure resource centred on the principal river valleys of the Lee, <u>Mimram</u>, Beane, Quin, Rib, Ash and Stort in addition to a varied mosaic of landscape and habitat types, such as</p>

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				grassland, ancient and plantation woodland and farmland of importance to wildlife.
19.42	19.4.3	Herts Ecology support the overall approach to GI. However the Plan needs to acknowledge the integrated approach to planning and include what improvements are necessary and how they are to be sustained.	This is partly contained within the Green Infrastructure Plan and the Plan makes new references to the LNP Ecological Networks document. Each Policy in this chapter seeks to encourage an integrated approach to biodiversity and the wider ecological network, which is part of the function of Green Infrastructure.	No amendment in response to this issue
19.43	19.4	Herts Ecology note that land management is fundamental, local farming and development and maintenance of food economy is wholly missing from the plan in one of the county's most farming dominated districts.	The majority of these things are beyond the scope of planning policy. The Plan as a whole supports the rural economy and is proactive where it has some influence. Paragraph 19.4.3 references the importance of farmland in green infrastructure terms. Policy ED2 supports agricultural activity and the diversification of farm holdings provided it supports the continued agricultural activity of the farm. However, these issues are more appropriately managed by central government policies on agricultural practices and permitted development rights.	No amendment in response to this issue
19.44	19.4.4	The Environment Agency supports this paragraph.	Support noted and welcomed.	No amendment in response to this issue
19.45	19.4.5 (now 19.4.6)	The Environment Agency supports this paragraph.	Support noted and welcomed.	No amendment in response to this issue
19.46	19.4.6 (now 19.4.7)	The Environment Agency supports this paragraph.	Support noted and welcomed.	No amendment in response to this issue
19.47	19.4.6 (now 19.4.7)	<p>Herts Ecology note applicants should be expected to seek advice of Hertfordshire Ecology which should be at the front of the list being funded by EHDC to provide an ecological advisory service to the District.</p> <p>Herts Ecology provides planning advice while the Environmental Records Centre holds, manages and develops ecological and biological records and information.</p>	Agreed paragraph amended to include reference to the renamed HERC and Herts Ecology.	<p>Amendment to text (para 19.4.6 (renumbered 19.4.7))</p> <p>Applicants will be expected to seek the advice of the Herts and Middlesex Wildlife Trust, the Hertfordshire Environmental Biological Records Centre, <u>Hertfordshire Ecology at the County Council</u>, Countryside Management Service and, Natural England, and other relevant local nature partnerships where appropriate, where</p>

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
				proposals affect or have the potential to enhance green infrastructure and nature conservation assets.
19.48	19.4	The LVRPA suggest that supporting text to the Green Infrastructure policy should make reference to GreenArc.	A new paragraph could be added to highlight the role of landscapes within East Herts as part of the wider network and to bring in a reference to the GreenArc partnership.	Amendment to text (new paragraph 19.4.5) <u>19.4.5 It is important to remember that habitats and landscapes in East Herts are part of a wider network of green infrastructure that pays no heed to local authority boundaries. For example, the woodland to the south of the District forms part of the swathe of woodland and other habitats that stretch around London, which is commonly known as the GreenArc. Development should therefore be planned to avoid habitat loss and fragmentation, and opportunities should be sought to improve ecological connectivity, including through the creation, restoration and enhancement of linking habitats and 'stepping stones' through the landscape.</u>
19.49	NE3 (now NE4)	The Environment Agency support Policy NE3.	Support noted and welcomed.	No amendment in response to this issue
19.50	NE3 (now NE4)	There needs to be sufficient Green infrastructure with housing growth. Communities will need to be designed to be water neutral, hard surfaces should also be minimised.	The Draft Plan contains a number of policies that seek to address these issues.	No amendment in response to this issue
19.51	NE3 (now NE4)	The LVRPA support Policy NE3, and endorse reference to Nature Improvement Areas.	Support noted and welcomed.	No amendment in response to this issue
19.52	NE3 (now NE4)	The LVRPA support the single policy for Green Infrastructure due to its complexity and where it refers to many different strands. The reference under Policy CC1 to Green Infrastructure is also endorsed.	Support noted and welcomed.	No amendment in response to this issue
19.53	NE3 (now NE4)	Canal and River Trust support the aims of this policy fully and welcome the recognition and support given to the Waterway network in East Herts.	Support noted and welcomed.	No amendment in response to this issue

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
19.54	NE3 (now NE4)	HMWT welcome Policy, in particular references to plans and programmes including Nature Improvement Areas, Living Landscapes and Catchment Management Plans.	Support noted and welcomed.	No amendment in response to this issue
19.55	NE3 (now NE4) II (d)	Typo: "complement"	Noted	Amendment to Policy NE3 (renumbered NE4) (d) Consider the integration of green infrastructure into proposals as an alternative or to complement— <u>complement</u> 'grey' infrastructure.
General				
19.56	19	Support for protection of the natural environment. There is an issue with the clearance of sites before applications are submitted. This is a loophole that enables habitat destruction before it can be properly assessed. Where site clearance occurs there should be penalties.	Support noted and welcomed. The clearance of vegetation is not considered development. Once an application has been made conditions would normally be applied that seeks to retain vegetation subject to an appropriate landscaping scheme. However, if the clearance occurs before the application there are no conditions to be in breach of. Where clearance has occurred on sites where there are policy restrictions such as Tree Preservation Orders or other environmental designations, mechanisms do exist through various legislation to impose penalties and ensure replacement planting where necessary. This is a national issue of planning law and not something the Council can control.	No amendment in response to this issue
19.57	19	Development prevents biodiversity.	If done well, development has the potential to create biodiversity through gardens and green spaces which have a greater variety of species than ploughed farmland for example.	No amendment in response to this issue
19.58	19.2 (HERT4)	HERT4 proposal is a connection to the countryside it supports the valuable habitat at Waterford Heath. Any developments around the edge of town should include a 'woodland buffer' to protect views and constrain further development.	This comment will be considered further under Chapter 7: Hertford. Each settlement-specific policy seeks to protect and enhance its surrounding environments. HERT4 currently requires the development to create quality local green infrastructure through	Amendment to Policy HERT4 This will be amended in due course.

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			the site including opportunities for preserving and enhancing on-site assets, maximising opportunities to link into existing assets and enhance biodiversity. This could be made more explicit in requiring a new green edge to the development to not only act as a green buffer to neighbouring environments but also to define the edge of development, effectively creating a strong northern boundary.	
19.59	19.3	Natural England finds much encouragement in the emerging policies and commends the progress East Herts are making towards creating a sound Local Plan; however more progress was expected on the Habitats Regulations Assessments (HRA). The HRA is an important consideration and needs to be taken into account when allocating sites and numbers.	Support noted and welcomed. Concerns regarding the HRA are noted and refer to the specific detail of the HRA which was available at the Preferred Options stage. The HRA will be updated to inform the final version of the District Plan, in collaboration with Natural England.	No amendment in response to this issue
19.60	19.3	Land north of Ware is teaming with wildlife, deer's, foxes, hares and rabbits as well as birds particularly in the area around Moles Farm. Thought must be given to wildlife as well.	Noted.	No amendment in response to this issue

Part 2: Other Proposed Amendments

Policy/ Paragraph Number	Issue	Proposed Amendment
19.2.4	Reference should be added to refer to a new online tool produced by Natural England on assessing the likely impacts on SSSIs.	New ‘orange box’ after 19.2.11 The Natural England Impact Risk Zone Tool, which is designed to help local planning authorities and developers to assess whether a proposed development is likely to affect SSSIs can be found at www.naturalengland.org.uk
19.2.4	It is worth clarifying that SSSIs are only a representative sample of the County’s finest wildlife and geological sites. This helps when explaining that other sites that are not classified as SSSIs are often just as ecologically valuable. SSSI status does not assume automatic protection from development.	Amendment to text (para 19.2.4) All international sites in the district are also designated as SSSI's. SSSI's are a representative sample of protect England’s finest wildlife and geological sites.
19.2.4	In October 2014 Natural England was incorporated into the gov.uk website and as such all links and references of documents have been changed. Therefore reference to the England Biodiversity List is now out of date. Instead, the new ‘orange box’ after 19.3.3 is sufficient.	Amendment to Policy NE2 (renumbered NE3) Part V. Proposals should avoid impacting on Species and Habitats of Principle Importance included in the England Biodiversity List as published under section 41 of the Natural Environment and Rural Communities Act 2006 (or as subsequently amended). Amendment to ‘orange box’ after Policy NE2 (renumbered NE3) moved to after para. 19.3.3 The England Biodiversity List can be viewed and downloaded from the Habitats and Species of Importance pages of the Natural England Website at: www.naturalengland.org.uk A list of Species and Habitats of Principle Importance, as published in Section 41 of the Natural Environment and Rural Communities Act 2006, can be viewed in the form of a spread-sheet at www.naturalengland.org.uk
19.2.7	The latest Annual Monitoring Report indicates a change in the number of Local Wildlife Sites and their size in hectares due to the re-classification of sites and alterations to boundaries. This up-to-date evidence should be included in the revised chapter.	Amendments to text (para 19.2.7) ...There are currently 573 544 Wildlife Sites in the district covering 3,462 3,462 3,442 hectares...

19.2.10 and 19.2.11	<p>In order to measure the objective of achieving no net loss of biodiversity it is necessary to put in place mechanisms to assess and monitor mitigation programmes. One way of doing this is to use the DEFRA and Natural England endorsed Biodiversity Impact Assessment Calculator. The use of such tool also ensures a consistent and scientific approach to assessing applications.</p> <p>In order to achieve no net loss, the baseline ecological valuation figures should be exceeded by a development after it has been built. This results in meaningful, quantifiable no net loss and where possible net gain.</p>	<p>Additional text added (new paragraphs 19.2.10 and 19.2.11)</p> <p><u>19.2.10 In order to objectively assess net ecological impacts and therefore achieve net gains in biodiversity, as required by the NPPF, it is vital that a fair, robust mechanism for measuring these impacts is applied. To ensure they are consistently quantified, the application of the DEFRA and NE endorsed Biodiversity Impact Assessment Calculator (Warwickshire County Council v18 2014 or as updated) will be required for all development with negative impacts on biodiversity. Proposals will be expected to show a net gain in ecological units following development.</u></p> <p><u>19.2.11 It is important that a consistent, acceptable standard of supporting ecological information is supplied with planning applications. In order to ensure this, it will be expected that ecological information is presented in accordance with the British Standard on Planning and Biodiversity – BS42020 2013 Biodiversity – Code of practice for planning and development.</u></p> <p>New Part IV added to Policy NE1</p> <p><u>IV. Ecological impacts will be quantified by utilising the Biodiversity Impact Assessment Calculator (BIAC). Development must demonstrate a net gain in ecological units. Ecological information must be supplied in accordance with BS 42020 2013.</u></p>
Policy NE1, Part III	The approach to compensatory measures has changed as case examples increase. It is therefore necessary to explain that compensatory measures can be provided on or off-site.	<p>Amendment to text Policy NE1, Part III</p> <p>Such compensatory schemes should seek to achieve a net gain for nature and the Council will consider the use of conditions and/or planning obligations to secure appropriate mitigation/compensation. <u>Compensatory measures can be situated on or off the development site.</u></p>
Policy NE2, Parts I and II.	The issue of assessing sites objectively is also applicable to non-designated sites as they have an important contribution to make to the wider ecological network.	<p>Amendment to Policy NE2. Parts I and II</p> <p>I. All proposals should achieve a net gain in biodiversity, <u>as measured by using the BIAC</u>, and avoid harm to, or the loss of features that contribute to the local and wider ecological network.</p> <p>II. Proposals will be expected to apply the mitigation hierarchy of avoidance, mitigation and compensation, and integrate <u>ecologically beneficial</u> planting and landscaping into the overall design.</p>
19.3.3	It is important that the ecological value of habitats that are not classified as priority habitat is recognised. If it isn't eco consultants will dismiss all non-priority habitat as insignificant and state that they do not need to be compensated. The majority of the country's wildlife depends upon non-priority habitats. They are therefore vital components of the wider ecological network. They may therefore be less valuable in ecological terms but	<p>Amendment to text (para 19.3.3)</p> <p><u>It must be recognised that Biodiversity does not only exist on priority habitat sites. Lower quality habitats contribute significantly to the biodiversity of an area. Indeed the vast majority of biodiversity in this country is dependent on non-priority habitat. Through use of the BIAC, the ecological value of these habitats can be quantified and properly reflected in the planning process. Their value in planning terms will be less than that of priority habitat and commensurate with the contribution they make to the wider ecosystem, as informed by the calculator.</u></p>

	nonetheless make an important contribution. Additional wording should be added to the section on species and habitats. Additional wording should also be added to the bottom of Table 19.1 to make it clear that even local wildlife sites have a valuable ecological contribution.	<p>Additional text added to bottom of Table 19.1</p> <p>Designated land of local and regional importance defined as discrete areas of land considered to be of significance for their wildlife features. They are the most important places for wildlife outside legally protected land such as SSSIs <u>and can be as ecologically valuable as SSSI.</u></p>
19.3.4	Reference to the Hertfordshire Biodiversity Action Plan should be combined with the new reference to the Local Nature Partnership guidance. Therefore the orange box after 19.3.4 should be moved after 19.3.5	<p>Amendment to text ‘orange box’ after 19.3.4 moved to 19.3.5</p> <p><u>The Local Nature Partnership guidance can be viewed at: www.hertswildlifetrust.org.uk/local-nature-partnership</u></p> <p>The Hertfordshire Biodiversity Action Plan (2006) can be viewed and downloaded from the Hertfordshire Environmental Forum at: www.hef.org.uk/nature/biodiversity_vision/</p>
19.3.6	<p>HMWT have suggested including a justification for the inclusion of integrated bat and bird boxes within the brickwork of buildings. Free standing bat/bird boxes are rarely effective, are not permanent and get stolen or vandalised. So much urban wildlife is dependent on the built form for nesting and roosting. If the Plan stipulates that all suitable buildings will be expected to incorporate integrated boxes e.g. Habibat or Ecosurv this will ensure an ongoing supply of these features that are custom made and so minimise issues with householders. They also have the benefit of being able to be easily moved when a property is extended.</p> <p>Additional words should be added to paragraph 19.3.6 to encourage the proper provision of integrated bat and bird habitat opportunities as an easy means of ensuring net gain in biodiversity. Specific brands should not be referred to however as these will change throughout the Plan period.</p>	<p>Amendment to text (para 19.3.6)</p> <p>... This involves safeguarding and enhancing biodiversity already present, providing new areas of habitat appropriate to the ecology of the area and integrating biodiversity within new development. <u>Simple features such as integrated bat and bird boxes within the fabric of new buildings can be very effective in ensuring a continued supply of roosting opportunities for urban wildlife.</u> Encouragement will be given to proposals which improve the biodiversity value of sites and to the establishment of local nature reserves where the nature conservation and landscape interest of the site will be protected and enhanced.</p> <p>Additional text added to bullets at paragraph 19.3.9 (now 19.3.10)</p> <p>Provision of <u>integrated</u> roosting opportunities for bats and birds.</p> <p>New Part VIII added to Policy NE3 <u>Integrated bird and bat boxes will be expected in all development bordering public green space and beneficial habitat.</u></p>
19.3.6 / 19.3.7	It should be stipulated that ecological surveys will be required when there is a reasonable likelihood of protected species or habitats being present – as described in ODPM circular 06/05. This clarifies expectations by stating as early as possible that it is not acceptable to condition surveys. If surveys are not completed to support an application then not all material considerations will have been addressed in reaching a	<p>Additional text to be added as a new paragraph 19.3.7</p> <p><u>Where there is a ‘reasonable likelihood’ of the presence of European or Nationally Protected Species, surveys must be completed and avoidance/mitigation/compensation measures agreed before permission can be granted. Surveys cannot be conditioned except in exceptional circumstances because if decisions are made without this information, all material considerations</u></p>

	decision on an application.	<u>cannot have been addressed in reaching a position.</u>
Policy NE3, Part I.	<p>It is important that the way ecological information is presented is consistent and of a suitable standard. Defining that all information must be in accordance with BS42020 2013 is the easiest way to ensure a level playing field in this regard. If surveys are not compliant they can be rejected. This also clarifies expectations from an early stage. It has been endorsed by Natural England, Association of Local Government Ecologists, Chartered Institute of Ecology and Environmental Management, Department of Environment, Food and Rural Affairs, Royal Town Planning Institute and many other organisations.</p> <p>Additional wording could be added to Part I of Policy NE3 to ensure surveys are carried out in line with industry standards.</p>	<p>Additional text to be added to Part I of Policy NE3</p> <p>I. Development should always seek to enhance biodiversity and to create opportunities for wildlife. Proposals must demonstrate how the development improves the biodiversity value of the site and surrounding environment. Evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application. <u>The Biodiversity value of a site pre and post development will be determined by applying the BIAC. Submitted information must be consistent with BS 42020 2013.</u> Where insufficient data is provided, permission will be refused.</p>
Policy NE3, Part III.	<p>The value of habitat buffers applies equally to hedges, trees, and woodland. BS 5837 on trees and development can be used to justify a 15m buffer – to enable a tree to reach its full potential. However 10m is more defensible. Absolute distances are really helpful in making decisions in the future.</p> <p>Additional text could be added to be more proactive about requiring protective buffers around existing habitats.</p>	<p>Additional text added to Part III of Policy NE3</p> <p>...The Council will seek their reinforcement by additional planting of native species where appropriate. <u>Protective buffers of complementary habitat will be expected to adjoin these features, sufficient to protect against root damage and improvement of their long term condition. A minimum buffer zone of 10m (or greater if required) is considered appropriate.</u></p>
Policy NE3, Part VII.	<p>Waterways are our most connective and important features for wildlife. Their value is significantly enhanced if there is a buffer zone between them and development. The EA generally ask for 8-15 metres of buffer. This approach should be clarified upfront, requiring ongoing ecological management of these buffer habitats.</p>	<p>New Part VII added to Policy NE3</p> <p><u>Development adjoining rivers or streams must provide a minimum of a 10m buffer of complimentary habitat between the built environment and the watercourse. Details must be supplied of ongoing ecologically beneficial management of buffer habitats. Where possible opportunities should be taken to restore degraded aquatic environments to a more semi natural condition.</u></p>

Policy NE3, Part VI	It is not enough to simply provide new planting through developments, but these new habitats should become established. HMWT apply a condition stating that if planting dies within five years it should be replaced with new planting. HMWT therefore suggest changing the words from 'provision' to 'establishment' in order to ensure new planting lasts.	Amendment to text, Policy NE3, Part VI The District Council will impose conditions / planning obligations which seek to: (a) Facilitate the survival of existing populations as well as encouraging the provision- <u>establishment</u> of new populations;
19.3.11	It is worth noting that because UK Biodiversity Action Plan priority habitats and species are identified as being the most threatened and requiring conservation, they cannot be replaced and therefore the loss of them cannot be compensated against. The principle of biodiversity offsetting is therefore not suitable.	Amendment to text (para 19.3.12) Compensation which in most cases should be a last resort, involves creating new replacement habitats either on-site or off-site in the form of biodiversity offsetting. However, compensation for a lost habitat will not make an unacceptable development acceptable. <u>Biodiversity offsetting is not designed to be applied to priority habitats.</u>
Policy NE4, Part II.	It is important for the permeability of wildlife through development that green infrastructure is not polluted by lighting. Lighting can dramatically impact on the movement of certain species e.g. bats and moths. It is a simple (and cheap) measure to address this with sympathetic lighting but this must be stipulated in the plan. It is also good for reducing carbon emissions.	New bullet to Part II of Policy NE4 <u>(e) Demonstrate how lighting will not negatively impact on green infrastructure that functions as nocturnal wildlife movement and foraging corridors.</u>
Policy NE3 Species and Habitats	This Policy should be amended to reflect the hierarchy of mitigation and to be more proactive in encouraging enhancements i.e. to first seek gains in habitats and opportunities for biodiversity, to avoid harm, to mitigate where harm is unavoidable and to compensate where harm occurs.	Amendment to Policy NE2 (Renumbered NE3) I. <u>Development should always seek to enhance biodiversity and to create opportunities for wildlife. Proposals must demonstrate how the development improves the biodiversity value of the site and surrounding environment. Evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application. The Biodiversity value of a site pre and post development will be determined by applying the BIAC. Submitted information must be consistent with BS 42020 2013. Where insufficient data is provided, permission will be refused.</u> II. <u>Proposals should detail how physical features will be maintained in the long term.</u> III. <u>Development which would result in the loss or significant damage to trees, hedgerows or ancient woodland sites will not be permitted. The Council will seek their reinforcement by additional planting of native species where appropriate.</u> IV. <u>Proposals will be expected to protect and enhance locally important biodiversity sites and other notable ecological features of conservation value.</u> V. <u>Proposals should avoid</u> Development proposals which may have an impact <u>ing</u> on Species and

		<p>Habitats of Principle Importance included in the England Biodiversity List <u>as</u> published under section 41 of the Natural Environment and Rural Communities Act 2006 (or as subsequently amended) will only be permitted where harm to the species and habitats can be avoided.</p> <p>II. Locally important biodiversity sites and other notable ecological features of conservation value will also be protected and enhanced.</p> <p>III. Development which would result in the loss or significant damage to trees, hedgerows or ancient woodland sites will not be permitted. The Council will seek their reinforcement by additional planting of native species where appropriate.</p> <p>IV. Developments should demonstrate how the proposal improves the biodiversity value of sites and enhances their nature conservation interest, such as through the establishment of local nature reserves. If providing such features as part of a development, applicants should detail how it will be maintained in the long term.</p> <p><u>VI. Where in exceptional circumstances exist that outweighs any harm or damage to a species or habitat appropriate mitigation and compensation measures must be employed.</u> is unavailable, any adverse impact should only occur as a last resort. The District Council will impose conditions / planning obligations which seek to:...</p>
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19 Natural Environment

19.1 Introduction

19.1.1 The natural environment is one of the district's greatest resources. Environmental quality is however under threat from many directions. The District Council is therefore committed to conserving and enhancing those important landscape and townscape elements which form a key part of the district's character and the quality of life of its residents.

19.2 Nature Conservation

19.2.1 Nature conservation is an integral part of the planning system and as such needs to be taken into consideration in any development. Ensuring that future generations can enjoy the district's rich geological and biological inheritance as well as the wider experience that a healthy, functioning natural environment can provide means that we must continue to improve the protection and management of what we have today.

19.2.2 To assist with this, the most important areas in the district are identified on the Policies Map. These include sites of international, national and local importance. The sites are correct at the time of publication of the District Plan but may be subject to change through future reviews. The Council will continue to work with the Hertfordshire Environmental Records Centre as the primary resource for ecological data in the County. Applicants will be expected to seek the advice of the Herts and Middlesex Wildlife Trust, the Hertfordshire Environmental Records Centre, Hertfordshire Ecology at the County Council, Countryside Management Service, Natural England, and other relevant local nature partnerships where appropriate, where proposals affect or have the potential to affect the natural environment and nature conservation assets.

Links to useful guides, documents and websites produced by these and other relevant organisations can be found in the Bibliography in Appendix F.

Table 19.1 Designated Environmental Assets

Type of designation	Purpose of designation
International Special Areas of Conservation (SAC)	Classification under the European Union's Habitats Directive of areas of value for species, plants and habitats. Together with SPAs, SACs form part of the Natura 2000 system.
International Special Protection Areas (SPA)	Classification under the Birds Directive to protect internationally valuable populations of eligible bird species.
International Ramsar Sites	Designation under the Ramsar Convention for wetlands of international importance.
National Sites of Special Scientific Interest (SSSI)	Sites designated by Natural England under the Wildlife and Countryside Act 1981. Protection of the most significant sites for the conservation of wildlife (species & habitats) and/or geology.
National National Nature Reserves (NNR)	Areas managed for either (or both) the preservation of flora, fauna, geological and physiological features of special interest or to provide opportunities to study fauna, flora and their physical conditions.
At Least Local Local Nature Reserves (LNR)	Places of special local wildlife, geological or educational interest or significance identified by local authorities. Where these sites are also designated as SSSIs they will be of national importance.
Local	Designated land of local and regional importance defined as discrete areas of land considered to be of

Local Sites (WS)	Wildlife	significance for their wildlife features. They are the most important places for wildlife outside legally protected land such as SSSI and can be as ecologically valuable as SSSI.
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19.2.3 Sites of international importance currently designated within the district include:

- Wormley-Hoddesdonpark Woods – Special Area of Conservation (SAC)
- Rye Meads and Amwell Quarry – components of the Lee Valley Special Protection Area (SPA)
- Rye Meads and Amwell Quarry – components of the Lee Valley Ramsar Site

19.2.4 All international sites in the district are also designated as SSSI's. SSSI's are a representative sample of England's finest wildlife and geological sites. Natural England, under the Wildlife and Countryside Act 1981 (as amended), is responsible for designating and assessing these sites working closely with landowners and site managers to ensure that targets to maintain and improve their condition are met. The 2012 Government Strategy 'Biodiversity 2020' set out commitments to bring 50% of the total area of SSSI's into 'favourable condition' by 2020. There are 16 SSSI's in the district.

19.2.5 The only National Nature Reserve (NNR) in Hertfordshire is located in the south of the district at Broxbourne-Hoddesdonpark Woods. The Nature Reserve contains several woodlands of SSSI status, which are home to many rare and scarce woodland wildlife.

19.2.6 Advice should be sought from Natural England for any proposals that may potentially affect an international or national site.

19.2.7 Local Wildlife Sites in the district are identified by the Hertfordshire Local Wildlife Sites Partnership which is a partnership approach to the identification, selection, assessment and protection of Local Wildlife Sites in the County, led and coordinated by the Herts and Middlesex Wildlife Trust. Local Wildlife Sites (WS) are considered to be of significance

for wildlife in at least a district context. There are currently 544 Wildlife Sites in the district covering 3,442 hectares. There are also 14 Herts and Middlesex Wildlife Trust Reserves in the district, seven of which are SSSIs and one, Waterford Heath, is a Local Nature Reserve (LNR) (under the National Parks and Access to the Countryside Act, 1949, as amended).

- 19.2.8 Distinctions will be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and appropriate weight will be given to their importance and the contribution they make to wider ecological networks. It is however, important that opportunities are taken to enhance biodiversity wherever possible, especially in urban areas, as even non-designated environments contribute significantly to the success of the wider ecological network.
- 19.2.9 The NPPF requires local planning authorities to apply a mitigation hierarchy. In the context of the natural environment this means that policies should seek to create net gains in biodiversity, to avoid adverse impacts by considering alternative options, to use mitigation measures where avoidance is not possible and as a last resort to use compensatory measures.
- 19.2.10 In order to objectively assess net ecological impacts and therefore achieve net gains in biodiversity, as required by NPPF, it is vital that a fair, robust mechanism for measuring these impacts is applied. To ensure they are consistently quantified, the application of the DEFRA and NE endorsed Biodiversity Impact Assessment Calculator (Warwickshire County Council v18 2014 or as updated) will be required for all development with negative impacts on biodiversity. Proposals will be expected to show a net gain in ecological units following development.
- 19.2.11 It is important that a consistent, acceptable standard of supporting ecological information is supplied with planning applications. In order to ensure this, it will be expected that ecological information is presented in accordance with the British Standard on Planning and Biodiversity – BS42020 2013 Biodiversity – Code of practice for planning and development.

The Natural England Impact Risk Zone Tool, which is designed to help local planning authorities and developers to assess whether a proposed development is likely to affect SSSIs can be found at www.naturalengland.org.uk

Policy NE1 International, National and Locally Designated Nature Conservation Sites

I. Development proposals, land use or activity (either individually or in combination with other developments) which are likely to have a detrimental impact which adversely affects the integrity of a site, will not be permitted unless it can be demonstrated that there are reasons which clearly outweigh the need to safeguard the nature conservation value of the site, and any broader impacts on the international, national, or local network of nature conservation assets. Evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application. Where insufficient data is provided, permission will be refused.

II. Where a site of International or National designation for nature conservation importance is adversely affected by the proposals, permission will be refused unless the District Council is satisfied that:

(a) There are imperative reasons of overriding public interest, which could be of a social or economic nature, sufficient to override the harm to the site;

(b) There are imperative reasons of overriding public interest relating to human health, public safety or benefits of primary importance to the environment.

III. Proposals should avoid impacts on sites of nature conservation value and wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate. Such compensatory schemes should seek to achieve a net gain for nature and the Council will consider the use of conditions and/or planning obligations to secure appropriate mitigation/compensation. Compensatory measures can be situated on or off the development site.

IV. Ecological impacts will be quantified by utilising the Biodiversity Impact Assessment Calculator (BIAC). Development must demonstrate a net gain in ecological units. Ecological information must be supplied in accordance with BS 42020 2013.

NE2 Sites of Nature Conservation Interest (Non-Designated)

I. All proposals should achieve a net gain in biodiversity, as measured by using the BIAC, and avoid harm to, or the loss of features that contribute to the local and wider ecological network.

II. Proposals will be expected to apply the mitigation hierarchy of avoidance, mitigation and compensation, and integrate ecologically beneficial planting and landscaping into the overall design.

19.3 Species and Habitats

19.3.1 The planning system has a central role to play through resisting development proposals that may irreversibly damage important species or habitats, by enhancing biodiversity through incorporating mitigation and enhancements and by securing long-term favourable management of biodiversity rich sites.

19.3.2 Biodiversity describes the number and variety of species of plants and animals within a habitat and also the diversity of habitats within an ecosystem. Biodiversity has economic importance, adds to our quality of life and contributes to local distinctiveness as well as securing Ecosystem Services such as pollination, hydrology and pest control for example.

19.3.3 Whilst protecting priority species and habitats (as listed under Section 41 of the Natural Environment and Rural Communities Act 2006) is important, if biodiversity is to be genuinely enhanced, the conservation of all wildlife and habitats needs to be at the centre of development and planning decision making. It must be recognised that Biodiversity does not only exist on priority habitat sites. Lower quality habitats contribute significantly to the biodiversity of an area. Indeed the vast majority of biodiversity in this country is dependent on non-priority habitat. Through use of the BIAC, the ecological value of these habitats can be quantified and properly reflected in the

planning process. Their value in planning terms will be less than that of priority habitat and commensurate with the contribution they make to the wider ecosystem, as informed by the calculator.

A list of Species and Habitats of Principle Importance, as published in Section 41 of the Natural Environment and Rural Communities Act 2006, can be viewed in the form of a spread-sheet at: www.naturalengland.org.uk

Government legislation exists which places legal obligations on Local Planning Authorities and landowners with regards to the protection and enhancement of European Sites, protected species and Sites of Special Scientific Interest. More information can be viewed on the Government's document website at: www.gov.uk

The Herts and Middlesex Wildlife Trust website also contains a useful list of relevant environmental law at: www.hertswildlifetrust.org.uk

19.3.4 While there are no longer national habitat or species targets, the Hertfordshire Biodiversity Action Plan (2006) identifies those habitats and species which are a priority for conservation and is a valuable source of information on the county's natural assets.

19.3.5 The Hertfordshire Local Nature Partnership (LNP), working in conjunction with Herts and Middlesex Wildlife Trust, Hertfordshire County Council and Natural England have recently published an up-to-date report on Hertfordshire's habitats which identifies areas where new habitats should be created to support the wider ecological network. The LNP has also produced a suite of guiding principles to assist with planning for the natural environment. The Council will expect proposals to be prepared in line with these documents.

The Local Nature Partnership guidance can be viewed at: www.hertswildlifetrust.org.uk/local-nature-partnership

The Hertfordshire Biodiversity Action Plan (2006) can be viewed and downloaded from the Hertfordshire Environmental Forum at: www.hef.org.uk/nature/biodiversity_vision/

- 19.3.6 Development should be planned to avoid habitat loss and fragmentation, and opportunities should be sought to improve ecological connectivity, including through the creation, restoration and enhancement of linking habitats and 'stepping stones' through the landscape. Any development should minimise impacts on biodiversity and provide net gains for nature where possible. This involves safeguarding and enhancing biodiversity already present, providing new areas of habitat appropriate to the ecology of the area and integrating biodiversity within new development. Simple features such as integrated bat and bird boxes within the fabric of new buildings can be very effective in ensuring a continued supply of roosting opportunities for urban wildlife. Encouragement will be given to proposals which improve the biodiversity value of sites and to the establishment of local nature reserves where the nature conservation and landscape interest of the site will be protected and enhanced.
- 19.3.7 Where there is a 'reasonable likelihood' of the presence of European or Nationally Protected Species, surveys must be completed and avoidance/mitigation/compensation measures agreed before permission can be granted. Surveys cannot be conditioned except in exceptional circumstances because if decisions are made without this information, all material considerations cannot have been addressed in reaching a position.
- 19.3.8 Where there is evidence of European Protected Species (EPS) such as bats, great crested newts, dormice or otters, the Council will apply the following three derogation tests as required by the European Habitats and Birds Directives:
- The activity must be for imperative reasons of overriding public interest or for public health and safety;
 - There must be no satisfactory alternative; and
 - Favourable conservation status of the species must be maintained.
- 19.3.9 Where damage to a species or habitat is unavoidable, development should be designed to conserve as much of the original habitat as possible and retain and protect wildlife

corridors. It should seek to avoid damage to, or adverse effects upon, existing biodiversity (species and habitats) through appropriate site design.

19.3.10 There may be potential opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement, whether or not significant harm to species or habitats is anticipated. Examples of how enhancements could be achieved include:

- Planting native trees and species rich shrubs and hedgerows of local provenance
- Creation of orchards, wildflower grasslands and nature reserves
- Connecting existing habitats and enhancing migratory routes with additional planting (including green roofs and walls and hedgerows)
- Creation of ponds
- Provision of integrated roosting opportunities for bats and birds
- River or stream restoration
- Sustainable Urban Drainage Systems

19.3.11 Planning obligations and conditions may be used to secure agreed measures such as mitigation or compensation. Mitigation measures could involve some of the following:

- Timing the development of sites to avoid the breeding seasons or hibernation periods for species present
- Creating buffer zones between sensitive areas and development areas to reduce disturbance to habitats
- Ensuring that development is designed to enable the movement of wildlife to continue

19.3.12 Compensation which in most cases should be a last resort, involves creating new replacement habitats either on-site or off-site in the form of biodiversity offsetting. However, compensation for a lost habitat will not make an unacceptable development acceptable. Biodiversity offsetting is not designed to be applied to priority habitats.

- 19.3.13 The waterside environment is particularly rich providing habitat in its own right as well as critical connectivity through the landscape. The value of a waterway is significantly enhanced if it is buffered by complimentary habitat. In accordance with Environment Agency directives, development will be expected to conserve and enhance the aquatic environment and where possible restore the negative impact of previous development – e.g. canalisation or culverting of rivers or streams.

Policy NE3 Species and Habitats

I. Development should always seek to enhance biodiversity and to create opportunities for wildlife. Proposals must demonstrate how the development improves the biodiversity value of the site and surrounding environment. Evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application. The Biodiversity value of a site pre and post development will be determined by applying the BIAC. Submitted information must be consistent with BS 42020 2013. Where insufficient data is provided, permission will be refused.

II. Proposals should detail how physical features will be maintained in the long term.

III. Development which would result in the loss or significant damage to trees, hedgerows or ancient woodland sites will not be permitted. The Council will seek their reinforcement by additional planting of native species where appropriate. Protective buffers of complementary habitat will be expected to adjoin these features, sufficient to protect against root damage and improvement of their long term condition. A minimum buffer zone of 10m (or greater if required) is considered appropriate.

IV. Proposals will be expected to protect and enhance locally important biodiversity sites and other notable ecological features of conservation value.

V. Proposals should avoid impacting on Species and Habitats of Principle Importance as published under section 41 of the Natural Environment and Rural Communities Act 2006 (or as subsequently amended).

VI. Where exceptional circumstances exist that outweighs any harm or damage to a species or habitat appropriate mitigation and compensation

measures must be employed. The District Council will impose conditions / planning obligations which seek to:

- (a) Facilitate the survival of existing populations as well as encouraging the establishment of new populations;
- (b) Reduce disturbance to a minimum;
- (c) Provide adequate alternative habitats to sustain at least the current levels of populations.

VII. Development adjoining rivers or streams must provide a minimum of a 10m buffer of complimentary habitat between the built environment and the watercourse. Details must be supplied of ongoing ecologically beneficial management of buffer habitats. Where possible opportunities should be taken to restore degraded aquatic environments to a more semi natural condition.

VIII. Integrated bird and bat boxes will be expected in all development bordering public green space and beneficial habitat.

19.4 Green Infrastructure

19.4.1 The NPPF describes Green Infrastructure as *“a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities”* (Annex 2: Glossary, NPPF, CLG, 2012).

19.4.2 The Council’s Green Infrastructure Plan (part of a county-wide suite of Green Infrastructure Plans) provides an overview of existing green infrastructure assets within the district, considers opportunities for the enhancement and creation of new assets, outlines a series of potential projects and provides advice on delivering green infrastructure proposals. More information on the ecological networks in the district can also be found in the Local Nature Partnership’s Ecological Network Report.

The Council's Green Infrastructure Plan can be viewed and downloaded from the Council's Website at: www.eastherts.gov.uk/gip

- 19.4.3 East Herts has a rich green infrastructure resource centred on the principal river valleys of the Lee, Mimram, Beane, Quin, Rib, Ash and Stort in addition to a varied mosaic of landscape and habitat types, such as grassland, ancient and plantation woodland and farmland of importance to wildlife. However, through time and changing pressures on the use of land, these habitats have become fragmented and disconnected. While these sites still contribute towards the district's green infrastructure, improvements are necessary in order to strengthen their quality, connectedness and resilience to changing climates and the impact of human activity, and to provide opportunities for other green infrastructure functions.
- 19.4.4 Street trees, gardens, waterways, public parks and open spaces all contribute to urban green infrastructure. Quite often such urban green infrastructure is the only 'natural environment' we connect with on a day-to-day basis. Yet these features contribute significantly in cleaning and cooling the air, preventing flooding, providing 'stepping stones' for wildlife and for recreational activity and enjoyment. It is therefore important that changes to the district's urban environments contribute to the wider green infrastructure network.
- 19.4.5 It is important to remember that habitats and landscapes in East Herts are part of a wider network of green infrastructure that pays no heed to local authority boundaries. For example, the woodland to the south of the District forms part of the swathe of woodland and other habitats that stretch around London, which is commonly known as the GreenArc. Development should therefore be planned to avoid habitat loss and fragmentation, and opportunities should be sought to improve ecological connectivity, including through the creation, restoration and enhancement of linking habitats and 'stepping stones' through the landscape.
- 19.4.6 The Council welcomes the use of green infrastructure as an alternative solution to 'grey' infrastructure (such as water management and waste). Such schemes can provide opportunities for flood attenuation and public open spaces and can often be cheaper to construct and maintain.
- 19.4.7 Applicants will be expected to seek the advice of the Herts and Middlesex Wildlife Trust, the Hertfordshire Environmental

Records Centre, Hertfordshire Ecology at the County Council, Countryside Management Service, Natural England, and other relevant local nature partnerships where appropriate, where proposals affect or have the potential to enhance green infrastructure and nature conservation assets.

Policy NE4 Green Infrastructure

I. A diverse network of accessible, multi-functional green infrastructure across the district will be protected and enhanced for its biodiversity, recreational, accessibility, health and landscape value and for the contribution it makes towards combating climate change.

II. Development proposals should:

(a) Avoid the loss, fragmentation or functionality of the green infrastructure network, including within the built environment, such as access to urban waterways;

(b) Maximise opportunities for improvement to the green infrastructure network in accordance with the Council's Green Infrastructure Plan, its Parks and Open Spaces Strategy, the Hertfordshire Biodiversity Action Plan, Living Landscape Schemes, locally identified Nature Improvement Areas and any future relevant plans and programmes as appropriate;

(c) Maximise opportunities for urban greening such as through appropriate landscaping schemes and the planting of street trees;

(d) Consider the integration of green infrastructure into proposals as an alternative or to complement 'grey' infrastructure.

(e) Demonstrate how lighting will not adversely impact on green infrastructure that functions as nocturnal wildlife movement and foraging corridors.

III. Contributions towards local green infrastructure projects will be sought where appropriate. If providing green infrastructure as part of a development, applicants should detail how it will be maintained in the long term.

IV. Proposals which affect the district's river environments, including built development and recreation and leisure proposals, should take into

account and contribute towards achieving, the aims of any statutory or non-statutory plans, such as the Lee Valley Regional Park Authority Park Development Framework, the Bishop's Stortford Waterspace Strategy, relevant River Catchment Management Plans and the Water Framework Directive, and any future relevant plans and programmes.

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 24 MAY 2016

REPORT BY LEADER OF THE COUNCIL

EAST HERTS DRAFT DISTRICT PLAN – CHAPTER 21 – HERITAGE ASSETS: RESPONSE TO ISSUES RAISED DURING PREFERRED OPTIONS CONSULTATION, FURTHER AMENDMENTS AND DRAFT REVISED CHAPTER (RENUMBERED CHAPTER 20)

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

The purpose of this report is:

- To bring to Members' attention the issues raised through the Preferred Options consultation in connection with Chapter 21 (Heritage Assets) of the Draft District Plan Preferred Options version, together with Officer responses to those issues;
- To explain to Members why further amendments to Chapter 21 (Heritage Assets) are required to ensure that the final draft District Plan reflects the most up-to-date policy position and the latest available evidence;
- To place before Members for consideration a draft revised chapter (renumbered Chapter 20), for subsequent incorporation into the final draft District Plan.

<u>RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE PANEL:</u> That Council, via the Executive, be advised that:	
(A)	the issues raised in respect of Chapter 21 (Heritage Assets) of the Draft District Plan Preferred Options, as detailed at Essential Reference Paper 'B' to this report, be received and considered;
(B)	the Officer response to the issues referred to in (A) above, as detailed in Essential Reference Paper 'B' to this report, be agreed;

(C)	the further amendments in respect of Chapter 21 (Heritage Assets) of the Draft District Plan Preferred Options, as detailed at Essential Reference Paper ‘B’ to this report, be received and considered; and
(D)	the draft revised Chapter 20 (Heritage Assets), as detailed in Essential Reference Paper ‘C’ to this report, be agreed as a basis for inclusion in the final draft District Plan, with the content being finalised when the consolidated plan is presented in September 2016.

1.0 Background

- 1.1 The Council published its Draft District Plan Preferred Options for consultation for a period of twelve weeks between 27th February and 22nd May 2014. Several thousand comments were received through the consultation exercise from over a thousand stakeholders including statutory consultees and members of the public.
- 1.2 In order to manage these comments, the Council’s agreed approach, as set out in its Statement of Community Involvement (October 2013), is to summarise the issues raised through the consultation and record how these issues have been used to inform the next draft of the District Plan.
- 1.3 This report presents a draft revised chapter on Heritage Assets for subsequent incorporation into the final Draft District Plan.
Essential Reference Paper ‘B’ contains the Issues Report and **Essential Reference Paper ‘C’** the draft revised chapter.

2.0 Report

- 2.1 The Issue Report is split into two parts. The first part summarises the issues raised through the Preferred Options Consultation. The issues are grouped according to the section of the Draft Plan they relate to. The table presents an officer response to each issue and then sets out any subsequent proposed amendments to the text or policies of the draft Plan. These proposed amendments are shown in the form of a ‘track change’ so that readers can clearly see what amendments are being proposed.

- 2.2 The second part of the Issue Report details any further amendments that are required to ensure that the final draft District Plan reflects the most up-to-date policy position and the latest available evidence.
- 2.3 Members will be aware that a report to the District Planning Executive Panel on 22 October 2014 previously considered issues raised in respect of the draft Heritage Assets chapter at the Preferred Options Consultation stage and also the proposed officer response to each issue, along with a proposed draft revised Chapter. However, since that time, various changes in local and wider circumstances have occurred, which have necessitated a review of some of previously proposed responses to ensure the most up to date and accurate picture going forward.
- 2.4 Members should note that due to the consolidation of the Design and Landscape Chapters, the Chapters from 20 onwards have been renumbered. As such the Heritage Assets Chapter is now Chapter 20 rather than Chapter 21.
- 2.5 Members are therefore invited to agree the draft revised Chapter 21 (Heritage Assets), as detailed in **Essential Reference Paper 'C'** to this report, as a basis for inclusion in the final draft District Plan, with the content being finalised when the consolidated plan is presented in September 2016.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	The Report refers to the Draft District Plan consultation carried out between 27 th February and 22 nd May 2014.
Legal:	None
Financial:	None
Human Resource:	None
Risk Management:	None
Health and wellbeing – issues and impacts:	The Draft District Plan in general will have positive impacts on health and wellbeing through a range of policy approaches that seek to create sustainable communities.

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Part 1: Issues Raised Through the Preferred Options Consultation

Issue Number	Policy Paragraph	Issue	Officer Response	Proposed Amendment
Introduction				
21.1	21.1.1 (now 20.1.1.)	Opening statement should read 'The District is... and buried remains of significant archaeological and historic interest.'	Agreed.	Amendment to text (para 20.1.1): The District is fortunate in having a rich and varied historic environment... and buried remains of significant <u>archaeological and</u> historic interest.
Heritage Assets				
21.2	21.2.1 (now 20.2.1)	The clear statement made in paragraph 21.2.1 concerning the valuable contribution made by heritage assets to the economic and social wellbeing of the District is welcomed.	Support noted and welcomed.	No amendment in response to this issue
21.3	21.2.2 (now 20.2.2)	Figures cited should be updated to reflect the HER records which contain: 'Over 40 Scheduled Sites (43), 550 Areas of Archaeological Significance in the District.' The figures cited in Chapter 2 (2.2.7) should also be revised.	Agreed.	Amendment to text (para 20.2.2): <ul style="list-style-type: none"> - Over 30<u>40</u> Scheduled Monuments - Nearly 3,100 Listed Buildings - 42 Conservation Areas - 450<u>550</u> Areas of Archaeological Significance
21.4	21.2.4 (now 20.2.4)	Add the word 'and' to second sentence: 'The Council will monitor the condition of heritage assets AND publish...'	Agreed. It is helpful to add an information box to provide a web link to the Historic England Buildings at Risk Register.	Amendment to text (para 20.2.4): The Council will monitor the condition of heritage assets <u>and</u> publish a heritage at risk register... New 'orange box' <u>Further information on the Historic England Buildings at Risk Register is available on the Historic England website at: www.historicengland.org.uk</u>

Issue Number	Policy Paragraph	Issue	Officer Response	Proposed Amendment
21.5	HA1	Add 'designated' to title.	Agreed.	Amendment to policy: HA1 <u>Designated</u> Heritage Assets
21.6	21.2.5 (now 20.2.5)	The Hertfordshire Historic Environment Record (HER) recommends that it is referenced as the key historic environment source as indicated by NPPF guidance and should be cited as a primary source of information and good practice concerning the identification of heritage assets.	It is agreed that the HER is a source of local knowledge and information. Details to be added to the Plan.	Amendment to text ('orange box' following para 20.2.5): <u>Further information on local heritage assets is available on the Hertfordshire Historic Environment Record website: http://www.hertsdirect.org</u>
21.7	HA2	If there is a non-designated heritage asset list, it should be referred to here.	No list exists as such. However non-designated heritage assets are being identified through the Conservation Area Appraisal work that the Council is currently undertaking. Additional wording suggested to paragraph 20.2.5.	Amendment to text (para 20.2.5): <u>Non-designated heritage assets are being identified through the Conservation Area Appraisal work that the Council is currently undertaking and in the Historic Parks and Gardens SPD 2007.</u>
21.8	HA2	NPPF guidance states that undesignated heritage assets are of equivalent significance to designated sites and should be treated in the same way. It is recommended that a further policy statement within HA1 should make this clear, as there are a number in East Herts that are worthy of national designation consideration.	It is considered that HA2 II aims to mitigate any harm to currently non-designated heritage assets. Also 20.2.5 identifies that non-designated assets can be identified by the LPA if they are considered to be of local significance. Therefore it is considered that the existing policies already support the importance of non-designated assets.	No amendment in response to this issue
Archaeology				
21.9	21.3.2 (now 20.3.2)	There is a concern that further clarification is necessary on potential Areas of Archaeological Significance (AAS) as it may cause difficulties for EH and HCC. A re-wording is suggested to include this statement: <i>'AASs are places within the District that are deemed</i>	Agreed in part. Proposed clarification is helpful. The final sentence is however already covered in paragraph 20.3.3.	Amendment to text (para 20.3.1): <u>Areas of Archaeological Significance (AAS) are places within the District that are deemed to be of moderate or high archaeological potential, based on evidence from known heritage assets</u>

Issue Number	Policy Paragraph	Issue	Officer Response	Proposed Amendment
		<i>to be of moderate or high archaeological potential, based on evidence from known heritage assets (buildings, sites, features and finds) held by the HER. This does not mean that areas outside the AASs are without archaeological potential. From time to time alterations to existing AASs, or identification of new AASs will be required based on new data or understanding of significance. Planning Policy does not necessarily prevent new development within AASs. Each application is assessed in the light of its size, position and design to determine the likely level of impact on the historic environment, and what, if any, mitigation is required.'</i>		<u>(buildings, sites, features and finds).</u> <u>Alterations to existing AAS or identification of new AAS may be required based on new data or understanding of significance.</u>
21.10	21.3.2 (now 20.3.2)	It is recommended that the HER be stated as the point of reference for pre-application archaeological advice. And that the HER form part of the definition of the information that to be included in a desk based assessment.	Agreed.	New 'orange box' (following para 20.3.2): <u>The Hertfordshire Historic Environment Record (HER) is a computerised record of Hertfordshire's historic environment. It contains information on historic buildings, archaeological remains, historic sites and military remains. The HER can be used to identify significant historic remains and finds. It also contains information on surveys and archaeological excavations undertaken in Hertfordshire.</u> <u>Further information can be found from their website: http://www.hertsdirect.org</u>
21.11	21.3.2 (now 20.3.2)	It is considered that the following statement should be added to better reflect the NPPF paragraph 169 on heritage assets and the discovery of heritage assets. 'When applications are submitted for proposals affecting any heritage asset the applicant	It is considered that this requirement has sufficiently been covered in 20.3.2 for areas of archaeological significance and policies HA1 and HA2 deal with designated and	No amendment in response to this issue

Issue Number	Policy Paragraph	Issue	Officer Response	Proposed Amendment
		must clearly explain what the proposal is for and provide sufficient detail to allow for an informed decision to be made.'	non-designated heritage sites.	
21.12	21.3.2 (now 20.3.2)	<p>A statement is welcomed to outline the archaeological interest of a site can be 'actual or potential'. It is however important to stress that 'character, extent and relative quality of a potential archaeological resource' cannot be ascertained without an archaeological field evaluation, since by its very nature, it is buried and invisible.</p> <p>Due to the fact that archaeological remains are predominantly underground, 'If features are present' should be deleted and replaced with: 'A field excavation may also be necessary to define their character, extent and relative quality so that their worth may be assessed in local, regional and national contexts'.</p>	Agreed.	<p>Amendment to text (para 20.3.2):</p> <p>If features are present then a A field evaluation may also be necessary to define their character, extent and relative quality so that their worth may be assessed in local, regional and national contexts.</p>
21.13	21.3.3	Recommend the addition of a further requirement within this section which reflects the NPPF guidance, and ensures that funding is secured for the deposition, storage, care and accessibility of archaeological archives, via Section 106 Agreements or Planning Conditions.	It is considered that paragraph 20.3.3 appropriately deals with securing funding for these purposes through either Section 106 Agreements or planning conditions.	No amendment in response to this issue
21.14	21.3.3 (now 20.3.3)	Issues raised around the funding for collecting and storing of archaeological artefacts following excavations taking place on development sites. Many local museums are already overcrowded and concerned that the loss of archaeological remains will be detrimental to the community. Clause 141 from the NPPF has been referred to that states there is a requirement for archives to be deposited in a local museum or depository, therefore it is	It is considered that paragraph 20.3.3 and HA3 II appropriately deals with the recording and publication of potential archaeological remains. However, it is proposed to add additional text to both this paragraph and Policy HA3 to reflect the need to consider storage (and display) as appropriate. Any funding secured through Section 106 Agreements will be dealt with	<p>Amendment to text (para. 20.3.3 and Policy HA3)</p> <p>21.3.3 ... This secures excavation and, recording and publication of information prior to development starting and subsequent storage and display of material. Where planning permission is given, conditions may be attached...</p>

Issue Number	Policy Paragraph	Issue	Officer Response	Proposed Amendment
		requested that the District Plan identifies that the Section 106 agreement should designate 75% of allocated funds to be paid upon implementation and 25% as contingency depending upon what is found and needs storing. Furthermore, it is requested that museums or depositories are informed at the start of archaeological work to allow time for storage.	on a case by case basis.	Policy HA3 Part II II. Where development is permitted on sites containing archaeological remains, planning permission will be subject to conditions and/or formal agreements requiring appropriate excavation and recording in advance of development <u>and the subsequent storage and display of material.</u>
21.15	HA3	The use of Article 4 Directions regarding the removal of permitted development rights is a useful and an appropriate instrument in the management of heritage assets. Recommend that the LPA includes this measure in the draft Plan	Not agreed. Policies HA1, HA2 and HA4 sets out appropriate arrangements for the management of heritage assets	No amendment in response to this issue
21.16	HA3 II	This should include the provision for the preservation and enhancement of features of known archaeological interest, the appropriate archaeological investigation of such remains prior to development, and the analysis and publication of the results of such investigations.	It is considered that paragraph 20.3.3 and HA3 II appropriately deals with this.	No amendment in response to this issue
Conservation Areas				
21.17	21.4 (now 20.4)	Section 21.4 should make clear that landscape can also be a heritage asset.	Paragraph 20.2.1 sets out that heritage assets include buildings, monuments, sites, places, areas or landscapes.	No amendment in response to this issue
21.18	21.4.2 (now 20.4.2)	21.4.2 could be amended to 'The special interest of an area can derive from a combination of characteristics, such as the historic street pattern, traditional or notable building styles, or landscape features.'	Agreed.	Amendment to text (para 20.4.2): The special interest of an area can derive from a combination of characteristics, such as the historic street pattern, <u>and</u> traditional or notable building styles, <u>or</u> <u>landscape features.</u>

Issue Number	Policy Paragraph	Issue	Officer Response	Proposed Amendment
21.19	21.4.5 (now 20.4.5)	Typo 'Conservation Area' not 'Conservations Area'.	Agreed.	Amendment to text (para 20.4.5): Within the plan period consideration will be given to further areas which may merit designation as Conservations Areas...
21.20	HA4	Issue raised concerning existing development in Conservation Areas. HA4 conforms to the Conservation Area Appraisal, it is suggested that the policy should include a caveat at the end of HA4, to state: 'unless proposals can justify a departure from the Appraisal based on detailed evidence and evaluation.' The Conservation Area Appraisal is argued to be too prohibitive of development in existing development where open spaces, views and vistas are protected against further/future development. This is written in particular about Bishop's Stortford College.	This issue is raised with reference to a particular site. It is however considered entirely reasonable to require conformity with relevant Conservation Area Appraisals. No change is therefore proposed in response to this issue.	No amendment in response to this issue
21.21	HA4	Policy HA4 is supported as it seeks to maintain the importance of retaining the historical character and setting of such areas.	Support noted and welcomed.	No amendment in response to this issue
21.22	HA4	Concern that the terms 'preserve' meaning no change and 'enhance' meaning change, conflict with NPPF guidance where 'conserve' is used meaning to protect from harm. A suggested re-wording is provided: "New development or extensions and alterations to existing buildings in Conservation Areas will be permitted provided that they conserve or enhance the character or appearance of the area, or better reveal its significance."	'Preserve' rather than 'conserve' is considered to be the correct term. This policy, and the approach set out in the NPPF, is about facilitating the right sort of change (preserve and enhance), not keeping things exactly as they currently are (conserve).	No amendment in response to this issue
21.23	HA4	Definition of the word 'setting' in Chapter 21 (now Chapter 20) should be defined and illustrated by the	The definition of 'setting of a historic asset' is set out in the glossary.	No amendment in response to this issue

Issue Number	Policy Paragraph	Issue	Officer Response	Proposed Amendment
		NPPF definition to make it clear how the impact of a development proposal on the setting of a heritage asset and in Conservation Areas will be assessed.		
21.24	HA6	The inclusion of the advertisement policy in Conservation Areas is welcomed.	Support noted and welcomed.	No amendment in response to this issue
21.25	HA6 (b)	Comment that illumination should be externally illuminated only.	Agreed.	Amendment to policy (b) Are preferably non-illuminated <u>or does not contribute to an escalation of shopfront lighting along the street scene.</u> Where illumination is proposed as necessary it should be discreet in size and of a minimum level <u>it should be external illumination which is discreet in size and of a minimum level. Internal illumination of shop signage will not be permitted;</u>
Historic Parks and Gardens				
21.26	21.6.1	The Nun's Triangle in Ware, adjoining the A10 is designated under an area tree preservation and as an historic park & garden. This has not been properly maintained by the owners over some time and as correctly stated in the DDP at 21.6.1 this should not inhibit the desire to retain the amenity, managed properly for the benefit of the community.	Noted.	No amendment in response to this issue
21.27	HA8	A more assertive statement should be made to identify those historic parks and gardens are retained and not available for development.	HA8 is clear that development proposals that materially harm the special historic character, appearance or setting of sites listed on the Historic England 'Register of Historic Parks and Gardens' will not be permitted. The same level of protection also	No amendment in response to this issue

Issue Number	Policy Paragraph	Issue	Officer Response	Proposed Amendment
			applies to other locally important sites.	
21.28	HA8	Support the inclusion of Policy HA8, concerning the protection of both nationally important and locally important historic parks and gardens.	Support noted and welcomed.	No amendment in response to this issue

Part 2: Other Proposed Amendments

Policy/ Paragraph Number	Issue	Proposed Amendment
	In April 2015, English Heritage was rebranded as Historic England. The organisation title and web addresses therefore need to be updated throughout the chapter.	English Heritage to be replaced by Historic England . www.englishheritage.gov.uk to be replaced by www.historicengland.org.uk .
20.1.1	Opening statement should include reference to 'monuments'.	The District is...includes landscapes, sites, monuments , buildings and townscapes...
20.2.1	Paragraph should refer to special interest and remove the ambiguous reference to 'a degree of' significance.	Heritage assets make a valuable contribution to the areas economic and social wellbeing. Heritage assets include a building s, monuments s, sites s, places s, areas s or landscapes s positively identified as having special interest and a degree of significance that meriting merits consideration in planning decisions.
20.2.2	Paragraph should refer to 'special interest' and significance and specify that there are over 4,000 individual addresses that are listed, which would include other built features within these buildings such as walls and landscape structures for example.	The District Council recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their special interest and significance. Heritage assets in East Herts include: <ul style="list-style-type: none"> Nearly 3,100 Listed Buildings (which comprise over 4,000 individual listed features)
20.2.4	This paragraph needs to emphasise that neglect may result in an asset falling not just into disrepair, but also to a condition that cannot be recovered from.	The long-term management of heritage assets is essential and where inadequate measures are taken to maintain heritage assets such neglect may result in an asset falling into disrepair, which could result in irreparable damage to or the loss of the asset .

Policy/ Paragraph Number	Issue	Proposed Amendment
20.2.4	This paragraph needs to clarify that the Council will publish a local heritage at risk register in addition to the national register.	... The Council will monitor the condition of heritage assets <u>and</u> publish a <u>local</u> heritage at risk register alongside the <u>national</u> register published annually by English Heritage. Regular monitoring is necessary in order to prevent the decline in condition of the District's heritage assets.
Policy HA1, III	The word 'deliberate' should be deleted – all neglect is deliberate by default.	III. Where there is evidence of deliberate -neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset will not be taken into account in any decision.
20.2.5	It would also be helpful to refer to the Historic Parks and Gardens SPD as this contains information on non-designated assets.	Non-designated heritage assets are being identified through the Conservation Area Appraisal work that the Council is currently undertaking, <u>and in the Historic Parks and Gardens SPD 2007 (or as amended)</u> .
Policy HA3	Part I should require applicants to consult with the Hertfordshire Historic Environment Unit.	I. Where a site has the potential to include heritage assets with archaeological interest (whether scheduled or unscheduled), applicants should <u>consult with the Hertfordshire Historic Environment Unit to submit an</u> appropriate desk assessment and, where necessary, the results of a field evaluation prior to the submission of an application.
20.4.2	More detail should be added to this paragraph to explain that Conservation Areas are about more than just buildings.	...The special interest of an area can derive from a combination of <u>many</u> characteristics, such as the historic street pattern, traditional or notable building styles, or landscape features. Important to all Conservation Areas is the visual 'quality of place' they possess. This aspect principally results from the way in which the buildings and <u>public and private</u> spaces relate to each other, together with the inherent quality of the buildings, <u>and other structures, landscapes and the public realm</u> .
20.4.3 – 20.4.6	Section re-written to ensure a more positive approach is taken.	21.3.4 The District Council has commenced a programme of Conservation Area appraisal work to identify and document what factors are considered to make up the special character of these areas. These documents also include management proposals to ensure the continued enhancement of these areas. 21.4.4 In order to protect their special environment, stricter controls over demolition, works to trees and new development apply within Conservation Areas. These controls are not intended as a hindrance to change, but as a positive management tool to safeguard the character of the area as a whole. 21.4.5 The district's Conservation Areas are identified on the Policies Map. Within the plan period consideration will be given to further areas which may merit designation as Conservations Areas and to the review of existing Conservation Area boundaries.

Policy/ Paragraph Number	Issue	Proposed Amendment
		<p><u>20.4.3 The Council's Conservation Areas are identified on the Policies Map. In order to protect their special interest, stricter controls over demolition, works to trees and new development apply within Conservation Areas. These controls are not intended as a hindrance to change, but as a positive management tool to safeguard the character or appearance of the conservation area.</u></p> <p><u>20.4.4 The District Council has an ongoing programme of review of its existing and potential Conservation Areas to identify and document which factors are considered to make up the special interest, character or appearance of these areas. The resultant Conservation Area Character Appraisals also include Conservation Area Management Proposals. Management Proposals are a statutory requirement of s.71 of the 1990 Act. They will put forward policy and project initiatives designed to address the threats and opportunities identified in the Character Appraisal and thereby more effectively preserve and enhance the character and appearance of the Conservation Area.</u></p> <p><u>20.4.5 Evidence from Conservation Area Character Appraisals and local groups indicate that a number of Conservation Areas are suffering from the gradual erosion of traditional features, materials and details in both the public and private realm and that this is undermining their special interest. A more proactive approach is needed to halt and reverse this trend and to reinstate these features as part of works to preserve and enhance the character and appearance of Conservation Areas.</u></p> <p><u>20.4.6 Where appropriate, Article 4 directions will be made that bring specific permitted development rights within the planning system. This will be used to prevent the further loss of significant historic features and to seek to secure the restoration of features already lost. Thus, in time, the erosion of the Conservation Area's special interest will be halted and reversed and the area will be better preserved and enhanced.</u></p>
Policy HA4, I	Minor alterations to the wording to to add special interest as a consideration.	I. New development, extensions and alterations to existing buildings in Conservation Areas will be permitted provided that they preserve or enhance the established <u>special interest</u> , character or appearance of the area. Development proposals outside a Conservation Area which affect its setting will be considered likewise
Policy HA4, (b)	The policy should ensure local character is reinforced, not just the use of local materials and design.	(b) Use materials and adopt design details which <u>reinforce local character and</u> are traditional to the area.
Policy HA4, (c)	Part (c) should clarify what is meant by being sympathetic in scale etc.	(c) Be sympathetic <u>of a</u> scale, proportion, form, height, <u>design</u> and overall character to <u>that accords with and complements</u> the surrounding area;

Policy/ Paragraph Number	Issue	Proposed Amendment
Policy HA4, (e)	Part (e) should be changed to ensure the correct title is used for Conservation Area Character Appraisals, and to refer to special interest along with significance.	Conform to any 'Conservation Area <u>Character Appraisals</u> ' prepared by the District Council and safeguard all aspects which contribute to the area's <u>special interest and</u> significance, including important views and green spaces.
Policy HA4, new (f)	Policy amended to reflect amendments to paragraphs 20.4.3 – 20.4.6.	<u>(f) Where development proposals derive from Conservation Area Management Proposals the duty to preserve and enhance will be applied. Development proposals, including minor development under an Article 4 direction, will be expected to 'preserve' surviving architectural features identified as being significant to the character or appearance of the area or, where previously lost, to 'enhance' that character and appearance through the authentic restoration of those lost features.</u>
Policy HA4, II	Criterion amended to ensure a more proactive/positive approach is taken.	II. Consent <u>Permission</u> for <u>the demolition of buildings and structure within a Conservation Area</u> will only be granted if the building or structure <u>it</u> makes no positive contribution to the character of the Conservation Area <u>and the replacement is of good design and satisfies the above requirements of this policy.</u>
20.4.7	<p>This paragraph needs to refer to the gradual erosion of quality and character through unsympathetic frontages, and the resultant downgrading of the environment which will reduce the visitor experience.</p> <p>Subsequent amendments also required to Policy HA5 and Policy HA6.</p> <p>Reference also added to conditions being imposed to control the hours of lighting where appropriate.</p>	<p>In the district's town centres, frontages to shops and commercial premises play a key role in defining the character and quality of the Conservation Areas. The Council is therefore keen to ensure that a high quality environment is maintained, consistent with commercial and economic considerations. The introduction of unsympathetic advertisements can compromise the quality of the environment <u>and may downgrade the image and reduce the footfall in an area</u>. Signage and lighting must therefore be sensitive to the character of these areas <u>and not contribute to an escalation of competitive signage and levels of illumination along the street</u>. For example, poster boarding <u>or large fascia and internal illumination</u> are seldom <u>not</u> appropriate in Conservation Areas. <u>It may be necessary for conditions to be imposed on the hours and luminosity of lighting in order to reduce harm to residential amenity.</u></p> <p>Policy HA5, I</p> <p>Proposals for <u>a</u> new shop front or commercial premise frontage or alterations to existing ones will be permitted where the proposed design <u>follows historic shopfront design</u>, is sympathetic to the scale, proportions, character <u>design details</u> and materials of the structure, <u>or</u> adjoining buildings and the street scene in general <u>character and appearance of the Conservation Area</u>.</p> <p>Policy HA6, (a), (b), (c), (d)</p> <p>Where express consent is required within Conservation Areas the District Council will only accept</p>

Policy/ Paragraph Number	Issue	Proposed Amendment
		<p>advertisements where they:</p> <p>(a) Are either painted or individually lettered in a suitable material of an appropriate <u>proportionate</u> size and design in relation to the building or fascia upon which they are to be displayed;</p> <p>(b) Are preferably non-illuminated <u>or does not contribute to an escalation of shopfront lighting along the street scene</u>. Where illumination is proposed as necessary it should be <u>external illumination which is</u> discreet in size and of a minimum level. <u>Internal illumination of shop signage will not</u> should never be permitted;</p> <p>(c) Are of a traditional fascia or hanging type; and</p> <p>(d) Are of an <u>a traditional and</u> appropriate size <u>to the architecture of the host building</u> necessary to convey their message.</p>
Policy HA5, III	Natural surveillance is also strengthened by passive surveillance.	III. Security features should be designed in a sensitive manner which respects the overall character of the frontage and location, facilitates natural <u>passive</u> surveillance and maintains an attractive street scene...
20.5.3	When seeking new uses for listed buildings these need to be a sustainable use as well as an appropriate one.	Listed buildings of special architectural or historic interest must be sensitively repaired and improved, using traditional materials and techniques. Appropriate <u>and sustainable</u> new uses should be found for them in order to secure their future survival...
Policy HA7, III	To be consistent with other policies, this should say ' <i>preserved and enhanced.</i> '	III. Proposals that affect the setting of a Listed Building will only be permitted where the setting of the building is <u>preserved and</u> enhanced.

20 Heritage Assets

20.1 Introduction

- 20.1.1 The District is fortunate in having a rich and varied historic environment, which includes landscapes, sites, monuments, buildings and townscapes, and buried remains of significant archaeological and historic interest.

20.2 Heritage Assets

- 20.2.1 Heritage assets make a valuable contribution to the areas' economic and social wellbeing. Heritage assets include buildings, monuments, sites, places, areas or landscapes positively identified as having special interest and significance that merits consideration in planning decisions. Heritage assets are the valued components of the historic environment. They include designated heritage assets and non-designated assets identified by the local planning authority.
- 20.2.2 The District Council recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their special interest and significance. Heritage assets in East Herts include:
- Over 40 Scheduled Monuments
 - Nearly 3,100 Listed Buildings (which comprise over 4,000 individual listed features)
 - 42 Conservation Areas
 - 550 Areas of Archaeological Significance
 - 15 Registered Parks and Gardens of Special Historic Interest
 - 59 Locally Listed Historic Parks and Gardens
- 20.2.3 Not all designated heritage assets are identified under the Planning Acts, for example, scheduled monuments are designated in separate legislation. Nonetheless, planning has a role to ensure that new development does not adversely affect these assets too.

- 20.2.4 The long-term management of heritage assets is essential and where inadequate measures are taken to maintain heritage assets such neglect may result in an asset falling into disrepair, which could result in irreparable damage to or the loss of the asset. The Council will monitor the condition of heritage assets and publish a local heritage at risk register alongside the national register published annually by Historic England. Regular monitoring is necessary in order to prevent the decline in condition of the District's heritage assets.

Further information on the Historic England Buildings at Risk Register is available on the Historic England website at: www.historicengland.org.uk

Policy HA1 Designated Heritage Assets

- I. Development proposals should preserve and enhance the historic environment of East Herts.
- II. Development proposals that would harm the significance of a designated heritage asset will not be permitted unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- III. Where there is evidence of neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset will not be taken into account in any decision.
- IV. The Council will, as part of a positive strategy, pursue opportunities for the conservation and enjoyment of the historic environment recognising its role and contribution in achieving sustainable development.

- 20.2.5 In addition to those heritage assets that are statutorily protected, non-designated assets can be identified by the Local Planning Authority if they are considered to be of local significance. Significance refers to the value of a historic asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from the heritage asset's physical presence, but also its setting. Significance will be

measured in terms of how the asset meets the following five criteria:

- Rarity
- Representativeness
- Aesthetic appeal
- Integrity
- Association

Non-designated heritage assets are being identified through the Conservation Area Appraisal work that the Council is currently undertaking, and in the Historic Parks & Gardens SPD 2007.

Further information and good practice on the identification of non-designated heritage assets is available on the Historic England website at: www.historicengland.org.uk/

Further information on local heritage assets is available on the Hertfordshire Historic Environment Record website: www.hertsdirect.org

20.2.6 The following policy therefore seeks to ensure that the value and significance of the district's non-designated heritage assets are protected so that they continue to contribute to the richness of the district's historic environment and inform future development.

Policy HA2 Non-Designated Heritage Assets

I. The Council will engage with local communities to identify undesigned heritage assets that contribute to local distinctiveness and refer to existing information in the historic environment record.

II. Where a proposal would adversely affect a non-designated heritage asset, regard will be had to the scale of any harm or loss and the significance of the heritage asset.

20.3 Archaeology

- 20.3.1 Archaeological remains are a fragile and finite resource. Appropriate management of archaeological remains is essential to ensure they survive in good condition and are not needlessly or thoughtlessly destroyed. Areas of Archaeological Significance (AAS) are places within the District that are deemed to be of moderate or high archaeological potential, based on evidence from known heritage assets (buildings, sites, features and finds). Alterations to existing AAS or identification of new AAS may be required based on new data or understanding of significance.
- 20.3.2 Where a site has potential archaeological interest (whether scheduled or unscheduled) a desk based assessment will be required. This should be based on the collation of existing written and graphic information, in order to identify the likely character, extent and relative quality of the actual or potential archaeological resource. A field evaluation may also be necessary to define their character, extent and relative quality so that their worth may be assessed in local, regional and national contexts.

The Hertfordshire Historic Environment Record (HER) is a computerised record of Hertfordshire's historic environment. It contains information on historic buildings, archaeological remains, historic sites and military remains. The HER can be used to identify significant historic remains and finds. It also contains information on surveys and archaeological excavations undertaken in Hertfordshire.

Further information can be found from their website: www.hertsdirect.org

- 20.3.3 The case for preservation will be assessed on the merits of the individual application. In cases where preservation in situ would not be required, developers may be asked to enter into a Section 106 Agreement before planning permission is given. This secures excavation and recording of information prior to development starting and subsequent storage and display of material. Where planning permission is given, conditions may be attached to the grant of permission to ensure that

excavation and recording is carried out before development work starts, and to ensure that a 'watching brief' is maintained while work progresses.

- 20.3.4 Areas of Archaeological Significance, including potential areas, are identified on the Policies Map. The sites are correct at the time of publication of the District Plan but may be subject to change through future reviews. The Council will refer to the most up-to-date position.

Policy HA3 Archaeology

I. Where a site has the potential to include heritage assets with archaeological interest (whether scheduled or unscheduled), applicants should consult with the Hertfordshire Historic Environment Unit to submit an appropriate desk based assessment and, where necessary, the results of a field evaluation, prior to the submission of an application.

II. Where development is permitted on sites containing archaeological remains, planning permission will be subject to conditions and/or formal agreements requiring appropriate excavation and recording in advance of development and the subsequent storage and display of material.

20.4 Conservation Areas

- 20.4.1 Since 1968 local authorities have been able to designate Conservation Areas. Conservation Areas can be designated if they are of special historic or architectural interest, the character or appearance of which it is desirable to preserve or enhance.
- 20.4.2 There is no standard specification for Conservation Areas. The special interest of an area can derive from a combination of many characteristics, such as the historic street pattern, traditional or notable building styles, or landscape features. Important to all Conservation Areas is the visual 'quality of place' they possess. This aspect principally results from the way in which the buildings and public and private spaces relate to each other, together with the inherent quality of the buildings, other structures, landscapes and the public realm.

- 20.4.3 The Council's Conservation Areas are identified on the Policies Map. In order to protect their special interest, stricter controls over demolition, works to trees and new development apply within Conservation Areas. These controls are not intended as a hindrance to change, but as a positive management tool to safeguard the character or appearance of the conservation area.
- 20.4.4 The District Council has an ongoing programme of review of its existing and potential Conservation Areas to identify and document which factors are considered to make up the special interest, character or appearance of these areas. The resultant Conservation Area Character Appraisals also include Conservation Area Management Proposals. Management Proposals are a statutory requirement of s.71 of the 1990 Act. They will put forward policy and project initiatives designed to address the threats and opportunities identified in the Character Appraisal and thereby more effectively preserve and enhance the character and appearance of the Conservation Area.
- 20.4.5 Evidence from Conservation Area Character Appraisals and local groups indicate that a number of Conservation Areas are suffering from the gradual erosion of traditional features, materials and details in both the public and private realm and that this is undermining their special interest. A more proactive approach is needed to halt and reverse this trend and to reinstate these features as part of works to preserve and enhance the character and appearance of Conservation Areas.
- 20.4.6 Where appropriate, Article 4 directions will be made that bring specific permitted development rights within the planning system. This will be used to prevent the further loss of significant historic features and to seek to secure the restoration of features already lost. Thus, in time, the erosion of the Conservation Area's special interest will be halted and reversed and the area will be better preserved and enhanced.

Policy HA4 Conservation Areas

I. New development, extensions and alterations to existing buildings in Conservation Areas will be permitted provided that they preserve or enhance the special interest, character or appearance of the area. Development proposals outside a Conservation Area which affect its setting will be considered likewise. Proposals will be expected to:

- (a) Respect established building lines, layouts and patterns;
- (b) Use materials and adopt design details which reinforce local character and are traditional to the area;
- (c) Be of a scale, proportion, form, height, design and overall character that accords with and complements the surrounding area;
- (d) In the case of alterations and extensions, be complementary and sympathetic to the parent building; and
- (e) Conform to any 'Conservation Area Character Appraisals' prepared by the District Council and safeguard all aspects which contribute to the area's special interest and significance, including important views and green spaces.
- (f) Where development proposals derive from Conservation Area Management Proposals the duty to preserve and enhance will be applied. Development proposals, including minor development under an Article 4 direction, will be expected to 'preserve' surviving architectural features identified as being significant to the character or appearance of the area or, where previously lost, to 'enhance' that character and appearance through the authentic restoration of those lost features,

II. Permission for the demolition of buildings or structures within a Conservation Area will only be granted if it makes no positive contribution to the character of the Conservation Area and the replacement is of good design and satisfies the above requirements of this policy.

20.4.7 In the district's town centres, frontages to shops and commercial premises play a key role in defining the character

and quality of the Conservation Areas. The Council is therefore keen to ensure that a high quality environment is maintained, consistent with commercial and economic considerations. The introduction of unsympathetic advertisements can compromise the quality of the environment and may downgrade the image and reduce the footfall in an area. Signage and lighting must therefore be sensitive to the character of these areas and not contribute to an escalation of competitive signage and levels of illumination along the street. For example, poster boarding or large fascia and internal illumination are not appropriate in Conservation Areas. It may be necessary for conditions to be imposed on the hours and luminosity of lighting in order to reduce harm to residential amenity.

Policy HA5 Shopfronts in Conservation Areas

I. Proposals for a new shop front or commercial premise frontage or alterations to existing ones will be permitted where the proposed design follows historic shopfront design, is sympathetic to the scale, proportions, design details and materials of the structure or adjoining buildings and the character and appearance of the Conservation Area.

II. Shop fronts of architectural or historic interest shall be retained and repaired as necessary.

III. Security features should be designed in a sensitive manner which respects the overall character of the frontage and location, facilitates natural/passive surveillance and maintains an attractive street scene. The use of architectural solutions combined with the use of an internal open lattice grille is preferred. Alarm boxes should be of a discreet colour and size, located carefully in relation to the elevation of the building, whilst being obvious enough to deter an intruder.

Policy HA6 Advertisements in Conservation Areas

Where express consent is required within Conservation Areas the District Council will only accept advertisements where they:

- (a) Are either painted or individually lettered in a suitable material of a proportionate size and design in relation to the building or fascia upon which they are to be displayed;
- (b) Are preferably non-illuminated or does not contribute to an escalation of shopfront lighting along the street scene. Where illumination is proposed it should be external illumination which is discreet in size and of a minimum level. Internal illumination of shop signage will not be permitted;
- (c) Are of a traditional fascia or hanging type; and
- (d) Are of a traditional and appropriate size to the architecture of the host building.

20.5 Listed Buildings

- 20.5.1 Under the Planning (Listed Buildings and Conservation Areas) Act 1990 there is a statutory duty to compile Lists of Buildings of Special Architectural or Historic Interest for the whole country.
- 20.5.2 The 'National Heritage List for England' identifies those buildings which are of special interest and gives the Council extra powers to protect them, as well as imposing extra responsibilities on their owners.

Historic England maintains The National Heritage List for England. This full and current list of properties and structures (including their descriptions and location maps) can be accessed from their website at: www.historicengland.org.uk

- 20.5.3 Listed buildings of special architectural or historic interest must be sensitively repaired and improved, using traditional materials and techniques. Appropriate and sustainable new uses should

be found for them in order to secure their future survival. Demolition will not normally be allowed. Alterations/additions to listed buildings require the greatest skill and care, in order to avoid damage to the intrinsic character of the buildings themselves, including interiors and fixtures, and to their setting. Similarly, new development affecting a listed building must be sympathetically designed, so as not to harm the listed building's historic integrity and identity. The use of legal powers will be considered where listed buildings are at risk from wilful neglect, long-term dereliction or abandonment.

- 20.5.4 'Listed building consent' is required from the District Council for any works that affect a building's special character. The listing of a building is intended to ensure that it will be conserved in accordance with its significance. However, alterations and improvements can be made where they are compatible with the special architectural or historic interest of the building. The designation allows changes to be carefully scrutinised when a planning application is made. To support applicants the Council has produced a series of guidance notes on the preservation and repair of historic materials and buildings.

The East Herts guidance notes on the preservation and repair of historic materials and buildings can be viewed and downloaded from the Council's Website at: www.eastherts.gov.uk/conservationandheritage

Policy HA7 Listed Buildings

I. The Council will actively seek opportunities to sustain and enhance the significance of Listed Buildings and ensure that they are in viable uses consistent with their conservation.

II. In considering applications the Council will ensure that proposals involving the alteration, extension, or change of use of a Listed Building will only be permitted where:

(a) The proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and

(b) The proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.

III. Proposals that affect the setting of a Listed Building will only be permitted where the setting of the building is preserved and enhanced.

20.6 Historic Parks and Gardens

20.6.1 Historic parks and gardens are a fragile and finite resource: they can easily be damaged beyond repair or lost forever. They are an important part of the heritage and environment of the district. They comprise of a variety of features: the open space; views in and out; the planting; water features; built features and archaeological remains. There is a need to protect such sites and their settings from new development which would destroy or harm the historic interest.

20.6.2 The Historic England 'Register of Historic Parks and Gardens of special historic interest in England' was established in 1983 and currently identifies over 1,600 sites assessed to be of national importance. Fifteen of these are in the district and are identified on the Policies Map.

The 'Register of Historic Parks and Gardens of Special Historic Interest in England' is included in the National Heritage List for England, which is available at: www.historicengland.org.uk

Further information on the Register of Historic Parks and Gardens can be found on the Historic England website www.historicengland.org.uk

20.6.3 The main purpose of this Register is to celebrate designed landscapes of note, and encourage appropriate protection. It is hoped that by identifying sites in this way, their value and significance will be conserved and enhanced both by those who own them, and others who have a role in their protection and their future.

20.6.4 The registration of designed landscapes does not entail additional planning controls but does make these assets a 'material consideration' in the planning process, meaning that

planning authorities must consider the impact of any proposed development on the landscape's special character. The Council will through its planning role promote conservation and public appreciation of the District's designed landscapes.

- 20.6.5 In addition to those parks and gardens on the Register, the Hertfordshire Gardens Trust has also compiled a list of other locally important sites in the district. These are considered by the District Council to be of sufficient quality to warrant appropriate preservation and protection when considering development proposals under the following policy.
- 20.6.6 Further information, including a list of locally important parks and gardens, can be found in the Council's 'Historic Parks & Gardens' Supplementary Planning Document (September 2007).

The 'Historic Parks & Gardens' Supplementary Planning Document (September 2007, or as amended) can be viewed and downloaded at: www.eastherts.gov.uk/historicparksandgardensspd

Policy HA8 Historic Parks and Gardens

- I. Development proposals that materially harm the special historic character, appearance or setting of those sites listed on the Historic England 'Register of Historic Parks and Gardens' will not be permitted. The same level of protection will be afforded to other locally important sites.
- II. Where appropriate, the District Council will actively encourage proposals for the repair, restoration and management of historic parks and gardens.

20.7 Enabling Development

- 20.7.1 Enabling development is the means of securing the long-term future of a significant place when conservation through development in compliance with policy cannot do so.

- 20.7.2 The vast majority of significant places survive because they are capable of beneficial use. Their maintenance is justified by their usefulness to, and appreciation by, their owners, not just value in the property market, either in their own right or as part of a larger entity. An historic garden, for example, normally adds to the amenities and value of a house. The problem that enabling development typically seeks to address occurs when the cost of maintenance, major repair or conversion to the optimum viable use of a building is greater than its resulting value to its owner or in the property market. This means that a subsidy to cover the difference – the ‘conservation deficit’ – is necessary to secure its future.
- 20.7.3 The scale and range of enabling development can vary greatly. Whilst often associated with residential development to support the repair of a country house, it can include, for example, an extension acceptable in historic building terms, but exceeding the maximum size permitted under plan policies for the rural area.

Detailed guidance on how an applicant might make an enabling development application is set out in Historic England’s guidance on ‘Enabling Development and the Conservation of Significant Places’, which can be viewed and downloaded at: www.historicengland.org.uk

Policy HA9 Enabling Development

- I. Proposals for enabling development will be assessed in accordance with Historic England’s latest guide on ‘Enabling Development and the Conservation of Significant Places’.
- II. Enabling development which would secure the future of a significant place, but would be contrary to other planning policy objectives, should be unacceptable unless:
- (a) The benefits of a proposal for enabling development, which would secure the future conservation of a significant place, outweigh any public harm or loss consequent upon conflicts with and the departure from other District Plan policies;

- (b) The proposal does not materially detract from the archaeological, architectural, historic, artistic, landscape or nature conservation of the site or its setting;
- (c) The proposal avoids detrimental fragmentation of management of the place;
- (d) The proposal is necessary to resolve problems arising from the inherent needs of the place;
- (e) Sufficient subsidy is not available from any other source; and
- (f) It is clearly demonstrated that the proposal is the minimum necessary to ensure the future of the site.

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 24 MAY 2016

REPORT BY LEADER OF THE COUNCIL

EAST HERTS DRAFT DISTRICT PLAN – CHAPTER 22 – CLIMATE CHANGE: RESPONSE TO ISSUES RAISED DURING PREFERRED OPTIONS CONSULTATION, FURTHER AMENDMENTS AND DRAFT REVISED CHAPTER (RENUMBERED CHAPTER 21)

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

The purpose of this report is:

- To bring to Members' attention the issues raised through the Preferred Options consultation in connection with Chapter 22 (Climate Change) of the Draft District Plan Preferred Options version, together with Officer responses to those issues;
- To explain to Members why further amendments to Chapter 22 (Climate Change) are required to ensure that the final draft District Plan reflects the most up-to-date policy position and the latest available evidence;
- To place before Members for consideration a draft revised chapter (renumbered Chapter 21), for subsequent incorporation into the final draft District Plan.

<u>RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE PANEL:</u> That Council, via the Executive, be advised that:	
(A)	the issues raised in respect of Chapter 22 (Climate Change) of the Draft District Plan Preferred Options, as detailed at Essential Reference Paper 'B' to this report, be received and considered;
(B)	the Officer response to the issues referred to in (A) above, as detailed in Essential Reference Paper 'B' to this report, be agreed;

(C)	the further amendments in respect of Chapter 22 (Climate Change) of the Draft District Plan Preferred Options, as detailed at Essential Reference Paper 'B' to this report, be received and considered; and
(D)	the draft revised Chapter 21 (Climate Change), as detailed in Essential Reference Paper 'C' to this report, be agreed as a basis for inclusion in the final draft District Plan, with the content being finalised when the consolidated plan is presented in September 2016.

1.0 Background

- 1.1 The Council published its Draft District Plan Preferred Options for consultation for a period of twelve weeks between 27th February and 22nd May 2014. Several thousand comments were received through the consultation exercise from over a thousand stakeholders including statutory consultees and members of the public.
- 1.2 In order to manage these comments, the Council's agreed approach, as set out in its Statement of Community Involvement (October 2013), is to summarise the issues raised through the consultation and record how these issues have been used to inform the next draft of the District Plan.
- 1.3 This report presents a draft revised chapter on Climate Change for subsequent incorporation into the final Draft District Plan. **Essential Reference Paper 'B'** contains the Issues Report and **Essential Reference Paper 'C'** the draft revised chapter.

2.0 Report

- 2.1 The Issue Report is split into two parts. The first part summarises the issues raised through the Preferred Options Consultation. The issues are grouped according to the section of the Draft Plan they relate to. The table presents an officer response to each issue and then sets out any subsequent proposed amendments to the text or policies of the draft Plan. These proposed amendments are shown in the form of a 'track change' so that readers can clearly see what amendments are being proposed.

- 2.2 The second part of the Issue Report details any further amendments that are required to ensure that the final draft District Plan reflects the most up-to-date policy position and the latest available evidence.
- 2.3 Members will be aware that a report to the District Planning Executive Panel on 22 October 2014 previously considered issues raised in respect of the draft Climate Change chapter at the Preferred Options Consultation stage and also the proposed officer response to each issue, along with a proposed draft revised Chapter. However, since that time, various changes in local and wider circumstances have occurred, which have necessitated a review of some of previously proposed responses to ensure the most up to date and accurate picture going forward.
- 2.4 In particular the Government has recently incorporated sustainability standards within Building Regulations. This means that the District Plan can no longer require development proposals to adhere to standards that are not contained within the Building Regulations. Nevertheless the supporting text has been updated to encourage applicants to meet the standards contained in the Hertfordshire Building Futures guide.
- 2.5 Members should note that due to the consolidation of the Design and Landscape Chapters, the Chapters from 20 onwards have been renumbered. As such the Climate Change Chapter is now Chapter 21 rather than Chapter 22.
- 2.6 Members are therefore invited to agree the draft revised Chapter 21 (Climate Change), as detailed in Essential Reference Paper 'C' to this report, as a basis for inclusion in the final draft District Plan, with the content being finalised when the consolidated plan is presented in September 2016.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/Objectives:	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	The Report refers to the Draft District Plan consultation carried out between 27 th February and 22 nd May 2014.
Legal:	None
Financial:	None
Human Resource:	None
Risk Management:	None
Health and wellbeing – issues and impacts:	The Draft District Plan in general will have positive impacts on health and wellbeing through a range of policy approaches that seek to create sustainable communities.

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Part 1: Issues Raised Through the Preferred Options Consultation

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
Adaptation				
22.1	22.2 (now 21.2)	Local food production is vital and provision should be made for people to grow their own food. Agricultural land should be protected.	The final bullet point to paragraph 21.2.2 advocates the provision of allotments. Paragraph 112 of the NPPF sets out planning policy in respect of agricultural land so, while it is an important issue, it is not considered necessary to repeat this within the District Plan.	No amendment in response to this issue
22.2	22.2.2 (now 21.2.2)	Support from HCC for the inclusion of green roofs and green walls and provision of green infrastructure. Orchards could also be included.	Support noted and welcomed. Reference to orchards will be added.	Amendment to Paragraph 21.2.2) <u>5.</u> providing green infrastructure including woodlands, <u>orchards</u> , street trees and green landscaping, parks, sports grounds, allotments, and green roofs.
22.3	22.2.2 (now 21.2.2)	All new development must be built to Passivhaus standards.	The Government has incorporated sustainability standards within Building Regulations; it is therefore not possible to require that new development is built to Passivhaus standards. However, the Design and Landscape chapter (Chapter 16) does encourage compliance with the standards contained within the new Home Quality Mark as well as the Hertfordshire Building Futures guide.	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
22.4	CC1	Support, including from HCC, although reference should be made to the urban heat island effect.	Support noted and welcomed. The policy refers to the need to minimise overheating in urban areas while the supporting text identifies different methods of achieving this.	No amendment in response to this issue
22.5	CC1	The Canal and River Trust promote the use of river/canal water for heating and cooling buildings.	Noted.	No amendment in response to this issue
22.6	CC1	The Bishop's Stortford North Consortium considers that the policy needs to be revisited following the Ministerial Statement in March concerning incorporating sustainability standards through Building Regulations rather than the planning system.	The Government has incorporated sustainability standards within Building Regulations. However, it is considered that the requirements of Policy CC1 are still relevant and should be maintained.	No amendment in response to this issue
22.7	CC1	The Environment Agency state that green roofs should be promoted in particular as they provide multiple benefits.	Agreed. Policy CC1 and its supporting text include reference to green roofs	No amendment in response to this issue
22.8	CC1	The standards contained within the Building Futures toolkit will increase construction costs. This should be factored into viability testing.	The Government has incorporated sustainability standards within Building Regulations. However, building new developments to the standards advocated by Building Futures is encouraged. As it is a voluntary code it is not necessary to reflect any additional costs within viability testing.	No amendment in response to this issue
Mitigation				
22.9	CC2	Support from HCC although it may be difficult to enforce the policy without a defined standard. The policy could undermine related objectives of promoting the use of recycled, sustainable and local materials.	Noted. The Government has incorporated sustainability standards within Building Regulations. It is therefore not possible for the Council to enforce defined standards.	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
22.10	CC2	The Bishop's Stortford North Consortium considers that the policy needs to be revisited following the Ministerial Statement in March concerning incorporating sustainability standards through Building Regulations rather than the planning system.	Noted. The Government has incorporated sustainability standards within Building Regulations. It is considered that the majority of the policy wording is still relevant although the requirement for development schemes to achieve 'above and beyond' the standards contained in building regulations should be amended.	Amendment to Policy CC2, Part I: All new developments should demonstrate how carbon dioxide emissions will be minimised across the development site, taking account of all levels of the energy hierarchy. <u>Achieving standards above and beyond the requirements of Building Regulations is encouraged.</u>
Renewable and Low Carbon Energy				
22.11	CC3	Support from HCC for the need to assess impacts on environmental assets in consideration of renewable energy proposals.	Support noted and welcomed.	No amendment in response to this issue
22.12	CC3	The policy does not go far enough. All development must have renewable schemes and they must provide 90% of energy requirements. All building must be to Passivhaus standards. Retrofitting is also important.	The Government has incorporated sustainability standards within Building Regulations; it is therefore not possible to require that new development is built to Passivhaus standards. As a result of the Government announcement it is also not possible to require a percentage of energy requirements to be provided by renewable technologies. Part I of the policy and paragraph 21.4.2 should therefore be deleted.	Amendment to Policy CC3, Part I: All new development of more than 10 dwellings or 1,000m² of non-residential floorspace must produce at least 10% of the total predicted energy requirements from on-site renewable energy sources unless it can be demonstrated that this is not feasible or viable. Amendment to text (para 21.4.2)

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
				The East of England Plan (2008) required 10% of energy to come from decentralised, renewable or low carbon technologies for new development of more than 10 dwellings of 1000m² of non-residential floorspace. Despite the revocation of the Plan in January 2013, the District Council, in line with its commitment to mitigate the impacts of climate change, will take forward this policy requirement.
22.13	CC3	The Bishop's Stortford North Consortium and Persimmon Homes consider that the policy needs to be revisited following the Ministerial Statement in March concerning incorporating sustainability standards through Building Regulations rather than the planning system.	Noted. Part I of the policy has been deleted as shown above.	No amendment in response to this issue
22.14	CC3	The Council should consider the issue of 10% of energy demand coming from renewable sources within its viability work and should not rely on the revoked East of England Plan.	Noted. Part I of the policy has been deleted as shown above.	No amendment in response to this issue
22.15	CC3 Part III	Part III is not justified as the Council has no evidence to make a judgement on the special character of the rural area or on the nature of long distance views. There is no reference to the Landscape Character Assessment. This part of the policy should be removed.	The PPG states that the need for renewable energy does not automatically override environmental protections. The Landscape Character Assessment would be a material consideration in planning decisions. However, impact on the character of the rural area and on long distance views would need to be assessed	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
			on a case by case basis taking into account the nature of the proposal.	
22.16	22.4.5 (now 21.4.4)	<p>The paragraph is not positively prepared in accordance with the NPPF and should not require a blanket ban on such technologies within or near urban areas. The paragraph should be revised to say:</p> <p>‘The Council will support proposals for renewable forms of energy used for heating. Where proposals are within or near the urban areas of settlements, applications should be supported by an air quality assessment, as explained in Policy EQ4 (Air Quality) (see Chapter 24: Environmental Quality)’.</p>	Agreed. This paragraph should be more proactive than just making an assessment of potential impacts. The Government has incorporated sustainability standards within Building Regulations. Nevertheless, the use of renewable, zero and low carbon technology should still be encouraged.	<p>Amendment to text (para 21.4.5):</p> <p>Some renewable forms of energy used for heating, may, cumulatively or in isolation, result in a rise in particulates which can be harmful to human health. For this reason such technologies will not be permitted <u>The Council encourages proposals that embrace the use of renewable, zero and low-carbon technology. Where proposals are within or near the urban areas of settlements, applications should be supported by an air quality assessment, which details proposed mitigation measures where necessary.</u> as explained in Policy EQ4 (Air Quality) (see Chapter 24: Environmental Quality).</p>
General Issues				
22.17		Natural England fully supports climate change adaptation by design and the role that Green Infrastructure can provide in mitigating the effects of climate change.	Support noted and welcomed.	No amendment in response to this issue

Part 2: Other Proposed Amendments

Location/ Paragraph/Policy	Issue	Proposed Amendment
21.1.1	The introduction is too narrow in its explanation for the cause of climate change. It should refer not just to the burning of fossil fuels, but also the release of carbon from other practices such as agriculture and deforestation.	Amendment to text (para.22.2.1) Climate change is caused in part by greenhouse gases that are primarily produced through the burning of fossil fuels <u>and the release of carbon through activities such as agriculture and the loss of woodland for example.</u>
21.1.2	The last part of the final sentence of this paragraph should be removed. The Government has incorporated sustainability standards within Building Regulations and therefore policy requirements that require such standards have had to be removed.	Amendment to text (para 21.1.2) Both modules include practical advice in relation to measures which can help to address climate change, and which should be considered alongside the policy requirements of the District Plan.
21.3.5	Delete paragraph as the Government review has now taken place.	Amendment to text (para 22.3.5): 22.3.5 The government is currently undertaking a review of local standards which will include planning and building regulations. The review is likely to address zero carbon standards, carbon and renewable energy targets, and allowable solutions. It is anticipated that this will include the role of planning policy, and therefore the approach outlined here may be subject to change.
21.4.2	Reference to out of date national guidance.	Amendment to text (para 22.4.3): At the same time as promoting renewable energy, the Council is also mindful of the need to ensure that an appropriate balance is maintained between the benefits of renewable energy and other constraints and considerations, <u>in accordance with the National Planning Practice Guidance.</u> The Department for Communities and Local Government (DCLG) issued in July 2013 specific planning guidance for renewable and low carbon energy. Government planning practice guidance can be a material consideration in planning decisions and should generally be followed unless there are clear reasons not to. (Box containing text from previous Government guidance also deleted, see amended chapter).
Policy CC3	Response to issue 16.33. Add in the fact that the safe operation of aerodromes will be a factor when	(d) the amenity of neighbouring residents

	considering applications for renewable energy schemes.	(e) air quality and human health; and ; <u>(f) the safe operation of aerodromes.</u>
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ESSENTIAL REFERENCE PAPER 'C'

21 Climate Change

21.1 Introduction

- 21.1.1 Climate change is caused in part by greenhouse gases that are primarily produced through the burning of fossil fuels and the release of carbon through activities such as agriculture and the loss of woodland for example. Problems commonly associated with climate change include flooding and extreme weather patterns. Climate change is both a global and local issue.
- 21.1.2 Building Futures is a Hertfordshire guide to promoting sustainability in development, including modules on Climate Change Adaptation and also on Energy and Climate Change. Both modules include practical advice in relation to measures which can help to address climate change.

Building Futures is an interactive website which can be accessed at: www.hertslink.org/buildingfutures
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21.2 Adaptation

- 21.2.1 Climate change is expected to result in hazards such as heatwaves, flooding, and drought. Adaptation means improving our resilience to such impacts. This section addresses the issue of overheating. Measures related directly to water and climate change adaptation, including flood risk, water efficiency, and sustainable urban drainage, are contained within Chapter 22: Water.
- 21.2.2 Measures to address overheating may be undertaken at building level, neighbourhood scale, and town or urban extension scale. Examples of measures include:

1. using site landform and landscape to benefit from shelter, to minimise heat losses in winter, provide adequate shade in summer, and to catch breezes
2. using deciduous trees to maximise shade in summer and allow light in during the winter, or structural or functional design to achieve a similar effect
3. minimising energy demand, for example using cross-ventilation, to avoid a vicious circle whereby increased demand for air conditioning generates further climate-changing emissions
4. using materials that prevent the penetration of heat to a building, which can include green roofs or walls, light coloured materials in exposed surfaces, and for large car parks; road energy systems which store heat and release it during the winter months
5. providing green infrastructure including woodlands, orchards, street trees and green landscaping, parks, sports grounds, allotments, and green roofs.

21.2.3 Such measures may have a number of wider benefits, including reduced energy bills and improving the quality of the built environment. The Building Futures Climate Change Adaptation module contains further guidance on adaptation solutions.

Policy CC1 Climate Change Adaptation

All new development should:

(a) Demonstrate how the design, materials, construction and operation of the development would minimise overheating in summer and reduce the need for heating in winter; and

(b) Integrate green infrastructure from the beginning of the design process to contribute to urban greening, including the public realm. Elements that can contribute to this include appropriate tree planting, green roofs and walls, and soft landscaping.

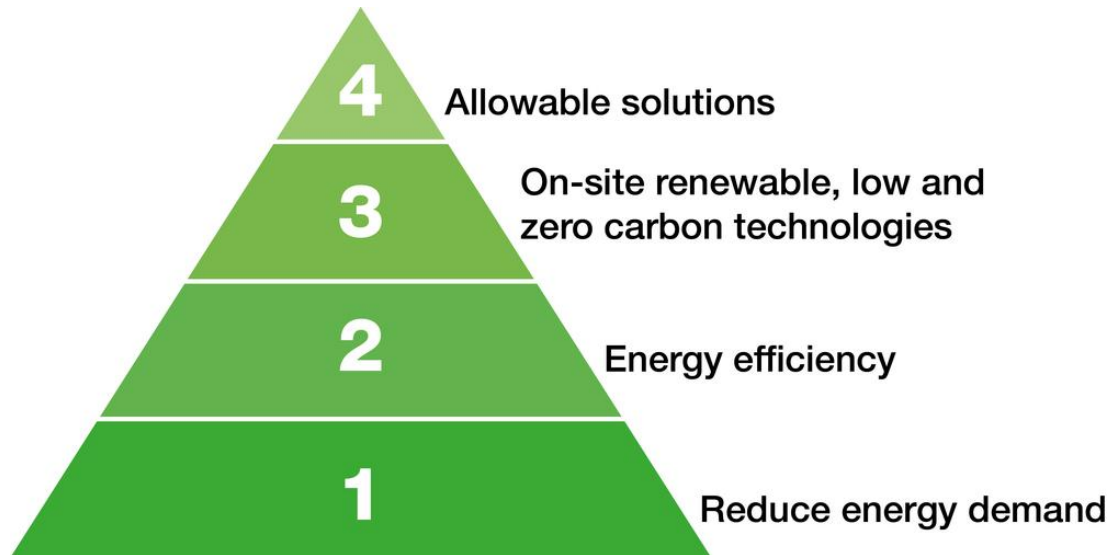
21.3 Mitigation

21.3.1 Carbon emissions originate from a wide range of sources, including transport, construction, and all forms of energy use including heating and appliances. The Climate Change Act (2008) sets out a legally binding target for reducing the UK's carbon dioxide emissions, in order to mitigate or reduce the impacts of climate change. Planning plays a role in terms of locating development so as to minimise the need to travel, which is addressed in the transport policies and also in the development strategy for the district.

21.3.2 There are four main types of approach to reduction of carbon emissions from development. These are as follows:

1. Reduce energy demand by providing natural ventilation and illumination, good insulation, and shading as described in relation to climate change adaptation
2. Increase energy efficiency through the use of efficient services and appliances, and low-energy lighting
3. Generate heat and/or power through on-site low and zero carbon technologies such as Combined Heat and Power (CHP), solar panels, biomass boilers, or heat pumps
4. Offsetting on-site carbon emissions through off-site means, for example retrofitting existing buildings elsewhere, investment in energy schemes such as district heating, payment into a community investment fund, or use of Green Energy Tariffs. These are known as 'allowable solutions'.

Figure 21.1 Energy Hierarchy



21.3.3 These four approaches are usually represented as an energy hierarchy as illustrated in Figure 21.1 above, in which the most effective ways of reducing carbon dioxide are shown at the base and must be fully explored first.

21.3.4 Wherever possible, developers should use reliable technologies and approaches with a proven track record.

Policy CC2 Climate Change Mitigation

I. All new developments should demonstrate how carbon dioxide emissions will be minimised across the development site, taking account of all levels of the energy hierarchy. Achieving standards above and beyond the requirements of Building Regulations is encouraged.

II. Carbon reduction should be met on-site unless it can be demonstrated that this is not feasible or viable. In such cases effective offsetting measures to reduce on-site carbon emissions will be accepted as allowable solutions.

III. The energy embodied in construction materials should be reduced through re-use and recycling of existing materials and the use of sustainable materials and local sourcing.

21.4 Renewable and Low Carbon Energy

21.4.1 There are a variety of opportunities for generating clean energy. The Hertfordshire Renewable and Low Carbon Energy Technical Study (July 2010) includes energy opportunity maps for East Hertfordshire, which may assist in the selection of appropriate carbon saving methods depending on the location of development proposals.

The Hertfordshire Renewable and Low Carbon Energy Technical Study (July 2010) can be viewed and downloaded from the Hertfordshire County Council Website at:
www.hertsdirect.org/services/envplan/plan/renewableenergy/

21.4.2 At the same time as promoting renewable energy, the Council is also mindful of the need to ensure that an appropriate balance is maintained between the benefits of renewable energy and other constraints and considerations in accordance with the National Planning Practice Guidance (NPPG).

21.4.3 Taking account of this guidance, Policy CC3 takes a balanced approach, promoting renewable and low carbon energy where the impacts can be satisfactorily mitigated.

21.4.4 The Council encourages proposals that embrace the use of renewable, zero and low-carbon technology. Where proposals are within or near the urban areas of settlements, applications should be supported by an air quality assessment, which details proposed mitigation measures where necessary.

Policy CC3 Renewable and Low Carbon Energy

I. The Council will permit new development of sources of renewable energy generation subject to assessment of the impacts upon:

- (a) environmental and historic assets;
- (b) visual amenity and landscape character;
- (c) local transport networks;
- (d) the amenity of neighbouring residents and sensitive uses;
- (e) air quality and human health; and
- (f) the safe operation of aerodromes.

II. In considering the impact of renewable technologies, the Council will attach particular importance to maintaining the special countryside character of the rural area, including the preservation of long-distance views from public rights of way.

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 24 MAY 2016

REPORT BY LEADER OF THE COUNCIL

EAST HERTS DRAFT DISTRICT PLAN – CHAPTER 23 – WATER:
RESPONSE TO ISSUES RAISED DURING PREFERRED OPTIONS
CONSULTATION, FURTHER AMENDMENTS AND DRAFT REVISED
CHAPTER (RENUMBERED CHAPTER 22)

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

The purpose of this report is:

- To bring to Members' attention the issues raised through the Preferred Options consultation in connection with Chapter 23 (Water) of the Draft District Plan Preferred Options version, together with Officer responses to those issues;
- To explain to Members why further amendments to Chapter 23 (Water) are required to ensure that the final draft District Plan reflects the most up-to-date policy position and the latest available evidence;
- To place before Members for consideration a draft revised chapter (renumbered Chapter 22), for subsequent incorporation into the final draft District Plan.

<u>RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE PANEL:</u> That Council, via the Executive, be advised that:	
(A)	the issues raised in respect of Chapter 23 (Water) of the Draft District Plan Preferred Options, as detailed at Essential Reference Paper 'B' to this report, be received and considered;
(B)	the Officer response to the issues referred to in (A) above, as detailed in Essential Reference Paper 'B' to this report, be agreed;

(C)	the further amendments in respect of Chapter 23 (Water) of the Draft District Plan Preferred Options, as detailed at Essential Reference Paper 'B' to this report, be received and considered; and
(D)	the draft revised Chapter 22 (Water), as detailed in Essential Reference Paper 'C' to this report, be agreed as a basis for inclusion in the final draft District Plan, with the content being finalised when the consolidated plan is presented in September 2016.

1.0 Background

- 1.1 The Council published its Draft District Plan Preferred Options for consultation for a period of twelve weeks between 27th February and 22nd May 2014. Several thousand comments were received through the consultation exercise from over a thousand stakeholders including statutory consultees and members of the public.
- 1.2 In order to manage these comments, the Council's agreed approach, as set out in its Statement of Community Involvement (October 2013), is to summarise the issues raised through the consultation and record how these issues have been used to inform the next draft of the District Plan.
- 1.3 This report presents a draft revised chapter on Water for subsequent incorporation into the final Draft District Plan. **Essential Reference Paper 'B'** contains the Issues Report and **Essential Reference Paper 'C'** the draft revised chapter.

2.0 Report

- 2.1 The Issue Report is split into two parts. The first part summarises the issues raised through the Preferred Options Consultation. The issues are grouped according to the section of the Draft Plan they relate to. The table presents an officer response to each issue and then sets out any subsequent proposed amendments to the text or policies of the draft Plan. These proposed amendments are shown in the form of a 'track change' so that readers can clearly see what amendments are being proposed.

- 2.2 The second part of the Issue Report details any further amendments that are required to ensure that the final draft District Plan reflects the most up-to-date policy position and the latest available evidence.
- 2.3 Members will be aware that a report to the District Planning Executive Panel on 22 October 2014 previously considered issues raised in respect of the draft Water chapter at the Preferred Options Consultation stage and also the proposed officer response to each issue, along with a proposed draft revised Chapter. However, since that time, various changes in local and wider circumstances have occurred, which have necessitated a review of some of previously proposed responses to ensure the most up to date and accurate picture going forward.
- 2.4 Members should note that due to the consolidation of the Design and Landscape Chapters, the Chapters from 20 onwards have been renumbered. As such the Water Chapter is now Chapter 22 rather than Chapter 23.
- 2.5 Members are therefore invited to agree the draft revised Chapter 22 (Water), as detailed in Essential Reference Paper 'C' to this report, as a basis for inclusion in the final draft District Plan, with the content being finalised when the consolidated plan is presented in September 2016.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	The Report refers to the Draft District Plan consultation carried out between 27 th February and 22 nd May 2014.
Legal:	None
Financial:	None
Human Resource:	None
Risk Management:	None
Health and wellbeing – issues and impacts:	The Draft District Plan in general will have positive impacts on health and wellbeing through a range of policy approaches that seek to create sustainable communities.

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Part 1: Issues Raised Through the Preferred Options Consultation

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
Introduction				
23.1	23.1.1 (now 22.1.1)	Support	Support noted and welcomed	No amendment in response to this issue
23.2	23.1.1 (now 22.1.1)	HERT4: Water supply to this area is already at maximum capacity which at times can affect the water pressure. Adding another 150 properties will stretch it to breaking point.	The Council has engaged with the relevant water providers throughout the Plan making process in order to ensure that the proposed level and location of growth can be provided for. A county wide water study, led by Hertfordshire County Council, is also being prepared which will identify any issues with regards to water supply and drainage.	No amendment in response to this issue
23.3	23.1.2 (now 22.1.2)	The Council must work with other bodies in order to implement policies.	Agreed. It will be necessary for the Council to continue to work closely with infrastructure providers and other bodies following adoption of the District Plan.	No amendment in response to this issue
Flood Risk				
23.4	23.2 (now 22.2)	Development along rivers should be refused on flooding grounds	Policy WAT1 states that the functional floodplain (Flood Zone 3b) will be protected from inappropriate development. The Sequential Test will be utilised for development proposals within Flood Zones 2, 3a and 3b in order to steer development away from areas most at risk from flooding in accordance with the National Planning Policy Framework (NPPF).	No amendment in response to this issue

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
23.5	23.2.1 (now 22.2.1)	Support from HCC Ecology for the recognition of damage to wildlife habitats when considering developments which also affect flooding and channel stability.	Support noted and welcomed.	No amendment in response to this issue
23.6	23.2.2 (now 22.2.2)	Environment Agency supports this paragraph although there is a need to ensure that the SFRA is up to date.	Support noted and welcomed. The SFRA will be revised and updated before Publication stage.	No amendment in response to this issue
23.7	23.2.3 (now 22.2.3)	The weblink needs to be updated to take account of Environment Agency website move.	Noted.	Amendment to 'orange box' For more information on the Environment Agency's Standing Advice go to: www.environment-agency.gov.uk https://www.gov.uk/guidance/flood-risk-assessment-standing-advice
23.8	WAT1	Policy must apply equally to infilling, not just new development so that flood risk in Stanstead Abbots is not increased.	The policy applies to all forms of development including infilling.	No amendment in response to this issue
23.9	WAT1	Support including from HCC Ecology and Lee Valley Regional Park Authority for protecting the floodplain and returning it to Greenfield status where possible.	Support noted and welcomed	No amendment in response to this issue
23.10	WAT1	Environment Agency states that policy and background text should be strengthened by making reference to the Sequential Test and the area of search. Reference could also be made to not allowing development under a certain number of dwellings to be located within Flood Zones 2 or 3. Also noted that not all vulnerable developments in Flood Zones 2 and 3 are required to pass the Exception Test, such as change of use to	Noted. It is agreed that the policy and supporting text should refer to the Sequential Test. It is recognised that not all development is required to pass the Exception Test and it is considered that the existing policy wording reflects this.	Amendment to text (para 22.2.3) <u>In order to steer new development to areas with the lowest probability of flooding, the Sequential Test, and where necessary the Exception Test will be used.</u> For development proposals of 1 hectare or greater..... Amendment to Policy WAT1

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
		residential, although points a) to d) would still need to be met.		<p>WAT1 Flood Risk Management</p> <p>I. The functional floodplain will be protected from <u>inappropriate</u> development.....</p> <p>III. <u>In order to steer new development to areas with the lowest probability of flooding, the Sequential Test will be used.</u> In exceptional circumstances, if developments.....</p>
23.11	WAT1 Part I	The criteria for determining feasibility of returning flood plain to Greenfield land should be explained.	The feasibility of returning functional floodplain to Greenfield land should be considered on a site by site basis through the planning application process. It is therefore not considered necessary to include specific criteria within the policy.	No amendment in response to this issue
23.12	WAT1 Part II	<p>Add 'both on the site and to neighbouring land' to end of sentence.</p> <p>Thames Water suggested amendment: 'Development proposals should neither increase the likelihood of, intensity of, nor increase the risk to people, property, crops or livestock from all forms of flooding'. Reference to sewer flooding should also be made in supporting text.</p>	Agreed with slight changes for clarity and readability.	<p>Amendment to Policy WAT1</p> <p>II. Development proposals should neither increase the likelihood of, <u>or</u> intensity of <u>any form of flooding</u>, nor increase the risk to people, property, crops or livestock from flooding <u>such events, both on site and to neighbouring land</u>.</p> <p>Amendment to text (para 22.2.1)</p> <p>The Council will resist any development which has the potential to contribute to <u>any form of flooding, including sewer flooding</u>, risk and has adverse impacts on</p>

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
				river channel stability or damage to wildlife habitats.
Water Quality and the Water Environment				
23.13	23.3 (now 22.3)	The River Mimram has been subject to conservation work which should not be impacted upon by new development.	Policy WAT2 states that development proposals will be required to preserve and enhance the water environment including all watercourses.	No amendment in response to this issue
23.14	23.3.1 (now 22.3.1)	HCC Ecology suggest that reference should be made to the importance of river corridors as ecological and landscape corridors in both urban and rural areas and to the fact that the rivers are chalk stream habitats and are of particular ecological value. Last sentence should read 'biodiversity and ecological processes affecting wildlife'.	Paragraph 22.3.5 acknowledges the importance of waterways with regards to acting as wildlife habitats. Proposed amendment to last sentence of paragraph 22.3.1 is agreed.	Amendment to text (para 22.3.1) ...which in turn can impact biodiversity and the ecological habitats of <u>processes affecting</u> wildlife
23.15	23.3.2 (now 22.3.2)	Support from HCC Ecology	Support noted and welcomed	No amendment in response to this issue
23.16	23.3.2 (now 22.3.2)	The Environment Agency states that only the River Ash (from its source to the River Hadham) is at good status while all other waterbodies are failing. Development proposals should take account of this to comply with the Water Framework Directive.	Noted. The paragraph states that the Council will need to work with the Environment Agency and other partners to address the objectives of the Water Framework Directive.	Amendment to text (para 22.3.2) Few of the rivers within East Herts are currently at 'Good' ecological status/potential as set out in the Thames River Basin Management Plan.... East Herts Council will <u>continue to</u> work with the Environment Agency and other partners to address the objectives of the Water Framework Directive through the relevant actions identified in the <u>Thames</u>

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
				River Basin Management Plan and River Catchment Management Plans for individual watercourses <u>across the District in order to continuously improve their water quality.</u>
23.17	23.3.4 (now 22.3.4)	Environment Agency supports this paragraph but suggest the wording could be included within policy.	Agreed.	<p>Amendment to text (para 22.3.4) and new Policy WAT2</p> <p><u>Source Protection Zones (SPZs) exist around abstraction points for potable (drinking) water. In Source Protection Zones (SPZs), development proposals for any of the uses identified in Policy WAT2 will be required to submit an assessment of potential impacts and any mitigation measures required.</u></p> <p><u>WAT2: Source Protection Zones</u></p> <p><u>In Source Protection Zones (SPZs), development proposals for any of the following uses will be required to submit an assessment of potential impacts and any mitigation measures required:</u></p> <ul style="list-style-type: none"> • <u>incinerators</u> • <u>waste transfer stations</u> • <u>vehicle dismantlers</u> • <u>metal recycling</u> • <u>waste treatment facilities and all other non landfill waste</u>

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
				<u>management activities</u> <ul style="list-style-type: none"> • <u>cemeteries</u> • <u>discharge of foul sewerage to ground</u> • <u>cess pools</u> • <u>waste sites and underground storage of hazardous substances (i.e petrol stations)</u> • <u>new trade effluent discharges or stores</u> • <u>storage of manure, slurry, sewage sludge and other farm waste</u>
23.18	WAT2 (now WAT3)	Support for policy including from HCC Ecology. Degraded rivers should be restored through softening of river margins and reinstatement of green buffer strips, reflecting the objectives of the relevant Catchment Management Plan.	Support noted and welcomed.	No amendment in response to this issue
23.19	WAT2 Part I (now WAT3 Part I)	Environment Agency state that specific reference should be made to groundwater.	Agreed.	Amendment to Policy WAT3 <p>I. ...and the ecological value of watercourses and their margins <u>and the protection of groundwater.</u></p>
23.20	WAT2 Part II (now WAT3 Part II)	The Canal and River Trust object to the suggestion that a buffer zone should be provided where possible adjacent to waterways. Each application	It is considered that the creation of suitable buffers between watercourses and new development is the most effective way of	Amendment to Policy WAT3 <p>II. <u>Unless there is clear justification for not doing so,</u> an undeveloped</p>

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
	II)	<p>should be considered on its merits. Integration of rivers with developments is sometimes more desirable than screening.</p> <p>The width of an appropriate buffer strip for ordinary watercourses should be defined.</p> <p>Environment Agency strongly supports this part of the policy but indicate that a new second sentence could be inserted to say 'Any barriers to this should be clearly justified'. Lee Valley Regional Park Authority state that the policy should state that the buffer strips are to be maintained for the purposes of maximising ecological benefits and that development proposals will need to include an appropriate management scheme for the buffer areas.</p>	<p>ensuring the protection of the water environment. This approach has the support of the Environment Agency. The width of an appropriate buffer strip for ordinary watercourses will vary depending on the nature of the watercourse and the surrounding environment. This issue should therefore be dealt with on a case by case basis.</p> <p>Proposed amendments from the Environment Agency and the Lee Valley Regional Park Authority are accepted with slight text amendments.</p>	<p>buffer strip at least 8 metres wide should be maintained alongside all main rivers, and an appropriate buffer strip should be maintained at ordinary watercourses. <u>Any development proposals should include an appropriate management scheme for buffer strips.</u></p>
Efficient Use of Water Resources				
23.21	23.4 (now 22.4)	The chapter should seek to ensure that water supply is adequate to meet additional pressure from new developments without damaging aquifers and streams.	This issue is addressed by Water Resources Management Plans (WRMP) prepared by the water companies. WRMPs are approved by the Secretary of State. This section of the chapter seeks to ensure efficient use of water resources. The Council will continue to engage with the relevant water providers in order to reduce the risk of damage to the environment from growth and development.	No amendment in response to this issue
23.22	23.4 (now 22.4)	There is not enough water in the area. Water meters will not solve the problem. Additional development will be an additional drain and could result in the destruction of the chalk river bed	This issue is addressed by Water Resources Management Plans (WRMP) prepared by the water companies. WRMPs are approved by the Secretary of State. This section of the chapter	No amendment in response to this issue

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
		environment.	seeks to ensure efficient use of water resources. The Council will continue to engage with the relevant water providers in order to reduce the risk of damage to the environment from growth and development.	
23.23	WAT3 (now WAT4)	Policy must apply equally to infilling, not just new development so that flood risk in Stanstead Abbots is not increased.	The policy applies to all forms of development including infilling.	No amendment in response to this issue
23.24	WAT3 (now WAT4)	Approval of development proposals should be linked to availability of water taking account of measures to reduce consumption. This contrasts to WAT5 where adequate capacity must be provided.	This issue is addressed by Water Resources Management Plans (WRMP) prepared by the water companies. WRMPs are approved by the Secretary of State. This section of the chapter seeks to ensure efficient use of water resources. The Council will continue to engage with the relevant water providers in order to reduce the risk of damage to the environment from growth and development.	No amendment in response to this issue
23.25	WAT3 (now WAT4)	Does this policy apply to all residential development?	The policy applies to all forms of development.	No amendment in response to this issue
23.26	WAT3 (now WAT4)	Bishop's Stortford North Consortium considers that this policy should be reviewed following Ministerial Statement on 6 th March concerning including sustainability standards within Building Regulations. Change 'Would meet' to 'Will meet'	Noted and agreed. The Government have now incorporated sustainability standards within Building Regulations. In part, the regulations seek to ensure that water consumption should not exceed 125 litres per person per day in new dwellings. However, there is also an option for local authorities to require a more stringent standard of 110 litres per person per day if justified by evidence. It is considered that there is sufficient evidence to require this lower standard given that this area has been	New Paragraph 22.4.5 <u>22.4.5 Building Regulations require that water consumption in new dwellings should not exceed 125 litres per person per day. However, the Regulations allow for a lower standard of 110 litres per person per day to be implemented in water stressed areas. Given that the Environment Agency has identified this area as being particularly water stressed,</u>

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
			<p>identified as being water stressed in the following Environment Agency publications:</p> <ul style="list-style-type: none"> Thames River Basin Management Plan, December 2009 Water Stressed Areas Final Classification, July 2013 	<p><u>it is considered appropriate to apply this standard.</u></p> <p>Amendment to Policy WAT4</p> <p>c) Designing residential development so that mains water consumption will<u>ould</u> meet a target of 110<u>05</u> litres or less per head per day.</p>
23.27	WAT3 (now WAT4)	The Environment Agency strongly supports this policy. Water consumption could be reduced through retrofitting and an awareness campaign. Support also from Thames Water.	Support noted and welcomed.	No amendment in response to this issue
Sustainable Drainage				
23.28	23.5.1 (now 22.5.1)	The list should be amended to reflect all SuDS benefits including reducing flood risk, providing additional biodiversity and reducing pollution of watercourses. The heat island effect may also be reduced by greater use of green roofs.	It is considered that paragraph 22.5.2 and Table 22.1 adequately identify these benefits.	No amendment in response to this issue
23.29	Table 22.1	Support including from Environment Agency and HCC Ecology.	Support noted and welcomed	No amendment in response to this issue
23.30	23.5.3 (now 22.5.3)	Support	Support noted and welcomed	No amendment in response to this issue
23.31	WAT4 (now WAT5)	Support including from Environment Agency and Thames Water.	Support noted and welcomed.	No amendment in response to this issue
23.32	WAT4 (now WAT5)	Policy must apply equally to infilling, not just new development so that flood risk in Stanstead Abbots	The policy applies to all forms of development including infilling.	No amendment in response to this issue

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
		is not increased.		
Wastewater Infrastructure				
23.33	23.6 (now 22.6)	Support	Support noted and welcomed	No amendment in response to this issue
23.34	23.6 (now 22.6)	Additional provision needs to be made for wastewater treatment given the scale of growth in the region. Wastewater, much of which was abstracted from the chalk aquifer locally, gets treated and ends up flowing into the Thames. Hertfordshire suffers from over-abstraction.	This issue is addressed by Water Resources Management Plans (WRMP) prepared by the water companies. WRMPs are approved by the Secretary of State. The Council will continue to engage with the relevant water providers in order to reduce the risk of damage to the environment from growth and development.	No amendment in response to this issue
23.35	23.6.1 (now 22.6.1)	Support	Support noted and welcomed	No amendment in response to this issue
23.36	23.6.3 (now 22.6.3)	Support from HCC Ecology for the recognition that Rye Meads STW lies partly within a highly sensitive environment of international ecological importance.	Support noted and welcomed	No amendment in response to this issue
23.37	WAT5 (now WAT6)	Support from Thames Water although they have suggested an additional paragraph within the supporting text: 'The local planning authority will seek to ensure that there is adequate wastewater infrastructure to serve all new developments. Developers will be required to demonstrate that there is adequate infrastructure capacity both on and off the site to serve the development and that it would not lead to adverse amenity impacts for existing or future users. In	Agreed	Replacement text for Paragraph 22.6.4 <u>East Herts Council will seek to ensure that there is adequate wastewater infrastructure to serve all new developments. Developers will be required to demonstrate that there is adequate infrastructure capacity both on and off the site to serve the development and that it would not lead to adverse amenity impacts for existing or future</u>

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
		some circumstances this may make it necessary for developers to carry out appropriate appraisals and reports to ascertain whether the proposed development will lead to overloading of existing water and wastewater infrastructure. Where there is a capacity constraint and no improvements are programmed by Thames Water, the Local Planning Authority will require the developer to provide appropriate improvements that must be completed prior to occupation of the development’.		<u>users. In some circumstances this may make it necessary for developers to carry out appropriate appraisals and reports to ascertain whether the proposed development will lead to overloading of existing water and wastewater infrastructure. Where there is a capacity constraint and no improvements are programmed by the waste water treatment company, East Herts will require the developer to provide appropriate improvements that must be completed prior to occupation of the development. Unless special circumstances apply, this requirement is unlikely to apply to minor and householder development.</u>
23.38	WAT5 (now WAT6)	Stevenage Borough Council supports the pro-active approach to identification of infrastructure. The Rye Meads Water Cycle Strategy (2009) was based on the East of England Plan housing figures. The Council would welcome the opportunity to update it.	It is noted that Stevenage Borough Council reviewed the Rye Meads Water Cycle Strategy in 2015. East Herts has worked closely with Thames Water throughout the plan making process. Their most recent advice suggests that Rye Meads Sewage Treatment Works has capacity until 2036 at least. The Council will continue to liaise with Thames Water following adoption of the District Plan in order to monitor this situation.	No amendment in response to this issue
23.39	WAT5 (now WAT6)	The Environment Agency supports this policy.	Support noted and welcomed	No amendment in response to this issue

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
23.40	WAT5 (now WAT6)	<p>Lee Valley Regional Park Authority seek the following changes:</p> <p>Part I replace 'in tandem with' with 'in advance of'.</p> <p>Part II. Upgrade and expansion of existing, or provision of new, waste water treatment infrastructure will be supported provided that:</p> <ul style="list-style-type: none"> a) It utilises best available techniques b) It does not have an adverse effect on the integrity of Special Protection Areas, Ramsar sites and Special Areas of Conservation either alone or in combination with other projects and plans, and c) A strategy to meet relevant national and European environmental standards can be demonstrated. 	<p>For cashflow reasons infrastructure is rarely delivered in advance of development. The current wording provides a suitable balance between conveying the requirement for infrastructure to be phased appropriately without introducing unrealistic expectations about advance provision.</p> <p>Agree with changes to Part II</p>	<p>No amendment to WAT6 Part I in response to this issue.</p> <p>Replacement text for WAT6 Part II:</p> <p>II. Upgrade and expansion of existing, or provision of new, waste water treatment infrastructure will be supported provided that:</p> <ul style="list-style-type: none"> a) It utilises best available techniques <u>b) It does not have an adverse effect on the integrity of Special Protection Areas, Ramsar sites and Special Areas of Conservation either alone or in combination with other projects and plans, and</u> <u>c) A strategy to meet relevant national and European environmental standards can be demonstrated.</u>
General Issues				
23.41		Achievement of the aspirations in this chapter may prove difficult as it relies on organisations which have no local accountability and changing individual behaviour.	It will be necessary for the Council to continue to work closely with infrastructure providers and other bodies following adoption of the District Plan	No amendment in response to this issue
23.42		Thought is needed with regards to how to retrofit these ideas to existing buildings and structures.	Noted	No amendment in response to this issue

Part 2: Other Proposed Amendments

Policy/ Paragraph Number	Issue	Proposed Amendment
Flood Risk		
Policy WAT1	The policy should refer to the implications of development further downstream as well as on site or the immediate vicinity.	Amendment to text (Policy WAT1, Part II) II. Development proposals should neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people, property, crops or livestock from such events, both on site and to neighbouring land <u>or further downstream.</u>
Policy WAT1	Guidelines issued by the Environment Agency in respect of Strategic Flood Risk Assessments and Flood Risk Assessments submitted in support of planning application, have changed to accommodate possible future climate change impacts such as rising water levels. Whilst this change applies to the risk assessments, it is worth raising in the flood risk management policy.	Amendment to text (Policy WAT1, New Part III) <u>III. Development should take into account the impacts of climate change and should build in long term resilience against increased water levels. Therefore, appropriate distances and buffers between water courses and built development should be maintained in accordance with Environment Agency) guidelines.</u>
Efficient Use of Water Resources		
22.4.4	The Code for Sustainable Homes has been abolished and therefore reference to the Water Calculator should be removed. The Government has their own Water Calculator and therefore the supporting text should refer to this instead.	Amendment to text (Para. 22.4.4) Assessments of residential water consumption should be submitted using the <u>Government's Water Efficiency Calculator for New Dwellings</u> Building Research Establishment (BRE) Code for Sustainable Homes Water Calculator or other appropriate method by prior agreement with the Council. Amendment to 'orange box' For more information on the Code for Sustainable Homes Water <u>Efficiency Calculator</u> <u>for New</u>

Policy/ Paragraph Number	Issue	Proposed Amendment
		Dwellings go to https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings the Building Research Establishment's Website at: www.breeam.org
Sustainable Drainage		
22.5.5	The text requires a slight amendment to reflect the fact that HCC is now the SUDs approval body.	Amendment to text (para. 22.5.5) It is expected that the drainage Drainage aspects of policy have will become the responsibility of the County Council. ,as such, the focus of the However, East Herts policy will shift from still has an involvement in drainage management and to the environmental and amenity aspects of drainage schemes.
22.5.5	HCC has recently published a new SUDs design guide which has replaced the interim position.	Amendment to text (para.22.5.5) Hertfordshire County Council has produced a SUDs Design Guide for Hertfordshire (March 2015) a SUDs Design Guide for Hertfordshire (March 2015) an Interim SUDS Policy Statement (November 2012) which sets out the relevant proposed requirements.

ESSENTIAL REFERENCE PAPER 'C'

22 Water

22.1 Introduction

- 22.1.1 Flood risk, water quality, human consumption, waste water, and the environment are all linked through the natural process of water circulation through the air, on the surface of the earth, and in the ground, known as the water cycle. Development and the built environment have significant impacts on the operation of the water cycle, and the availability and quality of water for use.
- 22.1.2 Building Futures is a Hertfordshire guide to promoting sustainability in development. It includes a 'Water' module which sets out an approach to integrated water management (IWM) which takes account of the water cycle. IWM aims to ensure that the built environment is planned and designed to function in partnership with the natural water environment, so that they can both be sustainable. IWM has a number of sub-management processes, including minimising water consumption, using and reusing alternative sources of water, managing surface water drainage, and improving water quality.

Building Futures is an interactive website which can be accessed at: www.hertslink.org/buildingfutures
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22.2 Flood Risk

- 22.2.1 Water is an essential resource, but it can also be a hazard. The susceptibility of land to flooding is a material planning consideration. The Council will resist any development which has the potential to contribute to any form of flooding, including sewer flooding, and has adverse impacts on river channel stability or damage to wildlife habitats. The following policies encourage an integrated water management approach to new development.

22.2.2 East Herts Council's Strategic Flood Risk Assessment (SFRA) contains maps showing flood risks from various sources, including river and surface water flood risk areas, and these represent a snapshot of flood risk at a given moment. The Environment Agency publishes regular mapping updates, and the latest evidence should be a material consideration in determination of planning applications.

The East Herts Strategic Flood Risk Assessment can be viewed on the Council's website at: www.eastherts.gov.uk/sfra

22.2.3 In order to steer new development to areas with the lowest probability of flooding, the Sequential Test, and where necessary the Exception Test will be used. For development proposals of 1 hectare or greater, or on any site within Flood Zones 2, 3a or 3b, a Flood Risk Assessment (FRA) should be submitted with the planning application. The Environment Agency's Standing Advice for applicants and their agents provides further explanation.

For more information on the Environment Agency's Standing Advice go to: <https://www.gov.uk/flood-risk-standing-advice-frsa-for-local-planning-authorities>

Policy WAT1 Flood Risk Management

I. The functional floodplain will be protected from inappropriate development and where possible developed flood plain should be returned to Greenfield status with an enhanced level of biodiversity.

II. Development proposals should neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people, property, crops or livestock from such events, both on site and to neighbouring land or further downstream.

III. Development should take into account the impacts of climate change and should build in long term resilience against increased water levels.

Therefore, appropriate distances and buffers between water courses and built development should be maintained in accordance with Environment Agency guidelines.

IV. In order to steer new development to areas with the lowest probability of flooding, the Sequential Test will be used. In exceptional circumstances, if developments are proposed which are required to pass the NPPF Exceptions Test, they will need to address flood resilient design and emergency planning by demonstrating that:

- (a) The development will remain safe and operational under flood conditions;
- (b) A strategy of either safe evacuation and/or safely remaining in the building is followed under flood conditions;
- (c) Key services will continue to be provided under flood conditions; and
- (d) Buildings are designed for quick recovery following a flood.

22.3 Water Quality and the Water Environment

22.3.1 The abstraction and discharge of water used in the built environment can have a detrimental impact on the quality of the local waters, which in turn can impact biodiversity and ecological processes affecting wildlife.

22.3.2 East Herts Council will continue to work with the Environment Agency and other partners to address the objectives of the Water Framework Directive through the relevant actions identified in the Thames River Basin Management Plan and River Catchment Management Plans for individual watercourses across the District in order to continuously improve their water quality. Wherever possible, an undeveloped buffer strip, with no new structures, roads or pathways, should be left alongside all watercourses, to maximise the ecological benefits of waterways.

For more information and for the latest updates on the status of rivers in East Herts, see the Environment Agency's website at: www.environment-agency.gov.uk

22.3.3 To help prevent surface water contamination following heavy rainfall, effective drainage strategies will be required as part of an integrated water management strategy. Such strategies will encompass a range of measures addressed in policies in the District Plan, covering drainage, water infrastructure and water quality.

22.3.4 Source Protection Zones (SPZs) exist around abstraction points for potable (drinking) water. In Source Protection Zones (SPZs), development proposals for any of the uses identified in Policy WAT2 will be required to submit an assessment of potential impacts and any mitigation measures required.

Policy WAT2 Source Protection Zones

In Source Protection Zones (SPZs), development proposals for any of the following uses will be required to submit an assessment of potential impacts and any mitigation measures required:

- incinerators
- waste transfer stations
- vehicle dismantlers
- metal recycling
- waste treatment facilities and all other non landfill waste management activities
- cemeteries
- discharge of foul sewage to ground
- cess pools
- waste sites and underground storage of hazardous substances (i.e. petrol stations)
- new trade effluent discharges or stores
- storage of manure, slurry, sewage sludge and other farm waste.

A map of Source Protection Zones is available on East Herts Council's website at: www.eastherts.gov.uk/sourceprotectionzones

- 22.3.5 As well as providing essential water resources, the water environment, in particular the district's waterways, provide opportunities for recreation and transport, and are important wildlife habitats. The waterways provide green corridors which contribute to the physical character of the district.

Policy WAT3 Water Quality and the Water Environment

I. Development proposals will be required to preserve and enhance the water environment, ensuring improvements in surface water quality and the ecological value of watercourses and their margins and the protection of groundwater.

II. Unless there is clear justification for not doing so, an undeveloped buffer strip at least 8 metres wide should be maintained alongside all main rivers, and an appropriate buffer strip should be maintained at ordinary watercourses. Any development proposals should include an appropriate management scheme for buffer strips.

III. Opportunities for removal of culverts, river restoration and naturalisation should be considered as part of any development adjacent to a watercourse. Additional culverting and development of river corridors will be resisted.

22.4 Efficient Use of Water Resources

- 22.4.1 East Hertfordshire lies within one of the most water-stressed areas of the East of England, which is itself one of the most water-stressed regions of the country. Abstraction for human consumption can impact on the water environment, for example contributing to low river levels. Installation of water efficient fixtures and fittings is a cost-effective way to reduce water consumption at new development. Dual-flush toilets and water butts for garden use are two examples, although there are many other simple and low-cost measures which are potentially available to developers.

- 22.4.2 Between 2007 and 2012 the average resident of East Herts consumed 160 litres/day. This compares with the national average of 150 litres/day over the same period. Projections for population growth in East Herts and the wider south-east will mean that over the plan period, new strategic water resources will be required.
- 22.4.3 East Hertfordshire forms part of the water supply grid encompassing Hertfordshire, Bedfordshire, and parts of Essex, managed by a number of water supply companies. Water supply is the subject of a national policy debate about the configuration of the water industry and consumer pricing, water metering, leakage reduction and many other issues in this nationally regulated industry. Water supply companies are required to demonstrate how they will meet these national standards in their Water Resources Management Plans, which are published every five years.
- 22.4.4 East Herts will continue to explore the role that local policy can play in contributing to the ultimate goal of water neutrality. Cost-effective measures such as the requirement for water efficient fixtures and fittings at new development can make a significant contribution over the next twenty years. The Council will continue to work with partners to encourage the sustainable and responsible abstraction of water. These measures can have significant environmental benefits for the district's rivers. Assessments of residential water consumption should be submitted using the Government's Water Efficiency Calculator for New Dwellings or other appropriate method by prior agreement with the Council.

For more information on the Water Efficiency Calculator for New Dwellings go to https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings

- 22.4.5 Building Regulations require that water consumption in new dwellings should not exceed 125 litres per person per day.

However, the Regulations allow for a lower standard of 110 litres per person per day to be implemented in water stressed areas. Given that the Environment Agency has identified this area as being particularly water stressed, it is considered appropriate to apply this standard.

Policy WAT4 Efficient Use of Water Resources

Development must minimise the use of mains water by:

- (a) Incorporating water saving measures and equipment;
- (b) Incorporating the recycling of grey water and utilising natural filtration measures where possible;
- (c) Designing residential development so that mains water consumption will meet a target of 110 litres or less per head per day.

22.5 Sustainable Drainage

22.5.1 Sustainable Urban Drainage systems (SUDS) mimic natural drainage from a site and enable rainwater to run back into natural systems, rather than the stormwater drainage network. SUDS also treat run-off water to remove pollutants. This can have multiple benefits:

1. increased recharge of groundwater and aquifers
2. reduced runoff into the sewer system (resulting in reduced energy and chemical costs of treatment)
3. improved groundwater quality via natural infiltration
4. reduced degradation of chalk stream habitats

22.5.2 Depending on the type of drainage techniques used, there can be flood reduction benefits, pollution control benefits, and landscape and wildlife benefits. When selecting appropriate drainage techniques, it is important to try to maximise the number of benefits, and to prioritise the most sustainable approaches. These can be set out in the form of

a hierarchy. The SUDS hierarchy contained within the Council's SFRA is shown below:

Table 22.1 Sustainable Urban Drainage Hierarchy

SUDs Technique	Flood Reduction	Pollution Reduction	Landscape and Wildlife Benefit
Most Sustainable			
Living Roofs	√	√	√
Basins and Ponds			
Constructed wetlands			
Balancing ponds	√	√	√
Detention basins			
Retention ponds			
Filter Strips and Swales	√	√	√
Infiltration Devices			
Soakaways	√	√	√
Infiltration trenches and basins			
Permeable Surfaces and Filter Drains			
Gravelled surfaces	√	√	
Solid paving blocks			
Porous paviers			

Tanked Systems			
Over-sized pipes/tanks	√		
Storm cells			
Least Sustainable			

22.5.3 The sustainable drainage hierarchy is intended to ensure that all practical and reasonable measures are taken to manage surface water higher up in the hierarchy and that the amount of surface water managed at the bottom of the hierarchy is minimised. The hierarchy is also relevant to paving of front gardens, where the cumulative impact of impermeable paving on run-off rates may be considerable.

22.5.4 There are many practical issues of design, installation and maintenance in the implementation of effective SUDS. The Flood and Water Management Act 2010 requires upper tier authorities to set up a Sustainable Urban Drainage System (SUDS) Approving Body or 'SAB' to:

1. Evaluate and approve SUDS proposals for new development or redevelopment where construction work would have drainage implications, and
2. Adopt and maintain SUDS on schemes that meet the evaluation criteria set out in the National SUDS Standards.

22.5.5 Drainage aspects of policy have become the responsibility of the County Council. However, East Herts still has an involvement in drainage management and the environmental and amenity aspects of drainage schemes. Hertfordshire County Council has produced a SUDs Design Guide For Hertfordshire (March 2015) which sets out the relevant requirements. It is possible that some developments

(especially smaller sites) could be offered to East Herts District Council for adoption.

For more information on Hertfordshire County Council's approach as SUDs Approval Body go to: www.hertsdirect.org

Policy WAT5 Sustainable Drainage

I. Development must utilise the most sustainable forms of drainage systems in accordance with the SUDS hierarchy, unless there are practical engineering reasons for not doing so.

II. Development should aim to achieve Greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

III. Drainage should be designed and implemented in ways that deliver other policy objectives of this Plan, including water use efficiency and quality, biodiversity, amenity and recreation. The provision of balancing ponds as part of an area of public open space for recreation or wildlife should be designed to ensure the safety of other users of the space. Where SUDs are provided as part of a development, applicants should detail how it will be maintained in the long term.

IV. Where practicable, SUDS should be designed to ensure the sustainable drainage networks have the additional capacity required to cope with infrequent adverse weather conditions and therefore reduce flood risk.

22.6 Wastewater Infrastructure

22.6.1 Effective wastewater infrastructure is fundamental to sustainable urban life and therefore investment and expansion are required. There are a number of Sewage Treatment Works (STWs) in the district, notably at Bishop's Stortford, Buntingford, and at Rye Meads in the far south of the district. Bishop's Stortford and Rye Meads STWs serve

not only East Herts but also settlements within the catchment but outside the district.

- 22.6.2 Like water supply, waste water treatment is a nationally regulated industry and water quality standards for treatment discharge are balanced with other regulatory issues including consumer water pricing through the water companies' Asset Management Plans, which are updated every five years.
- 22.6.3 Rye Meads STW lies within a highly sensitive ecological environment, adjacent to a Site of Special Scientific Interest, Ramsar Site and Special Area of Conservation. East Herts Council will work with the waste water treatment company and other Local Planning Authorities in the Rye Meads catchment area, in accordance with the Duty to Co-operate, to ensure that adequate capacity can be found at Rye Meads, or that alternative waste water treatment options can be identified.
- 22.6.4 East Herts Council will seek to ensure that there is adequate wastewater infrastructure to serve all new developments. Developers will be required to demonstrate that there is adequate infrastructure capacity both on and off the site to serve the development and that it would not lead to adverse amenity impacts for existing or future users. In some circumstances this may make it necessary for developers to carry out appropriate appraisals and reports to ascertain whether the proposed development will lead to overloading of existing water and wastewater infrastructure. Where there is a capacity constraint and no improvements are programmed by the waste water treatment company, East Herts will require the developer to provide appropriate improvements that must be completed prior to occupation of the development. Unless special circumstances apply, this requirement is unlikely to apply to minor and householder development.

- 22.6.5 East Herts Council will work with Stansted Airport, the waste water treatment company, and the Environment Agency to ensure that any fuel discharges from the airport are safely treated and do not compromise the quality of the District's water courses or groundwater.

Policy WAT6 Wastewater Infrastructure

- I. Development proposals must ensure that adequate wastewater infrastructure capacity is available in tandem with development.
- II. Upgrade and expansion of existing, or provision of new, waste water treatment infrastructure will be supported provided that:
 - (a) It utilises best available techniques, and provided that
 - (b) It does not have an adverse effect on the integrity of Special Protection Areas, Ramsar Sites and Special Areas of Conservation either alone or in combination with other projects and plans, and
 - (c) A strategy to meet relevant national and European environmental standards can be demonstrated.

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 24 MAY 2016

REPORT BY LEADER OF THE COUNCIL

EAST HERTS DRAFT DISTRICT PLAN – CHAPTER 24 –
ENVIRONMENTAL QUALITY: RESPONSE TO ISSUES RAISED
DURING PREFERRED OPTIONS CONSULTATION, FURTHER
AMENDMENTS AND DRAFT REVISED CHAPTER (RENUMBERED
CHAPTER 23)

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

The purpose of this report is:

- To bring to Members' attention the issues raised through the Preferred Options consultation in connection with Chapter 24 (Environmental Quality) of the Draft District Plan Preferred Options version, together with Officer responses to those issues;
- To explain to Members why further amendments to Chapter 24 (Environmental Quality) are required to ensure that the final draft District Plan reflects the most up-to-date policy position and the latest available evidence;
- To place before Members for consideration a draft revised chapter (renumbered Chapter 23), for subsequent incorporation into the final draft District Plan.

<u>RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE PANEL:</u> That Council, via the Executive, be advised that:	
(A)	the issues raised in respect of Chapter 24 (Environmental Quality) of the Draft District Plan Preferred Options, as detailed at Essential Reference Paper 'B' to this report, be received and considered;
(B)	the Officer response to the issues referred to in (A) above, as detailed in Essential Reference Paper 'B' to this report, be agreed;

(C)	the further amendments in respect of Chapter 24 (Environmental Quality) of the Draft District Plan Preferred Options, as detailed at Essential Reference Paper ‘B’ to this report, be received and considered; and
(D)	the draft revised Chapter 23 (Environmental Quality), as detailed in Essential Reference Paper ‘C’ to this report, be agreed as a basis for inclusion in the final draft District Plan, with the content being finalised when the consolidated plan is presented in September 2016.

1.0 Background

- 1.1 The Council published its Draft District Plan Preferred Options for consultation for a period of twelve weeks between 27th February and 22nd May 2014. Several thousand comments were received through the consultation exercise from over a thousand stakeholders including statutory consultees and members of the public.
- 1.2 In order to manage these comments, the Council’s agreed approach, as set out in its Statement of Community Involvement (October 2013), is to summarise the issues raised through the consultation and record how these issues have been used to inform the next draft of the District Plan.
- 1.3 This report presents a draft revised chapter on Environmental Quality for subsequent incorporation into the final Draft District Plan. **Essential Reference Paper ‘B’** contains the Issues Report and **Essential Reference Paper ‘C’** the draft revised chapter.

2.0 Report

- 2.1 The Issue Report is split into two parts. The first part summarises the issues raised through the Preferred Options Consultation. The issues are grouped according to the section of the Draft Plan they relate to. The table presents an officer response to each issue and then sets out any subsequent proposed amendments to the text or policies of the draft Plan. These proposed amendments are shown in the form of a ‘track change’ so that readers can clearly see what amendments are being proposed.

- 2.2 The second part of the Issue Report details any further amendments that are required to ensure that the final draft District Plan reflects the most up-to-date policy position and the latest available evidence.
- 2.3 Members will be aware that a report to the District Planning Executive Panel on 22 October 2014 previously considered issues raised in respect of the draft Environmental Quality chapter at the Preferred Options Consultation stage and also the proposed officer response to each issue, along with a proposed draft revised Chapter. However, since that time, various changes in local and wider circumstances have occurred, which have necessitated a review of some of previously proposed responses to ensure the most up to date and accurate picture going forward.
- 2.4 Members should note that due to the consolidation of the Design and Landscape Chapters, the Chapters from 20 onwards have been renumbered. As such the Environmental Quality Chapter is now Chapter 23 rather than Chapter 24.
- 2.5 Members are therefore invited to agree the draft revised Chapter 23 (Environmental Quality), as detailed in **Essential Reference Paper 'C'** to this report, as a basis for inclusion in the final draft District Plan, with the content being finalised when the consolidated plan is presented in September 2016.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	The Report refers to the Draft District Plan consultation carried out between 27 th February and 22 nd May 2014.
Legal:	None
Financial:	None
Human Resource:	None
Risk Management:	None
Health and wellbeing – issues and impacts:	The Draft District Plan in general will have positive impacts on health and wellbeing through a range of policy approaches that seek to create sustainable communities.

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Part 1: Issues Raised Through the Preferred Options Consultation

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
Introduction				
24.1	24.1.1 (now 23.1.1)	Support from HCC for the recognition that pollution control is important and that light pollution in particular can have a negative impact on wildlife.	Support noted and welcomed.	No amendment in response to this issue
Contaminated Land and Land Instability				
24.2	EQ1	Contaminated land should not be used for house building as there is not sufficient technology to stop leakage. If allowed, the fact the house is on contaminated land should be disclosed to subsequent owners and ongoing testing of contamination should be carried out.	Land can be remediated and used for new purposes. Policy EQ1 states that the Council will require evidence to indicate that the land can be successfully remediated.	No amendment in response to this issue
24.3	EQ1	The Environment Agency supports the policy but suggest that a new sentence is added to either the policy or supporting text to say: 'Competence would be demonstrated by conforming to the requirements of 'BS10175: Code of Practice for the Investigation of Potentially Contaminated Sites'	The document is not readily available on the internet without paying a significant purchase price. It is therefore considered inappropriate to include a link in the District Plan to this document. The policy does state that the developer shall carry out an 'adequate investigation' to inform a risk assessment and it is considered that this requirement is sufficient.	No amendment in response to this issue
Noise Pollution				
24.4	EQ2	Stansted Airport Ltd state that development should be limited/mitigated within the airport's 57dB Leq (16hr day) contours and not permitted beyond the 66dB Leq (16hr day) contours. STAL would welcome discussions on an amended policy.	It is considered that the issue of aircraft noise should be considered on a site by site basis dependent on the location and nature of development proposals.	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
Light Pollution				
24.5	EQ3	Support from Canal & Rivers Trust and the Environment Agency	Support noted and welcomed	No amendment in response to this issue
24.6	EQ3	A statement about lighting being switched off when not required should be included. There are floodlights that are left on all night and cause considerable light pollution.	It is considered that this issue is adequately addressed by the policy and supporting text.	No amendment in response to this issue
24.7	EQ3	HCC state that the policy should include a statement to the effect that the Council will have regard to the 'Guidance Notes for the Reduction of Obtrusive Light' produced by the Institution of Lighting Professionals.	Agreed.	Amendment to text (para 23.4.2): ...Schemes will be considered against the latest national guidance and lighting standards <u>including the 'Guidance Notes for the Reduction of Obtrusive Light (2011)'</u> . New 'orange box' <u>Guidance Notes for the Reduction of Obtrusive Light (2011) can be accessed on the website of the Institution of Lighting Professionals here:</u> https://www.theilp.org.uk/documents/obtrusive-light/
Air Quality				
24.8	24.5.3 (now) 23.5.3	Section 24.5 should be augmented to highlight the full severity of the air quality issue. The SA states that the proposed development would have significant negative effects on traffic congestion in Hertford. Public Health England states that there are more	It is considered that Policy EQ4 and the supporting text adequately highlight the issue of air quality and the ways in which the issue should be addressed through	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
		deaths from particulate air pollution in Hertfordshire than anywhere outside of London. With the presence of an AQMA, the situation in Hertford as likely to match or exceed these levels.	development proposals.	
24.9	EQ4	Thames Water state that the policy should be expanded to ensure that development does not only impact on air quality but also that proposed development and land uses should not be affected by existing uses unless suitable mitigation can be provided.	The purpose of Policy EQ4 is to ensure that regard is had to air quality issues.	No amendment in response to this issue
General Issues				
24.10		Natural England indicates that there is little reference to soils, geodiversity and the best and most versatile agricultural land. Decisions on development should take account of the impact on soils. Paragraphs 109 and 112 of the NPPF refer to the conservation and sustainable management of soils. The Council must ensure that it has access to Agricultural Land Classification maps to inform decision making. There is also a Code of Practice produced by Defra which advises on protecting soil resources during construction.	As the representation indicates, the NPPF contains provisions for the conservation of soil resources and the best and most versatile agricultural land. It is therefore not considered necessary to repeat this within the District Plan.	No amendment in response to this issue

Part 2: Other Proposed Amendments

Policy/Paragraph Number	Issue	Proposed Amendment
Introduction		
23.1.2	Reference to the Chapter on Water needs updating.	Policies relating to water quality and water pollution are contained within Chapter 23 <u>22</u> : Water.

Policy/ Paragraph Number	Issue	Proposed Amendment
Noise Pollution		
23.3.2	Airports are not the only source of noise pollution in the district. The M11/A120 and the increase in traffic movement related to an increased level of flights at Stansted Airport will make these issues worse.	Amendment to text (para. 23.3.2) One of the most common causes of noise pollution is from traffic noise. In East Herts the proximity of both Luton and Stansted Airports to the district has a specific impact which needs to be taken into account when development proposals are considered. <u>The M11 and A120 are the main roads serving Stansted Airport. Any increase in activity associated with the airport will subsequently increase the level of traffic on surrounding roads, exacerbating the potential for noise pollution.</u>
New 23.3.5 and new 'orange box'	The Council is currently preparing a new Noise Assessment Planning Guidance Document. This is a technical document that will require certain developments to undertake noise assessments and to ensure impacts are mitigated. It is considered helpful to refer to this document. A text box should also be inserted with a link to the document.	Amendment to text (new para. 23.3.5) <u>23.3.5 The Council is preparing a Noise Assessment Planning Guidance Document to provide advice for applicants of noise generating and noise sensitive developments. It will also set out criteria for the preparation of such assessments as part of the application process.</u> New 'orange box' <u>The Council's (emerging) Noise Assessment Planning Guidance Document can be found on the Council's Website at www.eastherts.gov.uk/envhealth</u>
Policy EQ2	The policy should also refer to the impacts on human health through noise pollution.	Amendment to Policy EQ2 I. Development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment. Particular consideration should be given to the proximity of noise sensitive uses, <u>and in particular, the potential impact of development on human health.</u>
Policy EQ2	Policy EQ2 should be amended to refer to the emerging Noise Assessment Planning Guidance Document. Part II becomes Part III.	Amendment to Policy EQ2 <u>II. Applications should be supported by a Noise Assessment in line with the Council's Noise Assessment Planning Guidance Document.</u>
Air Quality		
23.5.4 and	Original paragraph deleted and replaced with new paragraph 23.5.6 which clarifies the intention of 23.5.4	Amendment to text (new para. 23.5.6)

Policy/ Paragraph Number	Issue	Proposed Amendment
new 23.5.6	with reference to Policy DES1.	<p>Some renewable forms of energy used for heating may also, cumulatively or in isolation, result in a rise in particulates which can be harmful to human health. For this reason such technologies will not be permitted within or near the urban areas of settlements.</p> <p><u>23.5.6 In line with Policy DES1, the Council will expect proposals to embrace renewable, zero and low-carbon technology to fulfil some, if not all, of the expected energy use of the proposed development. Where proposals are within or near the urban areas of settlements, applications should be supported by an air quality assessment, which details proposed mitigation measures where necessary.</u></p>
New 23.5.4, new 'orange box', Policy EQ4	The Council is currently preparing a new Air Quality Planning Guidance Document. This is a technical document that will set criteria for when an Air Pollution Assessment is required.	<p>Amendment to text (new para. 23.5.4)</p> <p><u>23.5.4 The Council is preparing an Air Quality Planning Guidance Document which defines the Council's expectations of developers to ensure a consistent approach and sets criteria for when an Air Pollution Assessment is required and a range of mitigation options. In some cases it may be necessary to place conditions where permission is granted in order to ensure mitigation is delivered.</u></p> <p>New 'orange box'</p> <p><u>The Council's (emerging) Air Quality Planning Guidance Document can be found on the Council's Website at www.eastherts.gov.uk/envhealth</u></p> <p>Amendment to Policy EQ4</p> <p>I. Development and land uses should minimise potential impacts on local air quality both during construction and operation including the operation of heating, cooling and extraction units. <u>Applications should be supported by an Air Pollution Assessment in line with the Council's Air Quality Planning Guidance Document.</u></p>
New 23.5.5	New technology such as hybrid and electric vehicles are a key contributor to improving air quality.	<p>Amendment to text (new para. 23.5.5)</p> <p><u>New vehicle technology, such as hybrid and electric engines, has significant potential to improve air quality by reducing the use of traditional fuel vehicles, which are a main source of pollutants. New technology takes time to establish and the lack of electric charging points is cited as one of the main deterrents for individuals considering switching to such vehicles. While some developers may argue that there is currently insufficient demand to justify the</u></p>

Policy/ Paragraph Number	Issue	Proposed Amendment
		<u>installation of charging points, a shift to this type of technology will only be achievable if charging points are in place to offer choice to users at locations of both journey origin and destination. So, while initial users of developments may drive traditional petrol/diesel vehicles, as older vehicles reach the end of their lifespan there will be the opportunity for a greater numbers of hybrid and electric vehicles to replace them if sufficient access to charging points is in place and available. It is therefore considered that, as the increased availability of charging points will of itself be likely to generate its own demand, all major developments should incorporate sufficient numbers of electric vehicle charging points.</u>
Policy EQ4, New III	Policy EQ4 should also be updated to refer to new vehicle technology and to cross reference the design chapter for clarification.	Amendment to Policy EQ4 <u>III. New developments should make provision for electric vehicle charging points in safe and accessible locations in accordance with Policy DES3 Design of Development.</u>
New 23.5.6	Additional wording is required to introduce policy criterion (relocated from Policy TRA1 Sustainable Transport),	Amendment to text (new para. 23.5.6) <u>In order to minimise the environmental impact of buses on local air quality, and in light of the district having declared AQMAs in three of its five towns, it is considered important that where major developments involve the introduction of new bus routes or significant changes to existing routes, low emission vehicles should be provided to help mitigate the effects of the generated trips.</u>
Policy EQ4, New IV	In order to minimise the impact of emissions on the district, Policy EQ4 should be amended to refer to the need to ensure that buses serving new or significantly changed routes as part of major developments should either be of 'hybrid' type or meet the latest 'Euro' emissions regulations.	Amendment to Policy EQ4 <u>IV. In order to minimise the impact of travel on local air quality, where major developments involve the introduction of new bus routes or significant changes to existing routes, service providers will be required, in agreement with Hertfordshire County Council's Transport, Access and Safety Unit, to ensure that the vehicles serving these locations will either be of 'hybrid' type or meet the latest 'Euro' emissions regulations.</u>

23 Environmental Quality

23.1 Introduction

23.1.1 The control of pollution is critical to achieving the District Plan's strategic objectives by promoting healthy lifestyles and an enhanced quality of life for residents and visitors to the district. Pollution control through development also plays a significant role in planning for climate change and working in harmony with the environment to conserve natural resources and increase biodiversity.

23.1.2 Proposals for all types of development must therefore take into account nearby land uses to ensure that the right development is located in the right place across the district, in order to safeguard the quality of the environment. Policies relating to water quality and water pollution are contained within Chapter 22: Water.

23.2 Contaminated Land and Land Instability

23.2.1 Land may be contaminated and/or unstable for a number of reasons, such as previous commercial use or use as a landfill site. Such land can be re-used for new purposes but special remedial measures may be needed to reduce hazards arising from the previous use, and new buildings may need to be specially designed. Developers are responsible for ensuring that unacceptable risks from contamination and land instability are not present on site. If necessary, any risks will be successfully addressed through the remediation of contaminated land without undue environmental impact during and following the development.

23.2.2 When considering proposals for development, regard will be given to the Council's most recent Contaminated Land Strategy.

For more information on the Council's Contaminated Land Strategy go to: www.eastherts.gov.uk/envhealth

Policy EQ1 Contaminated Land and Land Instability

I. The District Council will encourage the remediation of contaminated land to ensure that land is brought back into use, subject to the requirements of this policy.

II. The Council will require evidence, as part of any application, to show that unacceptable risks from contamination and land instability will be successfully addressed through remediation without undue environmental impact during and following the development. In particular, the developer shall carry out an adequate investigation to inform a risk assessment.

III. Where necessary, appropriate monitoring procedures to be undertaken prior, during and post remediation will be agreed with the developer/applicant. This should be set out in a verification report.

23.3 Noise Pollution

23.3.1 The impact of noise on the environment can be detrimental to health and quality of life. There is therefore a need to control the introduction of noise sources into the environment, as well as ensuring that new noise sensitive development is located away from existing sources of significant noise.

23.3.2 One of the most common causes of noise pollution is from traffic noise. In East Herts the proximity of both Luton and Stansted Airports to the district has a specific impact which needs to be taken into account when development proposals are considered. The M11 and the A120 are the main roads serving Stansted Airport. Any increase in activity associated with the airport will subsequently increase the level of traffic on surrounding roads, exacerbating the potential for noise pollution.

23.3.3 Noise can also affect the tranquillity of an area. Tranquillity is a key characteristic of the natural environment. Tranquil spaces, often located within the more rural parts of the

district, play a multi-functional role as part of the district's green infrastructure network. They attract visitors, improve health and wellbeing by offering a place to relax and exercise, provide a haven for wildlife and improve biodiversity and enhance the character and identity of a place. These areas will be protected from noise pollution to ensure that areas defined by their tranquillity are protected from development that generates noise.

23.3.4 Where new noise generating development such as industrial and commercial and outdoor sport and recreation uses are proposed, it is expected that they will be located at an appropriate distance away from noise sensitive development i.e. residential areas, schools and hospitals.

23.3.5 The Council is preparing a Noise Assessment Planning Guidance Document to provide advice for applicants of noise generating and noise sensitive developments. It will also set out criteria for the preparation of such assessments as part of the application process.

The Council's (emerging) Noise Assessment Planning Guidance Document can be found on the Council's Website at www.eastherts.gov.uk/envhealth

Policy EQ2 Noise Pollution

I. Development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment. Particular consideration should be given to the proximity of noise sensitive uses, and in particular, the potential impact of development on human health.

II. Applications should be supported by a Noise Assessment in line with the Council's Noise Assessment Planning Guidance Document.

III. Noise sensitive development should be located away from existing noise generating sources or programmed developments where possible to prevent prejudicing the continued existing operations. The use of

design, layout, landscaping tools and construction methods should be employed to reduce the impact of surrounding noise sources.

23.4 Light Pollution

23.4.1 Light pollution can cause sleep disturbance and annoyance and is caused by the brightening of the night sky over inhabited areas and excessive brightness from light causing high levels of glare. Dark night skies are important for health and wellbeing, and for the conservation of natural habitats and the behaviour of nocturnal animals and birds.

23.4.2 In addition to impacting upon human health and natural habitats, light pollution is a sign of wasted energy from excessive lighting. Lighting at night in commercial areas is often used for security and to increase visual prominence. Lighting schemes must therefore be designed carefully as part of the overall development proposal to prevent light spillage and glare and to represent the minimum necessary for commercial and security purposes. Schemes will be considered against the latest national guidance and lighting standards including the 'Guidance Notes for the Reduction of Obtrusive Light (2011)'.

Guidance Notes for the Reduction of Obtrusive Light (2011) can be accessed on the website of the Institution of Lighting Professionals here: <https://www.theilp.org.uk/documents/obtrusive-light/>

Policy EQ3 Light Pollution

I. External lighting schemes must:

- (a) Not have an unacceptable adverse impact on neighbouring uses or the wider landscape;
- (b) Be the minimum required for security and operational purposes;
- (c) Minimise the potential glare and spillage;

(d) Minimise harm to the amenity of residents and road users and prevent impacts on the local ecology.

II. Where appropriate, the District Council will seek to control the times of illumination.

23.5 Air Quality

23.5.1 Clean air is critical to health and wellbeing and quality of life and is also crucial to support habitats and biodiversity. The nature of the district, with its dispersed towns, villages and hamlets with poor inter-connectivity by passenger transport, relative affluence and mobility, high car-ownership and close proximity to London and larger towns and cities, all contribute to higher levels of greenhouse gas emissions per person than neighbouring districts.

23.5.2 The historic nature and organic growth of the district's principle towns of Bishop's Stortford, Hertford and Ware have in themselves led to inefficient road and transport networks and where these issues coincide with limited connections to major roads, congestion is inevitable. Such congestion can result in high levels of localised pollutants which can cause problems for those with respiratory conditions.

23.5.3 Bishop's Stortford in particular suffers from this issue; the combination of the historic road network combined with its proximity to Stansted Airport means that the town centre frequently suffers from congestion and the resultant poor air quality. As such an Air Quality Management Area (AQMA) has been established in the town centre (at Hockerill Lights) to monitor levels of pollutants. There is also an AQMA in Hertford (at the Mill Road/A414 roundabout), and in London Road, Sawbridgeworth. These monitoring sites are supported by action plans to improve air quality in these locations. The Council also produces regular update and screening assessments and progress reports for the whole district and regular assessments on each AQMA.

More information on Air Quality Management Areas can be found on the Council's Website at www.eastherts.gov.uk/envhealth.

- 23.5.4 The Council is preparing an Air Quality Planning Guidance Document which defines the Council's expectations of developers to ensure a consistent approach and sets criteria for when an Air Pollution Assessment is required and a range of mitigation options. In some cases it may be necessary to place conditions where permission is granted in order to ensure mitigation is delivered.

The Council's (emerging) Air Quality Planning Guidance Document can be found on the Council's Website at www.eastherts.gov.uk/envhealth

- 23.5.5 New vehicle technology, such as hybrid and electric engines, has significant potential to improve air quality by reducing the use of traditional fuel vehicles, which are a main source of pollutants. New technology takes time to establish and the lack of electric charging points is cited as one of the main deterrents for individuals considering switching to such vehicles. While some developers may argue that there is currently insufficient demand to justify the installation of charging points, a shift to this type of technology will only be achievable if charging points are in place to offer choice to users at locations of both journey origin and destination. So, while initial users of developments may drive traditional petrol/diesel vehicles, as older vehicles reach the end of their lifespan there will be the opportunity for a greater numbers of hybrid and electric vehicles to replace them if sufficient access to charging points is in place and available. It is therefore considered that, as the increased availability of charging points will of itself be likely to generate its own demand, all major developments should incorporate sufficient numbers of electric vehicle charging points.
- 23.5.6 In order to minimise the environmental impact of buses on local air quality, and in light of the district having declared AQMAs in three of its five towns, it is considered important

that where major developments involve the introduction of new bus routes or significant changes to existing routes, low emission vehicles should be provided to help mitigate the effects of the generated trips.

- 23.5.7 In line with Policy DES1, the Council will expect proposals to embrace renewable, zero and low-carbon technology to fulfil some, if not all, of the expected energy use of the proposed development. Where proposals are within or near the urban areas of settlements, applications should be supported by an air quality assessment, which details proposed mitigation measures where necessary.

Policy EQ4 Air Quality

I. Development and land uses should minimise potential impacts on local air quality both during construction and operation including the operation of heating, cooling and extraction units. Applications should be supported by Air Pollution Assessment in line with the Council's Air Quality Planning Guidance Document.

II. Development within designated Air Quality Management Areas (AQMAs), or development which may have an impact on these areas, must have regard to the Council's latest strategy and action plan for the reduction of pollutants in the defined catchment, maintaining acceptable levels of air quality. Evidence of mitigation measures will be required.

III. New developments should make provision for electric vehicle charging points in safe and accessible locations in accordance with Policy DES3 Design of Development.

IV. In order to minimise the impact of travel on local air quality, where major developments involve the introduction of new bus routes or significant changes to existing routes, service providers will be required, in agreement with Hertfordshire County Council's Transport, Access and Safety Unit, to ensure that the vehicles serving these locations will either be of 'hybrid' type or meet the latest 'Euro' emissions regulations.

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